

AGENDA - COUNCIL MEETING - TUESDAY - MAY 24, 2016 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2016-0243 to 2016-0270
ORDINANCES – 2016-0373 to 2016-0409
RESOLUTIONS – 2016-0018 to 2016-0019

2016-0242-1

1:30 P. M. - PRESENTATIONS

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

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

Motion 2016-0243 – Procedural motion

Motion 2016-0244 – Procedural motion

Motion 2016-0245 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 25, 2016 - 9:00 A. M.

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

HEARING - 9:00 A.M.

1. Motion 2016-0247 – Close hearing

PUBLIC HEARING on the City Budgets for the time period July 1, 2016 through June 30, 2017

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 43

ACCEPT WORK - NUMBER 2

2. **Motion 2016-0263**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$523,040.60 and acceptance of work on contract with **ISI CONTRACTING, INC** for Construction Services of Traffic Control Devices for the Neighborhood Traffic Management Program - .0047% under the original contract amount **DISTRICTS A - STARDIG; D - BOYKINS; F - LE; G - TRAVIS and J - LASTER**

PROPERTY - NUMBER 3

3. **Motion 2016-0264**

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 between Texas Avenue, Hamilton Street, Capitol Avenue, and Avenida De Las Americas, Houston, Harris County, Texas - **DISTRICT I - GALLEGOS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 7

4. **Motion 2016-0265**

THE METHODIST HOSPITAL dba HOUSTON METHODIST for Human Cadaver Based Simulation Training for the Houston Fire Department - \$86,186.67 - General Fund

5. **Motion 2016-0261**

APPROVE spending authority in an amount not to exceed \$8,000,000.00 for Auto Parts for Light Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing with the Education Service Center Region 19 Allied States Cooperative for the Fleet Management Department, awarded to **IEH AUTO PARTS HOLDING, LLC dba AUTO PLUS AUTO PARTS** - 4 Months with one three-year option and two one-year options to extend - Fleet Management Fund

6. **Council Members Kubosh, Stardig and Le tagged**

PRIORITY HEALTHCARE DISTRIBUTION, INC dba CURASCRIPT SD SPECIALTY DISTRIBUTION for Nexplanon® Etonogestrel Implants for the Houston Health Department 36 Months with two one-year options - \$473,200.00 - General Fund

7. **Motion 2016-0262**

FLIGHT SAFETY INTERNATIONAL, INC for Purchase of Bell Helicopter Flight and Maintenance Training Services for the Houston Police Department - \$129,940.00 - General Fund

ORDINANCES - NUMBERS 8 through 43

8. **Ordinance 2016-0399**

ORDINANCE appropriating and transferring \$400,000.00 out of Contractor's Responsibility Fund into the Health Special Revenue Fund for the provision of services under the Care Houston Program for the Houston Health Department

9. **Ordinance 2016-0376**

ORDINANCE approving and authorizing second amendment to agreement for Routine HIV Screening Services between the City of Houston and **MEMORIAL HERMANN HEALTH SYSTEM**

ORDINANCES - continued

10. Ordinance 2016-0400

ORDINANCE amending Ordinance Number 2013-0017 (Passed by City Council on January 9, 2013) to increase the maximum contract amount to an agreement between the City of Houston and **CENTERPOINT ENERGY SERVICES, INC** to provide Natural Gas to the City of Houston \$10,000,000.00 - Central Service Revolving Fund

11. Ordinance 2016-0401

ORDINANCE amending Ordinance Number 2014-0008 to increase the maximum contract amount for agreement for Professional Auditing Services between the City and **MCCONNELL & JONES LLP / BANKS, FINLEY, WHITE & CO.**, a Joint Venture Partnership known as **M&J/BFW TEAM**, for Special Services - \$800,000.00 - General Fund

12. Ordinance 2016-0377

ORDINANCE terminating a Local State of Disaster for the City of Houston, making certain findings related thereto

13. Ordinance 2016-0402

ORDINANCE approving and authorizing amended and restated Managed Care Dental Agreement (DHMO PLAN) between the City and **ALPHA DENTAL PROGRAMS, INC**, and the amended and restated Group Dental Indemnity Agreement (DPO PLAN) between the City and **DELTA DENTAL INSURANCE COMPANY**, for City employees, retirees, deferred retirees, survivors and certain dependents, effective May 1, 2016

14. Ordinance 2016-0378

ORDINANCE amending Ordinance No. 2012-0897 (Passed by City Council on October 10, 2012) to increase the maximum contract amount for Contract No. 4600011832 between the City of Houston and **HARRIS COUNTY, TEXAS**; and approving and authorizing Amendment No. 3 to the same Contract No. 4600011832 relating to the Joint Radio Maintenance Facility located at 2318 Greens Road, Houston, Texas to add provisions and guidelines for shared services and approve an ordinance to authorize spending in the amount of \$50,000 for the cost of operation and maintenance of the Joint Radio Maintenance Facility - General Fund

15. Ordinance 2016-0379

ORDINANCE appropriating \$23,785.15 out of Equipment Acquisition Consolidated Fund for Purchase of Capital Equipment for the Houston Fire Department

16. Ordinance 2016-0380

ORDINANCE approving and authorizing Amendment 1 to an Advance Funding Agreement between the City of Houston and the **STATE OF TEXAS through the Texas Department of Transportation** for the Hunting Bayou Gaps Transportation Enhancement Project - **DISTRICT B - DAVIS**

17. Ordinance 2016-0381

ORDINANCE approving supplemental Operating and Maintenance Agreement between the Buffalo Bayou Partnership and the City of Houston, Texas - **DISTRICTS H - CISNEROS and I - GALLEGOS**

18. Pulled-Not Considered

ORDINANCE appropriating \$170,000.00 out of Airport Improvement Fund; approving and authorizing agreement for exchange of real property interests wherein **REVISTA, INC** conveys tracts of land containing 8.24 acres to the City of Houston, Texas, in exchange for 35.00 acres of land, including all improvements thereon, adjacent to George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS**

ORDINANCES - continued

19. Pulled-Not Considered

ORDINANCE approving and authorizing Compromise, Settlement Agreement between the City of Houston and **REVISTA, INC** pertaining to Tree Removal at George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS**

This item should only be considered after passage of Item 18 above

20. Ordinance 2016-0382

ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, Texas, Seller, and **PROLOGIS, Purchaser**, to sell surplus land near George Bush Intercontinental Airport/Houston pursuant to bid sale

21. Ordinance 2016-0409

ORDINANCE approving and authorizing Amendment No. 7 to Construction Management At Risk Agreement between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Terminal D Phase 5 Construction Services at George Bush Intercontinental Airport/Houston (Project No. 500N; Contract No. 4600010038) - **DISTRICT B - DAVIS**

22. Ordinance 2016-0383

ORDINANCE appropriating \$3,070,300.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **PRO SOUND, INC** for Public Address System Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$362,000.00 - Enterprise Fund

23. Ordinance 2016-0384

ORDINANCE amending Ordinance 2013-0972 to increase the maximum contract amount; approving and authorizing first amendment to agreement for Cost Allocation Plan Services between the City and **MGT OF AMERICA, INC** - \$59,740.00 - General Fund

24. Ordinance 2016-0385

ORDINANCE appropriating \$1,958,266.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **DNB ENTERPRISES, INC** for Remediation, Removal, and Installation of Underground Storage Tanks at 100 Japhet Street; 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 construction of the project, material testing, project management and construction oversight, salary recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS**

25. Ordinance 2016-0386

ORDINANCE appropriating \$66,720.00 out of Equipment Acquisition Consolidated Fund to contract between the City of Houston and **TDINDUSTRIES, INC** (Approved by Ordinance No. 2015-0858) to Furnish and Install a Chiller at the Collier Neighborhood Library - **DISTRICT C - COHEN**

26. Ordinance 2016-0403

ORDINANCE appropriating \$721,000.00 out of Fire Consolidated Construction Fund to In-House Renovation Revolving Fund to address Facility Condition Assessment Priority 1 & 2 Deficiencies during FY2016 for the Houston Fire Department - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; D - BOYKINS; E - MARTIN; F - LE; G - TRAVIS; I - GALLEGOS; J - LASTER and K - GREEN**

ORDINANCES - continued

27. Ordinance 2016-0404

ORDINANCE appropriating \$300,000.00 out of General Government Consolidated Construction Fund, \$528,000.00 out of Public Health Consolidated Construction Fund, \$65,000.00 out of Parks Consolidated Construction Fund, \$207,000.00 out of Parks & Recreation Dedication Fund and \$65,000.00 out of Equipment Acquisition Consolidated Fund as an additional appropriation to the Task Order and Job Order Contracting Program for FY2016 (Approved by Ordinance Number 2013-1093)

28. Ordinance 2016-0387

ORDINANCE appropriating \$928,000.00 out of Parks Consolidated Construction Fund, \$55,000.00 out of Parks & Recreation Dedication Fund, \$79,000.00 out of Parks Special Fund, \$100,000.00 out of Reimbursement of Equipment/Projects Fund and \$55,000.00 out of Park Special Revenue Fund as an additional appropriation for Professional Landscape Architectural Task Order Contracting Program for FY2016 for the Houston Parks and Recreation Department (Approved by Ordinance No. 2014-0403)

29. Ordinance 2016-0388

ORDINANCE awarding construction contract to **HORIZON INTERNATIONAL GROUP, LLC** for PWE McKinney Relocation; 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 contingencies relating to construction of facilities financed by PWE Combined Utility System General Purpose Fund **DISTRICT I - GALLEGOS**

30. Ordinance 2016-0389

ORDINANCE re-allocating \$631,493.66 out of Public Health Consolidated Construction Fund from the Task Order and Job Order Contracting Program; awarding construction contract to **E CONTRACTORS USA, LLC** for 1906 Cochran Renovations; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for, Civic Art Program, and contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT H - CISNEROS**

31. Ordinance 2016-0390

ORDINANCE consenting to the addition of land to **WALLER COUNTY IMPROVEMENT DISTRICT NO. 2**, for inclusion in its district

32. Ordinance 2016-0391

ORDINANCE establishing the north and south sides of the 9300 block of Saddle Lane, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - STARDIG**

33. Ordinance 2016-0392

ORDINANCE establishing the east and west sides of the 1700 block of Spur Lane, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - STARDIG**

34. Ordinance 2016-0393

ORDINANCE establishing the north side of the 3000-3100 block of Vintage Street, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT B - DAVIS**

ORDINANCES - continued

35. Ordinance 2016-0394

ORDINANCE appropriating \$288,580.00 out of Water & Sewer System Consolidated Construction Fund for Repair of Slope Failure at the I-10 Main Canal Siphon Supplying Raw Water to the City of Houston and Operated by the Coastal Water Authority (As approved by Ordinance No. 1995-676)

36. Ordinance 2016-0395

ORDINANCE appropriating \$10,915,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX CORPORATION** for East Water Purification Plant - Chemical Feed Systems Improvements Bid Package 2 - Plant 1 and 2 Improvements; 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**

37. Ordinance 2016-0396

ORDINANCE appropriating \$14,905,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HARPER BROTHERS CONSTRUCTION, LLC.** for 60-inch water line along Monroe and Rockhill from Airport to Glen Valley; 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, Construction Phase Engineering Services, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - GALLEGOS**

38. Ordinance 2016-0397

ORDINANCE granting to **CACTUS DISPOSAL OF NORTH TEXAS, LP, dba CACTUS ENVIRONMENTAL SERVICES, a Texas Limited Partnership**, 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**

39. Ordinance 2016-0398

ORDINANCE granting to **LONESTAR ECOLOGY, LLC, A Delaware Limited Liability Company**, 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**

40. Ordinance 2016-0367 – Passed second reading

ORDINANCE No. 2016-367, passed first reading May 11, 2016

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 – **SECOND READING**

ORDINANCES - continued

41. Ordinance 2016-0368 – Passed second reading

ORDINANCE No. 2016-368, passed first reading May 11, 2016

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 – **SECOND READING**

FISCAL YEAR 2016 BUDGET MATTERS

Motion 2016-0246 – Suspend rules to consider Items 42 and 43 after Item 1

Motion 2016-0254 – Motion to amend Item 42 as follows:

“The Public Works Department may explore the possibility of expanding services provided under the “Privately Funded Sidewalk Repair” and “Safe Sidewalk” programs to include curb, gutter and culvert repairs. Funding may come from within their existing departmental budget and/or from any additional revenue source(s) identified by the Administration. An update shall be presented to the Regulation and Neighborhood Affairs Committee within 120 days of the approval of the amendment.”

– **Adopt**

Motion 2016-0255 – Motion to amend Item 42 as follows:

“Shopping Cart Collection Amendment:

I move that during FY17, the Solid Waste Department, the Office of the Mayor, the Legal Department and any other department or agency of the City, designated by the Office of the Mayor by authorized and instructed to:

- 1) Assuming there is no added cost to the budget, the Administration shall develop and implement a program or plan to provide for the systematic pickup or collection, housing or retention, release and return, or recycling of shopping carts from public property;
- 2) Provide for the drafting of a new ordinance or amendments to the Code of Ordinances, if necessary to create such a program; and
- 3) Present an update of such activities to the Regulation and Neighborhood Affairs Committee within 120 days of the approval of the amendment.

- **Adopt**

Motion 2016-0256 – Motion to amend Item 42 as follows:

“Clean It or Green It Budget Amendment:

I move that during FY17 the Mayor’s Office of Economic Development and any other department or agency designated by the Office of the Mayor be authorized to:

- 1) Develop and implement a program, or plan, that would create the “Clean It or Green It Land Bank” for the purposes of collecting, receiving, organizing and preparing tracts of land that are suitable for combined use in flood control mitigation and recreational greenspace purposes;
- 2) Establish regulations, guidelines, and procedures for the operation and management of the Land Bank, including, if appropriate, providing financial incentives or tax credits or abatements for said program; and providing for the drafting of new or amendments to the Code of Ordinances as may be necessary.

- **Adopt**

FISCAL YEAR 2016 BUDGET MATTERS - continued

Motion 2016-0248 – Motion by Council Member Stardig to amend Item 42 as follows:

“The Houston Fire Department’s Work Demands Analysis shall be complete and ready to present at the August 2, 2016 Public Safety & Homeland Security Committee. The presentation shall highlight any areas for cost savings or areas that will add costs to the Houston Fire Department’s budget as a result of the analysis’ recommendation.”

- **Adopt**

Motion 2016-0249 – Motion by Council Member Stardig to amend Item 42 as follows:

“Assuming no added cost, the City of Houston shall explore the possibility of either establishing or subscribing to an online database for neighborhood deed restrictions. The database may be stand alone or may use the GIS system as a platform. The database shall include all active deed restrictions within the City of Houston. The database shall also include all subdivisions (which may or may not have deed restrictions) and contact information for each subdivision. Within six months, the findings shall be presented to the Regulation and Neighborhood Affairs Committee.”

- **Adopt**

Motion 2016-0250 – Motion by Council Member Davis to amend Item 42 as follows:

“This amendment allocates \$5,500,000.00 from the Intergovernmental Revenue-Metro (GL Account 422150) to the Council District Service Project Fund (No. 1000/5500 Commit Item 550002) in the Fiscal Year 2017 Budget for a total of \$8,250,000.00. Funding: Intergovernmental Revenue – Metro (GL Account 422150)”

- **Adopt**

Motion 2016-0251 – Motion by Council Member Le to amend Item 42 as follows:

“By December 31st, 2016, HPD shall report to the Public Safety and Homeland Security Committee the results of their ongoing restructuring. The report will include any changes that were made based on recommendations from the 2014 Work Demand Analysis.”

- **Adopt**

Motion 2016-0253 – Motion by Council Member Travis to amend Item 42 as follows:

“Reduce General Fund departmental expenditures across-the-board by 1.5 percent to generate \$30 million in savings.”

- **Failed**

42. Ordinance 2016-0374 – Adopt as amended

ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2017, including provisions for future adjustment to certain fund balances; making various amendments to the proposed budgets; authorizing certain transfers; re-designating a cash reserve in the Fund Balance; amending Ordinance 2014-602, as amended, to rename Houston Civic Events Special Revenue Fund to Tourism Promotion Special Revenue Fund and restating the purposes thereof; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability

43. Ordinance 2016-0375

ORDINANCE ratifying the property tax increase reflected in the annual budgets of the City of Houston, Texas, for Fiscal Year 2017 that will require raising more revenue from property taxes than in Fiscal Year 2016; setting an effective date

This item should only be considered after passage of Item 42 above

Motion 2016-0260 – Suspend rules to remain in session beyond the scheduled noon recess

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 44

MISCELLANEOUS

44. Motion 2016-0266

SET A PUBLIC HEARING DATE for the designation of a Green Corridor for a portion of Yale Street - **DISTRICT C - COHEN**
HEARING DATE - WEDNESDAY - JUNE 8, 2016 - 9:00 A.M.

MATTERS HELD - NUMBERS 45 through 52

45. Motion 2016-0267 – Adopt

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
TAGGED BY COUNCIL MEMBER LASTER
This was Item 9 on Agenda of May 11, 2016

Motion 2016-0268 – Delay Item 46 to the end of the Agenda

Motion 2016-0270 – Motion by Council Member Stardig/seconded by Council Member Kubosh to amend Item 46, Section 45-394(c) as follows:

“On the request by affected residents and property owners within the 1 ½ mile proposed devices, the Director shall hold a public meeting to consider the implantation of the device”

- **Adopt**

46. Ordinance 2016-0408 – Adopt as amended

ORDINANCE AMENDING CHAPTER 45, ARTICLE XV, DIVISION 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Neighborhood Traffic Management Speed Control Program - **TAGGED BY COUNCIL MEMBER STARDIG**
This was Item 13 on Agenda of May 11, 2016

47. Ordinance 2016-0405

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
TAGGED BY COUNCIL MEMBER LASTER
This was Item 17 on Agenda of May 11, 2016

MATTERS HELD – continued

48. Motion 2016-0269 – Adopt

MOTION by Council Member Stardig to amend Item 49 below:

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.

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.

MATTERS HELD – continued

Item 48 - continued

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.

TAGGED BY COUNCIL MEMBER TRAVIS

49. Ordinance 2016-0406 – Adopt as amended

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 #2015-241, 5/11/2016

This was Item 29 on Agenda of May 11, 2016

This item should only be considered after passage of Item 48 above

50. Ordinance 2016-0407

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**

TAGGED BY COUNCIL MEMBERS DAVIS, BOYKINS and KUBOSH

This was Item 31 on Agenda of May 11, 2016

51. Resolution 2016-0018

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 - **TAGGED BY COUNCIL MEMBERS DAVIS, KUBOSH and BOYKINS**

This was Item 32 on Agenda of May 11, 2016

52. Resolution 2016-0019

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**

TAGGED BY COUNCIL MEMBERS DAVIS, BOYKINS and KUBOSH

This was Item 33 on Agenda of May 11, 2016

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Robinson 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

AGENDA - MAY 25, 2016 - PAGE 12

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

05/24/2016 - All present

05/25/2016 - All present