

City Council Chamber, City Hall, Wednesday, January 19, 2000

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 19, 2000, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise D. Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office, Mr. Richard Lewis, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Jesse Cantu, Director, Citizens Assistance Office and Ms. Martha Stein, Agenda Director, present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Brown called the Council Meeting to order and Council Member Boney led everyone in prayer and pledge of allegiance. Council Members Goldberg, Vasquez and Sanchez absent.

At 9:12 a.m. Mayor Brown requested the City Secretary to call the roll. Council Members Goldberg, Vasquez and Sanchez absent.

Council Members Boney and Robinson moved that the minutes of the preceding meeting be adopted. Council Members Goldberg, Vasquez and Sanchez absent.

MAYOR'S REPORTS

Council Member Robinson moved to suspend the rules to take Item 46 out of order, and was seconded by Council Member Keller. All voting aye. Nays none. Council Members Goldberg, Vasquez and Sanchez absent. MOTION 2000-0063 ADOPTED.

46. RESOLUTION approving the creation of a Local Government Corporation for purposes related to the construction and operation of a Convention Center Hotel; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors – **(This was Item 28 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBERS TODD, ROBINSON, QUAN, TATRO, VASQUEZ, KELLER, PARKER, BELL, ELLIS and GOLDBERG)** – was presented.

Council Member Robinson stated that he and other Council Members had amendments being distributed to the Convention Center Hotel documents. Following is a summary of his proposed changes which were distributed to Council:

- A. **Appointment and Removal of Directors:** regarding articles and bylaws and providing for removal and appointment of director.
- B. **Term of Office for Directors:** regarding time the director would serve.
- C. **No Services by Board Members:** regarding no board of director providing services to corporation.
- D. **Meetings of Board of Directors:** regarding with complying with both open meetings and open records acts in the State of Texas.

- E. Board Composition: regarding calculating the number of board of members of the board.
- F. Governance Matters: regarding instruments requiring City consent before the corporation may undertake them.

Council Member Robinson moved for a two week delay on the item and a two week delay on all proposed amendments, and was seconded by Council Member Keller. Council Members Vasquez and Sanchez absent.

Council Member Tatro thanked Council Member Robinson for moving the item forward and stated that his amendments were in writing and he wanted to be sure they were received; and presented his written proposed amendments. Following is a summary of his proposed changes which were distributed to Council:

Article II, Section 2.01 General Powers: Number, Appointment: Qualifications (complete replacement for the section) regarding its board of directors and being recommended by the Mayor with approval of City Council

Section 2.02. Tenure (complete replacement for the section) regarding term set, removal from office with approval of City Council and replacement with approval of City Council

Section 4.06. Audits changing the word Comptroller to Controller.

Article IV Paragraph 5 (partial replacement) regarding entering into agreement pursuant to which developer, architect or operator is granted their right to do so

Article VI (complete replacement for the section) regarding its board of directors and being recommended by the Mayor with approval of City Council, term set, removal from office with approval of City Council and replacement with approval of City Council

Article VIII regarding deleting reference to ex-officio members of the board

Article X regarding deleting the last sentence

Article XI regarding deleting the last paragraph.

Council Members Vasquez and Sanchez absent.

Council Member Castillo stated that he had read Council Member Robinson's amendments and found them acceptable; that he had not read Council Member Tatro's, but a week should be more than enough time to look at them and act on them; that the further the item was delayed the more complications arose and if the item was to be delayed for two weeks he would recommend sending it to the Housing and Development Committee and looking at all amendments. Council Members Vasquez and Sanchez absent.

Council Member Robinson stated that he had no problem with that; that the two week delay was primarily to deal with Council Members having an opportunity to visit with board members but it may be best to send it to committee so they could come back with one clean set of amendments; and that he would withdraw his motion and to send all amendments and the main item to the Economic Development Committee for the purpose of coming up with one complete set of amendments, and asked if there were any oral amendments they be placed on the table so one complete package could be presented; and that he would like some agreement so when it came back from committee they deal with that only; and thanked Council Members Tatro, Keller and Ellis for working with him. Council Member Vasquez absent.

Council Member Robinson moved to refer Item 46 and its amendments to the Economic Development Committee, and was seconded by Council Member Todd. Council Member Vasquez absent.

Mayor Brown stated that Council had before them a motion to send Item 46 and its amendments back to the Economic Development Committee to come back before Council in two weeks. Council Member Vasquez absent.

Council Member Keller stated that he had assurance there would be experts on the technological side of the venture and he hoped his colleagues would join him on the importance of it. Council Member Vasquez absent.

Council Member Tatro stated that last week when the item came before Council they received at the table new bylaws; and upon questions, Mr. Lewis stated the final product was presented last Wednesday so if you took that final product along with Council Member Robinson's amendments that would be the starting point at this point from the Administration's perspective.

A vote was called on the motion to postpone all proposed amendments, and Item 46 for two weeks and refer them to the Economic Development Committee. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0064 ADOPTED.

Mayor Brown stated that Item 46 and its amendments would go to the Economic Development Committee and return to Council in two weeks. Council Member Vasquez absent.

Consent Agenda (Items 1 through 38) were considered as follows:

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:
 - Position Eight - **MR. JON A. SIMMONS**, from an Alternate Position for a term to expire July 26, 2000
 - Position Ten - **MS. DETRA STEWART**, completing a term to expire July 26, 2000 – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0065 ADOPTED.

2. REQUEST from Mayor for confirmation of appointment and reappointment of the following to the **CITY OF HOUSTON REINVESTMENT ZONE NUMBER THREE, also known as MAIN STREET/MARKET SQUARE**:
 - Position One - **MR. JAMIE MIZE**, for a term to expire January 1, 2002
 - Position Two - **MR. THOMAS V. GRIECO**, for a term to expire January 1, 2001, replacing Mr. Nick Gonzalez who has resigned
 - Position Three - **MS. ZINETTA A. BURNEY**, for a term to expire January 1, 2002, and as Chair for one year
 - Position Five - **MR. ALEJANDRO MESSING**, for a term to expire January 1, 2002, replacing Mr. Alexander Chae who has resigned

– was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0066 ADOPTED.

3. REQUEST from Mayor for confirmation of appointment and reappointment of the following to the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY**:

- Position One - **MR. JAMIE MIZE**, for a term to expire January 1, 2002
 - Position Two - **MR. THOMAS V. GRIECO**, for a term to expire January 1, 2001, replacing Mr. Nick Gonzalez who has resigned
 - Position Three - **MS. ZINETTA A. BURNEY**, for a term to expire January 1, 2002, and as Chair for one year
 - Position Five - **MR. ALEJANDRO MESSING**, for a term to expire January 1, 2002, replacing Mr. Alexander Chae who has resigned
 - Position Seven - **MR. CURTIS LAMPLEY**, for a term to expire January 1, 2002
- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0067 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **WESTCHASE MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire May 30, 2003:

- Position Nine - **MR. MARTIN WILTSHIRE**
 - Position Ten - **MR. MARK D. TAYLOR**
 - Position Eleven - **MR. BILL SENGLMANN**
 - Position Thirteen - **MR. DAVID J. LEE**
 - Position Fourteen - **MR. DOUGLAS L. ELLIOTT**
 - Position Fifteen - **MS. SUZANNE ANDERSON**
 - Position Sixteen - **MR. TOM WENZEL**
- was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0068 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 12

7. RECOMMENDATION from Building Services Department for approval of final contract amount of \$1,380,338.21 and acceptance of work on contract with **ALL-TEX ROOFING, INC** for Re-roofing the George R. Brown Convention Center, GFS B-0009-01-3 - 03.94% under the original contract amount - Enterprise Fund - **DISTRICT I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0069 ADOPTED.
9. RECOMMENDATION from Building Services Department for approval of final contract amount of \$428,596.15 and acceptance of work on contract with **PEDKO PAVING, INC** for Sommermeyer Neighborhood Depository, GFS L-0010-02-3 - 01.35% over the original contract amount Solid Waste Consolidated Construction and CDBG Grant Funds - **DISTRICT A – TATRO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting

aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2000-0070 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 19

LOW BIDS

13. **COMPONENT PRODUCTS, INC** for Breakaway Bases and Pole Foundations for Streetlights for Department of Public Works & Engineering - Replacement - \$28,800.00 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0071 ADOPTED.
14. **GREAT WESTERN SUPPLY CO., INC** for PVC Pipe and Fittings for Various Departments \$293,550.10 - General and Enterprise Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0072 ADOPTED.

OTHER

15. **CASCO INDUSTRIES, INC** for Fire Fighting Hoods for the Fire Department - \$291,900.00 - New and Replacement - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0073 ADOPTED.
16. **KNOGO NORTH AMERICA** for Security Strips and Audio and Video Cassette Markers for Library Department - New - \$47,558.40 - General Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0074 ADOPTED.
18. **RANKIN AUTOMOTIVE GROUP dba U.S. PARTS** for Engine Drive-Line and Chassis Parts for Various Departments - \$352,678.95 - General and Enterprise Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0075 ADOPTED.
19. **TURTLE & HUGHES, INC** - \$1,056,896.00, **WARREN ELECTRIC** - \$82,900.00, **DEALERS ELECTRICAL SUPPLY** - \$116,000.00 and **WINN LANGE HUGHES SUPPLY** - \$46,000.00 for Electrical Switchgear and Motor Controls for Various Departments - General, Enterprise and Fire Department Revolving Funds – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0076 ADOPTED.

ORDINANCES - NUMBERS 20 through 38

21. ORDINANCE approving and authorizing a lease agreement between **LIGHTHOUSE FOR THE BLIND OF HOUSTON, A Texas Non-Profit Corporation**, as tenant, and the City of Houston, Texas, as owner, for 2.316 acres of land out of the John Austin Survey and the improvements located thereon (located within the 3500 and 3600 blocks of West Dallas, Houston, Texas) - **DISTRICT D – BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2000-36 ADOPTED.
23. ORDINANCE approving and authorizing a special warranty deed conveying to W. Barclay Corporation (William B. Clayton, President) a parcel of land containing 249,169 square feet (5.720 acres), more or less, Parcel S99-052, being out Lot 58 of Meadowbrook Farms and located in the J. N. O. Smith Survey, A-691, Harris County, Texas (also known as part of the former Park Ten Municipal Utility District Wastewater Treatment Plant Site located east of Baker Road and south of Kingsland Boulevard), and in consideration of W. Barclay Corporation's payment of \$167,000.00, and other consideration to the City - Revenue - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-37 ADOPTED.
25. ORDINANCE approving and authorizing contribution agreement between **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** and the City of Houston, granting to the City the sum of \$30,000.00, to underwrite a portion of the lease payments for a lease agreement between **GULF COAST LEGAL FOUNDATION, a Texas Non-profit corporation**, and the City, leasing space at 1415 Fannin to the City for use as a Downtown Police Storefront Facility - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2000-38 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City and **EHRENKRANTZ, EKSTUT & KUHN ARCHITECTS, INC** for the Development of a Main Street Corridor Master Plan for the Planning and Development Department - \$260,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG, D - BONEY, H - VASQUEZ and I – CASTILLO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
30. ORDINANCE approving and authorizing ground lease agreements in connection with development of the East Cargo Area at George Bush Intercontinental Airport/Houston between the City of Houston and (1) **LYNXS HOUSTON CARGOPORT, LLC**; (2) **MLR EAST CARGO, LLC**; and (3) **TCC/AMMB AVIATION IAH LP** - Revenue - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2000-39 ADOPTED.
33. ORDINANCE appropriating \$46,021.28 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **NUHOME DESIGNS, Limited Liability Corporation**, for construction of Water and Sanitary Sewer Lines serving Section 2 of the Green Park Subdivision - **DISTRICT D – BONEY** – had been pulled from the Agenda by the Administration, and was not considered.

36. ORDINANCE appropriating \$388,978.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City and **URS GREINER WOODWARD CLYDE SOUTHWEST, INC** for the North Apron Environmental Safety System at William P. Hobby Airport (Project No. 563); CIP A-0380 - **DISTRICT E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-40 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of claim of **ALLSTATE COUNTY MUTUAL INSURANCE COMPANY as Subrogee of MARCEL BIZAOU**I - \$19,536.00 - Property & Casualty Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0077 ADOPTED.
6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MARIA GUADALUPE CASTRO VILCHIS, et al** v. City of Houston and Arnetta Washington in the 165th Judicial District Court of Harris County, Texas; Cause No. 97-46018 - \$217,500.00 - Property & Casualty Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and was tagged by Council Member Vasquez.

ACCEPT WORK

8. RECOMMENDATION from Building Services Department for approval of final contract amount of \$154,657.70 and acceptance of work on contract with **GULF STAR ROOFING AND SHEETMETAL** for Reroofing Dixon, Flores and Mancuso Branch Libraries, GFS E-0038-09-3 04.86% over the original contract amount - General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0078 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$947,010.12 and acceptance of work on contract with **INSITUFORM TEXARK, INC** for Construction of Sanitary Sewer Rehabilitation in Sims Bayou, GFS R-1033-16-3 (4260-16) - 16.08% under the original contract amount - Enterprise Fund - **DISTRICTS D - BONEY and I – CASTILLO** – was presented, moved by Council Member Galloway, and seconded by Council Member Boney. All voting aye. Nays none. MOTION 2000-0079 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,458,958.85 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Construction of Rehabilitation of Clarifiers and Thickeners at East Water Purification Plant; GFS S-

0056-10-3 (10211-10) - 03.28% over the original contract amount - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0080 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,417,607.42 and acceptance of work on contract with **C AND C SERVICES** for Construction of Water Main Extensions at Various Locations in Houston, GFS S-0700-VL-3 (10422) - 13.61% under the original contract amount - Enterprise Fund **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - BONEY; G - KELLER; H - VASQUEZ and I - CASTILLO** – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0081 ADOPTED.

PURCHASING AND TABULATION OF BIDS

OTHER

17. **JALCO, INC** for Emergency Repair of a Sanitary Sewer Line for Department of Public Works & Engineering - \$196,684.06 - Enterprise Fund – was presented, moved by Council Member Boney, and seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0082 ADOPTED.

ORDINANCES

20. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 99-1385 by deleting one (1) Assistant Arson Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented, and was tagged by Council Members Robinson, Vasquez, Sanchez, Bell and Ellis.
22. ORDINANCE approving and authorizing a special warranty deed conveying to Amir Zindani a parcel of land containing 35,649 square feet (0.8184 acre), more or less, Parcel S99-059, being out of the Harris and Wilson Two League Grant, A-32, Harris County, Texas (acquired for the 69th Street Wastewater Treatment Plant Site); located at 5400 Clinton Drive and in consideration of Amir Zindani’s payment of \$55,000.00, and other consideration to the City - Revenue **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2000-41 ADOPTED.
24. ORDINANCE authorizing the City of Houston to transfer eleven (11) notes and liens from the City’s Homebuyer Assistance Program to **HARRIS COUNTY** – was presented. All voting aye. Nays none. ORDINANCE 2000-42 ADOPTED.
26. ORDINANCE approving and authorizing contracts between the City and **THP-ARBOR COURT, L.P.** for a Reimbursement Agreement of certain overtime expenses incurred by the Houston Police Department - **DISTRICT B - GALLOWAY** – was presented, and was tagged by Council Member Sanchez.

28. ORDINANCE approving and authorizing Amendment No. 1 to an Airport Baggage Cart Concession and Service Agreement at George Bush Intercontinental Airport/Houston and William P. Hobby Airport between the City of Houston and **SMARTE CARTE, INC** - Through July 30, 2002 - \$449,661.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – was presented, and was tagged by Council Members Tatro, Keller and Bell.
29. ORDINANCE approving and authorizing agreement with **BECHTEL ENTERPRISES HOLDINGS, INC** to facilitate participation by the Department of Aviation in submitting a bid to the Mexican Government for the privatization of thirteen Mexican-owned airports; providing for authorization of the Mayor to execute other related documents – was presented, and was tagged by Council Member Bell.

Council Member Castillo stated that he would like to know if the item was time sensitive; and moved to suspend the rules to hear from Mr. Vacar, and was seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2000-0083 ADOPTED.

Mr. Vacar stated that the time sensitivity was they had received a letter from Bechtel about a week ago indicating they needed a decision by January 20 otherwise they would have to find another partner and if there was any ability to be flexible on it the Bechtel people were present.

Council Member Robinson moved to suspend the rules to hear from a representative of Bechtel, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0084 ADOPTED.

Council Member Boney stated that he would like Mr. Vacar to elaborate should they take the first step allowing the Aviation Department to be a part of the Bechtel proposal to the Mexican Government, what it would require them to do. Mr. Vacar stated that the bid phase would require them to act as a consultant role and he anticipated the budget for travel, for reimbursement of wages benefits and administrative costs, the budget agreed on with Bechtel was around \$70,000 and it involved three staff members for one month of their time each over the next three months and there would be some others in and out; that he would not be using anyone currently involved at the program at Intercontinental or Hobby in terms of development program and his own time would be minimal; that on the outside it would be 1,000 hours of Aviation staff time, but was more likely to be around 500 hours and if they were successful the technical agreement now before Council would obligate the City to go the next step and create a non-profit corporation which would be the vehicle through which they would actually engage in the privatization project in Mexico. Upon further questions by Council Member Boney, Mr. Vacar stated that the staff he referred to would be two from the Administration building and one from Hobby Airport, Frank Hailey, Luis Perez and Bill Hamby; that the only things he would ask them to delay were things which were delayable, he saw no impact on programs and the permanent staff would be based in Monterey and not work for the Aviation people; that he would guess the city would receive about \$1,000,000 a year or more. Council Members Keller and Robinson absent.

Council Member Bell stated that he thought this was the first time Aviation had entered into any type of agreement with a private contractor; and Mr. Vacar stated that for this purpose it was, they had engaged for a consultant for another entity; that they had consultants they dealt with for all sorts of purposes and this would turn it around to where the city was the consultants, but to this date they had not been consultants for other places except to say they did have programs where they had dialogue with other countries. Council Member Bell stated that this was the first time and he was not opposed to it but it did bear making sure all information was on the table; and upon further questions, Mr. Hall stated that it was premature to answer whether or not the nonprofit corporation was setup with a guaranteed shield because private sector attorneys would be engaged by the proposed joint venture to present to Council answers to those questions, but his legitimate questions was part of the reason they needed this rather accelerated and intensive due diligence examination to bring specific answers because there was no model in Houston for doing this before; that the item on the Agenda would move them forward but it was not the conclusive deal because that was not worked out yet.

Mayor Brown stated that this gave authority to move forward and work with Bechtel to see if they wanted to do it and then the conclusive deal would come back to Council.

Upon further questions by Council Member Bell, Mr. Vacar stated that if there was a reason not to participate that was significant, they would not, but with respect to the technical services agreement he believed it had a provision to indemnify the city and in addition to that defend the city. Council Members Keller and Robinson absent.

Mr. Mark Nielson, with Bechtel, stated that Mr. Vacar was correct there was a indemnification that would become effective with the project going forward. Council Member Bell asked who the major benefactor was if the deal went forward; and Mr. Hall stated probably the Mexican Government. Council Member Bell stated that this would probably give Continental a big advantage and he wondered if they were participating; and Mr. Vacar stated that they were not allowed to participate, but it would open doors for business with Bechtel and other businesses in Houston such as cargo and trade initiatives. Upon questions by Council Member Bell, Mr. Nielson stated as contemplated he saw them moving forward with an April 27 bid submittal date for bid to the Mexican Government and they expected about a month for a decision and then things should move forward quickly and once proclaimed winner they did need to plan on moving forward they would not be in a position to withdraw from the process; that he believed this would be the vote on moving forward to the extent there were normal issues to come before Council such as leases. Council Member Castillo absent.

Upon questions by Council Member Todd, Mr. Hall stated that they had only preliminary discussions with the parties and one specific response they were to get from independent Council was to the liability questions; that in-house they had not had experience doing one of these before; and they had engaged through a local Houston law firm to answer the questions for Council before they moved past the nonstop point. Council Member Todd stated that he would like to see that as he was not familiar with what type of liability a design team had. Council Members Boney and Castillo absent.

Council Member Sanchez thanked all Council Members who attended the briefing by Bechtel and Aviation Friday and stated that this was a unique opportunity for the City

of Houston; that for a number of years he chaired the City's International Trade Committee and as president of (HII) Houston International Initiatives in his travels to Latin America he had been struck by the number of foreign countries which participated in the Latin America infrastructure projects and it struck him with the absence of US involvement in particular Texas and Houston's involvement and so when Bechtel approached Aviation they thought it a unique and interesting opportunity and they brought it to the Mayor's attention and Mr. Haines asked the International Trade Committee to look at it and to him this was the first time Houston had the opportunity to put their presence in terms of infrastructure abilities in Latin America; that they did not have all liability answers but he understood Vinson and Elkins and Mr. Coleman were involved in the process and he certainly had confidence in Mr. Coleman's work. Council Members Goldberg and Castillo absent.

Council Member Tatro stated that Council Member Bell had a point with the liability; that he wondered if the vote today consummated the relationship between the City of Houston, Aviation and the consortium; that the vote was to move forward on things and he had a concern about the timing with respect to the legal liability issue and he hoped next week they could come closer to what the city's exposure was in the partnership. Council Members Goldberg and Castillo absent.

Council Member Sanchez stated that it was mentioned earlier that a number of Council Members opposed private sector deals, but this was revenue generating without the city having to issue any liability or incur any debt on behalf of the operation or consortium and the overwhelming benefit to the City of Houston was participation in Latin America where they were lagging way behind in infrastructure projects and other benefits were opening doors to other firms; that one issue that had not been brought up was travel safety, the fact that the City of Houston's Aviation Department was a small part, a technical advisor to the operation, and that would give the traveling public comfort and Continental Airlines would be expanding their markets in Latin America, particularly in Mexico. Council Member Sanchez asked how many markets Continental flew into now; and Mr. Vacar stated that they were flying into 17 in Mexico and at present Continental indicated they may get into the 30s as for as the cities. Council Members Goldberg and Castillo absent.

Council Member Sanchez stated that he would like to give his time to Mr. Hank Coleman to allow him to address the liability issue concern. Mr. Coleman stated that he was a partner at Vinson and Elkins and previously City Attorney; that in anticipation of their concerns they tried to work with Bechtel and design a structure to accomplish two things, it would place the Aviation Department in a position solely as a service provider but yet it would be responsive to the Mexican Government's requirements in the RFP by creating a separate nonprofit corporation that would be able to enter the ventures with Bechtel necessary to satisfy the RFP; that incentive payments, bonuses, etc., that might be captured would flow through the City of Houston because their plan was to create the nonprofit corporation to do two things, one was it was a shield for the City of Houston and separate enough to protect them yet nonprofit and no one could take profits out and the beneficiary would be the Aviation Department so they would get the best of both worlds and in addition to that they were able to negotiate with Bechtel that they would indemnify the airport system and the city in connection with any activity arising out of the contract and furthermore the provision in the agreement was if Bechtel was selected the

airport system was not obligated to provide any services except through the nonprofit corporation. Council Members Goldberg and Castillo absent.

Council Member Robinson stated that this was a new Council and he would respect Council Member Bell's tag; that his policy had been to vote to override any tag because they had established a precedent to not stand together as a Council and he wanted to be on the record that he would not vote to sustain anyone's tag, but today he wanted to start the new year if there was a clear understanding that if he tagged anything they were standing together, but if they changed he wanted them to know not to come back saying they had a good reason; and as a point of observation they had a discussion about the need for a subcontractor who was included in the original proposal to be in the proposal or the bid would be thrown out because it was not consistent and he wished that was city policy because his experience here was that people would submit bids with subcontractors and then they had a list of subs never used so if Council was going to hang their hat on that little logic on this issue they should be prepared to be serious when it came to at home on the need for subs included in bids to be used and paid timely; that the offer from Bechtel to use the City of Houston Aviation Department spoke to the quality, competence and capability and that point should not be overlooked and as a matter of experience no matter what Mr. Coleman or the City Attorney said any lawyer would tell you until you had the jury you did not know what the guarantee would be, you always had a liability and he would commend the department for due diligence; that this also spoke to economic opportunity, some Council Members had spoken on the need for public/private partnerships and innovative ways to generate revenues for the city and there was one now before them and they should not lose the opportunity; and Houston was an international city and people still thought of it as a city with tumbleweeds and people should know how they stood on the leading edge of technology; and he did hope Council Member Bell would remove his tag, but if there was a vote for his tag he would stand with him. Council Member Vasquez absent.

Council Member Bell stated that they were 30 minutes past time for the public session to begin and he thought there would be a good bit more discussion so if they could move on and delay the vote until after the public session he would appreciate it; and Mayor Brown stated that they were past time and they could do that. Council Member Vasquez absent.

Council Member Castillo stated that they were in the middle of a vote. Council Member Vasquez absent. Council Member Bell stated that the item was tagged. Council Member Castillo stated he did not know if they could even come back to something like that. Council Member Boney stated that they were not in the process of voting they were discussing whether there would be a motion to overrule the tag and if they suspended the conversation and heard the speakers maybe some of the questions could be answered; and Council Member Castillo stated that was fine, but he did not want to be precluded from coming back to the item. Mayor Brown stated they would make sure that happened. Council Member Vasquez absent.

Council Member Todd moved to postpone the discussion on Item 29 until after the public session, and was seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0085 ADOPTED.

At 10:03 a.m. Mayor Brown requested the City Secretary to call the list of speakers.

Ms. Tracy Pillsbury, 4823 Lost Lake Ln., Houston, Texas 77081 (281-353-7611) appeared and asked if the rest of her group be allowed to come up, that they were all present in support of the same thing and requested that they speak as a group and remain together so it would provide some continuity to their issue.

Council Member Parker moved to suspend the rules to hear from Ms. Arlene Kelley, Ms. Susan Hartnett and Ms. Marilyn Head out of order, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2000-0086 ADOPTED.

Ms. Pillsbury further stated that on December 7, 1999 she attended a City Council meeting and listened to parents tell heart breaking stories of how their children were brutally killed by police officers who had sworn to protect them, that one of those parents was Ms. Susan Hartnett who's son was killed in October 1998 and to this day had not been notified by the police that they killed her son, that another of those parents was Ms. Arlene Kelley, who was her mother, who told the story of how her sister was killed on August 24, 1999 by a Houston Police Officer, that since her sister was killed she had encouraged and supported her mothers numerous attempts to find out exactly what happened and why, that she had taken a passive role in supporting her inquiries regarding the investigation and shared her mothers disappointment and frustration as she continuously met with the blue wall of silence, that now she felt that it was necessary to come forward in active support of an independent civilian oversight board, that none of those who had suffered the tragedy of losing someone they loved were any closer to the truth surrounding the death of someone because those in charge of getting to the truth were not willing to share it with them, that what they got were non-answers, evasiveness and promises to get to the bottom of things, that she was tired of broken promises, and did not want a pat on the head and a cookie to help sweeten the bitterness of the crumbs that the police kept handing her family, that she was present to urge Council to listen to the concerns of the people they represented and place the proposals previously submitted by Corpus Justice on the agenda for consideration as a viable means of check and balance of Houston law enforcement. Council Members Vasquez and Castillo absent.

Ms. Arlene Kelley, 2715 Lazy Spring Dr., Houston, Texas 77081 (713-462-3808) appeared and stated that last month she had spoken to Council about HPD's failure to give her information relating to her daughters shooting death by a Houston Police Officer, that she pointed out numerous failures in their investigation, that at that time Mayor Brown suggested that she meet with Chief Wong who would provide her with an update of the investigation and could also appeal to the Citizens Review Committee, that she met with Chief Wong who promised to look into her concerns and she had not heard from him since, in fact she had not heard from anybody with the City or HPD, that she appealed to the Citizens Review Committee and when she was finally able to talk to the chairman of the panel who reviewed Coleen's shooting she was practically dumbstruck when she was told yesterday that CRC had reviewed her case over a month ago, so it had already been through HPD's Internal Affairs Department, the District Attorney's Office, the Grand Jury, the Citizens Review Committee and Chief Bradford, that Coleen's case had been retired, and all that happened while she was searching for answers and was ignored, that she was outraged that citizens and representatives of HPD and the City were allowed to play such hideous games with their lives, that game that was played over

and over again in Houston and HPD Officers played it well, that they and the City had repeatedly ignored the concerns of those citizens whose lives had been forever altered by irresponsible actions of some of its officers, that it was inexcusable, that Coleen's shooting had run the gamut of investigation but not one witness other than police officers and paramedics who were at her killing scene were ever interviewed, but regardless of what they did now, no amount of investigating could give her any satisfaction because she was dead, that she would never see her again in this life, that Ms. Susan Hartnett would never see her son again, that the Allen's would never see their son again, that Seymour's would never see their daughter again, that Ms. Oregon would never see her son again, that how many times must those scenarios be replayed before they finally got it, that last month she asked Council to place consideration of a civilian oversight board on its agenda, that she believed that the non-investigation of Coleen's death was a good example of HPD's need for an independent review of their accountlessness, that there was a lot of Rambo want to be's out there in HPD and they should be given the same due process that citizens would receive if they shot and killed someone and tried to get away with it by claiming they were in fear for their lives and urged Council once more to tear down the blue wall of silence and restore their faith in their police department, that they needed a civilian review board. Council Members Vasquez and Castillo absent.

Ms. Susan Hartnett, 3600 Jeanette No. 2708, Houston, Texas 77063 (713-952-2489) appeared and stated that she had come before Council on December 7, 1999 and asked for a civilian review board because she thought there was a need in Harris County for one, that her son was killed in October 1998 in a hail of 59 bullets, that she still to this day had not gotten a call from HPD that they killed him, that she came for some answers last month and had not gotten any yet, that Council Member Wong had asked Mayor Brown for the procedures and she still had not gotten them, concerning when a policeman was involved in a killing what were the procedures, that they talked to Chief Wong after they last met at Council and they still had not gotten any answers from him either, that she really thought that there was a need for an oversight board to review police brutality and to have a check and balance and accountability. Council Members Vasquez and Castillo absent.

Ms. Marilyn Head, 7820 Van Ness, Houston, Texas 77037 (281-405-8998) appeared and welcomed the new members of Council and stated she hoped that their hearts were opened about what she was present about, that Council Member Robinson would be interested to know that a Solid Waste truck was sitting out in front of her residence for about 30 minutes the day after she appeared at Council. Ms. Head read a excerpt from the May 10, 1990 Houston Chronicle, and stated that they were still getting the run around, that some called it the beat goes on, that Truman said the buck stops here, that if they did not see the spirit moving in what was going on in the Country today, that they were not going to put up with City Council's who would not be responsible to the people, that if they thought they bossed them, they were wrong, that they the people were in charge, that they were going to get civilian review in the City. Council Members Tatro, Goldberg and Castillo absent.

Council Member Robinson thanked the speakers for coming again, and stated that at the same time he was sad that they had to come again, that he remembered when they were present the last time and would not even try to talk about their loss because there was nothing he could say that could compensate for that, that they had to figure out someway to deal with providing folks with notification, that he hoped that they could get

them some kind of answers and set up a formal process because they could not have citizens on any issue coming back time and time again to Council and saying that their biggest issue was that something happened and they had not provided them notice, that it seemed to be a recurring pattern not only in that area but in other areas, that he agreed with her that he was not their boss, that they were his employer and had a deep and abiding respect in that and stated to Mayor Brown that he did not want the group to meet with the assistant chief or anything, he just wanted to find out what happened and find out what the process was, because clearly something happened and he did not know how they got to the Grand Jury and went through all the steps he had heard and no one told the family members, and asked Mayor Brown that someone come and visit with him, that he was going to be tipped over the edge to move into a much stronger issue position on that in terms of their inability to at least let folks know what was going on, that if they were so reticent to do that in terms of the Police Department then maybe there ought to be something done differently, that he did not think that they needed to get to the point where everything was totally independent, that he thought they ought to make some modifications and ought to have a process, because if they had a process then clearly there was some deficiency if they kept hearing from the same people that they tried to access information from the process and they were not getting it. Council Member Castillo absent.

Council Member Sanchez asked Ms. Hartnett if there was a Citizen Review Board in place what did she hope that the Citizen Review Board would do differently than what had been done so far, and Ms. Hartnett stated that they could do an independent investigation and not cover up things, that they could not find out anything, that the police would not tell them anything, and Council Member Sanchez stated that there were a lot of public policy and political issues when it came to citizen review boards and the election of its members, but he thought that when citizens were present at Council asking questions, at minimum they deserved answers, at minimum they deserved the courtesy of a phone call, the ability to have a permanent contact either within the Police Department or within the City of Houston that could marshal them through the maze of bureaucracy and departments and agencies such as the City of Houston, the Houston Police Department, the District Attorney's Office; that when citizens emotions were already raw because of situations like these they had to be sensitive to the needs of those citizens and it was mind boggling that they got citizens who came and stated that they had no one who had communicated with them, that they found out about processes that happened thirty days ago where clearly they expressed an interest, that it was frustrated to see citizens that at minimum wanted answers to questions about loved ones and they could not get them, and would urge Mayor Brown, the police chief and anyone within the administration to work with those citizens and at least offer them the courtesy of an answer.

Mayor Brown stated he was surprised that they did not get the answers that they asked for, that there really was no reason for that and he was going to follow-up on it and make sure that they were provided with the answers, and he did agree with Council Member Sanchez, that they had been present and he had asked a member of the Police Department to get with them and meet with them to provide them with answers to their questions and if that had not happened then he was very much concerned about it and would take care of it, and Council Member Sanchez stated that one thing that was important was some sense of permanence, that the person that was the liaison between the Police Department and the families be there throughout the case, not get shifted

around, and Mayor Brown stated that they should not have to continue to come to Council to get answers to their questions and that would be taken care of.

Council Member Boney moved to suspend the rules to hear from Chief Storemski at this time, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis, Castillo, Bell and Robinson absent. MOTION 2000-0087 ADOPTED.

Council Member Boney asked Chief Storemski what the policy was with regard to family members who may have questions or concerns about an investigation involving a police shooting of a family member or allegations of serious misconduct against an officer, what was the department's policy for members of the family as they had come to the City Officials asking what was happening and could they have any input or a report on the process, and Chief Storemski stated he did not think there was any problem with someone meeting with them and giving them the basic information about the case, that some of the information he had indicated that one of those meetings did take place at least for Ms. Kelley, that there should not be a problem with that, that the case had gone to the Grand Jury and had been reviewed, that he did not see a problem with someone from the Homicide Division sitting down and providing them with the information, and Council Member Boney asked that in terms of timing would that happen prior to the conclusion of the internal investigation by the Citizens Review Committee and the department with regard to potential discipline or after the Grand Jury investigation, where was it appropriate in the department's mind to have those meetings and discussions with family about specifics, and Chief Storemski stated that it depended upon the information that was being asked for, that certain information was available almost immediately and other more sensitive information relative to the actual investigation, in the Grand Jury hearing, might be something that might be inappropriate to pass on, but at this point there should be no problem with providing them the information, and Council Member Boney asked if there were any meetings with the family members that had spoken today, and Chief Storemski stated that he had indication in his notes that there was a meeting with the homicide captain, Chief Breshears and Ms. Kelley, and he did not know about Ms. Hartnett, and Mayor Brown asked if that was subsequent to her coming before Council, and Chief Storemski stated no, that he did not have any indication about that and no personal knowledge, but the meeting that took place was in November 1999 that he had notes about, but he could make sure that it would happen, and Council Member Boney asked if there was anything appropriate that he could share with Council about the specifics of any of the cases, that they had only heard the facts as portrayed by members of the families, were there any other facts that might help Council have some perspective on the matter, and Chief Storemski stated that he did not have any personal knowledge about the specific investigations and vaguely knew about the incidents, that one involved Ms. Kelley's daughter who was attempting suicide and had a weapon and there was a confrontation when the shooting occurred, and again he did not know the details, and Ms. Hartnett's son involved if not a chase a fleeing incident where the officers arrived at the scene and he was jumping out of the car and they saw something in his hand and shots were fired, that they were all very sensitive cases, and Mayor Brown asked Chief Storemski if a member of the Police Department took the life of a person were there procedures to notify the family, and Chief Storemski stated yes, that it kind of got difficult when they were talking about adult people, generally spouses were notified, that he did not know in these cases who specifically was notified, but if they had the information they would do that, and that as a follow-up and even a backdrop on that the medical

examiners office would also do the same thing, that it was one of the difficult things that they dealt with over the years, but since Mayor Brown was chief they had established procedures where homicide did in fact make the effort to notify family members.

After a further lengthy discussion, Council Member Quan stated that he was touched by the ladies story, and that since the Oregon shooting he had been involved with another community organization as well, that a number of associations such as LULAC and the Asian American Bar were trying to work with the police chief on procedures to answer some of the concerns that they had addressed today and had gotten the Civil Rights Federal Mediation Service involved and would be signing an agreement of understanding coming up next week, that he would like to meet with them and also see about their getting involved in that process to see how they could improve their relationships. Council Members Goldberg, Todd, Keller, Castillo and Bell absent.

Council Member Robinson stated that he understood the concern and one of the things that he was trying to get clear was that they had a consistent process and that it was used and implemented the same way over and over again, and he asked Chief Storemski if he had stated that he was not sure if it was appropriate for the department to let somebody know that something had been referred to the Grand Jury, and Chief Storemski stated that what he had said was that it might not be appropriate to release certain information or evidence to family members before the case went to the Grand Jury, that there was not a problem in notifying them that it went to the Grand Jury, that in fact every shooting case involving a police officer was investigated by the Internal Affairs Division, it was investigated on the scene by the District Attorney's Civil Rights section, it was investigated by the homicide division and ultimately it all ended up at the Harris County Grand Jury and reviewed by the Grand Jury, and Council Member Robinson stated that what concerned him was that Chief Storemski had stated that in his notes he thought someone had met with them, that if it was going to be referred to Grand Jury there should be a standard letter that would be issued that said here is what happened, not necessarily as to the substance but just the procedure, that it was investigated, forwarded and now had been referred to the Grand Jury and here was the assistant district attorney and here was the district attorney number and here was the place to call if they wanted to find out what occurred next, because it had left the police department, and he would have felt much more comfortable and confident that when he came over and opening up the attaché case he was pulling out copies of documents that were the standard pieces of paper that the department issued to provide notification or notice to family members as something was transpiring through the process, that as it moved on they would have known that it had gone to the next stage and who they should contact, and Council Member Sanchez stated that he was surprised at the lack of policy within the Police Department, that it would have assisted Chief Storemski if he had come to Council with a written policy and just tell Council what was the policy, that he would like to see the Police Department come to Council one day with a book of policy and flip to the policy that dealt with what the Police Department would do in that event, and Chief Storemski stated that they did have a lot of written policies, that they had General Orders and Standard Operating Procedures, that there was no policy at this time that required the Homicide Division to provide a set list of information to family members, and Mayor Brown stated that the Police Department probably had a policy to cover everything, that they had a whole directory system and he was sure it was still there, and Council Member Sanchez stated that they had the list and the Police Department knew that they were going to be talking about that and he would think that they would come prepared with a

policy and if there was he would love to see it, and Mayor Brown stated that Mr. Andy Kahn, Mayors Victims Assistance, would continue to work with the group and get all of the information that they were requesting, that they would have one contact person who would make sure that they would get their information, and Council Member Boney stated that they could have anticipated some of the discussion with the three speakers because they had come before and in fairness to Chief Storemski, if he was going to be representing the department then he needed to be armed with a certain set of information, some specifics on the individual cases so they could have some perspective and the polices that were going to be brought into question or review based upon the concerns that they raised. Council Members Galloway, Vasquez, Castillo, Quan and Bell absent.

Mr. Ed Banks, 3306 Beulah, Houston, Texas 77004 (713-659-8242) appeared and stated that he was with the Third Ward Multi Service Advisory Committee and was present to talk about the groundbreaking and construction of the multi service center, that it had been 10 years that they had been trying to get the project off the ground and today they had land purchased and money allocated, but for the last two years they had a setback on the groundbreaking and construction, that he was present to make sure that they got a confirming on the groundbreaking and construction for the multi service center for this year, that tomorrow they would be having a meeting to formulate a program for the groundbreaking for next month and wanted assurance that this would not be another setback for the multi service center, that he did not want to go another year asking where was the Third Ward Multi Service Center, and if they needed to send a person to the meeting to assure that the project got off the ground they would appreciate it.

Council Member Boney stated that he had looked into it and had been assured that the construction meeting would be taking place on January 28, 2000 and groundbreaking shortly thereafter, and stated that Mr. Jerry King had indicated that the groundbreaking could take place on January 31, 2000 and had looked at some notes from Mr. Jesse Cantu and noticed that on those notes the groundbreaking was anticipated for February 14, 2000 so now they had two dates and he wanted to know what date they could involve his office and the citizen so they could be assured of the day and make sure that everyone was on point for that date, and asked Mr. Banks what date he had and who gave him the date, and Mr. Banks stated that he had February 14, 2000 from the Health Department, and Council Member Boney stated that the Health Department and the Public Works Department were not on the same page evidently.

Council Member Boney moved to suspend the rules to hear from Ms. Gloria Moreno, Health and Human Services Department at this time, and was seconded by Council Member Castillo. All voting aye. Nays none. Council Members Vasquez, Sanchez and Bell absent. MOTION 2000-0087 ADOPTED.

Council Member Boney stated that Mr. King had told him that morning that they were prepared to break ground on January 31, 2000 and from Mr. Cantu's notes he saw that the Health Department was looking at February 14, 2000 and Ms. Moreno stated that the February 14th date was based on a meeting that was held with members of the advisory committee for the Third Ward Multi Service Center and members from the Health Department, that was the date that they suggested would be a good date, that it was her understanding that the groundbreaking could occur anytime after the 28th, after the meeting with Public Works and the contractor, so maybe that was where Mr. King

was getting the date of the 31st, that it was her understanding that the date that was preferred was February 14, 2000, and believed that was the date that Mr. Banks was present to confirm, and Council Member Boney asked Ms. Moreno why she had not advised his office of the meetings coming up on the Third Ward Multi Service Center and Ms. Moreno stated that she was not aware of it until that morning, but could share with his staff all of the information that she had, and Council Member Boney suggested two things, one that major capital improvement projects like that one, several million dollars, was in some City Council District Members district, and as a matter of courtesy and a matter of general good public political judgement it was advisable to let the Council Member of a district know that something of that magnitude was about to happen, and Council Member Castillo and himself kind of share the Third Ward Multi Service Center because it had been shepherded for a number of years and they both had some interest in it, and Council Member Castillo did not know of the date either, and asked if she could please advise them of all future meetings and plans related to the Third Ward Multi Service Center, to keep their offices involved because they were kind of on the ground with the constituent and they ask them about the Third Ward Multi Service Center and he did not know as much as she had told them and particularly any problems, to let them know right away, and Ms. Moreno stated that she would.

Ms. Brenda Flores, 2041 Marnel, Houston, Texas 77055 (713-464-8396) appeared and stated that in December whenever the contract was let to Central Parking she worried as a lot of people did about it being awarded, but she was more concerned with people losing their jobs, that she had taken heart and believed Mayor Brown when he said that there would be no layoffs, that the employees would be taken care of, that she received many e-mails and last night had met with a number of people from Hobby Airport who were in building services, that she met with single parent mothers who brought a copy of a letter they had, that they were being laid off, they were not in the parking division but were in other divisions and were being laid off to accommodate the privatization of the parking, that someone was not keeping Mayor Brown's word and asked that he look into it and help those people, that she had spoken with Council Member Castillo. Council Members Sanchez, Bell and Robinson absent.

Mayor Brown stated that Mr. Vacar was present and was sure that he could answer any questions that she had, and Ms. Flores stated that it was not Mr. Vacar's letter, that it came from Mr. Lonnie Vara.

Mr. Vacar stated that the layoff procedure in the Civil Service Rule said that if there was a classification that went through more than just the parking section then they tiered up the employees there based on a number of factors, most particularly the first tier to go would be those that had less than satisfactory performance ratings and he requested that Ms. Dolores Rodgers, Manager of the Human Resources staff give the details of how that worked and how the particular situation was affected. Council Members Sanchez, Bell and Robinson absent.

Ms. Dolores Rodgers stated that under the layoff ordinance when a classification was targeted for layoff all employees in that classification all employees names were put on a list and the first tier of that list were employees with less than effective EPE's (Employee Performance Evaluation), that it did not matter what section those employees were in, that the employees names were put on a list in tiers, the first tier was the tier in which the employee had less than effective merit ratings, that the second tier were

employees with less than one year of service, and the succeeding tiers were four years of service and they went down to tier ten for most of their employees depending on their years of service, that the employees who were issued letters, if they were cashiers and they had not found a placement for them by the 14th were issued a letter, everyone in that classification who had not found a placement, parking monitors who had not found a placement, that in the classifications of laborers, airport supervisors, assistant superintendents if they had not found placements for all of those employees then they would go down the layoff list, and that was what occurred in those instances, so employees with less than effective merit ratings essentially were the employees in those classifications that got laid off, and they were not necessarily parking employees, they came from other sections depending on their merit ratings, and Ms. Flores stated that she understood their policy for layoffs, but Mayor Brown promised them there would not be any layoffs. Council Members Sanchez, Bell and Robinson absent.

Mr. Vacar stated that there was always the desire and hope that they would place most people in the department and they believed that they could place 85% to 90% which was all the remarks they had done publicly. Council Members Sanchez, Bell and Robinson absent.

Council Member Castillo stated that Ms. Flores was familiar with all of the information, and that it was true that it was hard to pinpoint the responsibility between Mr. Vacar and Mr. Lonnie Vara over Human Resources, but it seemed that they had a domino affect of people who would not fit into other positions at the airport falling into other departments of the airport, and then those had to bear the brunt of the privatization, and she was right that they were assured with a high degree of confidence that layoffs would be minimal, and wanted to know from Mr. Vacar or Mr. Vara what was the total number of people that were not being fit into the airport parking division, how many were being transferred and who was being laid off in order to accommodate those transfers, and he wanted to know it demographically, both in terms of ethnic origin and secondly length of stay, that if they were taking a one year tenured person at airport parking and were putting that person in a position by laying off a two year tenured person in another division that to him did not seem fair, so he wanted to make sure that they were putting round pegs in round holes and square pegs in square holes. Council Member Sanchez absent.

Ms. Rodgers stated that they had placed 108 of the 185 employees in City position, that 44 had elected to go with Central Parking and they had approximately 15 employees who expressed that they would retire or resign, and then they had another 37 who they were either terminating because of theft or they were in tier one and had a less than effective merit rating, and they had indicated before that was the number they thought they were going to layoff eventually in that process, that was the tier one employees with less than effective ratings, and Council Member Castillo asked who they were impacting downstream to make room for those people, and Ms. Rodgers stated that she would get the demographics for him on that, and Council Member Castillo stated that the fact that those people were innocent bystanders when the massacre occurred and it should not be their fault. Council Members Keller and Sanchez absent.

Upon questions by Council Member Boney, Ms. Rodgers stated that there were a total of 202 positions but they started out with 185 employees, that some positions were vacant and that accounted for the difference, that of the 185 people that were City

employees, 108 of them had been placed in City jobs, either with the department or with other City departments and 44 had expressed they were going to Central Parking, and 15 were retiring voluntarily of their own accord, and then 37 employees were being terminated because of either theft or low employee evaluations, that they had a merit rating below the acceptable rating of 3.0, which was acceptable but anything below that number put them in tier one, that it was 3.0 out of a possible 5, that there were 7 out of the 37 being terminated because of theft, so they had 30 employees that were being terminated because of low performance evaluations, that if they had not privatized the airport the 30 employees were in different stages of discipline so depending on where they were some of them would have been close to being recommended for termination eventually, that she would have to get the information on the average length of service for each employee because it varied, that when an employee had gotten a below standard evaluation they were in the discipline process, and that was below 3.0, that it was like below a D or F, and they had received some memorandum regarding their service and regarding potential action with disciplinary action, prior to and beyond and separate apart from privatization. Council Members Keller, Castillo and Sanchez absent.

Upon questions by Council Member Parker, Ms. Rodgers stated that out of the 30 employees who had not been picked up elsewhere, everyone had an EPE that was below 3.0, that some of them had applied for jobs to Central Parking, that they had not communicated to Central Parking what the evaluation ratings were of the employees, that they had a list of 44 people who had accepted jobs, that the list had changed over time, that it was as high as 60 but those employees accepted other City jobs so those were the numbers they were aware of, that they were tracking with Central what their procedures were and whether they were actually following through on their commitment to hire City employees who had not been placed elsewhere, and they still had positions open and available, that the 30 employees could go and apply to Central Parking, that Central Parking had interviewed close to 100 employees and 60 employees had expressed an interest and they were down to 44, and Council Member Parker stated that she would like to know with the 30 employees what was their experience with Central Parking and whether Central Parking actually did make a good faith effort to pickup the employees that were being laid off, and would also like the same information as Council Member Castillo had requested as to whether any City employees were being displaced in other departments by people being moved from the Parking Division. Council Members Goldberg, Boney, Todd, Castillo and Sanchez absent.

Council Member Tatro asked if it was that 37 positions needed to be or were going to be eliminated and therefore the process said that they take those performers that were on the low side or the theft and then work their way back to 30 and Ms. Rodgers stated that was correct, and Council Member Tatro stated that the question was not about the low performance, the questions was about the number being laid off, that they could understand the process of arriving at that number, obviously the ranking of the employees, but the question was the number of employees that they initiated terminating and it appeared that it was 37, and from what he remembered during the Central and the Amco debate, and he had a concern over Ms. Rodgers stating that those 30 employees that were being laid off could go and apply at Central, he seemed to recall that one of the assurances and one of the stipulation of the bid was to take all the employees that wanted to go over, but it appeared they had 30 employees in limbo that they were saying they needed to go and apply at Central Parking, that he thought that was part of the agreement that they would be employed by Central Parking and only if they turned it

down would they not go over to Central Parking, so that caused him some concern that they had 30 people in limbo that should have never been in limbo to start and their statement that they were eliminating 30, and from the letter clearly by the privatization issue of the Parking Management Division at the airport, that he thought that Council needed to remember that Council debate, and what he remembered the Amco deal and the Central Parking deal was supposed to take all the employees and so his question was why even 30. Council Members Goldberg, Todd, Keller, Castillo and Sanchez absent.

Mr. Vacar stated that Central Parking had taken all employees who had applied and passed their minimum entrance requirement which was a background check and a drug test, and that those people presumably had not applied or if they did apply did not pass the background check, that Central Parking in every respect had upheld its contract obligation to take any employee that was working for the Parking Department onto their payroll, and Council Member Tatro asked if Mr. Vacar was saying that of the 37 that everyone had applied to Central Parking and been turned out, and Mr. Vacar stated that he did not know, that it was optional to the employee and they could not make an employee go to work for Central Parking, that they had the opportunity, and Council Member Tatro stated that it gave a bad name to the privatization issue with the speed with which it was moving and the resulting layoffs of personnel.

Council Member Galloway asked what the top rating was, and Ms. Rodgers stated that it was 5.0, and Council Member Galloway asked if those employees were evaluated prior to their knowing that it was going to be privatized, and when did the evaluations take place, and Ms. Rodgers stated that under the layoff ordinance they took the average of the last three evaluations given to the employee, that every year on the employees anniversary date they are required to have an evaluation, and Council Member Galloway asked if those 30 employees evaluation date arranged at the time that they voted to privatize and they perhaps may have gotten a low rating because they wanted to let them go, and Ms. Rodgers stated that the majority of the evaluations were done and had been done on the employees anniversary date, that date on which they started with the City so it would vary from employee to employee, and Council Member Galloway asked for a copy of those 30 employees evaluations plus the same information that Council Member Castillo requested. Council Members Goldberg, Castillo and Sanchez absent.

Council Member Robinson asked if the 37 employees that they were discussing were in the Building Services Division, and Ms. Rodgers stated no, that they were in varying sections of the department other than parking, that some of them were in parking, that she would get the number of employees that were in parking for him, and Council Member Robinson asked regardless of whether or not they had privatized would they have been laid off or terminated under the normal departmental rules and operation as it related to Human Services in the City, and Ms. Rodgers stated that all of them were in some stage of being terminated, that they were moving in that direction, either they were in temporary suspension, a recommendation for indefinite or recommendation for termination which would be the next step, and Council Member Robinson stated that because an employee had been sanctioned under whatever the prior position whenever they said moving towards that meant that they would never be redeemed, that they could get to the point where they would get a termination and they came back and saw the light and became an exemplary employee and would never make it to termination so he would not want to categorize that they were moving down, that they had not received whatever

the appropriate documentation was under the normal City process that they were notified that they were being terminated as an operation of what they normally did when they crossed that ultimate threshold, and Mr. Vacar stated that was correct, but before they ever got to the point of getting somebody in a suspension situation or a termination situation, they had gone the path of verbal counseling, sometimes written warnings, and it was after they got passed all of that where they pointed out the problems and gave them a chance to get back over, that some of them never improve and continue their patterns, and Council Member Robinson stated that he understood all that, that the basic rule in the law was innocent until proven guilty, and they may be a bad child or a multiple offender but they could still walk in the door with the notion of innocent until proven guilty and if they were not actually notified and it was not going to be a part of the normal operation, then he was going to make the presumption and that was what Council was trying to get at, that the presumption was that once Council voted to privatize that was when that process triggered and those people fell into that they were going to be terminated and he was very uncomfortable with that; that somewhere along the line he had heard 100 people had interviewed with Central Parking, and Central Parking had hired 44, so one of several conclusions could be made, that some of those 56 who did not go did not meet the background employment requirements and even if they did they decided not to take the job and asked if they could get some clarification on those 56, then his next question would be that of those 56 people that decided not to go or did not meet the standard employment requirements of Central Parking were any of them among the 108 being placed in other areas, and Ms. Rodgers stated they were, and Council Member Robinson asked as to those who could not meet the Central Parking background check how come they were not in the 37 and he wanted a written answer to that. Council Members Goldberg, Castillo and Quan absent.

Mayor Brown asked that they make sure that all questions were answered and visit with the Council Members and give them the information they requested, and to also give Ms. Flores a copy of the answers. Council Members Goldberg, Castillo and Quan absent.

Mr. James T. Roberts, 8410 West Bartell, Houston, Texas 77053 (713-666-0898) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Castillo and Quan absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77028 FA20234511 had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Castillo and Quan absent.

Mr. Robert Silvers, P.O. Box 22735, Houston, Texas 77227 (713-871-8455) appeared and stated that he was present with a little problem he had with Neighborhood Protection, and was present at the advice of the Municipal Judge on an environmental ticket, that he did not care to get a Class C Misdemeanor so he went to court with an attorney, that he was the one redeveloping Lamar Terrace, so he was a real violator of weeds and trash properties, that he did not understand what it was with Neighborhood Protection and why he had to go to court because they had procedures to notify him about cutting a lot, that he had distributed pictures to Council, that they had cleared the slabs and prepared the lot for construction and it had been cleared and new soil brought, that Neighborhood Protection had a picture which he could not recognize and had to be before the work he had done and that was done at the end of April, that he was a little

tired of them continuously bothering him on certain little things and not taking care of the business that they should be taking care of which would be the third picture he presented that really showed a blighted property, that the second picture he showed was a property in the next block over from where they gave him a ticket; that there was a tree that fell over and had been down for over two months and he was speaking on behalf of quite a number of the neighbors who had bought new homes, they would like to have the tree removed, that the excuse that their zone administrator was getting was that they could not locate the owner, well if a house was on fire they would not need to find the owner to put the fire out, that tree was down and hanging on the telephone lines and if it fell it could kill someone when they went by, that he could not understand why they could not get someone from the City to come out, cut it down and put a lien on the property, that there were times when he owned a brand new tractor that Neighborhood Protection cut some of his lots and put liens on his property, but they could not take that tree away, that he would just like to get some cooperation out of them and have them do their job and not to be harassing the construction that was going on out there. Council Members Boney, Todd, Castillo and Bell absent.

Mayor Brown stated that he would have Mr. Jerry King meet with him and follow-up on his concerns. Council Members Boney, Todd, Castillo and Bell absent.

Upon questions by Council Members Goldberg and Sanchez, Mr. Silvers stated that they were still building houses and finalizing agreements that did not seem to be what was said they would be in the beginning and should know something in the next week, that they were trying to get that cleared up, that the first photograph was the lot that he had to go to court on, that he was cited on that lot because it had some weeds along the wall, that he used to receive a lot of attention from Neighborhood Protection, but he left them alone and quit turning complaints in on other people and as long as he did not talk to them they were leaving him alone, that he was not happy with the Neighborhood Protection service out there, not when they saw the third picture, that he was happy when they left him alone and let him do his construction and let him redevelop that area like they were supposed to be doing. Council Member Todd, Castillo, Parker and Bell absent.

Mr. Conrad Ary, 2304 Wheeler No. 1, Houston, Texas 77004 (713-529-0630) appeared and stated that he wanted to talk about a program that he saw, that it was a ABC or CNN news program about police brutality, that in the news report they made the point that a lot of police departments around the Country were moving away from batons, that they were replacing the batons that the officers carried with tear gas, pepper spray or other forms of subduing suspects that were not cooperative, that they all remembered the Rodney King beating, that they had not had a controversial beating in Houston and did not want one, that it did not make good television, that it was unsightly to see people beaten into submission, that he was present to implore City Council to lead the fight to abolish the batons and move into the 21st Century and leave the barbaric practice of beating people into submission in the past and implore some new practices, and Mayor Brown stated that he would ask the police chief to look at his recommendation and see what the trend was throughout the Country and see what the policy should be here in Houston. Council Members Galloway, Boney, Todd, Keller, Castillo, Parker and Bell absent.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 (no phone) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Todd, Keller, Castillo, Parker and Bell absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Todd, Keller, Castillo, Parker and Bell absent.

Ms. Delores Guerrero, 1103 Weaver, Houston, Texas 77023 (713-926-6331) appeared and stated that she was a local Mexican American business woman who had been operating two Taco Bell's at Bush Intercontinental Airport at Terminal C, that she opened her first Taco Bell in 1995 and opened with 6 television cameras and 250 people welcoming Lolita's Taco Bell at the big Intercontinental Airport, that it was wonderful and had been great, that she was present to request from Mayor Brown and Council Members assistance of an urgent nature, that some of the Council Members already knew and were aware of the impact of a 200% increase of her rent at Houston Intercontinental Airport, that as Mayor Brown might remember, she along with other members of the Merchant's Association met with him last March 1999 to alert him about the automatic increase that would be triggered in July 1999 and it's affect on all their businesses, that since then she along with the association had continued to negotiate; that the details were very detailed and long to go into depth with them at this time, but much of the information on the rental increase was in the hands of the City's Administration as the Aviation Department, that she had worked hard and given many years to the business in the City of Houston, that it was her life and her business and affected the lives of over 200 employees that she had working for Lolita's, that she had attempted to address the issue professionally and in an ethic manner, because she understood that the increase was not the fault of the present administration, but now they were the one's in the position to address the issue, that she was present because her time had run out and was faced with an eviction notice on Wednesday because she had been unable to pay the increase of rent and was asking for the City Council and Mayor to give her one week to work it out with City and thanked Mr. Haines who was working with them and had given them a resolution. Council Member Goldberg absent.

Mayor Brown stated that she was not suggesting that the City was evicting her, and Ms. Guerrero stated that the managing agent was evicting her at the request of the City that she understood from him, and Mayor Brown stated that was not accurate, and wanted to clarify it because it made a big difference to what the Council would understand and requested that Mr. Anthony Hall or Mr. Vacar explain what was going on. Council Member Goldberg absent.

Mr. Anthony Hall stated that it was important to remember the structure of the airport concessions at Intercontinental Airport, that they now had two food and beverage master contracts at the airport, that one of them was actually initiated in the 1980's that was the contract under which Ms. Guerrero had a food establishment at the airport, that the contract that the City had was not with any of purveyors at the airport, it was with a firm called Entertainment One that they had entered into an agreement that actually operated those facilities, that most recently Council added another one to a firm that would also have subcontractors that they did not pick as they did not in this instance, that agent Entertainment One had an agreement with a number of vendors and Ms. Guerrero was one of them, that they signed the agreements back in the initial 1980's and the City

Council approved a renewal and extension of that agreement in the 1990's without consideration to the City in any real sense, except that the rent was maintained at a relatively low level with an anticipation that it would escalate in the last five years, the terms were clearly stated in the agreements, that the rent increase that Ms. Guerrero was talking about was the one that was agreed to years ago, that it had become effective and had been instituted by Entertainment One at the airport for all the vendors there, that the eviction that Ms. Guerrero was talking about, they had been advised, was an eviction notice cause to be filed by Entertainment One for lack of payment of that increase in the rent that was agreed to some years ago, that they had nothing to do with that, they had no privative contract with any of the purveyors under that lease and in fact would be in violation of any legal standard to get involved in that, and Mayor Brown stated that he was correct that the agreement Ms. Guerrero was not with the City, and Mr. Hall stated no, that it was with Entertainment One, and Mayor Brown stated that the eviction that Ms. Guerrero was talking about was not the City evicting her it was Entertainment One evicting her, and Mr. Hall stated that they were not a party to that and could not be, they would be interfering with the contractual relationship between the two of them, and Mayor Brown stated that was what he wanted to make clear, that the City was not evicting Ms. Guerrero, that Entertainment One, the organization that she had the contract with was doing the evicting, not the City, that was the point he wanted to make. Council Member Goldberg absent.

Council Member Castillo stated that he understood all of that and thought it was very disingenuous of the City to say that because the vendors had a contract with Entertainment One the City had no responsibility for anything with regard to their condition, that the contract that the City in turn signed with the government when they received federal money fairly well stipulated the kind of treatment that they were supposed to give all of their MBE participants, that it talked about providing the maximum opportunity to compete and to do business at the airports, that back in the 1980's when Mr. Hall was on the City Council they were privy to all the discussion, that many hours were spent at the Council table talking about what would happen to the vendors given the rent structures, and they even restructured the capital improvement financing so that the vendors would have a chance to build out their respective spaces, that they were required to treat the vendors fairly and he asked Ms. Guerrero how much she paid in rent to the City and in fees to the managing agent all together, and Ms. Guerrero stated that the rent was 20%, but she had been paying 10%, and the average was \$22,000 per month not including other charges that came up, that also the total rent would be approximately \$44,000 per month, and Council Member Castillo stated that basically the City was taking a hands off attitude, that they did not have anything to do with that affair and he thought that they were the ones who brought the competition to the airport, that the vendors believed when they signed the contracts that they were to be the sole providers of food and beverage, and the City slowly and unfairly, brought muffin vendors, popcorn vendors and any kind of vendor into the airport that competed with their fast food opportunities, and not only that, but as Mr. Hall stated they had a second master contract that was out there in a near by terminal to which there was easy access competing with full service at prices that were very competitive with the Entertainment One subs because they paid 4.5% of their gross sales for rent, and he knew that the administration was very adept at presenting their position and knew that they were not going to solve it here and thanked Ms. Guerrero for bringing it publicly, and stated that the City had hired a high powered law firm in Washington, DC to defend a complaint that Ms. Guerrero had filed

and asked Mr. Hall if he intended to bring that contract to the City Council at any time for approval. Council Member Goldberg absent.

Mr. Hall stated that the vendors who operated as subcontractors to Entertainment One approached the City about a month before the rent increase under the contract was scheduled to go into affect requesting that there be some relief given and an amendment to that contract, that there were a number of discussions that took place about it, that Mr. Vacar in the Aviation Department had met with them on a number of occasions and he had been in several of those meetings and knew that there had been meetings with the Mayor, that the Mayor had advised all of them to go and evaluate the request in a little more detail based on what they thought could be legitimate reasons to consider adjustment of the rent, and he also advised that they needed to present it in a form that the City could in fact review and analyze in a little better fashion than had been done, that was done, and Mr. Vacar was in fact in the process of evaluating that to make a recommendation to the administration, in the meantime Ms. Guerrero filed a complaint with the FAA long after the process had started and those meetings were taking place, alleging civil rights violations, that the normal process was that when such a complaint was filed, if it involved the matters that were under negotiation, that they cease negotiations until that complaint was resolved, that they had a standing contract with a law firm in Washington for representation before the FAA on all matters, that they in their routine performance of that contract were representing them in that complaint, that the contract had been in place for about 15 years and renewed, that was still being processed, that just a week and a half ago the Mayor directed them to proceed to meet with the vendors in spite of that complaint being filed, because he thought it was unfair to the other vendors that their request for relief could not be considered because just one of them had filed the complaint, that they were proceeding to do that, in fact Mr. Vacar was finalizing his recommendations, and thought that several of them had been advised of that, that was separate and apart from the complaint in Washington, DC, because no matter what they did here, unless that was withdrawn, that complaint would still be prosecuted before the FAA, and Council Member Castillo stated that he believed that the City had a responsibility, that they amended contracts even when they suffered a disadvantage because it was a fair thing to do, and he knew that Ms. Guerrero was going to spend probably more money than she could afford to in defending her complaint, but this was the only route that she had after discussions with the City were basically of the nature that they did not have anything to do with it go talk with Entertainment One, that they went and hired a consultant that showed the great impact that the rent increase would have on their profitability and in fact none of them would have any profitability, and thought that in the end every vendor under Entertainment One, with the exception of one, would probably go out of business, then the City would cancel the contract with Entertainment One for non-performance and then CA ONE SERVICES, INC. would step in and take it all over and that would be a big grab, and Mayor Brown stated that they hired that consultant at his suggestion, that they had been trying to work with them and help them on the issue, but they were where they were right now because time was running out and they were being evicted by Entertainment One. Council Member Todd absent.

After a further lengthy discussion Council Member Sanchez stated that it seemed Entertainment One would want to preserve some sort of good will and try to negotiate and work with a vendor who was unhappy, and asked where Entertainment One had been in the whole process and had anyone asked them if they were willing to help Ms.

Guerrero who was representative of the Hispanic Community and had for a long time, and Ms. Guerrero stated that she attempted to meet with Entertainment One and was told that they had the backing of City Council and would not negotiate with her, that she met with the CEO prior to filing the FAA complaint and when he did come to meet with her he brought Council Member Yarbrough with him and she stated that Council Member Yarbrough made it known to her that they supported Entertainment One, and so it left her no choice because Entertainment One told her at that time that they had City Council's support and there was no way he was going to negotiate with her and Mayor Brown asked Ms. Guerrero if he had mentioned any other Council Members besides Council Member Yarbrough that were supporting their position, and Ms. Guerrero stated no, that he just mentioned that he had several calls but did bring Council Member Yarbrough to the meeting which left her completely shocked, and Council Member Sanchez stated he was sympathetic to Ms. Guerrero's cause and appealed to the department and to the administration to try to work it out, and Mayor Brown stated that they had been trying to work it out and asked Mr. Vacar as to how close he was to a recommendation to him on the overall issue and Mr. Vacar stated that the overall issue on Entertainment One he had a draft proposal that had gone to Mr. Haines and the Legal Department for their review, and Mayor Brown stated that it was different from the eviction, and Mr. Hall stated that the issue that Mr. Vacar was talking about was the issue that they had been pursuing for the last several months it did not impact the eviction notice that had been given, those were two different things altogether.

After a further lengthy discussion Council Member Boney stated that a lot of time was lost by the vendors, the concessionaires at the airport, not coming forth with the financial data so that they could make an objective decision, that they could be empathetic but they also had to be lawful, that they could not renegotiate contracts because of poor business times for anybody, that he kept saying to them to bring forth the financial data so they could have an objective discussion and see what they could lawfully provide in relief and that information was not forthcoming and Mr. Vacar stated that the data that they asked for originally never had come in, that what had come in was that they had hired a consultant and they came in and did an analysis of the business and how things were going around the Country and contracts at airports and they came back about three weeks ago with a report to him and that report was what he had been working with to make his recommendation, and Council Member Boney asked Ms. Guerrero if she had been paying rent and she stated that she had been paying the normal 10% instead of the 20% increase and was paid up to date except for the other 10% for the last year, and also stated that she personally, and was the only one out of all the purveyors when they were asked to give financial information, delivered all the financial information on time to every City Council Member, that all the information was provided to Mr. Vacar at their first meeting, and Mr. Vacar stated that they had no data that they could do anything with because it was all apples and oranges problems and when they compared the data to industry standards it was totally skewed all over the place and was not useful, and Council Member Boney asked Mr. Vacar how long the contract lasted for Entertainment One and Mr. Vacar stated until 2008, and Council Member Quan stated that he agreed that they were third parties to the contract and really did not have standing, but did think that they certainly wanted to express an interest in this, that they had a meeting of the MWDBE Committee and knew that the FAA looked to them to set minority participation standards, that one of the things that they looked at was Entertainment One's participation and how they had been able to get minorities involved, and agreed with Council Member Castillo as to what was the bottom line, that if they

could not make it could someone else make it, who were they going to get to replace her, and would they give them a better deal then they gave her in order to make the deal work, so why did they need to kick somebody out to bring somebody else in at a lower price when the bottom line was that they were going to get the same service in the long run, and asked Ms. Guerrero why she had asked for one week, what did she think would happen in one week that had not been able to be accomplished in the last 2 to 3 months, and Ms. Guerrero stated that her understanding was that Mr. Haines along with Mr. Vacar had come up with a solution and maybe they could work together, and all she was asking for was fairness, and Council Member Keller asked who contracted Entertainment One, were they contracted by the City as an agent of the City, and Mr. Hall stated that Entertainment One was not an agent for the City, that they had a concession from the City, a contract with the City to provide food service that was initially entered into in the late 1980's to provide food service at the airport, and Council Member Keller asked Ms. Guerrero when she signed her lease and she stated 1992, and Council Member Robinson stated that he had a bigger concern that he kept talking about and that was the treatment and relationship of subcontractors and whatever they were going to do he wanted to be consistent across the board, that he had not heard anything about changed business conditions in their predictions on a substantive basis, that because he had an interest in the area across the board he was going to be looking for consistency and once they did it they were going to set a precedent and he wanted to make sure that all of his subcontractors, minority or majority were taken care of in the same consistent and even handed manor, and Mayor Brown stated they were trying to determine if things had changed since they signed the contracts and if that was the case he would bring something back to the City Council for their approval, and Council Member Galloway asked if in Entertainment One' contract with the City did they place new vendors at lower rates when they came, was that the standard procedure that they had and then elevate their rent after they had been in business for 2, 3 or 4 years, and Mr. Hall stated that what they had was an agreement with Entertainment One for the total amounts of the rent, and it prescribed that they could get 5% of the rent payment for provisions of certain services that they provide or supposed to provide at the airport, that the total rent that they are to pay the City under their agreement was before the latest increase 10% to the City, that 5% to the City and they got 5% total rent 10%, that escalated to 20% total several months ago, and the City got it all but the 5%, that got paid to the City by Entertainment One, that the City did not hold the individual vendors responsible for paying it they held Entertainment One responsible for paying them that 15%, that was in the agreement from the time that it was renewed, that the City would not know how much a new vendor would pay Entertainment One, they only knew that Entertainment One had to pay the City 15%, they kept 5%. Council Members Tatro, and Sanchez absent.

At 12:05 p.m. upon motion by Council Members Castillo and Parker the City Council recessed with Council Members Tatro, Boney, Keller, Sanchez and Robinson absent; and reconvened in the Council Chamber at 1:30 p.m. to complete the meeting. Council Members Galloway, Boney, Todd, Keller, Parker and Robinson absent.

Ms. Gracie Saenz, 1103 Weaver, Houston, Texas 77023 (713-222-1434) appeared and stated that as had already been explained by Ms. Guerrero the urgency of the matter was because of the pending eviction proceeding that was scheduled for Thursday, that much of that had been attempted to be resolved by the administration and wanted to thank Mayor Brown because he had been willing to try to offer some resolution, unfortunately it was because of the fact that time had lagged on the situation had gotten

so much worse. Ms. Saenz read a letter written by Mr. Mathew Villarreal, Chair of the Board of the Hispanic Chamber of Commerce. Ms. Saenz stated that she also wanted to proceed to clarify a few of the discussion points that took effect that morning with Ms. Guerrero, that it seemed that there were several amendments already made to the particular contract, and one of them that was made back in 1998 basically took that particular food and beverage concessionaire from providing services to the whole airport to only providing services to Terminal C, that the other thing that the actual eviction was based on the fact that Ms. Guerrero had not been able to pay the rental increase, and the rental increase was the City rental increase, it was not Entertainment One's rental increase, it was not the managing agent for the City of Houston, that was very important for Council to understand and that was what they had been trying to negotiate. Council Members Galloway, Boney, Todd, Keller, Castillo and Robinson absent.

Council Member Sanchez asked Ms. Saenz if she was saying that it was something different than what he had understood earlier, and was it her opinion that the City of Houston could actually waive or reduce or somehow intervene in the percentage increase that was being asked to be paid, and Ms. Saenz stated yes, that the whole issue was that Ms. Guerrero had not been able to pay the increase that took effect in July 1999, that rental increase was what they had been trying to negotiate to be reduced and looked at, and Council Member Sanchez asked if that rental increase was part of the contract that was signed by her client and Entertainment One, and Ms. Saenz stated yes, and Council Member Sanchez asked how the City could intervene, and Ms. Saenz stated that if the City were to agree that the rent should be lowered then the issue of whether she had paid it or not became part of how much she owed to Entertainment One, and Council Member Sanchez asked if Ms. Saenz was saying that Entertainment One acted simply as an intermediary collecting the increase and then sort of surplusses to the City of Houston Aviation Department and Ms. Saenz stated correct, that it was the increase that was automatically in the contract with Entertainment One and the City, and Council Member Sanchez stated that Mr. Hall disagreed with that. Council Members Todd, Castillo and Robinson absent.

Mr. Hall stated that they had an agreement with Entertainment One that provided that their rent from the City would increase from 5% to 10% of gross sales, that it did not contemplate or mention Lolita's or anybody else, that they had to pay the City that based on the gross sales out at the airport, that they subsequently pursuant to that agreement, in an agreement with individual vendors, it did not mandate that they do that, that the City only had a contract with them to pay the City, but obviously they would have signed contracts with vendors to satisfy that, and Council Member Sanchez stated he understood, that there was a shield between those two transactions, that in other words they owed the City a 10% increase, and Ms. Saenz stated that the actual contract and all of the details on all of that was based on the rental increase, that the City was the landlord, and the actual impact was on the purveyors doing business there, and Council Member Sanchez stated that Ms. Saenz believed that as a matter of public policy the administration or City should do something to assist her client, and Ms. Saenz stated correct. Council Members Todd, Castillo and Robinson absent.

Council Member Tatro extended Ms. Saenz time, and Ms. Saenz further stated that it was important also to understand that there was the issue of compliance, that on the one hand the City was saying that they had buffeted Entertainment One and the purveyors, yet in that particular contract between Entertainment One and the purveyors

the City signs as well, and the other thing was that they also were to abide by Federal Regulations, that the whole thing was if they were going to be using those entities to be able to draw down federal funding, transportation dollars, for the airport, then they also should be complying with treatment of their minority business owners fairly, and that was something that they really had a concern about and really needed to bring it to their attention because that was something that they were striving for them to understand and to agree that it was something that they had to look at, not only affecting Ms. Guerrero but also the other nine individuals who were part of that particular subcontract with Entertainment One. Council Members Castillo and Robinson absent.

Council Member Quan asked Mr. Hall if they had taken action against Entertainment One, were they in default in anyway, had they made their full payment even though Ms. Guerrero had not been remitting the monies to them, and Mr. Vacar stated that yes, they had remained current in their payments to the City, that they were in full compliance with their portion of the contract, and Council Member Quan stated that they also had to think about the public that went through the airport as they looked at this issue, that he understood that the Popeye's Franchise was no longer in operation, and if they did not have the Taco Bell there what options were available to the traveling public, and was there going to be a disruption, that in the letter from the Chamber of Commerce, Ms. Guerrero had no alternative as far as raising her fees to the public to compensate for it, and that was his concern how were they going to be able to properly adjust for the public who went through the airports, and Ms. Saenz stated that there was a part of the purveyors contract that stated that the City was the one that put the cap at 15% over street pricing for pricing at the airport. Council Members Castillo and Robinson absent.

Council Member Parker asked Mr. Vacar that it was her understanding that the Aviation Department was not insensitive to the impact of the rate increase and they were evaluating whether there might be changed circumstances since the contract was signed that might cause the City to encourage a lower payment, and Mr. Vacar stated yes, and Council Member Parker stated that it was in the works, that they were evaluating it now and had not been determined, and Mr. Vacar stated that he received the IH Merchants Association's report from their consultant a few weeks ago, that they had been going through it comparing it to other data they had, and comparing it with for example one of the issues raised was the new Continental Cafeteria, that he had been working with Continental to find out what their sales were to see what impacts there were, that he was prepared, and in fact had a draft that was circulating now, of a recommendation and thought they could very shortly come up with something that Mayor Brown could propose to Council, and as the City Attorney pointed out it would not be retroactive, and the City Attorney made a good point, that the contract was with Entertainment One and if they could get them to agree, which they believed they would, then they could go forward with the changes, and Council Member Parker asked if it would be up to Entertainment One to decide to pass on that reduction to their vendors, and Mr. Vacar stated no, that the amendment would be a requirement that they do that, and actually what it would do would be to decrease the rent that they would pay to the City, and the amendment would say that the various purveyors would have less expectation of paying the City, and Council Member Parker asked if the other vendors out there were current with their payments to Entertainment One as far as they knew, and Mr. Vacar stated that it was mentioned a moment ago that the Popeye's Franchise was in limbo, that he understood there was an offer to purchase that by someone else, that the matter had been there for some time before the increase and did not know the answer to the question but thought

that everybody else was current, and Council Member Parker stated she could understand Ms. Saenz asking for the City to request from Entertainment One more time to arrange for payment of the back rent, and would certainly support that, even though they could not mandate that they do that, but it sounded to her that they were actually asking for the City to forgive the back rent, and Ms. Saenz stated that if they could start to at least discuss and negotiate, whereas in the past they had not had that opportunity, she was sure they could find something that could help her, that at least they knew now where the City stood, and at least they knew now that this was how they were going to proceed, and Council Member Sanchez asked Mr. Vacar if he had an estimate as to how much revenue loss that would be to the Aviation Department for re-negotiation if that were to occur, and Mr. Vacar stated that he could not give a specific number and would rather not throw one out, but it would be a decrease, and Ms. Saenz stated that it was important to know that those 10 purveyors provided 2% of the operating budget for the City Aviation Department. Council Members Castillo and Robinson absent.

Council Member Boney stated that there was not set aside Affirmative Action Program with the City, that they were not required nor was it lawful to set aside a certain amount of contractual opportunities to women, minorities or business owned by people who were disabled, that they had a goal and thought that it was misleading to suggest that they were using those women and minority owned concessionaire's to satisfy a federal requirement for women and minority owned businesses, that was illegal and unconstitutional, that they had a program that encouraged diversity and at the same time precludes any prohibition or bar from qualified and competent women and minority owned firms doing business at the airport, that was all they were required to do by law with regards to the Federal Government, so to suggest somehow that they were using those women and minority owned firms to satisfy a federal requirement with regards to diversity and the contractual opportunities and then somehow treating those women and minority owned businesses unfairly because of some difficult financial conditions was wrong and wore a little thin on him, that everyone was sympathetic and were trying to find a legal and lawful way to respond to them, that Council could not tell Entertainment One that they were to re-negotiate or forgive that past rent, that was unlawful, that was tortuous interference and they could not do that, that he had stated that they were going to review Entertainment One's performance with regard to it's contractual requirement with the City and understood from Mr. Vacar that the process was ongoing right now, so he thought clearly if they lowered the temperature of the rhetoric and kept trying to work together hopefully they would get to the end, and Ms. Saenz stated she could understand how he felt that way, but the DBE information, the regulations and the clauses were actually part of the contract, and as far as tortuous interference, usually that was when someone was going to be getting a benefit of some sort, that at this point the City was really trying to negotiate for the well being and fairness for the tenants. Council Members Castillo and Robinson absent.

Mayor Brown asked Ms. Saenz if they had spoken with Entertainment One people about the eviction, and Ms. Saenz stated that they had attempted to, that they had several calls in and they had not called them back. Council Members Castillo and Robinson absent.

Ms. Diva Garza, 3400 Edloe No. 336, Houston, Texas 77027 (713-926-6331) appeared and stated that she was an Hispanic entrepreneur and a board member of the Houston Hispanic Chamber of Commerce, that she was present to lend support to Lolita

Guerrero, that they were very proud when she got her business at the airport, because she was the first and only Hispanic female entrepreneur, that unfortunately the turn of events had placed her business in danger, that she did not want to reiterate the situation but was sure that they all agreed and everyone in Houston would agree that a rent increase of 200% would put any business out of business, that if other business had signed the contract it was simply because they had unlimited wealth or poor business advise, that if small business in general were to succeed and in order to bolster the local economy they must stop putting obstacles in the way which could only lead to financial ruin. Council Members Castillo and Robinson absent.

Mayor Brown asked if the Chamber had communicated their concern to the Entertainment One people, and Ms. Garza stated she understood that they had. Council Members Castillo and Robinson absent.

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that if Council Member Boney did not feel he was worthy of an answer, then he guessed that he would be answering to some other people in regards to what he did with his money, that he was never talking about where he got it only what he did with it, but he did not want to answer, so he would answer to someone else like the Justice Department and IAD and anybody else he could think of. Council Members Castillo and Robinson absent.

Council Member Keller thanked Mr. Winters for bringing to their attention his concern for the elderly, that he worked with the administration to follow-up to make sure that they were doing their fair share because most of them did care a great deal, that with their area agency on the aging, Yellow Cab, Metro and their administration transported the elderly to 33 health centers and back home, that it was paid for by the City of Houston, that it was about 350,000 trips per year, and also Metro picked up elderly and handicap for a \$1.00 charge and that was also an estimated 350,000 trips per year. Council Members Bell and Robinson absent.

Mayor Brown stated that he wanted to make one comment on the aviation issue, that they were still doing what they needed to do in terms in getting something to him to bring before Council, so they will continue to do that and press hard on it. Council Members Bell and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated www.galvan.org, that Mercury had entered Aquarius, that on the night of January 20 to 21 the full moon in Leo, lion, fire entered into totaled eclipse, that at approximately 10:00 p.m. Thursday night the full moon would turn a brick red color, new age liberation clergy support gay couples ministers, situational racism, character knows no sexual preference, the vision of race unity, Jewish MLK Junior Parade, the vision of sexual preference unity, art brothels, predominately homosexual, what was your destination, Rue Davis somebody wants you, KTSU Monday night blues, Doctor Freddie Brown, Brown, Harry Brown libertarian, vote Harry Brown for president 2000. Council Members Bell and Robinson absent.

President Joseph Charles, P.O. Box 53831, Houston, Texas 77052 (713-710-1715) appeared and stated that he was forced to come back again before them to put a stop to the terrorist acts by the Global Mafia Organization, that he was being fatally attacked

publicly before the City and all of the City Council Members had knowledge of it, that his case address was that City Government crucifixion by assassination of him, he President Joseph Charles of Royalty, in violation of his crime victims bill of rights, that he was also a certified volunteer deputy registrar of Harris County, that they were duly obligated to provide emergency protection due to the fact that his crime victim bill of rights that was protected by the State constitution and guaranteed special rights to crime victims, that he had presented before them, that he also did have an official office command emergency order of protection that was to be provided for him from the office of the Grand Jury Court. Council Member Robinson absent.

Ms. Belinda Taylor, 12238A Wild Pine Dr., Houston, Texas 77039 (281-260-7106) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mr. Allan Tiller, 611 E. 9th, Houston, Texas 77007, (713-658-2504) appeared and stated that he was president of the Heights Association and was present to vividly protest the proposed encroachment at Ashland and Nicolson in the Heights, that he regretted taking up their time on the issue of the Heights alley's again, for those who were present last year recalled the time they did spend on it, that they thought the issue had been resolved, they got a legal opinion from the City Legal Department and from a court in town which clearly set down that the Heights alley's were dedicated public rights of way that could not be adversely possessed, that they thought that ended the issue, but now it appeared that there was another way that a private person could effectively adversely possess an alley in the Heights and that was apparently a much easier way to do so than what appeared to be before, and that was they build into the alleyway, fill out a form, and there were forms that the Joint Referral Committee had, and they argued that it was a mistake, but they filled out a form then it went to the Joint Referral Committee and then it appeared as a fairly minor agenda item on the Council and unless anyone happened to catch it, and it was very fortuitous that they caught it, then it would be passed on through and they would have the encroachment, that this process did not require any showing of a public need, that it did not allow any kind of input from those who were vitally effected by the encroachment including adjacent property owners and the Heights itself, and it did not even require that any money be paid for the taking, that he respectfully suggested that the process constituted a much too casual circumvention of property rights and of the public interest and was therefore bad public policy, with respect to this particular encroachment, that he had not been made privy to the particular facts of it, but what he had seen an eight foot encroachment in a very well platted area such as the Heights lead them to believe that it was at least a grossly negligent or a very careless encroachment and now they had the situation where they just said oops and suddenly they had eight foot of property being transferred from a public domain to a private use and in effect expropriation again without paying a dime of compensation and without any regard to the consequences to others.

Council Member Vasquez moved to suspend the rules to hear from Ms. Nancy Collins, Public Works and Engineering, Real Estate Division at this time, and was seconded by Council Member Parker. All voting aye. Nays none. MOTION 2000-0089 ADOPTED.

Council Member Vasquez asked Ms. Collins to explain the process that took place that brought them to the point where they were about to approve an alley encroachment

in the Heights, and Ms. Collins stated that the property owner that owned lots 35 and 36 in that particular block submitted a request to the Joint Referral Committee covering the eight foot garage encroachment, that basically the process that the committee went through was sending that request to the various committee members that represented the various disciplines at the City, that they reviewed the requests in terms of any utility impact, any impact on the use of that area, et cetera, and Council Member Vasquez asked what role did the inspector and plan approvers have in that decision, and Ms. Collins stated that not anything in particular, in that case the representative from the department basically considered whether or not there were any problems but they did not talk to the inspector, and Council Member Vasquez asked if the documents that were submitted to them were completed by the inspectors as well, and Ms. Collins stated that the property did get a permit to build the garage, and Council Member Vasquez asked what were the discussions within the Joint Referral Committee itself as they were responding to that particular request, and Ms. Rodgers stated that there was concern about the fact that it had occurred, that they were not able to determine with any specifics as to exactly how it happened, that they were not basically an investigating body, that they viewed these things too, and Council Member Vasquez stated that the inspectors did approve it prior and Ms. Collins stated it was her understanding that it was permitted, and Council Member Vasquez asked what safeguards could they put in place to assure that this type of inspection did not happen again, otherwise it did have the perception that it was an encroachment or slow erosion of the alley ordinance, and Ms. Collins stated that it was difficult, that basically from the standpoint of the Joint Referral Committee they were not an investigative or enforcement body, that they viewed the requests from various aspects and in this case determined that because there were other encroachments in the area it was not, and Council Member Vasquez asked if the Joint Referral Committee was committed to the alley ordinance, and Ms. Collins stated absolutely, and stated that this request was not going to convey or abandon or give up any of the City's property rights as to the alley, it was merely an agreement that would acknowledge the distance of the encroachment, more or less it could stay there for 30 years or until the encroachment was removed, but in no way did it limit or reduced the City's property rights, and Council Member Vasquez asked if their function was primarily a review function and really if there was a mistake it was committed by the code enforcers themselves, and Ms. Collins stated that she would not say that, that she would say that there were mistakes made, and Council Member Vasquez asked if the Joint Referral Committee made a mistake, and Ms. Collins stated that she would not say that, and Council Member Vasquez again asked as to what safeguards could they put in place to assure that this was not a slow erosion of the alley ordinance, and Ms. Collins stated that perhaps they could consider closer coordination among the various groups within the City to make sure that there was more communication, but again in that particular case the Joint Referral Committee was not able to determine who made the mistake and a mistake was made, but she could not personally point to an individual, and Council Member Vasquez stated that they really needed to speak with code enforcement in some regards, that it was hard for him to accept that they were not aware of the Heights alley issue, given the attention that it had received in the last two years, and wanted to reiterate that they had her commitment from the Joint Referral Committee to adhere to the alley ordinance and Ms. Collins stated yes.

Council Member Parker stated that they acknowledged that there were some unusual facts and situations about the particular case and the gentleman's requested encroachment because he had an incorrect survey and he actually had a permit to build

in the alley, and it was her understanding that most of the obstruction was in the Heights alley, that there were fences and other obstructions that were built without City permits and City approvals, and asked if that was correct, and Ms. Collins stated that as far as requests that they got through the Joint Referral Committee, they did not see routinely encroachments that were permitted, that basically most of those things were very aged and had been there for some time, and it would be very difficult to determine, and Council Member Parker stated that in this case the gentleman who built the garage had actually gotten a City permit, right or wrong, he had a City permit and proceeded, feeling that he had the complete authority from the City to build a garage, and she understood that there were other encroachments in that particular alley and were they now going to hear from all the other folks that had encroachments in the alley asking for a waiver so they could leave that encroachment, and Ms. Collins stated that she did not know the answer to that question, and her guess was that they probably would not.

Council Member Parker asked Mr. Hall if they were establishing any kind of precedent by this for all those other encroachments that were in the alley or could they say that the circumstances on this one were unusual enough that they were only dealing with it on a case by case basis, and Mr. Hall stated that he did not think that anybody in the Legal Department had ever suggested that the granting of a permit in any way transferred property rights, and secondly as they well knew it was similar to a license, that the way they would avoid even a claim was if somebody came and got permission to be there recognizing they were not supposed to be there, that was what this amounted to.

At 2:18 p.m. the Public Session was completed.

At 2:19 p.m., the City Secretary stated that the speakers list was completed and Council had further postponed discussion of Item 29 until this time. Mayor Brown stated that they would continue discussion beginning with Council Member Quan.

Council Member Quan stated that he wanted to acknowledge efforts by Bechtel and the Houston Airport system as trying to provide answers prior to this meeting; that there was always liability and risk in anything you did and they did need the best legal expertise available and he felt they could work something out.

Council Member Boney moved to suspend the rules to hear from a representative of Bechtel and Mr. Coleman, and was seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2000-0090 ADOPTED.

Council Member Boney stated that Mr. Jim Coler with the Greater Houston Partnership had been present and he wanted to bring to everyone's attention that the Greater Houston Partnership did in fact endorse the item and thought it would be in the city's best interest to pass the item today. Upon questions by Council Member Boney, Mr. Nielson stated that the bid was formerly due April 27 and there was much to be prepared, the budget would be somewhere in the range of \$1,000,000 to \$2,000,000 and have about 125 people working on it at some point in time and at this point every day was critical; that if the city was not involved they had other operators who had expressed interest.

Upon questions by Council Member Boney, Mr. Hall stated that he had reviewed the letter transmitted from Mr. Coleman and felt it was more than adequate, there were

multiple layers of insulation, unfortunately in the public debate they were forced to speak in absolutes and that was impossible, but it was extraordinarily unlikely that anyone would even contemplate holding the city responsible for anything.

Council Member Sanchez stated that he had explained the tag process to Bechtel and there was discussion about overriding the tag, but he did appreciate Council Member Bell bringing up his issues because they were concerns and he appreciated Mr. Coleman bringing his constructive suggestions and as soon as they were worked out he hoped the Council Member would consider removing his tag and giving Bechtel and the city a competitive edge.

Council Member Bell stated that he wanted to make comments having to do with process and it was important at this early stage with the new Council because there was a lot of talk about trying to override his tag and he had voted for some, but in the past a Council Member had tagged hundreds of items and was only called into question on about two occasions, it was not the policy of the Administration or anyone else and that was not his policy to do so without a good reason; that Council Members should remember this because they would be faced with similar situations in the future and before they overrode someone's tag when they were trying to do so on a meaningful basis it should be weighed carefully; that having been said he did think there were legitimate questions but he would guarantee that any Council Member who had sat at the table any length of time had heard plenty of emergency stories, anytime someone wanted something passed on a certain week Council Members would hear if it was not passed that week the item would not be able to go forth but then miraculously even though it was not passed somehow the pieces were put back together and it was on the Agenda again; that he was tempted to leave his tag in place just to see if it would come back next week but he would not because that would be petty, but this got old and there was always a new explanation for it; that this time it was different and it really was an emergency but most of the time it was bologna and his advise was if someone was bringing something to Council that was time sensitive then they should bring it to Council early on though in this particular case it was different and they did not have the opportunity to do so; that his question had been regarding liability and he hoped no one would go into a venture without knowing their liability; that Council did have feedback now on shields of protection and he thanked Mr. Coleman for placing them in writing; and stated that he would remove his tag but he did have an amendment to offer.

Council Member Bell moved that Section 5 be renumbered to Section 6 and add a new section 5 to read: "Notwithstanding the foregoing, it is expressly provided that the City not be authorized to proceed with the "Operating Phase" as contemplated under Section 2 (b) of the attached agreement until the City Attorney has received and approved the opinion of Vinson & Elkins LLP regarding the liability of the city. Said letter shall include but not be limited to the representations set forth in the letter dated January 19, 2000, from Mr. Hank Coleman of Vinson & Elkins LLP, to Mr. Anthony Hall, City of Houston City Attorney.", and was seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2000-0091 ADOPTED.

Mayor Brown called a vote on the main item as amended. All voting aye. Nays none. ORDINANCE 2000-43 ADOPTED.

31. ORDINANCE approving and authorizing contract for professional services in connection with Workplace Training for the Houston Airport System by and between the City of Houston and **NORTH HARRIS MONTGOMERY COMMUNITY COLLEGE** - 3 Years - \$450,000.00 Total Contract Amount - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – was presented, and was tagged by Council Member Tatro.
32. ORDINANCE appropriating \$950,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT) and approving and authorizing contract for Professional Real Property Acquisition and Relocation Services for the Houston Airport System by and between the City of Houston and **UNIVERSAL FIELD SERVICES, INC** - **DISTRICTS B - GALLOWAY and E – TODD** – was presented. All voting aye. Nays none. ORDINANCE 2000-44 ADOPTED.
34. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **STONEHENGE ASSOCIATION, INC** for Garbage Collection Service for the respective subdivisions - 6 Months - \$360.00 - General Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-45 ADOPTED.
35. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **TANGLEWILDE SOUTH SECTION I** and **WESTHOLLOW VILLA HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 24 Months \$4,608.00 - General Fund - **DISTRICT G – KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-46 ADOPTED.
37. ORDINANCE appropriating \$305,700.00 out of Water & Sewer Consolidated Construction Fund; approving and authorizing professional engineering services contract between the City of Houston and **FERRO-SAYLORS, INC** for Design of the Rehabilitation of Groundwater Pump Stations, CIP S-1000-FS-2 (WA10619); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2000-47 ADOPTED.
38. ORDINANCE appropriating \$535,300.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to professional services contract between the City of Houston and **ROY F. WESTON, INC** for Improvements at Various Groundwater Pumping Stations; GFS S-1000-RW-2 (10564); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - GALLOWAY; F - ELLIS and G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2000-48 ADOPTED.

The Non Consent Agenda (Item 39) was considered as follows:

PURCHASING AND TABULATION OF BIDS

39. RECOMMENDATION from Finance & Administration Department to make the following awards for Plumbing Supplies for Various Departments - General, Enterprise and Fire Department Revolving Funds:

HUGHES SUPPLY, INC - \$1,455,651.00

CITY SUPPLY CO., INC - \$625,735.00

COUNCIL DRAW LOTS

ITEM NO. 37 due to receiving identical bids from **CITY SUPPLY CO., INC** and **HUGHES SUPPLY, INC** in the amount of \$500,500.00 – was before Council, and Council Member Keller drew **CITY SUPPLY CO., INC.** as the successful bidder.

Council Member Boney moved that the recommendation be adopted and awarded as drawn. All voting aye. Nays none. MOTION 2000-0092 ADOPTED.

MATTERS HELD - NUMBERS 40 through 46

40. MOTION by Council Member Galloway/Seconded by Council Member Sanchez to adopt recommendation from City Attorney for additional funding for legal services agreement with **MAYOR, DAY, CALDWELL and KEETON** in connection with the lawsuit styled Maguire Oil Company v. City of Houston - \$275,000.00 - Property and Casualty Fund – **(This was Item 2 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. MOTION 2000-0093 ADOPTED.

41. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering for payment of FY 2000 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$179,955.00 - Enterprise Fund – **(This was Item 4 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. MOTION 2000-0094 ADOPTED.

42. MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Alan Laferriere, for encroachment agreement for a ±8-foot garage encroachment into a ±38-foot wide alley between Ashland Street and Nicholson Street, adjacent to Lots 35 and 36, Block 55, Houston Heights Addition, Parcel ENY0-02 - **DISTRICT A - TATRO** – **(This was Item 10 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBERS ROBINSON, VASQUEZ and PARKER)** – was presented.

Council Member Vasquez stated that despite the city's view of the alley's in the Heights to the citizens in the Heights every encroachment into an alley was a very serious matter; that it was clear a mistake was made somewhere along the line and while the Joint Referral Committee acted properly he would like to see Code Enforcement be fully committed in enforcement of the Heights alleys; that there was no justification by Ms. Collins for the encroachment and he would ask the Mayor for that; and Mayor Brown stated that the ordinance was the law of the City of Houston and it was expected to be enforced. Council Member Vasquez stated that it was expected but it was hard to believe that after two years and all the attention that Code Enforcement

would not be aware; and Mayor Brown stated that they would certainly get the word to them reminding them of their expectations.

Council Member Parker stated that she would like to know if the meetings of the Joint Referral Committee were published anywhere and available to citizens or could it be available to citizens so they would know certain items were coming up; and Mr. Hall stated that he could see Mr. Bibler shaking his head about the first question, but they would have to get an answer on the second, he did not know how their Agenda was prepared. Mr. Bibler stated that there was no outside people involved, it was city departments who were affected by Real Estate transactions who came together with their appropriate folks. Council Member Parker stated that she was not saying they should attend the meetings but the issue Mr. Tiller had raised was that you had to be very diligent in following the Agenda to know when the items were coming up and she wondered if either Council Members or citizens could know which items were being considered. Mr. Bibler stated that there was certainly no reason Council Members could not be advised and most transactions would actually come before Council twice, but if they wanted to be notified a third time they could ask Public Works to do that; and Council Member Parker stated that she would like to be added to the list.

A vote was called on Item 42. All voting aye. Nays none. MOTION 2000-0095 ADOPTED.

43. MOTION by Council Member Sanchez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **QUANTUM FITNESS CORPORATION** - \$65,068.00, **DIVERSIFIED MED. SERVICES, INT'L** - \$32,251.50 and **PROMAXIMA MFG., INC** - \$105,880.00 for Fitness Equipment for Parks & Recreation Department - Equipment Acquisition Consolidated Fund – (This was Item 24 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. MOTION 2000-0096 ADOPTED.
44. MOTION by Council Member Boney/Seconded by Council Member Galloway to adopt recommendation from Finance & Administration Department to award to **ARMORCAST PRODUCTS COMPANY** for Polymer Concrete Meter Boxes and Covers for Department of Public Works & Engineering - \$2,525,718.72 - (This was Item 25A on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBER QUAN) – was presented. All voting aye. Nays none. MOTION 2000-0097 ADOPTED.
45. ORDINANCE awarding contract to **J. E. SPECIALTIES, INC dba J & E ASSOCIATES** for Cleaning and Janitorial Services for Health & Human Services Department; providing a maximum contract amount - 1 Year with 4 one year options - \$4,816,371.15 - General Fund – (This was Item 37 on Agenda of January 12, 2000, TAGGED BY COUNCIL MEMBER QUAN) – was presented.

Council Member Quan stated that he tagged the item last week and then met with Finance and Purchasing and though he still felt the process was not perfect the money Mr. Harris posted had been tied up quite a while and felt they should go forward with the item.

Council Member Castillo stated that he wanted to express appreciation to Council Member Quan for his interest in the matter; that it was important when Council performed its oversight responsibilities and in this case he agreed the process was not perfect, but as he said J & E did have their bond in place sometime and assurances were given by Purchasing that they would try and be more willing to look at the bona fide of those who applied and bid on the projects because there were always two sides; and he would vote for this though it did hurt some who were capable of doing the work.

A vote was called on Item 45. All voting aye. Nays none. ORDINANCE 2000-49 ADOPTED.

Item received during the meeting:

27. ORDINANCE approving and authorizing contract between the City and **EHRENKRANTZ, EKSTUT & KUHN ARCHITECTS, INC** for the Development of a Main Street Corridor Master Plan for the Planning and Development Department - \$260,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG, D - BONEY, H - VASQUEZ and I – CASTILLO** – was presented, and was tagged by Council Members Todd, Tatro, Keller, Robinson, Ellis and Vasquez.

Mayor Brown stated that he wanted to remind everyone the City of Houston was co-hosting a Summit on Hate Crimes tomorrow at the George R. Brown Convention Center, it would focus on the hate crimes in the Houston area with emphasis on prevention, education and enforcement; that he was also pleased Council Member Parker served on the panel discussing the hate crimes at the national level and Council Member Boney would lead the Hate Crimes Prevention Outreach Roundtable and he thanked them for their involvement; that the Summit would last from 8:30 a.m. to 5:00 p.m. and he hoped everyone would attend and if anyone was interested Agenda's could be obtained through the Mayor's Office.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that over the past two weeks his office had received numerous calls regarding sewage problems in the district; that he had met with Mr. King who advised him much of the problem had to do with the dry weather; that he wanted to thank George Bravenic and Gary Ordat for working with his staff and trying to take care of most of the calls. Council Member Sanchez absent.

Council Member Goldberg stated that he was concerned about a project called College Court Place Project near Wesleyan and the Southwest Freeway; that the contractor AJS Construction had numerous delays, the project was to be completed in January 1999 and he understood the contractor was again going to ask for more time to complete and the people had been inconvenienced long enough and he would like to know what penalties could be levied against the contractor who had not been responsive to the Mayor's Office or to his predecessor Council Member Wong. Council Members Sanchez and Bell absent.

Council Member Goldberg stated that there would be a townhall meeting tomorrow at 7:00 p.m. at Hammon hall regarding the four bridges being closed over the Southwest Freeway; and encouraged all to attend. Council Members Sanchez and Bell absent.

Council Member Robinson stated that over the weekend Council Members participated in downtown parades and the turnout was very large and diverse and spoke well of Houston; that his office had been contacted by the organizers and he hoped down the line they would find a common ground and come together. Council Members Sanchez and Bell absent.

Council Member Robinson stated that something that did not get as much coverage as the Silicon Bayou line the Mayor used was the executive order on clean air that would be coming was very important to the region and hopefully as it developed it would take in innovative things out there and the city could take on a very dramatic leadership roll in things such as cashing out parking benefits where you convert parking subsidy into salary and encourage employees to use mass transit; that another thing that caught his interest was the Mayor talking about the operation and efforts on the way to use technology in helping deliver city services to more citizens on a broader scale and that was something he had an ongoing interest in; that he knew Council Member Bell had been working on such issues and he hoped those two things would get more attention because they had the potential for the greatest impact on moving the city through the next years and into the 21st century; and whatever he could do to assist in those two areas he would like to be a part of the process. Council Members Sanchez and Bell absent.

Council Member Quan stated that he appreciated Council Member Bell's comments; that he believed the new Council Members had come in with a sense of wanting to work together; that they respected the members who had more experience than them and he respected his questions and graciousness in withdrawing his tag; and he hoped they would all continue to work together and not try to not honor each other's tags. Council Members Sanchez and Bell absent.

Council Member Keller stated that over the weekend they had the Houston Methodist Healthcare Marathon and he was excited to see some Council Districts, A and G, participating in it and Kate on his staff started and finished the race and District A had Bruce and Nancy run about half; that it was exciting and it was on the Mayor's street, it was a big community effort and as long as Kate was on his staff he would challenge the other districts and departments to run also. Council Members Sanchez and Bell absent.

Council Member Boney commended Mayor Brown for his state of the city speech he gave earlier in the week; that without question it seemed the members of the business community felt it covered a whole array of things that should be covered in the coming year and set forth challenges that the city was facing such as air quality; that his point that the city would not use its position with regard to water to unfairly burden or take advantage of smaller areas was well accepted; that he would also urge a regional statewide solution with regard to issues on air quality, they had no statewide judicial control program in the State of Texas and the State Legislature and Governor had a tendency to suggest there were just emissions problems in Houston and Dallas and that was a big mistake and the same type of emission procedure testing should be across the state; that he also wanted to emphasize how significant the problem of air quality

was for residents of this region; that it was a problem that could be diminished or marginalized; that the city of Atlanta, Georgia, a very progressive city had all of their federal funds closed related to transportation because they had not addressed the issue of air quality and the City of Houston could not afford that to happen and he wanted to continue support use of a cleaner fuel; that in talking with members of the Partnership who were involved on that committee he was told it would cost about a nickel per gallon for the average citizen and the private sector would invest the rest of literally millions and millions of dollars to convert the plants which produced fuel to the cleaner burning fuels and if they did not do that, and even if they did, they may be moving to rotating the days citizens could use their cars and he could see the difficulty in trying to enforce that and they needed to get serious. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Boney stated that he had the opportunity to attend the Children's Museum and he was so impressed he would urge all citizens who had not been to go by and felt they would be extremely impressed. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Parker stated that she had attended the Mayor's speech and she also appreciated statements made on air quality and was glad the city would be taking a lead, but she wanted to refer to the speech as she was pleased late last year when he announced a new initiative on AIDS prevention in Houston with part of the initiative being a commitment to use his pulpit to increase community awareness on HIV and AIDS; that he had now delivered two major policy addresses that failed to address the issue and she would like to remind him of the pledge and hoped he would step forward in speaking of the surge in HIV and AIDS. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Parker stated that on the same issue there was an announcement by the White House for new funding for AIDS, they were putting out \$125,000,000 for treatment and \$50,000,000 for education and prevention and she would urge and hope that the City Health Department would go after some of that as it could definitely be used. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Parker yielded to Council Member Boney who stated that last week they met with the director of the CDC with the Health Department and specifically about the HIV and AIDS epidemic in the minority community and they did speak on procuring those additional funds and there was also going to be more funding coming from the county. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Castillo stated that the meeting to consider the amendment to Item 46 would be on Tuesday, January 25 at 9:30 a.m. in the Council Chamber. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Castillo stated that the lighting on Franklin Street in front of the post office was out and had been three or four months, it was pitch dark and there was still traffic coming in and out of the post office at night; and Mayor Brown stated that would be looked at immediately. Council Members Todd, Vasquez, Sanchez and Bell absent.

Council Member Castillo stated that he would like the Aviation Department to let him know, and he was sure the rest of Council would want to know, the process for letting the public know when concession opportunities became available at the airport, what the process was for them to bid; and Mayor Brown stated that he would have Aviation send a memo to all Council Members outlining the process. Council Members Todd, Keller, Vasquez, Sanchez and Bell absent.

There being no further business before Council, the City Council adjourned at 2:56 p.m. upon MOTION by Council Member Tatro, seconded by Council Member Quan. All voting aye. Nays none. Council Members Todd, Keller, Vasquez, Sanchez and Bell absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary