

City Council Chamber, City Hall, Tuesday, October 17, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 17, 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, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present.

At 1:58 p.m. Mayor White called the meeting to order and called on Ms. Rogene Calvert to begin presentations; and Ms. Calvert stated that she wanted to present the 2006/2007 Mayor's Youth Council which was her privilege and honor; that they represented 21 schools with 32 total, 11 males and 22 females and invited each to the podium for a photo. Council Members Lawrence, Johnson, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Council Member Green invited Mr. Mark Lewis to the podium and stated that Mr. Lewis was president of the Douglas L. Williams Alumni Chapter of Grambling State University in Louisiana and was present in appreciation for all the City of Houston had done regarding helping Katrina related victims and also for hosting their Bayou Classic; and Mr. Lewis stated that they were a 501c3 who focused on helping students attend Grambling State University and on behalf of Dr. Horace Judson, president of Grambling State University he wanted to say thank you for all the City of Houston had done for the Bayou Classic and Katrina situation and presented a plaque to Mayor White in recognition for hospitality to Hurricane Katrina evacuees and for the critical role in hosting the 2005 Bayou Classic. Council Members Lawrence, Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Brown invited Ms. Leslie Lawson to the podium and stated that Ms. Lawson was recipient of the Mayor's Disability Advocate Award of the Year; that she provided countless hours to educating and supporting families with disabilities; and presented her the Mayor's Disability Advocate Award; and Ms. Lawson stated that she was very honored. Council Members Lawrence, Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Mayor White stated that today he was presenting Hispanic Heritage Awards and invited Ms. Guadalupe Aranda to the podium and stated that Ms. Aranda served as a missionary catholic Nunn for 37 years with 8 in Africa and 3 in Brazil; that she counseled gang members and was now volunteer coordinator for the Houston House of Hope for Children which provided a loving and safe environment for children in crisis; and today was being recognized as a recipient of the 2006 Mayor's Hispanic Heritage Award and proclaimed today as "Guadalupe Aranda Day" in Houston, Texas. Mayor White stated that next were no strangers to City Hall and invited Mr. Joe Padilla and Ms. Theresa Padilla to the podium and stated that they had a long history of community service and their dedication helped bring resources to traditionally working class, underserved Hispanic community and now many elderly had a day center to go to and youth had opportunities to participate in extracurricular activities and because they had accomplished many things it was a special privilege and honor as a friend to say they were being recognized this year as recipients of the Hispanic Heritage Award and proclaimed today "Joe and Theresa Padilla Day" in Houston, Texas. Council Members Johnson, Wiseman, Lovell and Sekula-Gibbs and absent.

At 2:19 p.m. Council Member Berry called on Minister Howard Watson of the Antioch Church of Christ to lead all in prayer and Council Member Berry led all in the pledge. Council Members Johnson, Wiseman and Sekula-Gibbs absent.

At 2:20 p.m. the City Secretary called the roll. Council Members Johnson, Wiseman and Sekula-Gibbs absent.

Council Members Garcia and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Wiseman and Sekula-Gibbs absent. MOTION ADOPTED

Council Member Garcia moved the rules be suspended for the purpose of hearing Mr. Berry Mandel, Mr. Patrick Castillo, Mr. Mark Rayne, Ms. Mary Margaret Hansen and Mr. Martin Chavez at the top of the Speakers List and add Mr. Brian Lumpkin to the list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Wiseman and Sekula-Gibbs absent. MOTION 2006-0901 ADOPTED

Council Member Edwards moved the rules be suspended for the purpose of hearing Dr. Richard Wainerdi at the top of the three minute Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Wiseman and Sekula-Gibbs absent. MOTION 2006-0902 ADOPTED

Council Member Clutterbuck moved the rules be suspended for the purpose of hearing Mr. Ronald Stein, Mr. Joe Davidson, Ms. Judith Snively, Mr. Albert Ramos, Ms. Julie Tysor, Dr. Sallie T. Hightower, Mr. Clark Martin, Mr. Tom Wright, Mr. Robert Glaser and Mr. Bill Faloon after Ms. Patricia O'Connor, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Wiseman, Lovell and Sekula-Gibbs absent. MOTION 2006-0903 ADOPTED

Council Member Green moved the rules be suspended to allow Ms. Terri Thomas and Ms. Nancy Perez to exchange positions on the List of Speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson, Wiseman, Lovell and Sekula-Gibbs absent. MOTION 2006-0904 ADOPTED

Council Member Khan moved the rules be suspended for the purpose of adding Mr. Sun Hoang to the Speakers List, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Lovell, Sekula-Gibbs and Berry absent. MOTION 2006-0905 ADOPTED

Council Member Alvarado moved to hear Mr. Tom Seerden and Ms. Mary Beth Baun at the top of the three minute Agenda list of speakers and hear Mrs. Dawn Bohac after Mr. Thomas Johnson and hear Dr. Phillip Huang after Mr. Patrick Cropper, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. MOTION 2006-0906 ADOPTED

Council Member Sekula-Gibbs moved the rules be suspended for the purpose of adding Ms. Amye Webster, Ms. Judy Terry and Ms. Barbara Devetski to the top of the three minute Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. MOTION 2006-0907 ADOPTED

Mayor White stated that before Council proceeded with the public session he wanted to explain Council rules because today they had a record of 269 minutes for speakers and under the rules when there was over 150 minutes there was a one minute rule with the purpose being every citizen be able to be heard and today he would enforce those rules and ask that when a speaker heard the bell to just finish that sentence; and called on the City Secretary to begin calling the speakers. Council Members Wiseman and Berry absent.

At 2:30 p.m. the City Secretary began calling the public speakers. Council Members Wiseman and Berry absent.

Mr. Berry Mandel, 3023 S. Braeswood, Houston, Texas 77025 (713-662-2516) appeared and stated that about six weeks ago his home was broken into and about three weeks later he received a call from an officer in Burglary and Theft saying he found his television and other items he did not know was missing and he called a very reluctant Officer Anderson and asked that he join him today so he could publicly thank him and his lieutenant for a job really done; and to also thank him and the other men and women in blue for all they did for everyone on a daily basis. Council Members Wiseman and Berry absent.

Council Member Garcia thanked Mr. Mandel for recognizing him and the other officers; that Rick did not want recognition but he was doing a heck of a job and he thanked him also. Council Members Wiseman and Berry absent.

Mr. Patrick Castillo, 1121 Hogan, Houston, Texas 77009 (832-265-4064) appeared and spoke in support of Agenda Item 38b, and stated that he was interim executive director for the Greater Northside Management District and with it being the largest district they saw first hand how graffiti and tagging could change the visual beautiful scenery of a neighborhood and with the proposed ordinance in effect it would help all in the fight against it; that they were pleased with Council Members Garcia and Lovell for all they did in the matter; and urged its support. Council Member Berry absent.

Mr. Mark Rayne, 61 Reisner, Houston, Texas 77002 (713-247-4400) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Ms. Mary Margaret Hansen, 3211 Harrisburg, Houston, Texas 77003 (713-928-9916) appeared and spoke in support of Agenda Item 38b, and stated that in the Eastend they had all but eliminated graffiti as the Greater Eastend Management District worked at this consistently, removing from some locations five times and the lesson was to remove it as many times as it took; that they supported the ordinance and commended Council for tackling the problem and were willing to share advise. Council Members Sekula/Gibbs and Berry absent.

Council Member Lovell stated that she thought the point was to get rid of it quickly and if they showed a quick response was the best response and eventually you would win; and she knew their graffiti van was in bad condition and thought the city had found funding to buy them a new van. Council Member Berry absent.

Council Member Garcia stated that they talked about this six years ago and she had followed the book on getting rid of graffiti and was successful and he thanked her for being a great example; and Ms. Hansen thanked Council Member Garcia for his help. Council Member Berry absent.

Mr. Martin Chavez, 3211 Harrisburg, Houston, Texas 77003 (713-928-9916) appeared and spoke in support of Agenda Item 38b, and stated that they believed this would help the entire city and they worked hard in the Eastend; that he thanked them for the tools to fight it; and urged its passage. Council Member Berry absent.

Council Member Garcia thanked Mr. Chavez for all his work; that he made the Greater Eastend Management District very proud and they respected him for the work he did and now he would have support. Council Member Berry absent.

Mr. Brian Lumpkin, was previously added to the list of speakers appeared and spoke in support of Agenda Item 38b, and stated that he was Assistant Chief currently assigned to the Neighborhood Protection Corps and they were currently responsible for enforcing the ordinance

as it was today and they had no authority to write anyone a ticket no matter how negligent an owner was to get him to clean up and sometimes it took him 30 days before he could even go on the property to take it down; and urged support of the ordinance. Council Members Holm and Berry absent.

Council Member Lovell thanked Chief Lumpkin for all he had done; that most did not understand but a fine was the last measure for a landowner or business owner, if a landowner would give him a waiver he could go on the property and take care of it; and upon questions, Chief Lumpkin stated that normally the locations had other problems to like high weeds and unsecured buildings, etc., and that was why people felt free to tag it. Council Members Holm, Sekula-Gibbs and Berry absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was with the AFLCIO Council and representing the Council and affiliated unions who were all in support of the proposed smoking ordinance; that all should have a safe workplace and smokers did not have the right to kill workers; and urged support of the ordinance. Council Members Holm, Sekula-Gibbs and Berry absent.

Mr. Thomas Johnson, 17776 Tomball Parkway, Houston, Texas 77064 (281-830-8121) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he worked his way up in a bar and had a right to work there; that he was putting his son through college and Council had no right to take his education away. Council Members Holm and Berry absent.

Ms. Dawn Bohac, 9218 Rangely, Houston, Texas 77055 (281-235-9700) appeared, presented information and spoke in support of the smoking ban, Agenda Item 39g, and stated that her husband of seven years, Kirk Askew, was diagnosed with lung cancer and had never smoked and was 35 years but he had been exposed to secondhand smoke throughout his childhood; that his brain tumors were so big his body began shutting down and they were told he had four days to live and being 18 weeks pregnant with twins they named them and she went to pick out his grave site. Council Members Johnson, Holm and Berry absent.

Council Member Clutterbuck allowed Ms. Bohac to continue; and Ms. Bohac stated that her role changed and she administered shots and drained quarts of fluid from his lungs daily and on December 22nd she saw him struggling to breath and pulled him close as he died; and Council Member Clutterbuck stated for those who did not know Dawn she had found joy again and was married to State Rep. Duane Bohac; and thanked her for coming. Council Members Johnson, Holm, Lovell and Berry absent.

Dr. Harry Gibbs, 1515 Holcombe, Houston, Texas 77030 (713-563-3906) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was a physician and served as vice president for Institutional Diversity at the University of Texas M. D. Anderson Cancer Center and the City of Houston was now on the verge of a momentous health policy decision and representatives from M. D. Anderson had appeared at each of Council's hearings presenting data on secondhand smoke and adoption of an exception free ordinance would improve public health immediately and contribute to the city's economy by reducing funds required for healthcare, etc.; and urged passage of the ordinance. Council Members Johnson, Holm, Lovell and Berry absent.

Dr. Alexandra Simotas, 3000 Wesleyan #100, Houston, Texas 77027 (713-385-7115) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that she was a certified obstetrician and representing the March of Dimes as a volunteer and offering her professional perspective as a medical expert and was urging a ban on smoking in all

workplaces in the city limits including restaurants and bars; that nicotine ingested by a pregnant woman was passed on to her unborn baby and led to an increase in miscarriages and stillbirths and children with greater risk of sudden infant death syndrome; and urged passage of the ordinance. Council Members Johnson, Holm, Lovell and Berry absent.

Mr. J. J. McMillen, 7602 Braes Meadow Drive, Houston, Texas 77071 (713-779-5758) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that studies showed concerns of a decline in revenue for bars with no smoking was overblown; that in California where it was banned the bars were full; that the entire concept of leaving safety hazards in the hands of a business for voluntary elimination was silly and made no sense; and urged the ordinance be passed. Council Members Johnson, Holm, Lovell and Berry absent.

Ms. Nancy Perez, 8205 Montridge, Houston, Texas 77055 (832-217-2474) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that she was asking Council for their support in creating a better Houston, a smoke free city, as it was proven smoke was not just an annoyance but a health hazard and with just a few minutes of smoke an asthma attack could be started. Council Members Johnson, Holm, Lovell and Berry absent.

Ms. Bridgett Atkinson, 6703 Pebble Beach, Houston, Texas 77069 (713-805-7348) had reserved time to speak but was not present when her name was called. Council Members Johnson, Holm, Lovell and Berry absent.

Ms. Claudia Rodas, 10060 Buffalo Speedway, Houston, Texas 77054 (713-610-5043) appeared, presented a petition and spoke in support of the smoking ban, Agenda Item 39g, and stated that she was present on behalf of thousands of volunteers across the nation from the American Heart Association; that they wanted a comprehensive ordinance with a quality of life for all and the petition presented had over 500 signatures collected in one weekend in support; that they heard medical experts and from the U. S. Surgeon General's Report on over 200 scientific studies; and urged passage. Council Members Johnson, Holm, Lovell and Berry absent.

Council Member Khan stated she was correct the debate was over and smoking was bad; that amendments were proposed by some Council Members; and upon questions, Ms. Rodas stated that they wanted the most comprehensive ordinance for Houston with the least restrictions and exceptions including wherever the general public or workers went. Council Members Johnson, Wiseman, Holm, Lovell and Berry absent.

Ms. Patricia O'Connor, 2412 Times Blvd., Houston, Texas 77005 (713-529-6347) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Lovell and Berry absent.

Mr. Ronald Stein, 2480 Times Blvd #203A, Houston, Texas 77005 (713-521-3450) appeared and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that he was a 30 year property owner representing businesses and office buildings in the Rice Village area which was a unique and small area and the closing of Bolsover would hurt their system of traffic control and safety and place undo strain on the already existing streets. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Council Member Clutterbuck allowed Mr. Stein to continue; and Mr. Stein stated that the abandonment of the street would go toward a private entity which would benefit the 250 proposed condos and an additional 550 cars along with truck delivery and maintenance people would affect their area; and urged Council to keep Bolsover. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Mr. Joe Davidson, 1925 Sunset Blvd., Houston, Texas 77005 (713-348-4748) appeared and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that the Rice Village was a unique jewel in the City of Houston and was already highly congested with parking jams and 2,000 cars a day going down it when the property was virtually vacant; and urged Council to not sell Bolsover. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Ms. Judith Snively, 2480 Times Blvd., Houston, Texas 77005 (832-489-3100) appeared and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that Bolsover was a busy street and thought almost no business went on in the building it was still traveled and the only benefit of the street being closed would be to make more traffic on already overloaded streets. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Council Member Clutterbuck allowed Ms. Snively to continue; and Ms. Snively stated that how would the shops and neighborhood benefit from the closure of the street; that it would only make traffic worse. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Council Member Brown stated that he lived near the neighborhood and the City was reurbanizing and would have more density and he did not think they should regulate such things on a case by case basis; and upon questions, Ms. Snively stated that one street was already given away, Amherst, and they knew what would happen with experience. Council Members Lawrence, Wiseman, Holm, Lovell and Sekula-Gibbs absent.

Mr. Albert Ramos, 2330 Robinhood, Houston, Texas 77005 (713-248-7687) appeared, presented information and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that the city seemed to be relying on the traffic analysis but the problem was it was fatally flawed and the U. S. Department Bureau of Transportation statistics warned about the ITE's statistics, that half the trip generation rates were based on five or fewer studies; that in his handouts there was much more data available from the ITE itself and the Department of Transportation. Council Members Lawrence, Wiseman, Holm, Lovell and Sekula-Gibbs absent.

Council Member Clutterbuck allowed Mr. Ramos to continue; and Mr. Ramos stated that apart from the emotional issues he thought the factual issues should come into play; that LaMesa was providing false facts and relying on them was detrimental to the city and citizens. Council Members Lawrence, Wiseman, Holm, Lovell and Sekula-Gibbs absent.

Ms. Julie Tysor, 3701 Kirby, Houston, Texas 77098 (713-524-7200) appeared, presented information and spoke in support of the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that she was representing the developer requesting the abandonment of one block of Bolsover; that they had a longtime partnership in owning the property, up to 30 years, and she lived and worked in the area; that the last three years were spent analyzing the best use for the property and tried to create something with an old world European field and would fit in the neighborhood and yes there was traffic problems and they were trying to create an area which met the urban influx where people could live and work in the same place and they had an overabundance of parking. Council Members Wiseman, Holm and Lovell absent.

Council Member Clutterbuck stated that she would like Ms. Tysor to address concerns regarding parking; and Ms. Tysor stated that the development was about a four acre tract of land with an underground garage with approximately 500 parking spaces dedicated to residents and visitors and another 400 plus spaces above for retail shoppers and it was over and above

parking requirements for the City of Houston; that they also created on street parking requested and the traffic study was entered into using the City of Houston traffic engineering firm which had been in the business 30 years. Council Members Wiseman, Holm and Lovell absent.

Dr. Sallie T. Hightower, 2243 Robinhood, Houston, Texas 77005 (713-522-1554) appeared and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that she lived three blocks from the proposal and was against it. Council Members Wiseman, Holm and Lovell absent.

Council Member Clutterbuck allowed Dr. Hightower to continue; and Dr. Hightower stated that the issue of individual rights came up all the time, but those rights should be accompanied by responsibility and the development and the closing of the street was not the right thing to do. Council Members Wiseman, Holm and Lovell absent.

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that he believed the street had to be closed for the project to go forward; that it was important the public be heard on the matter and he would review it; and Council Member Sekula-Gibbs stated that if Council Members could have that information it would be helpful. Council Members Wiseman, Holm, Alvarado and Lovell absent.

Mr. Clark Martin, 22224 Albans, Houston, Texas 77005 (713-524-2617) appeared and spoke in favor of the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that he was a resident of South Hampton Place and member of the South Hampton Civic Club Board and present to speak for himself and not the board; that he and the board voted to not oppose the project with the condition LaMesa be required to construct exactly what was represented to them; that he thought people lost track of the idea it was a development they had the right to construct; and urged Council to not do this if Legal said they could not hold them to their representations, he would oppose it if they had the leeway to change, to add more stories or take away parking. Council Members Johnson, Holm, Alvarado and Lovell absent.

Council Member Clutterbuck stated that she had the same concerns, as they saw with the closing of Amherst the change in the game so she offered an amendment last week which was tagged stating City Council would approve the final plan and the idea was they would make sure it was in substantial compliance with what was proposed; and what she liked about this was it added green space to an area currently completely covered in concrete. Council Members Johnson, Holm, Alvarado and Lovell absent.

Mr. Tom Wright, 1816 Abans Road, Houston, Texas 77005 (713-522-2016) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Alvarado and Lovell absent.

Mr. Robert Glaser, 2127 Tanglely, Houston, Texas 77005 (281-568-1692) appeared and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that he was a longtime resident of the South Hampton area and was present as he felt Bolsover was a valuable asset and saw no upside for the neighborhood with its closure; that there was no possible way the infrastructure in place could hold the increased density. Council Members Lawrence, Johnson, Holm, Alvarado and Lovell absent.

Council Member Clutterbuck allowed Mr. Glaser to continue; and Mr. Glaser stated that he understood she offered an amendment to make sure the project was built to plans which he appreciated, but felt there was no way the infrastructure could support the increased residences and traffic flow. Council Members Lawrence, Johnson, Holm, Alvarado and Lovell absent.

Mr. Bill Faloon, 2480 Times Blvd #206, Houston, Texas 77005 (713-526-8899) appeared, presented information and spoke against the abandonment and sale of Bolsover Street, Agenda Item 37a, and stated that he was not against development, however, against any development the Rice Village could not support; that the developer stated publicly they would build the project with or without the abandonment of Bolsover and they applauded his statement and would say build it without the abandonment. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Council Member Clutterbuck allowed Mr. Faloon to continue; and Mr. Faloon stated that they would be down below 73% of the navigable streets in the Rice Village and this made no sense. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Dr. Richard Wainerdi, 2450 Holcombe, Houston, Texas 77019 (713-791-8802) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was President and Chief Executive Officer of the Texas Medical Center and present supporting the proposed revisions to the smoking ordinance banning it in the workplace and in all public places; that it was a health issue and the U. S. Surgeon General reported almost half of all Americans who did not smoke were regularly exposed to secondhand smoke which caused heart disease, lung disease and cancer and the Environmental Protection Agency said secondhand smoke contained more than 4,000 chemical compounds and more than 60 of those were known to cause cancer in humans and animals. Council Members Lawrence, Johnson, Holm and Garcia absent.

Council Member Edwards stated that a couple of weeks ago there was a scare with spinach and almost every leaf was taken off shelves across the country because of one to three deaths; and upon questions, Dr. Wainerdi stated that one third of all cancers were caused by cigarette smoking directly and indirectly and that was a very large number; and Council Member Edwards stated that she was curious as to how all spinach could be taken off shelves and tobacco was still left; and Dr. Wainerdi stated that was a good question and he felt the principal issue was here there was an opportunity to protect persons who did not choose to endanger themselves and it was a great opportunity to take it. Council Members Lawrence, Johnson, Holm and Garcia absent.

Mr. Sun Huang, who was previously added to the speakers list, appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that according to public health studies it was suggested smoking was on the rise with Asian females and youth leading to an increased health risk for that population and adding to the burden of the entire public health system; that many Asian American residents worked in service jobs such as restaurants and bars and often had limited or no health insurance and they deserved protection. Council Members Lawrence, Johnson, Holm and Garcia absent.

Mr. Tom Seerden, 6301 Richmond, Houston, Texas 77057 (713-706-5690) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was Area Vice President for the American Cancer Society for the Southern Area and the Surgeon General's report changed forever how secondhand smoke was looked at, scientific evidence was indisputable and breathing in someone's smoke caused serious disease and premature death; that he appreciated Council addressing this issue and he hoped they would vote to protect the public from this health threat by enacting a comprehensive ordinance in all indoor public places including stand alone bars; that in three days he would have worked for the Cancer Society 26 years and it was humbling to know Council could prevent Cancer quicker than he could. Council Members Lawrence, Johnson, Holm and Garcia absent.

Council Member Sekula-Gibbs thanked Mr. Seerden to those years in saving lives and to the leadership the Cancer Society had provided with American Heart, March of Dimes and others and they thanked all for coming and educating on how important this ordinance was; and upon questions, Mr. Seerden stated that the American Cancer Society wanted the strongest ordinance possible, to pass the amendments and pass a comprehensive total ban on smoking in the workplace. Council Members Lawrence, Johnson, Holm and Garcia absent.

Ms. Mary Beth Baun, was previously added to the speakers list but was not present when her name was called. Council Members Lawrence, Johnson, Holm and Garcia absent.

Dr. Martin Loring, 12203 Kimberley, Houston, Texas 77024 (832-824-2211) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm and Garcia absent.

Mr. James Fowler, 15250 Gray Ridge Drive #1522, Houston, Texas 77082 (281-496-0623) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he and his wife owned J P Hops House, they were both smokers and worked there with no employees; that they worked hard to get the place and customers came there and also bought cigarettes there and through September they sold about \$7,000.00 worth of cigarettes which was a big part of their profit. Council Members Lawrence, Johnson, Holm and Garcia absent.

Mr. Mike Seale, 2714 Sugarwood, Sugarland, Texas 77478 (713-875-2441) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he was asking Council to vote against the smoking ban as he was concerned with personal freedom; that since 9/11 some things were needed and some were not; that health was a big issue and he worked for Honeywell Clean Air and they made a clean air product for the Army which removed NOX, gases which killed, and gave smoking the bad name; that he believed the free market should rule. Council Members Lawrence, Johnson, Holm and Garcia absent.

Council Member Wiseman allowed Mr. Seale to continue; and Mr. Seale stated that Dr. Milton Freedman stated, "Where the free market controls personal freedoms flourish, but where government limits the free market then personal freedoms go." Council Members Lawrence, Johnson, Edwards, Holm and Garcia absent.

Mr. Stephen Barth, P. O. Box 22888, Houston, Texas 77227 (713-201-8034) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was an attorney and professor of hospitality and law and leadership at the Hilton College of University of Houston and his remarks were his own conclusions and opinions based on his education, experience and research and was not present on behalf of the university but on behalf of employees who were often paid low wages and uninsured and he would like a comprehensive passage of the smoking ban along with Council Member Holm's amendments and he would commend all for tackling such important legislation and to insure fairness would make a few suggestions, and in fairness subsections 5, 6 and 7 of Section 21.242 primarily needed to be deleted because it was impossible to protect employees from smoke in the meeting rooms of tobacco bars or select nonprofit organizations and secondarily it would give those establishments an unfair advantage over other venues where people might gather. Council Members Lawrence, Johnson, Edwards, Holm and Garcia absent.

Council Member Sekula-Gibbs allowed Mr. Barth to continue; and Mr. Barth stated that the second issue of exempting restaurant and bar outdoor seating areas he believed deserved scrutiny as it was impossible to reconcile banning smoking in outdoor arenas and then allow it in outdoor areas of restaurants and bars, nor was it fair to those employees working in those areas; and in response to the gentleman who just spoke regarding free enterprise he was a big

Milton Freedman fan with a background in economics, however, it was interesting to know businesses were all about free enterprise when it impacted them negatively in this instance except when the government imposed things like the tip credit or safe harbor provision which protected them from liability for the over service of alcohol then they were all about the government intruding in their business and he felt it was important to make that distinction and ask all be fair and recognize 80% of the public did not smoke. Council Members Lawrence, Holm and Garcia absent.

Mr. David Jackson, 2707 W. Alabama, Houston, Texas 77098 (713-385-3283) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was an engineer at NASA and lived in walking distance to bars and restaurants; that he and friends usually went to see 50 bands a year and he went to New York with their ban and there was no loss of business and he would not be for it if he thought there would be a loss. Council Members Lawrence, Holm and Garcia absent.

Ms. Sherry Gholston, 20010 Lucia Lane, Humble, Texas 77346 (281-852-4960) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that she should have the ability and right to live a healthy life style and a person should also have a right to smoke, but the problem was her being able to live a healthy life style was in danger when she had to breathe toxins and poisons of someone who smoked; and she believed the greater right was for all to have clean air; that many had a choice to go to a bar but others made their living there and they should be able to work in a clean environment; that Council was not voting to take away someone's right to smoke but they had to smoke in a place that would not put someone else in danger. Council Members Lawrence, Holm and Garcia absent.

Mr. Frank Salzhandler, 1813 Missouri, Houston, Texas 77006 (832-868-3037) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that air pollution was responsible for large numbers of deaths and diseases and today they were speaking of a cause of air pollution which would have an immediate positive affect and increase Houston's quality of life; that he visited a club with families with children reaping the hazards of thick smoke and that victimless crime left many victims and here was a chance to change thousands of lives; that business owners were required to maintain safe environments and when smoking bans took effect 90% of the people approve and smokers who quit credit laws for helping them quit and the numbers of people having heart attacks quickly and dramatically decrease. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Emily Page, 6320 Main #212, Houston, Texas 77005 (713-348-1254) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that she had personal and professional convictions in supporting the ban in Houston; that she was a six year survivor of Leukemia and a volunteer with the American Cancer Society and director of the Wellness Center at Rice University and as part of her job she worked with young people on a daily basis addressing their health and wellness concerns and observed more students were concerned about smoking on their campus and were working toward a complete ban on the campus; and she was standing in on behalf of those students at Rice University who wanted Houston to go smoke free. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Wayne Rast, 623 Oak Glen Drive, Kemah, Texas 77565 (281-536-4004) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Timothy Siegel, 5610 Hewitt, Houston, Texas 77092 (832-452-4863) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Kimberly Penn, 2002 S. Wayside Drive, Houston, Texas 77023 (713-385-4526) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that she was executive director of the Eastend Life Center and asking Council to support the smoke free ordinance on behalf of her patrons employed by restaurants and bars and other segments of the hospitality industry; that they wanted all Houstonians to work in a smoke free environment as tobacco smoke was a major source of air pollution in indoor environment and all workers had a right to a healthy work environment and urged passage of the ordinance inclusive of bars. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Duane Bradley, 1612 Richmond Ave., Houston, Texas 77006 (713-922-3304) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Patrick Cropper, 1803 Columbia, Houston, Texas 77008 (713-865-2424) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he had the world's finest purification and smoke elimination technology with him today and he would suggest bars and clubs use that, there was no reason for them to be excluded; that it cleared dust mites, pollen, etc., and people could smoke with no ill effects and no smell of smoke. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Dr. Phillip Huang, 1100 W. 49th, Austin, Texas 78756 (512-458-7200) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was with the Texas Department of State Health Services and present to provide information and he believed Council Members had a handout passed to them earlier entitled Houston Indoor Air Quality Monitoring activities and he was asked to summarize air quality activities in Austin and Houston; that they measured for small particles less than 2.5 micrometers in diameter which could be inhaled very deeply and these were EPA standards for that and on charts they measured Austin bars before and after their ordinance and there was approximately a 93% reduction in exposure to those particulates and similarly it showed readings for bars in Houston. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Mary Price, 6703 Gentle Bend, Houston, Texas 77069 (281-380-9271) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that she was present again to beg Council not put a small business at a disadvantage, if it was statewide it would be different; that people would not stop smoking, but go down the street; and she could not see what the difference was whether they were in her bar or another. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. John Olszewski, 737 W. 16th, Houston, Texas 77008 (713-540-6327) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he knew there were extreme ideas on both sides of the smoking issue and at the same time a health issue, but they had justice and Council written on their own walls and would not let the people choose; that this was a democracy and people should be able to choose. Mayor White, Council Members Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Don James, 9161 S. Gessner, Houston, Texas 77074 (713-777-5700) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he was owner of the Shamrock Inn and his customers wanted to smoke in his bar; that all his employees smoked

except one and it was her choice to work there; that he was in a strip center and people could not walk out the door and not be within 25 feet of someone else's door to smoke and if they walked out late to smoke there was a possibility of something happening as he was in a high crime area; and why put something else into effect they could not enforce. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. James Moore, 4900 Floyd #3, Houston, Texas 77007 had reserved time to speak but was not present when his name was called. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ralph Ragar, 1816 Norfolk, Houston, Texas 77098 (832-573-9883) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. Dennis Kirk, 9203 Tish Court, Houston, Texas 77040 (713-202-3947) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he had been in the air cleaning business 20 years and believed it was an inaccurate and false assumption the air could not be treated; that for 20 years customers had paid them for installing air cleaning systems and servicing them and there was an alternative to banning smoking and eliminating people's freedom of choice was not the answer to the issue; and urged smoking not be banned in bars, anywhere else but not bars, unless they had smoking and non smoking bars and people chose. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. Bob Mahan, 16215 Diamond Rock, Cypress, Texas 77429 (281-705-0982) appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that he worked on this issue since 1986 and served in the leadership of three different coalitions; that they heard from many doctors and if they did not believe secondhand smoke was deadly they were incredibly stupid and if it was deadly it was a poisonous gas and when Council took their office their job was to protect the people of the City of Houston and that would be to enact an ordinance for all workplace smoking and 15 states had already banned it in every workplace including bars; that the Greater Houston Partnership and Houston Restaurant Association endorsed a totally smoke free workplace and if they voted for exemptions and loop holes they were actually anti business. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Sekula-Gibbs stated that Mr. Mahan had been a leader in this area and no one could doubt his passion and it was appreciated and Council realized that when Houston took this step cities around Houston would more than likely join in and embrace similar bans on secondhand smoke and that would provide more of an even playing field in the whole metropolitan area and she invited him to help achieve that. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Mr. Randy Fluker, 1113 Oakpark, Friendswood, Texas 77546 (832-385-0103) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he was owner of Time Out Sports Bars and had two locations in Houston; that they were in strip centers and could not have outdoor patios; that he checked with the county judge and they had no intentions to put a smoking ban in, but if the state did they would enforce it, however, the state was in the smoking business as they just gave them a property tax cut financed by cigarettes. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Ms. Terri Thomas, 6 Rains, Houston, Texas 77007 (713-806-1902) appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that she sat on the board for Mothers of Clean Air and today was present as a citizen; that she listened to arguments last week and

wanted to speak this week; that she and her husband were a part of the 78% who would like to go to a bar of their choice and not have to consider loop holes allowed and asked that they consider Council Member Holm's amendment and not support Council Member Lawrence's amendment of stand alone bars. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Dave Pickrell, P.O. Box 5472, Katy, Texas 77491 appeared and stated that he was founder and president of Smokers Fighting Discrimination and regarding the debate on secondhand smoke he wanted to read something from a tobacco control professional on the science of secondhand smoke, that it was not a health issue; that they had been accused of cherry picking effects of secondhand smoke and making up the science and spreading claims which were impossible. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Louis Velez, 10133 Oboe Drive, Houston, Texas 77025 (713-798-4184) appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that he was a physician and cancer researcher and going into a bar to smoke was a cultural norm, but in the past they had changed cultural norm such as banning guns in bars, it was banned because it could kill and it was the same with secondhand smoke; and Council should not be afraid of changing cultural norms. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Mario Anzaldua, 11801 S. Sam Houston Pkwy West, Houston, Texas 77031 (713-725-2629) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he was co-owner of four bars in town with close to 200 employees; that there were many good arguments, but they did not let children in their bars and he had not seen a pregnant woman in the bar; that Council was treating this like a competition with other cities but they were competing with his business. Mayor White, Council Members Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Wiseman, Mr. Anzaldua stated that he owned nightclubs and bars and none of his customers were asking him to go smoke free, 70% of them smoked. Mayor White, Council Members Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Larkin Stallings, 11801 S. Sam Houston Pkwy West, Houston, Texas 77031 (713-202-1133) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he had the pleasure of providing entertainment and tax base for Houstonians for the last 26 years in the nightclub, bar and restaurant business and he felt this was a matter of free choice and if it was a product found to be so dangerous it should be illegal on a statewide basis; that he was concerned with the county being able to provide smoking for their patrons when he could not. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards moved the rules be suspended for the purpose of allowing Ms. Jane Sims to speak prior to Ms. Emily Grimm, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0908 ADOPTED

Mr. Preston Dean, 6030 W. 30th, Houston, Texas 77008 (281-563-0456) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that he was a resident in Houston and a nonsmoker, however, not for a ban on smoking; that he did not like laws telling him when he had a choice if he wanted to go in, it was common knowledge people smoked in bars and they were passing a law telling him he could not make a choice and he did not even smoke.

Mayor White, Council Members Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Rick Arnst, 14144 Westheimer, Houston, Texas 77077 (281-558-4545) appeared and spoke against the smoking ban, Agenda Item 39g, and stated that this afternoon they did the pledge and prayer and many organizations were trying to stop that, but it was freedom of choice and people needed that; that he owned a bar close to Highway 6 and competitors were across the street; that he put all his savings into this business and they were about ready to take him out and there were alternatives, they could place signs outside saying if it was smoking or nonsmoking and the most important was an ordinance could pass for all new bars to be nonsmoking and give others time to change. Mayor White, Council Members Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ronald Stroer, 8606 Amblewood Drive, Houston, Texas 77099 (281-495-2551) appeared and stated that he came not to oppose cigarette or tobacco smoke which was harmful but to offer Council another way to look at it, it was progressive and would restore anything lost and even increase, it was well known marijuana smoke was harmless, no one ever died of marijuana smoke either primary or secondary and Council could pass the ordinance allowing places which usually had smoke to have marijuana smoke. Mayor White, Council Members Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Derick Smith, 13907 River Keg, Houston, Texas 770833 (281-236-9458) appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that his father died in 2005 of emphysema and he was waiting for this opportunity; that cities like El Paso, San Antonio and others had passed a smoking ban and found there was no economic impact; that a friend was smoking with him one day and he said he did not use the restroom in her lap and she should not blow smoke in his face; and Council should support the ban, it was long overdo. Council Members Lawrence, Wiseman and Brown absent.

Ms. Amye Webster, was previously added to the speakers list, but was not present when her name was called. Council Members Lawrence, Wiseman and Brown absent.

Ms. Judy Terry D, was previously added to the speakers list and appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that about 20 years ago Council Member Eleanor Tinsley began discussion on banning secondhand smoke and since then not only her children had grown up, but her grandchildren had almost grown up and during this time many cities and states had gone smoke free; that the bottom line was secondhand smoke killed Houstonians and affected the quality of life of their citizens; that Houstonians overwhelmingly supported an ordinance to protect them from secondhand smoke; that all workers deserved a healthy workspace. Council Members Lawrence, Wiseman and Brown absent.

The City Secretary stated that Ms. Mary Beth Baun was called earlier and was now present and if no objection would speak after Ms. Devetski; and Mayor White stated that hearing no objection it was so ordered. Council Members Lawrence, Wiseman and Brown absent.

Ms. Barbara Devetski, was previously added to the speakers list and appeared and spoke in favor of the smoking ban, Agenda Item 39g, and stated that she worked for the American Lung Association in Houston and daily thousands of staff members and volunteers went to their offices to promote lung health and battle lung disease and all understood the affects of secondhand smoke were devastating in their fight and there was no acceptable level of secondhand smoke and they were asking for the strongest smoking ban possible, to be leaders for other cities. Council Members Lawrence, Wiseman and Brown absent.

Ms. Mary Beth Baun appeared and stated that she was a health and productivity consultant and former employee of the M. D. Anderson Cancer Center where she worked in the tobacco research and treatment program and familiar with details where there was a strong emphasis on accuracy and some data heard today was wrong, for instance revenues would not go down, they stayed the same or went up 7% or more the first year; that people who smoked cost their employers \$1,400 more a year than those who did not smoke and that was employers who had insurance, what would be the state if those objecting had to pay insurance; that all had to pay for healthcare. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Council Member Berry stated that he appreciated her comments, but they had a decision to make with regulating behavior and it sounded like she would just as soon making smoking illegal period; and Ms. Devetski stated that she would like to protect all workers from secondhand smoke; that she did not believe making anything illegal would change how they operated, but people needed to be protected; and Council Member Berry stated that smokers would like to go to a smoking only bar and she was going to tell them they could no longer go. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Mr. Trent Moss, 309 Lazy Hollow, League City, Texas 77573 (281-352-3888) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Mr. Alex Estrella, 4425 Elmwood, Houston, Texas 77051 (409-549-9239) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Mr. Ahmad Solomon, 12750 Briar Forest, Houston, Texas 77077 (281-920-0648) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Mr. Gregory McAfee, 4511 Kingsbury, Houston, Texas 77021 (713-748-5211) appeared and stated that he was present to speak on parking signs that were changed on streets bordering the Texas Medical Center parking lot; that in 2001 and 2002 those who worked there were given City of Houston parking tickets, they were being written in error late at night and early in the morning and the principal of the high school in that area asked for a parking sign change and what was unusual was in her thank you letter to the city for granting her request she copied to two members of the medical center Mr. Doug Able and Mr. Richard Warnekie and in 2005 the senior vice president of planning and development at the Texas Medical Center Mr. Gary Ellis requested a parking sign change and all signs in the area were now changed and you could not park there anymore; that it appeared they were forcing people to go into their parking lot and it was a hardship on those trying to visit their loved ones at the hospital. Council Members Lawrence, Wiseman, Brown, Sekula-Gibbs and Green absent.

Ms. Jane Sims, 7556 Tipps, Houston, Texas 77023 (713-923-8585) appeared and stated that she was present regarding the West Gray recreation center; that today they had about 31 people in support and others had to leave because the parking was too far for them to walk, but the facility was recently taken over by the Parks and Recreation Department and the program director of aquatics for the disabled, which was why they were present today, Brandee Tronstad, developed a comprehensive program and she had a bachelor of science degree in nursing which helped with her sensitivity, but her program had been funded through a grant administered through the TIRR Foundation and Parks wanted a different program. Council Members Clutterbuck, Wiseman, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to reassure her this was being worked on; that there were only two such centers in all of Harris County, West Gray and Pasadena, and they were looking to see how to expand programs and not disband programs; and would speak to her in the office if she would like. Council Members Clutterbuck, Wiseman, Brown and Sekula-Gibbs absent.

Mayor White stated that a number of them were familiar with the details of the program and he made inquiries on correspondence and if she had something to present he would assure her he would read it and he would be getting a report back from parks on it. Council Members Clutterbuck, Wiseman, Brown, Sekula-Gibbs and Green absent.

Ms. Emily Grimm, 3418 Green Tree Park, Houston, Texas 77007 (713-862-2501) appeared and stated that she was speaking in support of the pool aquatics program for the disabled run by Brandee Tronstad the director of programs; that it was open for all disabilities, why stop funding now and lose programs; and they were asking Council to leave those as they were, request extension for the grant and let in the disabled who had not yet been admitted. Council Members Wiseman, Brown, Sekula-Gibbs and Green absent.

Mayor White stated that he did want them to know this was a grant given to the TIRR Foundation from the (AAA) Area Agency on Aging and they were looking at how to get that; and Ms. Grimm stated that it had an extension for another year. Council Members Wiseman, Brown, Sekula-Gibbs and Green absent.

Ms. Barbara Babbitt, 101 Westcott #504, Houston, Texas (713-864-8949) appeared and stated that she suffered from a neuromuscular disease and was a client at the multi-service center aquatics program and the water exercises gave her opportunity to get out of her wheelchair and she had benefited by Brandee's knowledge and help, it was a vital part of her life; and Houston should be proud of this award winning program. Council Members Wiseman, Brown, Sekula-Gibbs and Green absent.

Council Member Edwards thanked Ms. Babbitt for coming and stated that many had invisible disabilities and appreciated what went on at the center; that she could be sure this was not a dead issue, their goal was to maintain the services and expand not diminish. Council Members Wiseman, Brown, Sekula-Gibbs and Green absent.

Mr. Howard Hulsebosch, 5911 Bryant Bond Drive, Houston, Texas 77041 (713-778-9232) appeared and stated that everyone present regarding the West Gray Center had a testimony of miracles, 2-1/2 years ago he was moving like everyone else with no problems, but they could be like him tomorrow and how much was a miracle worth; that Brandee Tronstad worked miracles to them; that before he could not stand in the pool and was now walking in it and the program was not the aquatics, but the program was Brandee Tronstad and that was what they were trying to save. Council Members Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Mayor White stated that they had received the message; and Mr. Hulsebosch stated that they would like this expedited because at the end of November she would be out of a job and they would have no where to go; and Mayor White stated that when they got this is reaction was the same as his, but they did not employ her though he understood those who worked with her thought the world of her and citizens ought to be served; and Mr. Hulsebosch stated that if the city found funds and Brandee was not a part of it then it would be devastating and that was why they came, she needed to be a part of this. Council Members Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Billie Lord, 1418 Vermont, Houston, Texas 77006 (713-522-9427) appeared and stated that she was present and walking because of Brandee; that her bones and joints were going, but she swam and now lost a day in her schedule because of the new regime taken over; that the basic was she wanted all Council Members to read the letter Jan Sims sent them as it was precise and detailed, researched and confirmed and she wanted them to take it to their heart and mind and they wanted Brandee returned, she was excellent. Council Members Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Laquita Taylor, 7514 Kingsley, Houston, Texas 77087 (713-649-0661) appeared and stated that she was a resident at the Afton Oaks Nursing Home and they needed Brandee so badly, she was what kept them alive and the pool was the only one of its kind; that Brandee trained her to walk again in the pool from her stroke and she had surgery coming up, but the doctor said she had to have an excellent exercise program and she needed this, METRO did not go to Pasadena. Council Members Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Carolyn Artman, 1615 Vermont, Houston, Texas 77006 (713-527-8595) appeared and stated that the one on one aquatics program at the Metropolitan Service Center served those with one on one activity for one hour a week and they could also use the pool at other times, but if disabled some must assist them; that her friend after rehab at TIRR and Methodist for six months was still unable to stand or walk and in six months through the support of professionals of the aquatics fitness staff and his hard work had now progressed to walking without support in the pool and a week or so ago took his first steps on dry land in over one year and she hoped the city Parks and Recreation Department could find a way through the financial and philosophical controversy blocking the continuation of this innovative program. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Ms. Artman stated that once she asked to be on the Agenda someone from Parks called and said they were trying to fund the program which she was very glad to hear, but she was also concerned because it was talked about as the one on one program and because it was founded by (AAA) and TIRR jointly it also allowed those over 60 access to the pool and she used it under that auspices; and Council Member Berry stated she got a response and this was the system working as it should and Mr. Joe Turner in Parks was a fine man and he got a memo from him all was being done to get this to work. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Mary Anne Pegelow, 1206 Stanford, Houston, Texas 77019 (713-521-0717) appeared and stated that she was a member at West Gray for over 20 years and was asking Council to keep Brandee Tronstad's grant funded pool program active and not limited in membership size by anyone but Brandee who could best decide how many she could serve. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated this center was a show place in District D and for the City of Houston and she again wanted all to know they were being heard loud and clear and would be involved in the process and they would make it happen. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Guruatma Khalsa, 1121 Jackson Blvd., Houston, Texas 77006 (713-526-9988) appeared, presented a picture to view and stated that this was a very important thing they were fighting for and her picture was a year before she began rehabilitation with Brandee and the other was after she worked with Brandee, she had lost 80 pounds and now could walk on her own. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Patti Richardson, 6401 Westcott, Houston, Texas 77007 (832-814-6319) appeared and stated that she became acquainted with the program because her sister, who was now deceased, had gone there and they worked with Brandee, Brandee's name kept coming up because she was very qualified and ran a super program; that she and her mother also went there and the program should even be duplicated in other areas of the city and hours should be increased; that some would be bedridden without this program; and she thanked them for it. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Elizabeth Ramirez, 1331 Mystic Wood, Houston, Texas 77038 (281-931-1415) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

The City Secretary stated that Mr. Ahmad Solomon was called earlier and had stepped out and if there were no objections she would call him at this time. Council Members Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Ahmad Solomon, 12750 Briar Forest, Houston, Texas 77077 (281-920-0648) appeared and stated that he wanted to list a sequence of events which led him here, one being the war in Iraq, the death and destruction, U S forces ran havoc in Iraq since the Gulf War with 150,000 slaughtered and another 1.2 million Iraqis. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs 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 Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Joy Rice, 1101 E. 7th Street #3, Houston, Texas 77009 (832-457-1699) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Cynthia Hinchey, 920 Ridge Houston, Texas 77009, (713-861-8755) appeared and stated that she thought all would agree an exercise program was a good idea for anyone and for those with disabilities it was essential; that when a person lost physical function by accident or disease the phrase use it or lose it took on a whole new meaning and after insurance was exhausted they needed ongoing fitness programs to maintain strength and function and this program in the pool provided what many people needed and as participants they were the most qualified to speak about it; and urged that the aquatic program be kept at the West Gray Center. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Council Member Berry stated that he could speak for his colleagues and say they had inspired them because they were probably doing more exercise than most of them and he knew it was not easy for them to get here; that he was not aware of the program, but they had touched their hearts and a fine man ran the department and if there was anyway possible he was sure it would stay, but he would ask that they come back in a month and let them know how this turned out. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Reggie Farrell, 3318 Three Pines Drive, Kingwood, Texas 77339 (832-563-6561) appeared, presented information including a CD and stated that he was present regarding an incident at Walter's on Washington; that he and those with him were not present to attack members of HPD or defend actions of the band in question or to defend actions of the crowd involved, but he was present to address the fact an officer showed up to a peaceful event and

through bad judgment and use of force; and Mr. Farrell's time expired. Council Members Wiseman, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent.

Council Member Berry thanked Mr. Farrell for coming and stated that he received quite a few E-mails from people there that night and did not want to rush into judgment on an officer, but he did try to tell all who called that if what the officer did was wrong he would be disciplined and if not he would have fair opportunity to tell his story; that such cases were taken seriously and he appreciated the effort he had taken and felt he had been very organized, restrained and respectful to law enforcement generally and he appreciated it; and felt fairness would result from this. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Sonia Parga, 102 S. Avenue H, Humble, Texas 77338 (832-858-8914) appeared and stated that she appreciated what Council Member Berry just said and they appreciated it; that quite a few of them were very upset about what happened the other night and concerned it could happen again; that he (the officer) actually took a member of the band to the ground and people in the audience tried to peacefully separate the two thinking he was being overly aggressive to the band member and in the chaos he felt threatened and began using a tazer gun and four were hit including a fourteen year old boy; that they were not there drunk or hating cops but to listen to music and would continue going to shows, but they wanted to know if the officer followed procedure. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Mayor White stated that complaints filed by citizens...; that probably the most scrutinized job or profession in the country was that of a police officer and he would also advise citizens to not interfere with an arrest; and thanked her for coming. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Katie Ford, 8311 Plum Lake Drive, Houston, Texas 77095 (281-705-0982) appeared and stated that she was also present regarding the event at Walter's on Washington last Friday; that in the news it said the band members tried to attack the officer and that did not happen; that the officer threw the singer Adam Stevens onto the ground and provoked and tazered innocent bystanders including a fourteen year old boy; that he punished people with video cameras and camcorders which she thought was a violation of freedom of the press, but she was not present to speak bad about HPD as she realized this was one officer, but would like the tazer policy evaluated and she thought they would like the officer punished as he should not have acted that way at a peaceful event. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Mayor White thanked Ms. Ford for coming and stated that he wanted people to appreciate this, both the citizens and HPD, that they did receive numerous complaints on noise violations and he did not know the facts on this, but they did call on law enforcement officers to enforce all ordinances enacted at the Council table; that he appreciated citizens who understood the seriousness with which an officer was to go about his job; and Ms. Ford stated that Walter's was a music venue and that night was no louder than the rest and she thought people who lived around there should understand. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Council Member Clutterbuck thanked all who came and stayed so long; that she did not know the facts of this either, but did know it would be looked into and expressed thanks for her to come and exercise her First Amendment right and address the Council body. Council Members Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Ramon Medina, 132 Pineview Drive, Houston, Texas 77012 (713-299-2933) appeared and stated that he also was present to speak on the incident between Officer Gabriel Rodriguez and various people at Walter's last Friday; that he had seen noise violations handled courteously numerous times by HPD and even when he saw officers at the receiving end of taunts from a few crowd members he saw them keep their cool, but what happened Friday was out of the ordinary; that the officer said he was mobbed and felt threatened, however, he also pushed his way through a crowd and was surrounded; that they felt for the guitarists safety and one person could even be seen trying to defuse the situation after they were pulled apart. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Medina for coming and stated that he appreciated the spirit of the letter of Mr. O'Farrell; and upon questions, Mr. Medina stated that it was his understanding the officer came to the event due to a noise violation; that he had been to the club many times as he worked the area, but he understood he did not approach the sound booth or management to talk about it, but instead approached the band members head on by himself, he was the only officer he saw at the scene; that the band members were playing when he approached and he had his flashlight and began flashing it in the guitarist eyes and told him to stop and the band member was confused and did not know what was going on and when the officer grabbed his guitar he pulled back and the officer, he would guess, felt that was a jerking motion and took the guitarist to the ground and that was where it started. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Toni Bracy, 6306 Thrush Drive, Houston, Texas 77087 (713-645-2863) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Debra Liggins, 1525 DeSoto, Houston, Texas 77091 (713-894-2320) appeared and stated that she was present regarding getting sewer to her new home in District B, Acres Homes, she contacted Council Member Johnson's staff and they advised she could go before Council, but in short there was no sewer stub on her property though the city's drawings did depict one existed 115 feet east of the manhole in front of her new modular home; that she was issued a permit by the city to build the home and the plumbing contractor informed her a sewer stub would have to be there on the property line which would require a street cut and a tie in to the manhole and she was told it would cost at least \$7,500. and as a single working mom she could not take up the cost for a sewer tap; that she was operating on good faith and received a city permit contingent on the accuracy of the drawing which was inaccurate and because she was misled she was struggling to pay both rent and mortgage of the home which she could not occupy without sewer. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Norman would contact her; that there were certain policies uniformly applied with respect to the financial responsibilities of citizens and residents on the sewer tap, but Mr. Norman was present and may be able to assist her. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Les Haulbrook, 2215 Fairway Circle, Pearland, Texas 77581 (713-431-6569) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

Mr. Leonard Odom, 6802 Wellwood Court, Houston, Texas 77083 (281-983-6853) appeared and stated that he had been all around town trying to exercise his rights; that he was going through problems and felt his rights were being violated and he was being discriminated against and it had nothing to do with Council, but to do with people outside of the Chamber, people with influence where he was trying to get help; that he was having threats on his life; that he was divorcing his wife and he had been to the FBI and marriage assistance office each twice and called the police and given names where he could get help, but he was discredited and now it was getting serious and he could lose his life and he wanted to let Council know. Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Sammy Jones, 1415 W. Gulfbank Road, Houston, Texas 77088 (no phone) appeared and stated that he came to this body wanting a job and went to the Texas Work Source and their computers were rigged to keep him from finding work; that he also discovered the Houston Public Library computers were rigged the same way; and continued expressing his personal opinions until his time expired.. Council Members Lawrence, Johnson, Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Jeffery Bodley, 2556 W. Commerce, Dallas, Texas 75212 (214-951-8150) appeared and stated that he was an attorney and secretary of company named Tolman Maintenance and was present to ask Council to review an opinion made by the Legal Department awarding a \$15 million contract to Aeramark Services, it was their belief the legal opinion was in error because they never received a recommendation from the City of Dallas with respect to a specific contract they had; that he provided information to Council of that recommendation and the legal opinion in question; that the attorney for the City of Houston Legal Department stated there was a specific bid requirement not met. Council Members Lawrence, Johnson, Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Nathan Schafer, 4208 Hackmore Loop, Irving, Texas 75061 (469-835-1411) appeared and stated that he was also with Tolman and wanted to recap what Mr. Bodley just discussed, basically there was a legal opinion they did not meet a requirement of the bid, however, the requirement was provided through the Purchasing Agent in a timely manner and they did not feel the information was given to the person who made the legal opinion and they would ask it be provided to that person, let them review it and show Tolman was responsible and since they were the low bidder award them the contract. Council Members Lawrence, Johnson, Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Ms. Elizabeth Smith, 3223 Ashton Park Drive Houston, Texas 77082 (832-816-9286) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Omar Afra, 2111 Woodland Spring, Houston, Texas 77077 (713-527-0014) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Brown, Lovell, Sekula-Gibbs and Green absent.

Mr. Andrew Ortiz, 14907 Mesita, Houston, Texas 77083 (713-885-5739) appeared and stated that it was hard for him to be objective on the situation of the Walter's event and would

only speak for himself, but what happened was a display of what happened when power was invested to those who sometimes forgot to deal with it in a manageable and responsible manner; that they felt Officer Rodriguez did not handle the situation in the best way possible; that he was a diplomatic person by nature and did not feel violence and aggression were the means of making a point, people approached him and said less than friendly remarks about HPD and the officer and he quickly disagreed and said the condescending...; and Mr. Ortiz's time expired. Council Members Lawrence, Johnson, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Council Member Khan stated he would like to know which choices citizens had when faced with situations such as this; and Mayor White stated that officers from Internal Affairs have been present here today; and upon questions, Mr. Ortiz stated that he had filed a complaint with HPD; that at the scene he felt it was his civil liberty to stay and give his testimony of what happened and he was very diplomatic but what was interesting was the officer said he did not care what he had to say and the police officer's testimony was account enough and that prompted him to come forward and he did appreciate everyone listening to him, but he went through intimidation and threat to be here and he appreciated it. Council Member Khan stated that he still needed to file with Internal Affairs and Mr. Ortiz stated that he had; and Council Member Khan stated that it was extremely important their stories be heard at that point. Council Members Lawrence, Johnson, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Mr. Dave Naschke, 4327 Benning Drive, Houston, Texas 77035 (832-660-1329) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Ms. Michelle Knistoutas, 509 W. Clay #2, Houston, Texas 77019 (832-202-3955) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Ms. Kim Hoyle, 508 Gale, Houston, Texas 77009 (713-320-4230) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Mr. Raymond Avist, 8655 Pitner, Houston, Texas 77080 (504-296-7792) appeared and stated that he was present about METRO's pay hike, that he wanted a pay raise to twenty five cents and was going out of town and would be back the first. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Chris Lawless, 1718 Park, Houston Texas 77019 (713-523-6887) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he spoke last week and as he represented last week he was manager of a bar and in favor of the smoking ban; that they were in process of building a patio to provide alternatives for smokers and when there was change there was opposition, but he had seen no study where revenue decreased over the long haul and felt it was unfounded fear. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Lawless for coming; and allowed him to continue; and Mr. Lawless stated that Council had a chance to do something proactive for the future of the city and he appreciated their time. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Julian Richey, 3332 Whitney, Houston, Texas 77006 (713-792-7692) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he worked in the hospitality industry for 20 years and now took medication daily for asthma and allergies; that he was a resident and property owner in Houston and a voter and was tired of Council Members telling him his right to a healthy workplace was not as important as others; that no one smoked here, in office buildings, court houses, airports, etc., why should clubs and bars be any different; and urged a full ban on smoking in the workplace be passed and vote against any amendment excluding bars and clubs; that Houstonians should have the right to go to any business or public event and enjoy themselves without putting themselves at risk and employees should have the same right. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that those who did disagree did so in good faith and he thought all Council Members were mindful of employee's health and did not disregard it, but some did disagree; and he thanked him for his articulate speech. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Desiree Gonzales, 1515 Holcombe #21, Houston, Texas 77030 (713-563-8184) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Dr. Joel Dunnington, 3023 Four Winds Drive, Missouri City, Texas 77459 (281-437-6148) appeared and spoke in support of the smoking ban, Agenda Item 39g, and stated that he was representing the American Cancer Society's State Governmental Relations Committee and he was sure Council Members would not know many names of surgeon generals or FDA commissioners, but the ones they knew were because they were the ones with enough courage and integrity to take on the largest purveyor of death and disease in the United States, the tobacco industry, and the question today was were Council Members going to listen to two surgeon general's reports on tobacco smoke pollution, tens of thousands of articles on tobacco and the tobacco industries own internal secret documents and multiple scientific studies and testimony of many physicians and scientists or listen to the tobacco industry who was just convicted of racketeering, fraud and conspiracy. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U S President; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

At 5:07 p.m. City Council recessed until 9:00 a.m., Wednesday, October 18, 2006. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 18, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 18, 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 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:26 a.m. Mayor White called the meeting to order and stated that the first order of business were a couple of public hearings and there was no Mayor's Report. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent.

HEARING

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 - **9:00 A.M.** – was called. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent.

The City Secretary stated that the first public hearing was on Proposition A through F and Proposition H, to be submitted to the voters on November 7, 2006, that they had one speaker signed up. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent.

Mr. Richard Leal, 7314 Nordling, Houston, Texas 77076 (713-694-5138) appeared and stated that he was a citizens of the City of Houston in the Northside and was present primarily and very focused on asking their support for Proposition H, that the proposition was basically asking for the authority to sell \$90 million of bonds, etc. that would primarily be used for the Houston Police and Fire Departments and emergency ambulances, that they needed that, that he was not sure how familiar most of them were with the Houston Police Department communication system, it was antiquated according to today's standard's and the technology changes so fast that right now his six year old daughter had a better computer than the Houston Police Officers had on the streets, that he was asking for now only their support but would encourage their constituents to support the issue on the November election because the City of Houston needed the money to stay up with the changes that were taking place in the City of Houston, that the City of Houston was growing by leaps and bounds they all knew it and saw it every day in the newspaper and media and just in driving around the Houston area, that he wanted to encourage them to support Proposition H. Council Members Clutterbuck, Wiseman, Holm, Garcia, and Green absent.

Mayor White stated that he wanted to thank Mr. Leal for not only appearing before Council but for all that he did as a civic leader in his community. Council Members Clutterbuck, Wiseman, Holm, Garcia, and Green absent.

Council Member Berry moved to suspend the rules to add Mr. Etan Mirwis to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Lovell and Green absent. MOTION 2006-0909 ADOPTED.

Mr. Etan Mirwis appeared and stated that he was present to whole heartedly support Proposition H, that living in the Fondren southwest area, as a civic leader in that community, they had been the beneficiaries of the added police officers to their district and from first hand experience he could tell them it had enhanced the quality of life of the people in the community immeasurably and since it is a city and they all cared about each other he thought it was only fair that these types of success opportunities be shared throughout the City and not be limited just to the Fondren southwest area and would encourage the resources of \$90 million was going to adequately be the funds necessary to bring up the rest of the City and also continue in the

positive direction that their community had experienced and he whole heartedly supported it, it was extremely important. Council Members Clutterbuck, Wiseman, Holm and Lovell absent.

Mayor White stated that he wanted to thank Mr. Mirwis for appearing at Council today and for his great civic involvement with the City and thank him for expressing support. Council Members Clutterbuck, Wiseman, Holm and Lovell absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Clutterbuck, Wiseman, Holm and Lovell absent. MOTION 2006-0910 ADOPTED.

2. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.6450/\$100 of value for Tax Year 2006 - **9:30 A.M.** – was called. Council Members Clutterbuck, Wiseman, Lovell and Berry absent.

The City Secretary stated that the next public hearing listed as Item No. 2 was on the proposal to establish a tax rate for year 2006, that no one had signed up to appear at this hearing, that she had to announce under the law that a vote to adopt a property tax rate for the City of Houston for 2006 would be considered at the City Council meeting to be conducted in the City Council Chamber, Second Floor City Hall, on November 1, 2006 convening at 9:00 a.m. Council Members Clutterbuck, Wiseman, Lovell and Berry absent.

Council Member Green moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Wiseman, Lovell and Berry absent. MOTION 2006-0911 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 33

MISCELLANEOUS - NUMBERS 3 through 4

3. RECOMMENDATION from Director Finance & Administration for membership renewal in the United States Conference of Mayors - 1 Year - \$42,953.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck, Wiseman, Lovell and Berry absent. MOTION 2006-0912 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** - 1 Year \$77,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck, Wiseman, Lovell and Berry absent. MOTION 2006-0913 ADOPTED.

DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SHARON KING, Individually and as Representative of the Estate of Harrison Hughes, Deceased, and Carl Hughes** v. City of Houston, Cause No. 99-18889; in the 80th Judicial District Court of Harris County, Texas - \$75,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck, Wiseman, Lovell and Berry absent. MOTION 2006-0914 ADOPTED.

ACCEPT WORK - NUMBERS 8 through 9

8. RECOMMENDATION from Director Building Services Department for approval of final contract amount and final payment of \$2,622,893.00 to the Surety, **THE GUARANTEE COMPANY OF NORTH AMERICA USA (GCNA)** and acceptance of work on contract awarded to **PRIMIS CORPORATION** for Construction of Fire Station 83, WBS C-000055-0001-4 - 04.99% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck, Wiseman and Berry absent. MOTION 2006-0915 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,463,142.62 and acceptance of work on contract with **LAUGHLIN-THYSSEN, LTD.** for Katy Addicks and Spring Branch Pump Station Improvements, WBS S-000900-0083-4 - 16.73% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck, Wiseman and Berry absent. MOTION 2006-0916 ADOPTED.

Council Member Garcia stated that he wanted to take a point of personal privilege, that they had some guests in the audience, they were members of the Mexican American Engineer Society and would be having their national symposium at the Hyatt Regency, that he wanted to recognize Mr. Mike Acosta, National President and also with UTEP in El Paso, Texas, Ms. Connie Medina, National Vice President from Raytheon in Los Angeles, California, and Ms. Lizette Macias, the Symposium Co Chair who was with BP in Houston, Mr. Luis Cansino, Symposium Co Chair as well, with NASA Johnson Space Center and Mr. Noe Gonzales, with HP in Houston, also the Symposium Committee Chair and asked that they stand and be recognized, that he hoped they would have a great symposium while in town and thanked them for selecting Houston. Council Members Clutterbuck and Wiseman.

PROPERTY - NUMBERS 10 through 13

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sunny Grewal of the Interfield Group, on behalf of Family Warehouse, Ltd., a Colorado Limited Partnership [Flous Management, LLC (Robert E. McGowen, Jr., Manager), General Partner], for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easements in exchange for the conveyance to the City of a 10-foot-wide utility easement, all located in Reserve X, Westbury South Replat, out of the J. P. Keating Survey and the H. T. & B.R.R. Co. Survey, A-1, Parcels SY7-015 and VY7-022 **STAFF APPRAISERS - DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0917 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-055, owned by Kelly Ramon, for the **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, WBS N-000676-00RE-2-01-01 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0918 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels AY3-516 and AY3-517, located at 3225 North Freeway, owned

by KAMS, Inc., a Texas corporation, Kenneth Slataper, President, for the **LITTLE WHITE OAK BAYOU TRAIL PROJECT**, CIP N-000420-002-01-01 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0919 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel PY6-001, located at 7015 Capitol Street, owned by Blue Villa LLC, a Texas limited liability company, Timothy J. Svegliato, Manager, for the **MAGNOLIA MULTI-SERVICE CENTER EXPANSION PROJECT**, WBS D-000080-0001-2-01-01 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0920 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 20

14. **AMEND MOTION #2005-910, 9/14/05, TO PURCHASE** an additional Aircraft Rescue and Fire Fighting Vehicle for Houston Airport System, for a total increase of \$831,967.00, awarded to **EMERGENCY VEHICLES OF TEXAS** - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0921 ADOPTED.
15. **ALLSTEEL, INC** for Emergency Purchase of Modular Office Furniture from the State of Texas Building and Procurement Commission's Contract for Health & Human Services Department \$87,010.37 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0922 ADOPTED.
16. **SIRIUS COMPUTER SOLUTIONS, INC** for spending authority to purchase Maintenance and Support Services for IBM Hardware and Software from the State of Texas Building and Procurement Commissions Contract through the State of Texas Cooperative Purchasing Program for Information Technology Department - 2 Years - \$370,400.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0923 ADOPTED.
17. **SHI, GOVERNMENT SOLUTIONS, INC** for Maintenance and Support Agreement for Novell Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Police Department - 1 Year - \$278,513.78 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0924 ADOPTED.
18. **IDEAL PRODUCTS, INC** for T3 Disrupter Kits and Accessories for Police Department \$57,540.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0925 ADOPTED.
19. **INSTANT ARMOR, INC** for Tactical Blanket Systems For Police Department - \$60,642.93 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0926 ADOPTED.

20. **USIA UNDERWATER EQUIPMENT SALES** for Vulcanized-Rubber Dry Suits from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Police Department - \$32,268.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0927 ADOPTED.

ORDINANCES - NUMBERS 25 through 31

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of an aggregate 12,200 square foot portion of West Tidwell Road, Parcels SY5-051A and SY5-055A, and an aggregate 7,061 square foot portion of Reo Street, Parcels SY5-051B and SY5-055B; (A) vacating and abandoning Parcels SY5-051A and SY5-051B to Tony Sazesh ("Sazesh") and (B) Parcels SY5-055A and SY5-055B to Bennie Ruth Schueneman ("Schueneman"), the abutting owners, in consideration of (C) the conveyance to the City by Sazesh of a tract of land containing 1,240 square feet, more or less, Parcel VY5-010, and (D) the conveyance to the City by Schueneman of a tract of land containing 5,821 square feet, more or less, Parcel VY5-011; and (E) the payment by Sazesh to the City of \$11,807.00 and (F) the payment by Schueneman to the City of \$24,032.00; and (G) other good and valuable consideration - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Wiseman absent. ORDINANCE 2006-1051 ADOPTED.
30. ORDINANCE approving and authorizing second amendment to Water Supply Contract between the **CITY OF WEST UNIVERSITY** and the City of Houston relating to the Construction of Kirby Drive Storm Sewer Project (WBS Nos. M-000771-0002, M-000771-0003, M-000771-0004) **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Wiseman absent. ORDINANCE 2006-1052 ADOPTED.
31. ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing contract between the City of Houston and **ATSER, LP**, for Construction Management and Inspection Services for Street & Bridge Projects (WBS No. N-000530B-0002-4) **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Wiseman absent. ORDINANCE 2006-1053 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item Numbers 39, a, b, c, d, e, f and g out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Clutterbuck and Wiseman absent. MOTION 2006-0928 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 38, a, b, 24 and 34 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-0929 ADOPTED.

39. WRITTEN Motion by Council Member Holm to amend Item 39G below:
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**) – was presented. Council Member Wiseman. absent.

After a lengthy discussion by Council Members, Council Member Johnson moved to refer Item No. 39 back to the administration for consideration by the voters of Houston in the November 2007 election, tagged by Council Members Sekula-Gibbs and Alvarado.

Council Member Brown moved to call the question on Item No. 39. Council Member Lawrence voting no, balance voting aye. MOTION 2006-0930 ADOPTED.

A roll call vote was called on Item No. 39.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2006-0931 FAILED

- 39a. WRITTEN Motion by Council Member Holm to amend Item 39G below:
In Section 21-242 "Where smoking not regulated", delete provision (5) - **TAGGED BY COUNCIL MEMBER WISEMAN** – was presented.

After discussion by Council Members a roll call vote was called on Item No. 39a.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2006-0932 FAILED

- 39b. WRITTEN Motion by Council Member Holm to amend Item 39G below:
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** – was presented.

After discussion by Council Members, Mr. Michel stated that he believed that the intent was to allow that type of retail, tobacco store, to have food and beverage sales below 40%.

After further discussion by Council Members, Council Member Sekula-Gibbs moved to call the question, seconded by Council Member Alvarado. Council Members Lawrence, Alvarado and Sekula-Gibbs voting aye, balance voting no. MOTION 2006-0933 FAILED.

After further discussion by Council Members, Council Member Holm moved to postpone Item No. 39b until after Item No. 39e. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0934 ADOPTED.

Council Member Berry requested a definition of the word “utilized” as it was used in the ordinance at some point before they take it up.

- 39c. WRITTEN Motion by Council Member Holm to amend Item 39G below:
Amend Section 21-236, to remove the definition of tobacco bar from the ordinance. – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Holm moved to table Item No. 39c, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0935 ADOPTED.

- 39d. WRITTEN Motion by Council Member Holm to amend Item 39G below:
In Section 21-242 “Where smoking not regulated”, delete provision (6). – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

After a discussion by Council Members, Council Member Lawrence requested that in six months they get some kind of statistics on what was going on because they may need to pass further legislation as far as their ordinances, as far as separate air conditioners, and Mayor White stated that they would six months from the effective date.

Council Member Green moved to call the question, seconded by Council Member Alvarado. Council Members Alvarado and Green voting aye, balance voting no. MOTION 2006-0936 FAILED.

After further discussion a roll call vote was called on Item No. 39d.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2006-0937 FAILED

- 39e. MOTION by Council Member Holm/Seconded by Council Member Edwards to amend Item 39G below:
Amend Section 21-242 “Where smoking not regulated”, delete provision (7). – **(TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

After discussion by Council Members, a roll call vote was called on Item No. 39e.
ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2006-0938 ADOPTED

- 39b. WRITTEN Motion by Council Member Holm to amend Item 39G below:

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** - was again before Council.

Mayor White stated they were on Item No. 39b and believed that Council Member Holm had a written amendment on the item which the administration supported and asked if Council Member Holm had circulated the amendment.

Council Member Holm stated that she did not know if they had or not because she did not know which one they agreed to but the one she was offering was, “the retail tobacco stores provided that no on premise consumption of alcoholic beverages is permitted and smoke from these establishments does not infiltrate into areas where smoking is prohibited under the provisions of this article”.

Note: It was the interpretation of the City Secretary that the amendment offered by Council Member Holm was an amendment to substitute for the language contained in Item No. 39b.

Mayor White stated that they agreed with this particular amendment and called for a vote. All voting aye. Nays none. SUBSTITUTE MOTION 2006-0939 ADOPTED.

39f. WRITTEN Motion by Council Member Lawrence to amend Item 39G below:

(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 ALVARADO and WISEMAN** – was presented.

After discussion by Council Members, Council Member Alvarado moved to call the question, seconded by Council Member Sekula-Gibbs. Council Members Alvarado and Sekula-Gibbs voting aye, balance voting no. MOTION 2006-0940 FAILED.

After further discussion by Council Members, Council Member Sekula-Gibbs moved to call the question, seconded by Council Member Alvarado. Council Member Berry voting no, balance voting aye. MOTION 2006-0941 ADOPTED

A roll call vote was called on Item No. 39f.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2006-0942 FAILED.

39g. 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 – **(This was Item 23 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** – was presented as amended.

Council Member Garcia stated that he was proposing one final amendment and presented the following written motion and that it would read, “Where permitted, on City owned property, that there should be a clearly and conspicuously posted sign within the interior and exterior of the facility stating the Surgeon General’s warning, smoking causes lung cancer, heart, -----.”

Mayor White stated that they had no objection to adding that requirement to the posting if there were any such places on City property.

Council Member Johnson stated that he made a motion to refer the item back and let the voters decide and believed again, as they had gone around the room, and moved to override the tag.

Council Member Alvarado asked for a point of order and stated that Council Member Johnson motion was out of order, his motion should have been made right when his motion was tagged.

Mayor White stated that he agreed, and on the point of order, the Council does not consider things which were already moot or had been rendered moot under State statute and for this particular provision to have been brought up it would have had to been brought up some sixty days before the November 7, 2006 election, that would not be in violation of State law.

After further discussion by Council Members, Council Member Lovell stated that she wanted to add a friendly amendment to Council Member Garcia amendment, “that the same wording and posting be applied to the tobacco bars, seconded by Council Member Garcia.

Council Member Sekula-Gibbs stated that she tagged Council Member Garcia amendment and Council Member Lovell friendly amendment.

After further discussion, Mayor White stated that there were many suggestions around the Council table concerning actions that the City may consider in the future using their ordinance making authority, this would not be the last time that the City shall consider this particular issue.

Council Member Wiseman asked if Mayor White was saying that by the tag of the item it went away, that she thought that their tag rule said that they could tag an item unless taking that action rendered it moot, and that was exactly what Mayor White had said, it was moot, so that was in violation of their rules, that when they tagged items before, Mr. Michel had said that the reason they could tag an item and it was not rendered moot was that it did not necessarily mean that they would pass that item so even if they did not pass the Smoking Ordinance today Council Member Johnson still had the right to ask the body to put that item up before the people for a referendum vote, so whether the item passed or not he could still do that, that in the past they had been told they could tag it because it did not render it moot because it was not dependent on the ordinance passing, Council Member Johnson's motion was not dependent on the Smoking Ordinance passing or not passing.

Mayor White stated that he misspoke on the issue of it being moot, that he misread it to say election in November 2006, he sustained a point of order on another reason, on the timeliness of the motion to reconsider the tag.

Council Member Wiseman stated that it was not an issue of the time limit on the tag, it was their Council rules, they could make a motion to override the rules but it would require a super majority of ten votes, however, to say that the tag did not render it moot, they could not tag it, they were not at the issue of removing the tag or not removing the tag because what happened was they tagged an item the administration said would go away, well it did not go away because tagging the item rendered it moot, so the rules say they could not allow a tag if it rendered the item moot and Mayor White had said that an item was not rendered moot because it was contingent on the item passing or not passing, that by tagging it it rendered it moot and they could not do that then.

Mayor White stated that they had a number of City Attorney opinions that they could go over on things that were taggable and not taggable, on the issue of whether or not somebody could have a motion or ordinance or to call an election in 2007 on a particular matter then there would be other opportunities to raise that, it would have to be done sixty days before the election in 2007.

Council Member Wiseman moved to override the Chair's ruling of the tag on the motion by Council Member Johnson. Mayor White called for a second and hearing none MOTION 2006-0943 died for lack of a second.

Council Member Green moved to stay in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0944 ADOPTED.

After further discussion by Council Members, a roll call vote was called on Item No. 39g as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2006-1054 ADOPTED AS AMENDED

Mayor White stated that the City Council, citizens with strong opinions, just passed one of the most aggressive ordinances in the Country to create smoke free places for employees, that it was a real tribute to Council Members Sekula-Gibbs and Alvarado, who had been pushing the issue and he could add a lot of other names, but those two Council Members had really done something to build a consensus, a vote by a margin that nobody would have ever imagined at this critical time in the City. Council Member Wiseman absent.

Council Members thanked Mayor White for putting the item on the agenda and thanked everyone who had worked on the item so diligently. Council Member Berry absent.

38. WRITTEN Motion by Council Member Holm to amend Item 38B below as follows:
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 – **(TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Edwards absent. MOTION 2006-0945 ADOPTED. (Note: Vote was recalled as Members of Council advised they did not hear the call for a vote.)

Council Member Wiseman stated that she would like her no vote recorded on Item No. 38, that Mayor White was not speaking up very loudly and she did not hear him call for the vote and she would like her no vote recorded on Item No. 38.

Mayor White stated that they could do it one of two ways and asked if there was any objection to the reconsideration of Item No. 38 and hearing none by consent it was so ordered.

A vote was recalled on Item No. 38. Council Members Wiseman, Sekula-Gibbs and Berry voting no, balance voting aye. MOTION 2006-0945 ADOPTED.

- 38a. WRITTEN Motion by Council Member Garcia to amend Item 38B below as follows:
I move to amend Item 38B by adding the following as a new Section 2 to the proposed Ordinance and renumbering the remaining 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." – **(TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK)** - was presented. Council Members Wiseman and Berry voting no, balance voting aye. Council Member Edwards absent. MOTION 2006-0946 ADOPTED.
- 38b. 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 – (This was Item 22 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented.

Council Member Lawrence offered the following written motion to amend Item No. 38b. Council Members Holm and Alvarado absent.

“RE: Agenda Item No. 38b (10/18/2006)

I move to amend Item 38b by adding a new Subsection (c) to Section 10-548 of the proposed Ordinance to read as follows:

(c) It is a defense to prosecution under this section that the person, who is the owner or who has primary responsibility for control of property or for repair or maintenance of property, has executed a graffiti abatement waiver, as promulgated by the neighborhood protection official, and has filed such waiver with the neighborhood protection official prior to defacement of property.”

After further discussion by Council Members, a vote was called on Council Member Lawrence motion to amend Item No. 38b. Council Member Wiseman voting no, balance voting aye. MOTION 2006-0947 ADOPTED.

Council Member Garcia stated that he wanted to submit an amendment to clean up some language, it had been submitted in writing essentially to amend the definition of a paint stick in Section 10-541 as follows:

RE: Agenda Item No. 38 (10/18/2006)

“I move to amend Item #38 by amending the definition of *paint stick* in Sec. 10-541 of the proposed Ordinance to read as follows:

Paint stick means a solid form of paint capable of leaving a mark of at least ¼ inch in width.”

Council Member Garcia stated that he would also like to add that in the ordinance, since they had resolved a lot of the compliance and support issues, that where it read in the ordinance “180 days or six months to implementation” that it be changed to read “sixty days”, seconded by Council Member Lovell.

Mayor White stated that they supported the amendment which had two different provisions, a definition of paint stick and effective date of sixty days.

A vote was called on the motion to amend Item No. 38b by Council Member Garcia. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. MOTION 2006-0948 ADOPTED.

A vote was called on Item No. 38b as amended. Council Members Clutterbuck, Wiseman, Sekula-Gibbs and Berry voting no, balance voting aye. ORDINANCE 2006-1055 ADOPTED AS AMENDED.

24. CONCURRENT Ordinance creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – was presented, and tagged by Council Members Holm, Sekula-Gibbs, Clutterbuck and Wiseman.

After discussion by Council Members, Mayor White stated that Item No. 24 had been tagged.

34. 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 – **(This was Item 4 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBERS KHAN, SEKULA-GIBBS and LAWRENCE)** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Berry, Wiseman, Lawrence, Lovell and Brown voting no, balance voting aye. MOTION 2006-0949 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

5. RECOMMENDATION from Directors of Finance & Administration and Building Services Departments for approval of Equipment Acquisition Plan for FY2007 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2006-0950 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,056,404.00 and acceptance of work on contract with **HAMILTON/LUMMUS, LTD.** for Scenic Woods Library Renovation, CIP E-0013-01-3 - 04.59% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2006-0951 ADOPTED.

PURCHASING AND TABULATION OF BIDS

21. **TOTER INCORPORATED** for spending authority to purchase Garbage Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$888,800.00 - General and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2006-0952 ADOPTED.
22. **COMDATA CORPORATION/TRANSMONTAIGNE PRODUCT SERVICES, INC** for spending authority to purchase Fuel Card and Related Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$4,960,000.00 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2006-0953 ADOPTED.

ORDINANCES

23. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to membership of the Building and Standards Commission – was presented, and tagged by Council Member Wiseman. Council Member Sekula-Gibbs absent.
26. ORDINANCE approving and authorizing the amended Administrative Guidelines for the Single Family Home Repair Program – was presented. Council Member Sekula-Gibbs absent.

After discussion by Council Members, a vote was called on Item No. 26. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1056 ADOPTED.

27. ORDINANCE awarding contract to **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC** for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options \$14,069,293.75 - Enterprise Fund - **DISTRICTS D - EDWARDS and I – ALVARADO** – was presented, and tagged by Council Members Garcia, Holm, Alvarado, Green and Khan. Council Members Wiseman and Sekula-Gibbs absent.
28. ORDINANCE approving and authorizing agreement between the City of Houston and **STRATUS TECHNOLOGIES, INC** for Computer Maintenance Services for the Houston Airport System 3 Years with two one-year options - \$491,148.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I – ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1057 ADOPTED.
29. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for the Planting of Trees along Will Clayton Parkway - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1058 ADOPTED.
32. ORDINANCE appropriating \$2,268,200.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **C AND C SERVICES** for Water Line Replacement in the Stratton Place Area, WBS No. S-000035-00D8-4; 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 testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1059 ADOPTED.
33. ORDINANCE appropriating \$3,365,600.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Bay Area Blvd. & N. Velasco Pump Station Renewal/Replacement, WBS No. R-000267-0076; 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 testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS E - WISEMAN and H - GARCIA** – was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1060 ADOPTED.

MATTERS HELD - NUMBERS 35 through 41

35. 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 – **(This was Item 5 on Agenda of October 11,**

2006, TAGGED BY COUNCIL MEMBERS KHAN and ALVARADO) - was presented. Council Members Wiseman and Sekula-Gibbs absent.

Council Member Alvarado moved to postpone Item No. 35 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. MOTION 2006-0954 ADOPTED.

36. 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 – (This was Item 10 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2006-0955 ADOPTED.

37. MOTION by Council Member Clutterbuck/Seconded by Council Member Lawrence to amend Item 37A below as follows:
“Council will, on the final approval of the contract, specify the approved use of the abandoned parcel” – **(TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Members Wiseman and Sekula-Gibbs absent.

After discussion by Council Members, a vote was called on Item No. 37. All voting aye. Nays none. Council Members Johnson, Sekula-Gibbs and Alvarado absent. MOTION CARRIED.

37a. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt 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 – (This was Item 12 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Members Johnson, Sekula-Gibbs and Alvarado absent. MOTION 2006-0956 ADOPTED AS AMENDED.

40. ORDINANCE establishing City of Houston Election Precincts and designating Polling Places for the City of Houston Election to be held on November 7, 2006 – **(This was Item 24 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1061 ADOPTED.

41. 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 Taxiway “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 – (This was Item 44 on Agenda of October 11, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Members Wiseman and Sekula-Gibbs absent. ORDINANCE 2006-1062 ADOPTED.

Council Member Holm moved to suspend the rules for the purpose of reconsidering Item No. 34, seconded by Council Member Wiseman, Mayor White stated that they opposed the motion to suspend the rules to reconsider Item No. 34, that he did not think anybody felt as strongly about some aspects of the performance of the vendor as did he or Mr. Lewis, they needed to keep their eye on fixing the problem as best they could, so they supported the main item and opposed the motion to suspend the rules.

A roll call vote was called on Council Member Holm's motion to suspend the rules for the purpose of reconsidering Item No. 34.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson absent	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs absent
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2006-0957 FAILED

Mayor White stated that there was a bunch of people whose judgment he greatly respected around here that did not believe they should appropriate additional funds and he would ask if there were some courses of action which individual Council Members believed that they should pursue then he would very much appreciate that and among the courses of action considered, and which still may be in the hopper, were litigation against a particular vendor or a whole lot of other action against a particular vendor but his goal was to get it fixed and if people could give him some guidance based on what they had heard or judgment of how they could do it then he would appreciate their input on it. Council Members Johnson, Brown and Sekula-Gibbs absent.

After further discussion by Council Members, Mayor White stated that he wanted a report from Mr. Richard Lewis. Council Members Wiseman, Brown, Sekula-Gibbs and Berry absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she wanted to refer her colleagues to the RCA for agenda Item No. 26 because she was sure they would get a number of calls from people wanting to know what it meant, that basically they were saying if the City was helping people to restore, repair or even rebuild their homes that there was a process if they sell or the person dies within a certain period that the City could recoup some of those dollars, that it did not prohibit the heirs from selling the property but if it is within a certain period the City would be able to recoup or recycle some of the dollars to be used for repair and rebuilding in the affordable home system, that she would really encourage them to read it so they could be really clear on where they were going with it, that she wanted to thank Mr. Wilson and Matt Jenkins in particular for trying to get some substance to what they were trying to do, not just giving people a hand out but trying to give a hand in also being responsible and being good stewards of the dollars. Council Members Wiseman, Khan, Holm, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that in passing Chapter 19 of the Flooding and Drainage Ordinance they were now looking at Chapter 9 that looked at properties outside of the designated flood plain or flood way, now building would be regulated in those areas, a lot of them had questions about what happens when they put 14 townhomes on a spot of land, what happens with the sheet flow and what was the owner and builder responsible to the community, that Chapter 9 would be coming up and they would be doing the same process of having committee meetings and looking and listening to stakeholders and the stakeholder groups were looking at Chapter 9 to see how they could pull together an ordinance that would be a win win situation for all of them; that she was advised by Ms. Travis that the State was looking to hold a hearing in Houston regarding a possible regional flooding drainage standard and she thought it was something they should be a part of and play a real large roll in, that she was looking forward to it happening. Council Members Clutterbuck, Wiseman, Khan, Holm, Alvarado, Sekula-Gibbs and Green absent.

Council Member Edwards stated that regarding the Smoking Ordinance she hoped it sent a signal to their State and Federal representatives, that they needed more from them than just letters supporting the Council's action, that they needed for them to get some actions in place in the upcoming session that they would be starting with, because they could develop a level playing field in the State. Council Members Clutterbuck, Wiseman, Khan, Holm, Alvarado, Sekula-Gibbs and Green absent.

Council Member Edwards stated that the Comets could not leave Houston, that she would like to see if there would be any way that the City could buy the Comets, through either the Sports Authority or the Convention and Entertainment Bureau or all the things they had in the City to encourage the people to come to the City, the Comets had been an awesome asset to the City of Houston and she thought they could continue to be, that she would really like to see them keep the Comets in Houston, Texas, that what they had done for women's sports in the City and in the schools and so forth, that she would like for someone to officially tell her they could not do it, that she would like for someone to examine that for her. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Lawrence stated that she wanted to commend Mayor White for the ribbon cutting ceremony yesterday, that it was wonderful to get 12 more acres of parks space, that his support with the 11th Street Park had been very important, that she was trying to step that up along with many constituents in that area, they were going to have a fund raiser on the 21st and she called together George DeMontrond, Roy HERNBERGER and Bill King the other day and they had a very good meeting, that she talked with ROKSAN about it to raise the rest of the money and thought that was going to move forward, that she would be putting out a letter on Monday to various people, and for the Council Members who were not aware, there were twenty one acres inside the loop that they had a chance to purchase, the money being raised right now was \$5.5 million, they needed to raise \$3.7 million more so she would be talking to various At Large Council Members encouraging them to get involved with people that they knew of and people who really appreciated parks in the City to try to raise the additional money, so anybody out there who was interested in keeping the twenty one acres as park space to please make their donation to the Parks Board and designate it as the 11th Street Park. Council Members Johnson, Wiseman, Khan, Holm, Lovell and Sekula-Gibbs absent.

Council Member Lawrence stated that she wanted to say thank you to Mr. Marcotte and Mr. Dan Kruger, they had been working with the Harris County Appraisal District and the Harris County Flood Control on flooding in northwest Houston on White Oak Bayou and they stepped up and created an intersection that would bring Aldine Independent School District on board and would be able to close two streets that would help in the widening of White Oak Bayou, that she was very fortunate to have directors that listen and really get things done, that last week when

they had 10 inches of rain the intersection of Victory and Antoine did not even have water up to the curb, so it had been a lot of work and it all paid of. Council Members Johnson, Wiseman, Khan, Holm, Lovell and Sekula-Gibbs absent.

Council Member Garcia stated that he would encourage Houstonians to continue to support their Houston Texans; that a year ago there was a whole lot of excitement about the Houston Dynamo and that team came to Houston after a lot of work bringing major league soccer to the City of Houston, thanks to a lot of good work, and they had not disappointed anyone, they had a winning season and were in the playoffs, that they were fun to watch. Council Members Lawrence, Johnson, Wiseman, Khan, Sekula-Gibbs and Green absent.

Council Member Holm stated that she wanted to say again thanks to everybody, she thought what they did for Houston in the terms of addressing their citizens concerns and interest in a smoke free Houston was monumental. Council Members Lawrence, Johnson, Wiseman, Khan, Sekula-Gibbs and Green absent.

Council Member Holm stated that they had representatives present from two subdivisions in District G, Tanglewilde and Westmont, who had worked with their office over a long period of time to address some issues with some bars in their neighborhood that had impacted the quality of life dramatically, that she and representative Wooly had filed complaints with the TABC and today there would be an announcement made that the City was taking some big steps in addressing the issues of these bars that come in inappropriately licensed and impacting and prevailing upon their citizens, and Mayor White stated that it was an important announcement and they would hear it before all Members of Council. Council Members Lawrence, Johnson, Wiseman, Khan, Sekula-Gibbs and Green absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place Tuesday, October 31, 2006 in lieu of their November meeting at 10:00 a.m. in the Council Chamber, they were also going to bring up some of the issues regarding Municipal Courts. Council Members Lawrence, Johnson, Wiseman, Khan and Sekula-Gibbs absent.

Council Member Green stated that the Windsor Village United Methodist Church was hosting a job fair on Saturday, October 28, 2006, called the Career Initiative from 9:00 a.m. to 12:00 p.m. at the Power Center at 12401 South Post Oak, that space was limited and they could call 713-551-8658 to reserve a spot; that on Thursday, October 25, 2006 the annual Gulfton Spooktacular would be Burnet Bayland Park at 6200 Chimney Rock at Gulfton, it was a free haunted house and there would be food, fun and activities and was sponsored by HPD, the Weed and Seed Division, the Gulfton Youth Development Program and the Mayor's Anti Gang Office. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to congratulate Council Members Sekula-Gibbs and Alvarado, that he knew there had been a lot of work and time spent on the smoking ban, with which he strongly disagreed but the process was that if a majority of City Council Members voted for an item and the Mayor puts it on the agenda it passes and he had a great deal of respect for that process, that he thought they had to be careful that they always did what they do in good faith and that there was always respect for this institution and the people who occupy it, that the examples he would use that troubled him, regardless of the merits of Council Member Johnson's amendment if they tagged his amendment at the point at which he offers it what they were telling that individual was that they did not wish to give him a vote, that they wished to use parliamentary procedure or a Council rule to prevent discussion on his item, that to him was not good faith, if they called the question on an item when there were yet to speak Members of Council they say that those members, elected just as they were, that they

should not have an opportunity to voice their concern and yes it was tedious to hear people voice the same concern three or four or five or six times every week in a row but that was the process, that parliamentary procedures should never be used to squash discussion, it was a process by which they preserved order and decorum and gave themselves a structure and they all subscribed to it but he did not think any of them ever intend or should intend to use that to prevent an open discussion, that he always wanted to be able to say that the process was fair, that under this Mayor and under his leadership of which he had been very supportive of the way he had conducted the meetings, he was proud of the fact that they disagreed agreeably. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that usually as a result of a Council Member who wanted to be able to vote on something because of a conflict that he had scrupulously tried to reserve the rights of Council Members to tag items and then on the Roberts Rules of Orders Council Member Wiseman, in his first meeting that he had with Council Member, asked them some suggestions of how they should conduct all of City business her number one point was to read and apply Roberts Rules of Orders as written and required by the Council rules, that he would advise Council Members to be familiar with both the rules of Council and the Roberts Rules of Orders and would further advise Council Members that if they had important substantive amendments that the Council rules were designed to prevent those from being raised at the last possible opportunity and they would apply those rules. Council Members Lawrence, Johnson, Edwards, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he was not criticizing Mayor White's role as chairman of the meeting he just wanted to make sure that moving forward once they vote on items it had been so fair and open that they all walk away and all of them conduct themselves so that the next week citizens were not shortchanged over an old issue. Council Members Lawrence, Johnson, Edwards, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to recognize Mayor White for recognizing him this past Monday, that Mayor White had proclaimed it Peter Brown Day, that he also wanted to commend Mayor White for the letter of that same day, October 16, 2006, where Mayor White talked at some length about the function of the major thoroughfare plan in the City of Houston and he said some very good things about it and he would add that they not only needed a major thoroughfare plan they needed a transportation plan that included secondary and tertiary thoroughfares as terms of general alignment, which the developers out there who were trying to figure out how to develop their property would greatly appreciate, by the same logic they did have some flooding that went on in the City and he had discussed and thought there was a lot of support for a parallel type plan, a major drainage ways plan, because those same developers would like to know where the major drainage way ought to go and the secondary drainage way, etc, and he thought they would abide by that plan; that Mayor White also mentioned in his letter the issue of Neighborhood Protection and how their neighborhoods were troubled by the re-urbanization of the City, particularly inside the loop, that he would say that in terms of the neighborhood conflicts they could not blame the developers and builders because they build or crowd onto a lot as much as the City's regulations would allow and he would submit that if they had stronger regulations it would not be a deterrent to development, but it would cause development to occur in different places, that he was hoping they could move forward with these very carefully thought out and reasonable regulations and understand that it was not realistic to be able to regulate the City on what he would call an ad hoc or case by case basis. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was pleased to present Mayor White a personal letter from the Mayor of Nice, France, that he believed it was an invitation to begin a dialog about their Sister City ties with the great port city on the Mediterranean of Nice. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to wish a Happy Birthday to Council Member Brown and to Sharon Shanahan from her office. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to say thank you to everyone for all the work on the graffiti issue, that she thought it would make a difference in the City and with their youth. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated she lived in Montrose and there were seven proposed highrises or midrises and were going to be built probably in the next three to five years and that was a tremendous impact on their neighborhood and she would like to urge the things that they could regulate, but what really impacted a neighborhood more than anything was the traffic and it seemed to be something that sort of slipped through their fingers that they did not really think about and they had a great opportunity right now knowing what the development was going to be in the Village and Montrose area, they were going to be the urban epicenter of the City and it was going to change tremendously and she did not think it was a bad thing that it does, it was very exciting, but it would not be exciting for them that lived there if the traffic was so bad that they would not be able to move around in their own neighborhood and it was something that she would like for them to look at, that they used to have a Traffic Department that really studied traffic patterns, that before somebody could come in and get approved to build there had to be a traffic impact study to how it would affect the homeowners in the neighborhoods, that a lot of their children walk to school and she could see in her own neighborhood right now there was some sewer line construction going on and had the kids who walk from Poe to Lanier or even the parents who walk their children have had to cross the streets numerous times because of the way the sewer lines were being put in, it was not done in a well thought out way, that they had complained about it and Mr. Gary Norman and Public Works had been great about going out and making sure that the people that were doing the construction put out the barriers and kind of regulate. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that it would be a sad thing for the City to lose the Houston Comets, they were one of the last sport venues they could go to where they did not have to float a loan to enjoy some good sport and watch basketball, especially to go and watch the young women in the City who watched those women play and know they could be a professional athlete also, that she hoped that someone would step up, that there would be an outcry if the Astros, Rockets or Texans were moving, there would be a movement within the City that they not move and she hoped that they have that same kind of movement amongst the business community and their leaders that they not lose the Houston Comets, that they had brought them more championships than any of the others had. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that they were the beneficiaries of being in some sense the last of the world's major urban centers to see the type of high density and highrise residential development in the City's center that they would be experiencing in the next decade, they had the benefit from their experience from learning one indispensable way of dealing with the traffic issues and

it was called mass transit and rapid transit, that now was the moment for their community to decide whether or not they wanted to say no to denser urban development, in which case they should adopt the rules and regulations doing that or they should yes in which case they better complete the package by having a plan sooner rather than later for expanding the rapid transit alternatives for their community, that they needed to build a public consensus, a broad based consensus that all elected officials would buy into, it was a matter of physics. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

Council Member Edwards stated that she wanted to say thank you to Harris County Flood Control and to the Public Works Department, the work that had been done on drainage and on flooding issues, the widening of the bayous, they got 13 inches of rain in some parts of the City and there were challenges still but it could have been another Allison by all rights but for the work that had been going on in the City she was really proud to drive Sunnyside and she did see some problems but it was nothing like she usually saw in other areas; that she wanted to thank Mr. Marcotte, they did have a challenge on Alameda and she called him at 8:00 p.m. and he called his person about 8:30 p.m. and Mr. Irish who had been out there four times with Ms. Carter trying to get the issue straightened out she wanted to thank them very much for their work and for going beyond. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

There being no further business before Council, the City Council adjourned at 1:43 p.m. Council Members Lawrence, Johnson, Wiseman, Khan, 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