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          2016-0228-1
ORDINANCES – 2016-0360 to 2016-0372
RESOLUTIONS – 2016-0016 to 2016-0017

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
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

END OF CONSENT AGENDA
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.

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
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