

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 10, 2016 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS 2016-0229 to 2016-0242  
ORDINANCES – 2016-0360 to 2016-0372  
RESOLUTIONS – 2016-0016 to 2016-0017

2016-0228-1

**1:30 P. M. - PRESENTATIONS**

**2:00 P.M. - INVOCATION AND PLEDGE OF ALLEGIANCE** - Council Member Cohen

**ROLL CALL AND ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P.M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**NOTE: If a translator is required, please advise when reserving time to speak**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - MAY 11, 2016 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 27**

**MISCELLANEOUS** - NUMBERS 1 and 2

**1. Motion 2016-0238**

RECOMMENDATION from Acting Chief of Police to make disbursement of court-awarded asset forfeiture proceeds to the **JONES COUNTY, MISSISSIPPI, SHERIFF'S OFFICE** - \$40,448.87 Asset Forfeiture Fund

**2. Motion 2016-0239**

RECOMMENDATION from Acting Chief of Police to make disbursement of court-awarded asset forfeiture proceeds to the **HOOVER, ALABAMA, POLICE DEPARTMENT** - \$127,578.40 - Asset Forfeiture Fund

**DAMAGES** - NUMBER 3

**3. Motion 2016-0235**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **BORIS TRENT WILLIAMS** v. City of Houston; Cause No. 2014-52372; in the 151st Judicial District Court of Harris County, Texas - \$90,000.00 - Property & Casualty Fund

**ACCEPT WORK** - NUMBERS 4 and 5

**4. Motion 2016-0236**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,103,164.17 and acceptance of work on contract with **AW MECHANICAL SERVICES, L.P.** for Water Substitute Services Program: Water Meter Relocation - 12.25% under the original contract amount - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; G - TRAVIS; H - CISNEROS and I - GALLEGOS**

**5. Motion 2016-0237**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,320,332.05 and acceptance of work on contract with **ALSAY INCORPORATED**, for Water Well No. 5 - 4.05% under the original contract amount - **DISTRICT A - STARDIG**

**PROPERTY** - NUMBER 6

**6. Pulled-Not Considered**

RECOMMENDATION from Director General Services Department to APPOINT two independent appraisers to determine the fair market value of ±1.737 acres of land located out of South Side of Buffalo Bayou Addition located on the southwest side of Texas between Jackson and Hamilton Streets Houston, Harris County, Texas - **DISTRICT I - GALLEGOS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9

**7. Pulled-Not Considered**

APPROVE spending authority in an amount not to exceed \$2,759,823.10 for Oracle Licenses and Software Maintenance through the Texas Department of Information Resources for the Department of Public Works & Engineering, awarded to **NEBULOGIC TECHNOLOGIES** - \$580,172.86 and **ORACLE AMERICA, INC** - \$2,179,650.24 - Enterprise and Other Funds

**8. Motion 2016-0240**

**LYTX, INC** for Tier 3 Management Services and DriveCam Online Subscription Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Solid Waste Management Department - \$166,320.00 - General Fund

**9. Council Member Laster tagged**

APPROVE payment and spending authority for Emergency Elevators and Escalators Maintenance and Repair Services through the Master Intergovernmental Cooperative Purchasing Agreement with **KONE, INC** for Various Departments Enterprise and Other Funds

**RESOLUTIONS** - NUMBERS 10 and 11

**10. Resolution 2016-0017**

RESOLUTION of the City Council prescribing the date, time, and location of a Public Hearing on the City Budgets for the time period July 1, 2016 through June 30, 2017; authorizing notice of such public hearing and making other provisions related to the subject **HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 25, 2016**

**RESOLUTIONS** - continued

**11. Resolution 2016-0016**

RESOLUTION amending City of Houston Resolution No. 2015-21 with respect to loan applications to the **TEXAS WATER DEVELOPMENT BOARD (STATE WATER IMPLEMENTATION FUND PROGRAM)**

**ORDINANCES** - NUMBERS 12 through 27

**12. Ordinance 2016-0369**

ORDINANCE **AMENDING SECTION 26-83 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking privileges for Veterans

**13. Council Member Stardig tagged**

ORDINANCE **AMENDING CHAPTER 45, ARTICLE XV, DIVISION 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Neighborhood Traffic Management Speed Control Program

**14. Ordinance 2016-0370**

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Texas, and **HARRIS COUNTY, TEXAS**, relating to the Operation and Maintenance of Dwight D. Eisenhower Park - **DISTRICT E - MARTIN**

**15. Ordinance 2016-0371**

ORDINANCE awarding contract to **WINTER & COMPANY** for Historic District Design Guidelines for the Planning & Development Department; providing a maximum contract amount - 2 Years with a one-year option - \$267,680.00 - Historic Preservation Fund

**16. Ordinance 2016-0327**

ORDINANCE denying the application of **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC**, for approval to amend its Distribution Cost Recovery Factor filed with Houston, Texas, on April 4, 2016

**17. Council Member Laster tagged**

ORDINANCE approving and authorizing first amendment to contract (Approved by Ordinance No. 2015-151) between the City of Houston and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP (d/b/a VERIZON WIRELESS)** to provide a Facilities Access License for installation of In-Building Equipment in connection with the existing Wireless Communications Equipment and Services for the Houston Information Technology Services Department

**18. Ordinance 2016-0360**

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **DIVERSIFIED UTILITY CONSULTANTS, INC** for Electric, Gas and Water Regulatory and Technical Professional Consulting Services to extend the contract term from June 6, 2016 to June 6, 2017

**19. Ordinance 2016-0361**

ORDINANCE appropriating \$287,814.00 out of Fire Consolidated Construction Fund, awarding construction contract to **DNB ENTERPRISES, INC** for Remediation, Removal, and Installation of Underground Storage Tanks at Fire Station No. 80; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services and environmental testing services, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT K - GREEN**

**ORDINANCES** - continued

**20. Ordinance 2016-0362**

ORDINANCE consenting to the addition of 10.0202 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102**, for inclusion in its district

**21. Ordinance 2016-0363**

ORDINANCE consenting to the addition of 79.009 acres of land to **HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district

**22. Ordinance 2016-0364**

ORDINANCE appropriating \$30,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and \$70,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing agreement for Professional Consulting Services for General Environmental, Asbestos and Lead between the City of Houston and **TGE RESOURCES, INC**

**23. Ordinance 2016-0365**

ORDINANCE appropriating \$376,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **T CONSTRUCTION LLC** for Wastewater System/Substitute Service Support - Southcrest; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - BOYKINS**

**24. Ordinance 2016-0366**

ORDINANCE appropriating \$1,668,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **WEISINGER INCORPORATED** for New/Replacement of Water Well - Forest Cove III; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

**25. Ordinance 2016-0367 – Passed first reading**

ORDINANCE granting to **3 E'S TRUCKING, a Texas Sole Proprietorship**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

**26. Ordinance 2016-0368 – Passed first reading**

ORDINANCE granting to **HOT'Z POWER WASH, INC, A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

**27. Ordinance 2016-0329 – Passed third and final reading**

ORDINANCE No. 2016-329, passed second reading May 4, 2016

ORDINANCE granting to **ALL TEX RECYCLING AND DISPOSAL, INC, A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 28 and 29

**28. Ordinance 2016-0373 – Adopt**

ORDINANCE approving second amendment to Lease Agreement between the City of Houston, Texas, as Landlord, and **MCDONALD'S CORPORATION, as Tenant**, for space at 808 Dallas Street - **DISTRICT I - GALLEGOS** - TAGGED BY COUNCIL MEMBER LE  
This was Item 16 on Agenda of May 4, 2016

**Motion by Council Member Stardig to amend Item 29 as follows:**

**"The following section is added to the beginning of Section IV(B), Method of Payment :**

**(1) Payment for Prior Services**

On or before August 10, 2016, the City shall pay 50% of the Original Allocation for Prior Services. On or before November 9, 2016, the City shall pay the remaining balance of 50% of the Original Allocation for Prior Services.

**The following number and heading is added to the beginning of the second paragraph of Section IV(B), Method of Payment:**

**(2) Payment for Services Under this Agreement**

**The following section is added after the end of section "(2) Payment for Services Under this Agreement" of Section IV(B), Method of Payment:**

**(3) Credits**

Contractor agrees to allow the City to deduct a total of \$57,602.00 from all future invoices beginning on the date the City pays for Prior Services in full as outlined in Article IV (G) or \$4,380,045.53, whichever occurs first.

**The first sentence in Section IV (F) (2), Limit of Appropriation, is amended to read as follows:**

**(2)** In order to comply with Article II, Sections 19 and 19a of the City's Charter and Article XI, Section 5 of the Texas Constitution, the City has appropriated and allocated the sum of ~~\$4,405,929.53~~ **\$4,380,045.53** to pay money due under this Agreement (the "Original Allocation").

**Section IV (G), Prior Services, is amended to read as follows:**

**G. Prior Services**

Contractor represents that:

From July 1, 2015 to the date hereof, Contractor performed services and provided Devices ("Prior Services") similar to those set out in this Agreement, in order to address urgent, unexpected issues related to the matters described herein, for which the Contractor was originally engaged under Purchase Orders at the City's request.

**Amend Item 29 - continued**

The City accepted Prior Services but funds available under the Purchase Orders were not sufficient to pay for the Prior Services and were not available under any other contract in existence during that time; and fees for the Prior Services, based on the terms and conditions of the Purchase Order, do not exceed ~~\$4,405,929.53~~ **\$4,380,045.53**.

As an inducement to entering into this Agreement and continuing to provide defibrillator maintenance services and automated external and public access defibrillators, the City and Contractor desire to compromise and settle all claims Contractor may have arising out of the City's alleged failure to pay Contractor for the Prior Services (the "Claims"). Therefore, the City shall pay and Contractor shall accept payment for all Prior Services in an amount not to exceed ~~\$4,405,929.53~~ **\$4,380,045.53**, which sum is included in the amount of this Agreement, and Contractor agrees to accept such payment to settle the Claims against the City. Payment of Prior Services hereunder by the City is an inducement and requirement for the Contractor's agreement to provide services under this Agreement. Contractor hereby releases and discharges the City from all claims of any nature Contractor might make, now or in the future, arising out of the City's alleged failure to pay Contractor for the Prior Services.

**Section 10 in Exhibit "A", Scope of Services, is amended to read as follows:**

**10.0 Warranty Periods**

The LIFEPAK 1000 device includes a standard limited 5 year warranty. The LIFEPAK 15 has a one-year limited warranty **and thereafter an extended warranty for an additional 4 months expiring at 11:59 p.m. CST on May 31, 2017, which extended warranty Contractor shall provide to the City at no cost to the City, representing a value of approximately \$46,833.** The LIFEPAK CR PLUS is covered by an eight-year limited warranty and LIFEPAK EXPRESS has a five-year limited warranty.

**Council Member Travis tagged**

**29. Motion 2016-0241 – Delay two (2) weeks**

ORDINANCE appropriating \$4,405,929.53 out of Equipment Acquisition Consolidated Fund; awarding contract to **PHYSIO-CONTROL, INC** for Defibrillator and Defibrillator Maintenance Services for Various Departments

**DELAYED BY MOTION #2015-228, 5/4/2016**

This was Item 26 on Agenda of May 4, 2016

**SUPPLEMENTAL NOTICE FOR AGENDA OF MAY 10 AND 11, 2016**

**30. Motion 2016-0242**

**GILBREATH COMMUNICATIONS, INC** for Community/Disaster Preparedness Education/ Outreach Programs through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council - \$956,231.50 - Grant Fund

**31. Council Members Davis, Boykins and Kubosh tagged**

ORDINANCE authorizing the Police Chief of the City of Houston, Texas, to terminate without cause the current SafeClear Freeway Towing and Emergency Road Service Agreement, Contract No. C76536, with **USAACC, INC, dba USA AUTO COLLISION CENTER**

**SUPPLEMENTAL NOTICE FOR AGENDA OF MAY 10 AND 11, 2016**

- continued

**32. Council Members Davis, Kubosh and Boykins tagged**

RESOLUTION authorizing the Police Chief of the City of Houston, Texas, to terminate without cause the current Police Private Storage Lot Agreement, Contract No. C75129, with the Vehicle Storage Facility known as “**STAN’S WRECKER, INC**”, situated at 3551 Almeda Genoa, Houston, Texas

**33. Council Members Davis, Boykins and Kubosh tagged**

RESOLUTION authorizing the Police Chief of the City of Houston, Texas, to terminate without cause the current Police-Authorized Tow Service Agreement, Contract No. C75884, with **USA AUTO COLLISION CENTER**

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Cisneros first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**05/10/2016 - All present**

**05/11/2016 - All present**