

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 5, 2014 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**INVOCATION AND PLEDGE OF ALLEGIANCE** - Council Member Bradford

**1:30 P. M. - ROLL CALL**

**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 - AUGUST 6, 2014 - 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 31**

**MISCELLANEOUS** - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE (Formerly known as HOUSTON CABLE CORPORATION) BOARD OF DIRECTORS**, for terms to expire December 31, 2015:
  - Position Two - **MANISHA N. MEHTA**, reappointment
  - Position Four - **PHAN DUY**, reappointment
  - Position Six - **JASON M. WITCHET**, appointment
  - Position Eight - **NOËL C. BEZETTE-FLORES**, reappointment
  
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **MONTROSE MANAGEMENT DISTRICT (Formerly HARRIS COUNTY IMPROVEMENT DISTRICT NO. 6 and NO. 11) BOARD OF DIRECTORS**:
  - Position One - **CLAUDE F. WYNN**, reappointment, for a term to expire 6/1/2017
  - Position Two - **DANA G. THORPE**, appointment, for a term to expire 6/1/2017
  - Position Three - **RANDY MITCHMORE**, reappointment, for a term to expire 6/1/2017
  - Position Four - **CASSIE B. STINSON**, reappointment, for a term to expire 6/1/2017
  - Position Five - **DEBRA "LANE" LLEWELLYN**, appointment, for a term to expire 6/1/2017
  - Position Six - **ROBERT RAMIRO JARA**, appointment, for a term to expire 6/1/2015
  - Position Seven - **RYAN B. HALEY**, appointment, for a term to expire 6/1/2015
  - Position Eight - **STEPHEN L. MADDEN**, appointment, for a term to expire 6/1/2015
  - Position Nine - **ANN KATHERINE "KATHY" HUBBARD**, reappointment to, for a term to expire 6/1/2017
  - Position Ten - **MICHAEL V. GROVER**, reappointment, for a term to expire 6/1/2017
  - Position Eleven - **BOBBY HEUGEL**, appointment, for a term to expire 6/1/2017
  - Position Twelve - **BRADLEY (BRAD) NAGAR**, reappointment, for a term to expire 6/1/2017
  - Position Thirteen - **DAN B. LEVERETT**, appointment, for a term to expire 6/1/2015
  - Position Fourteen - **TODD A. EDWARDS**, appointment, for a term to expire 6/1/2015
  - Position Fifteen - **RANDALL K. ELLIS**, appointment, for a term to expire 6/1/2015
  
3. RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker to read "**Honoring P. E. BISHOP, SR. 2013**", to be located at the intersection of Gregg and Orange Street - **DISTRICT B - DAVIS**
  
4. RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2014 Semiannual Report of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$15,279,425.55 to the Combined Utilities System Operating Fund for Revenue Bond Debt Service as recommended in the Report

**ACCEPT WORK** - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,633,572.13 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for 48-inch/42-inch Water Line along existing easement, West Orem, Chimney Rock, River Bluff, Summit Ridge, Wood River, and Coachcreek from Sims Bayou Pump Station to Hillcroft and Southwest Pump Station Chlorine Building Improvements - 7.09% under the original contract amount - **DISTRICTS G - PENNINGTON and K - GREEN**
  
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,855,737.10 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, CO.**, for Intersection Construction Contract (Work Order Project) City Wide and Railroad Crossing Quiet Zone Improvement Program - 7.88% under the original contract amount - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; E - MARTIN; G - PENNINGTON; H - GONZALEZ; I - GALLEGOS and K - GREEN**

**PROPERTY - NUMBERS 7 and 8**

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Lyle Henkel, Terra Associates, Inc., on behalf of Studemont Venture, L. P., [Capcor Studemont, LLC, (Josh Aruh, Managing Partner) General Partner], and Carlos R. and Maria A. Harvey, for abandonment and sale of 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C. F. Court Subdivision, out of the John Austin Survey, A-1, Parcels SY14-079A, SY14-079B, SY14-132 and AY14-116 - **DISTRICT C - COHEN**
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Erica Sanchez, Walter P. Moore and Associates, Inc., on behalf of Conoco Phillips Company (Stephen Matthews, Attorney-in-fact), for abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24, Parcels SY14-082 and KY14-313 - **DISTRICT A - STARDIG**

**PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 17**

9. **CNA** for Hazard Analysis and Emergency Planning Support - \$178,314.49 - Grant Fund
10. **MOBILE CONCEPTS TECHNOLOGY, LLC** for Computers and Installation Services through the Texas Department of Information Resources for the Houston Fire Department - \$277,785.52 Grant Fund
11. **HENRY SCHEIN, INC** for Tuberculosis Digital Imaging System through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Department of Health & Human Services - \$72,576.00 - Equipment Acquisition Consolidated Fund
12. **AMEND MOTION #2011-573, 7/20/11, TO INCREASE** spending authority from \$380,000.00 to \$558,600.00 for Recreational, Educational, and Miscellaneous Supplies for the Parks & Recreation Department, awarded to **S&S WORLDWIDE, INC** - \$178,600.00 - General Fund
13. ORDINANCE appropriating \$174,225.49 out of Woodlands Regional Participation Fund for Construction Services to Furnish and Install a Pre-Fabricated Restroom/Shower Facility for the General Services Department on behalf of the Houston Parks & Recreation Department
  - a. **CXT INCORPORATED** for Construction Services to Furnish and Install a Pre-Fabricated Restroom/Shower Facility (Lake Houston Wilderness Park) from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department - \$169,976.09 and contingencies for a total amount not to exceed \$174,225.49
14. **NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS** and their **BOAT OPERATIONS AND TRAINING PROGRAM** for Training Courses for the Houston Police Department - \$77,500.00 - Grant Fund

**PURCHASING AND TABULATION OF BIDS** - continued

15. **AMEND MOTION #2009-610, 8/12/09, TO EXTEND** the expiration date from August 18, 2014 to December 31, 2015 and **TO INCREASE** spending authority from \$2,801,947.00 to \$3,486,869.00 for Personal Protective Gear for Various Departments, awarded to **MORNING PRIDE MFG dba HONEYWELL FIRST RESPONDER PRODUCTS**
16. **CHASTANG ENTERPRISES, INC d/b/a CHASTANG'S BAYOU CITY FORD** for Light-Duty Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Department of Public Works & Engineering - \$1,441,104.00 Enterprise and Dedicated Drainage & Street Renewal Funds
17. **BOUND TREE MEDICAL, LLC** - \$684,360.65, **EMERGENCY MEDICAL PRODUCTS, INC** - \$705,153.65 and **ATTENTUS MEDICAL SALES, INC** - \$347,926.00 for Emergency Medical Equipment, Supplies and Pharmaceuticals for Various Departments - General and Grant Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 18 through 31

18. RESOLUTION expressing No Objection to an application from **NHH at REED, LTD.** to the Texas Department of Housing and Community Affairs for tax credits for a proposed development for affordable rental housing to be located at 2620 Reed Road in the City of Houston, Texas **DISTRICT D - BOYKINS**
19. ORDINANCE appropriating \$6,000,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing Grant Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide the appropriated funds to assist with the acquisition and construction of a 140 unit housing community, to be located in the vicinity of 2620 Reed Road in Houston, Texas, that will provide affordable housing to low and very low income persons - **DISTRICT D - BOYKINS**
20. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BAYCOR INTERNATIONAL, LLC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS**
21. ORDINANCE amending Ordinance No. 2013-1013, as amended, to increase the maximum contract amount for a contract between the City of Houston and **CONNELLY BAKER WOTRING LLP** for legal services for representation of the City in negotiations with the United States Environmental Protection Agency - \$1,420,000.00 - Enterprise Fund
22. ORDINANCE approving and authorizing submission of an application for grant assistance to the **U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)**, for the FY2014 COPS Hiring Program for the Houston Police Department; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
23. ORDINANCE approving modification to the service area described in exhibit a of City of Houston Ordinance No. 98-15 as amended by City of Houston Ordinance No. 2002-458 and assigned to **CEQUEL III COMMUNICATIONS I, LLC, ("SUDDENLINK")**, by Ordinance No. 2003-621, granting the right, privilege and franchise to own, operate and maintain a cable television system within the City of Houston - **DISTRICT E - MARTIN**

**RESOLUTIONS AND ORDINANCES** - continued

24. ORDINANCE approving and authorizing an agreement between the City of Houston and **SEARCH HOMELESS SERVICES** to provide a \$1,353,014.00 grant of Texas Homeless Housing and Services Program Funds for costs associated with the acquisition of property located in the 2000 Block of Franklin Avenue to be used as an Employment Services and Care Hub for the homeless and for the purchase of vehicles to be used in connection with Homeless Program Services - **DISTRICT I - GALLEGOS**
25. ORDINANCE approving and authorizing contract between the City of Houston and **SAP PUBLIC SERVICES, INC** for Software Licenses and Services related to an Enterprise Resource Planning System; providing a maximum contract amount - \$18,000,000.00 - Central Service Revolving Fund
26. ORDINANCE establishing the north and south sides of the 2400-2500 block of Binz Street, between Highway 288 and Live Oak Street, within the City of Houston as a special minimum building line block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **DISTRICT D - BOYKINS**
27. ORDINANCE establishing the north and south sides of the 2400-2500 block of Binz Street, between Highway 288 and Live Oak 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 D - BOYKINS**
28. ORDINANCE establishing the north and south sides of the 500-700 blocks of Caplin Street, between Irvington Boulevard, Lloyd Street and Helmers Road, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ**
29. ORDINANCE awarding a contract to **SABER POWER SERVICES, LLC** for maintenance and repair services of 138KV Substations for the Public Works and Engineering Department; providing a maximum contract amount - \$6,708,145.50 - 3 years with two one-year options - Enterprise Fund
30. ORDINANCE approving the amendment to Certificate of Formation of Houston First Corporation
31. ORDINANCE appropriating \$1,564,850.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX CORP.** for Riverwood Estates No. 1 Lift Station Replacement; 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 B - DAVIS**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 32 through 36

32. RESOLUTION approving the creation of the Stadium Park Redevelopment Authority; approving the Certificate of Formation and the bylaws thereof; confirming the appointment of the initial directors and chairperson - **DISTRICT K - GREEN**  
**TAGGED BY COUNCIL MEMBERS COSTELLO and STARDIG**  
This was Item 11 on Agenda of July 30, 2014
33. ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, Texas, and **COASTAL WATER AUTHORITY**, Seller, and **ALLIANCE REALTY PARTNERS, LLC**, Purchaser, to sell CWA Gillette Street, a subdivision in Harris County, Texas  
**DISTRICT C - COHEN**  
**TAGGED BY COUNCIL MEMBERS PENNINGTON, BRADFORD and KUBOSH**  
This was Item 15 on Agenda of July 30, 2014
34. REVIEW on the record and make determination relative to the appeal to the City of Houston from a vote by the Houston Planning Commission to uphold the decision of the Houston Archaeological and Historical Commission's denial of a certificate of appropriateness to relocate a structure at 1815 Cortlandt Street (Historic District: Houston Heights East), filed by Timothy Kirwin, Attorney at Law, on behalf of Jeremy McFarland, Brick Moon Design (Applicant) for Laura Menafee (Owner)  
**DISTRICT I - GALLEGOS** - **TAGGED BY COUNCIL MEMBER COHEN**  
This was Item 24 on Agenda of July 30, 2014
35. Consideration of proposed amendments to Item 35B below, submitted in writing on July 30, 2014 by Council Members Stardig, Costello, Laster, Davis, Kubosh and Martin, as set forth in the attached Exhibits 1-16 - **DELAYED BY MOTION #2014-742, 7/30/14**
- a. Consideration of proposed amendments to Item 35B below, submitted in writing on July 11, 2014 by Council Members Laster and Kubosh, as set forth in the attached Exhibits 17 & 18  
**DELAYED BY MOTION #2014-743, 7/30/14**
- b. ORDINANCE **AMENDING CHAPTERS 1 AND 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to regulation of vehicles for hire; creating a regulatory framework for the operation of mobile dispatch services and transportation network companies; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer  
**DELAYED BY MOTION #2014-742, 7/30/14**  
This was Item 25A on Agenda of July 30, 2014
36. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BLACK FOREST VENTURES AVIATION RE, LLC, operated by WING AVIATION CHARTER MANAGEMENT SERVICES LLC**, for certain premises at 8410 Larson Street at William P. Hobby Airport - **DISTRICT I - GALLEGOS** - **TAGGED BY COUNCIL MEMBER BRADFORD**  
This was Item 27 on Agenda of July 30, 2014

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Costello 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 - AUGUST 6, 2014 - PAGE 7**

**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

*CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
AUGUST 5, 2014 - 2:00 PM  
AGENDA*

---

3MIN

3MIN

---

*NON-AGENDA*

---

1MIN

1MIN

1MIN

---

DR. ALKEBU MOTAPA - 5022 Cosby - 77021 - 713-741-5150 – Love Foundation Rev. King. - Rep. Sheila Jackson-Lee works heal

---

3MIN

3MIN

3MIN

---

MS. TAWANDA POWERS – 1415 W. Gulfbank – 77088 – 713-784-7479 – Community issues

MS. DEBORAH ELAINE ALLEN – 12000 MLK, No. 2059 – 713-264-0127 – Problem in the world

MS. ROSA MONTOYA – (did not wish to give information) - HPD

MR. JONATHAN WEIGAND – 3717 Fannin – 77004 – 713-483-8216 – Price of Apartment in Houston being attacked by HPD

MRS. KUEI VILLA – 4700 Woodson Park Dr., No. 412 – 77044 – Lack of sidewalk for handicapped

MR. ALBERTO VILLA CORONA - 4700 Woodson Park Dr., No. 412 – 77044 – Lack of sidewalk for handicapped

MS. CONTI FRANCESCO – 3110 Greenbriar – 77098 – 832-316-3080 – Chapter 46

MR. ALBERT BREWER – 7723 Willow St. – 77088 – 281-447-6125 – Trash

MS. BERTHA HYMON – 4931 Ventura Ln. – 77021 – 713-747-0617 – Area surveillance and FBI

MR. TODD SAYERS – 5907 Acorn – 77092 – 281-509-8554 – Disputer with Water Department

MR. ANDY WILTSHIRE – 12210 Wood Bayou Dr. – 77013 – 713-455-8875 – Veterans scandal – untreated Misdiagnosed for 36 yrs.

MR. TONY JONES – 1950 Spenwick Dr. No. 318 – 77055 – no phone number given – Chapter 46

MR. ROBERT KANE – 8807 Grape – 77036 – no phone – Neighbor violations

*PREVIOUS*

---

1MIN

1MIN

1MIN

---

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – C/Government – HPD – Under Arrest by Tempt. Chief Sheriff J Charles – H/County – TX



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

✓  
AUG 06 2014

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 7-22-14  
date

COUNCIL MEMBER: \_\_\_\_\_

July 22, 2014

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to the authority conferred on this office by Article V, Sec. 4 of the bylaws of Houston Media Source (formerly known as Houston Cable Corporation), approved by Ordinance No. 86-1733 and No. 2014-0026, I hereby appoint the following individuals to the Houston Media Source Board of Directors, subject to confirmation by the City Council:

Manisha N. Mehta, reappointment to Position Two, for a term to expire December 31, 2015;  
Phan Duy, reappointment to Position Four, for a term to expire December 31, 2015;  
Jason M. Witchet, appointment to Position Six, for a term to expire December 31, 2015; and  
Noël C. Bezette-Flores, reappointment to Position Eight, for a term to expire December 31, 2015.

The résumés of the nominees are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

Attachment

cc: Mr. Tom Richards, Executive Director, Houston Media Source





ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

July 22, 2014

COPY TO EACH MEMBER OF COUNCIL: AUG 06 2014

CITY SECRETARY: 7-22-14  
date

The Honorable City Council  
City of Houston, Texas

COUNCIL MEMBER: \_\_\_\_\_

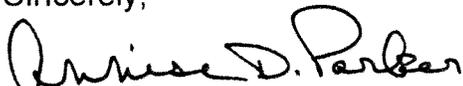
Dear Council Members:

Pursuant to Chapter 375.064 of the Texas Local Government Code, I am nominating the following individuals for appointment or reappointment to the Board of Directors of the Montrose Management District (formerly Harris County Improvement District No. 6 and No. 11), as recommended by the District Board of Directors, subject to Council confirmation:

- Claude F. Wynn, reappointment to Position One, for a term to expire June 1, 2017;
- Dana G. Thorpe, appointment to Position Two, for a term to expire June 1, 2017;
- Randy Mitchmore, reappointment to Position Three, for a term to expire June 1, 2017;
- Cassie B. Stinson, reappointment to Position Four, for a term to expire June 1, 2017;
- Debra "Lane" Llewellyn, appointment to Position Five, for a term to expire June 1, 2017;
- Robert Ramiro Jara, appointment to Position Six, for a term to expire June 1, 2015;
- Ryan B. Haley, appointment to Position Seven, for a term to expire June 1, 2015;
- Stephen L. Madden, appointment to Position Eight, for a term to expire June 1, 2015;
- Ann Katherine "Kathy" Hubbard, reappointment to Position Nine, for a term to expire June 1, 2017;
- Michael V. Grover, reappointment to Position Ten, for a term to expire June 1, 2017;
- Bobby Heugel, appointment to Position Eleven, for a term to expire June 1, 2017;
- Bradley (Brad) Nagar, reappointment to Position Twelve, for a term to expire June 1, 2017;
- Dan B. Leverett, appointment to Position Thirteen, for a term to expire June 1, 2015;
- Todd A. Edwards, appointment to Position Fourteen, for a term to expire June 1, 2015;
- and
- Randall K. Ellis, appointment to Position Fifteen, for a term to expire June 1, 2015.

The résumés of the nominees are attached for your review.

Sincerely,

  
Annise D. Parker  
Mayor

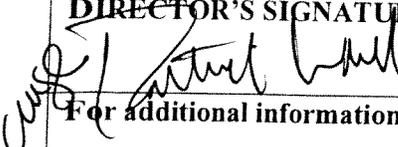


AP:JC:jsk

Attachments

cc: Mr. Bill Calderon, Executive Director, Montrose Management District  
Mr. Clark Lord, Attorney for the District, Montrose Management District

2

<b>SUBJECT:</b> Request the designation of an Honorary Street Marker for Bishop Prince E.W. Bryant Sr.		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> <b>3</b>
<b>FROM (Department or other point of origin):</b> Patrick Walsh, Director Planning and Development Department		<b>Origination Date</b> 07/29/2014		<b>Agenda Date</b> <b>AUG 06 2014</b>
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> B		
For additional information contact: Jennifer Ostlind Phone: 713-837-7871		<b>Date and identification of prior authorizing Council action:</b> NA		
<b>RECOMMENDATION: (Summary)</b>  Approval of a motion designating an Honorary Street Marker as "Honoring P.E. Bryant 2013"				
<b>Amount and Source of Funding:</b> NA NA			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  The Planning and Development Department received a request for an Honorary Street Marker honoring Bishop Prince E.W. Bryant Sr. The Honorary Street Marker will be located at the intersection of Gregg and Orange Street. We have attached a summary of Bishop Bryant's contributions to the community.  The City's Honorary Marker policy does not allow the use of proper names for living persons so the proposed marker will read "Honoring P.E. Bryant, Sr. 2013". The proposed marker is in compliance with the City's Honorary Marker Policy.  Attachment: Letter of Request, Summary of Contributions, map  cc: Anna Russell, City Secretary Daniel W. Krueger P.E., Director, Public Works and Engineering Daniel M. Feldman, City Attorney Bill Hlavacek, Public works and Engineering Jerry Davis, Council Member, District B				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

*[Handwritten mark]*



**the** Island of Hope Church of God in Christ

Dr. P.E. Bryant, Sr.  
Pastor

June 25, 2014

**ATTENTION: DIRECTOR**  
Patrick Walsh, P.E., Director  
Planning and Development Department  
P.O. Box 1562  
Houston, Texas 77251-1562

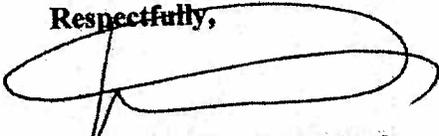
Dear Mr. Walsh,

I hope all is well. After speaking with Mayor Annise Parker and Mr. Chris McPhilamy, I am submitting this request on behalf of The Island of Hope Church of God in Christ and the Fifth Ward Community.

After meeting partial requirements for a street name change in honor of our Pastor, Bishop Prince E. W. Bryant, Sr. 50 Years of service to the community and being denied because he was not deceased, we are now submitting request to have an Honorary Street Marker placed on the corner of Gregg Street and Orange Street. We would like or the name of the Honorary Marker to appear as **Honoring P.E. Bryant 2013**.

I have enclosed Bishop Bryant's biography and the map for the desired street marker to be placed. Please feel free to contact me at 832-236-8254 or via email at [ug-h@comcast.net](mailto:ug-h@comcast.net) regarding this matter if you have any questions or concerns or if there is anything else that I need to do to complete this process. I was told once submitted and approved; the Department of Public Works would contact me. I look forward to hearing from you soon. Thank you for any immediate assistance in this area. We have been trying to complete this since October 2013. Thank you once again in advance.

Respectfully,

  
Ursula Gordon-Higginbotham, M.Ed.  
Administrative Assistant to Bishop Prince E.W. Bryant, Sr.



*The Biography of*  
*Bishop Prince E. W. Bryant, Sr.*

Bishop Prince E. W. Bryant, Sr. is a native of East Texas. He is the fifteenth child of Deacon Bishop and Mamie Bryant. He was saved and filled with the Holy Ghost on March 18, 1963, and began preaching on March 25, 1963 at the age of 15 under the late Elder Eddie Davis. He was licensed under the late Bishop C. H. Nelson and ordained by the late Bishop S. M. Crouch of Los Angeles, California.

He received his formal education at **Concord High School** in Mt. Enterprise, Texas. He furthered his education by completing a Bible Correspondence Course at **Ambassador College**, Pasadena, California from 1963-1965. Immediately following, he enrolled at **LIFE Bible College**, Los Angeles, California, where he received his Bachelors of Theology. From 1968 to 1970 he matriculated at **The Gulf Coast Bible College**, Houston, Texas, majoring in Theology. In 1971 he majored in Sociology at the **Angelina Junior College** in Lufkin, Texas. Beginning in 1978 to 1993, he participated in the Continuing Education Program of **Prairie View A & M University Minister's Conference**. Lastly, **The Family Bible Institute** in Denver, Colorado conferred his Doctor of Divinity Degree in 1993.

Fifty years of his life has been dedicated to preaching the Word of God. On August 6, 1969 he began his pastoral ministry. During his tenure as a pastor, he has pastored six churches. His pastorates include Bethlehem COGIC in Mt. Enterprise, Texas, Evangelist Temple COGIC in Bay City, Texas, Eastside COGIC in Lufkin, Texas, The City of Refuge COGIC, Livingston Memorial COGIC, and The Island of Hope COGIC (formerly Anderson Memorial) all in Houston, Texas. He is not only a dedicated pastor, but he has remodeled or built three of the churches he pastored.

Bishop Bryant has served the local church and jurisdiction faithfully from his youth to present in many capacities: a former Sunday School Superintendent, Jurisdictional Chaplain, Jurisdictional Young People's Willing Worker President, District Superintendent, Jurisdictional Executive Secretary, President of Jurisdictional Minister's and Worker's Institute, Chairman of Jurisdictional Annual Leadership Conference and Administrative Assistant to the late Jurisdictional Bishop, Bishop N. H. Henderson.

Nationally, Bishop Bryant has served the Church of God in Christ as a member of the General Assembly Executive Committee, Commissions for Constitutional Convention Committee, General Council of Pastors and Elders Judiciary Review Committee, and Executive Board Member of the Church of God in Christ Urban Initiative.

Bishop Bryant is also actively involved in the Ecumenical and Civic community. He has served two terms as President of the Mayor's Advisory Board to the Mayor of Houston (Mayor Kathryn J. Whitmire and Mayor Bob Lanier) and the Community Relations Consultant to the Houston Police Department (Chief Lee P. Brown), Member of the Civilian Review Committee Houston Police Department, Chairman of Religious Committee 1990 Harris County Census, Founder of Project David Ex-Felon Re-Aclamations Job Program, Executive Committee of Houston Crackdown, Vice President of Houston Northeast Quadrant Citizens Chamber of Commerce, Chairman of Houston/ Harris County Regional Substance Abuse Faith-Based Task Force Committee, Executive Board Minister's Conference Prairie View A & M University, District Task Force Committee Member City Wide Club of America, Harris County Council of Organization, Executive Committee Member Fifth Ward Recovery Center, Chairman Minister's Conference Prairie View A& M 2006-2007, Former Chairman of T. F. Freeman Minister and Laity Summit Texas Southern University 2011.

In times of disaster, Bishop Bryant has served as a Crisis Manager to help those who were victims of several hurricanes and tropical storms. In 1983, he organized and served as Chairman of the Emergency Disaster Relief Texas Inter-Jurisdictional Council which coordinated government entities and non-profit charity organizations such as FEMA, Red Cross and United Way. When Tropical Storm Allison hit in 2001 he facilitated a benefit service. Again in 2005 during Hurricane Katrina he organized the Hurricane Katrina Relief Fund and was the Coordinator of the Church of God in Christ Distribution Center, a 20,000 square foot warehouse which distributed food, clothing, and non-perishable goods to thousands of displaced Katrina victims and also facilitated a benefit service. Lastly, in 2008 Hurricane Ike provided another opportunity to serve as Chairman of the Emergency Disaster Relief Texas Inter-Jurisdictional Council to coordinate governmental entities and non-profit charity organizations such as FEMA, Red Cross and the United Way.

During his fifty years of ministry, Bishop Bryant has received numerous honors, and awards which include: Meritorious Services To The Community by Mayor Fred Hofheinz, Meritorious Service To the Community by Mayor Kathryn Whitmire and Councilman Ernest McGowen, Public Service Award Houston Police Department by Chief Lee P. Brown, Service Recognition Citation by Councilman Shelia Jackson -Lee, The Jefferson Cup Presentation by United States Congressman Craig A. Washington, Outstanding Religious Service by Seeds of Faith Christian Training School, Distinguished Service Award and Outstanding Leadership Award Church of God in Christ Texas South Central Jurisdiction by Bishop N. H. Henderson, Sr., Excellence In Service Award by United Minister's Institute Texas Southern University, Special Achievement Award The Religious Workers Guild, Incorporated by Dr. C. C. Owens, Outstanding Leadership AIM 2000 Church of God in Christ National Auxiliaries In Ministry Convention by Bishop J. W. Macklin-AIM Chairman, Charles Harrison Mason Award The Religious Workers Guild, Incorporated by Dr. C. C. Owens. More recently, on May 18, 2012 he received the Visionary Pastors Award by the Houston Forward Times, and on October 17, 2013 in Abuja, Nigeria the African Children's Hostel was named The Bishop Prince Bryant, Sr. African Children's Hostel in his honor. On December 13, 2013, in recognition of Bishop Bryant's Fifty Years in the Gospel Ministry, Congresswoman Sheila Jackson Lee of the 18<sup>th</sup> Congressional District placed Bishop Bryant's name and biography in the Congressional Records of the Congress of United States House of Representatives.

In addition, Bishop has also received proclamations: Prince Bryant Day by Mayor Bob Lanier, Prince Bryant Day by Mayor Kathryn Whitmire, Outstanding Service by County Commissioner El Franco Lee, State Senate – Senator Rodney Ellis, and Outstanding Service by Governor Ann Richards.

At the present time, he currently pastors The Island of Hope Church of God in Christ, formerly known as Anderson Memorial Church of God in Christ, member of the Jurisdictional Board of Directors for thirty-two years, Chairman of the Texas Inter-Jurisdictional Council of Bishops, and Jurisdictional Prelate of the Texas South Central Ecclesiastical Jurisdiction.

Bishop Bryant is married to Mrs. Yolanda Howard Bryant. They are the parents of five children, Superintendent Prince E. Bryant, II (Candies), Dommonique Jeannie Bryant, Phillip Paul Bryant, Elder Desmon Ryan Bryant (Franchell), and Tymorra Mishon Bryant. In addition, they are the grandparents of Prince E. Bryant, III, Paiton Anise Bryant, Pierce Edward O'neal Bryant, Madison Danielle Bryant, and John Patrick Bryant.



Map  
Traffic

gg St

Gregg St

Gregg St

Gregg St

Proposed site for marker

The Church of  
Jesus Christ  
of Latter-day Saints

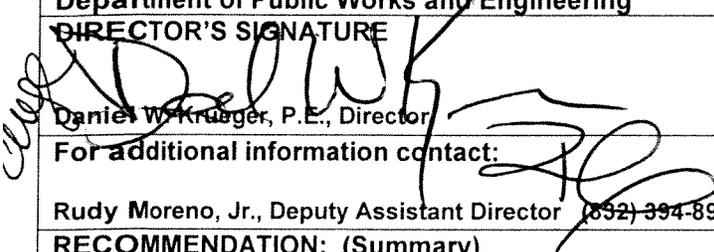
© 2014 Google  
Map data © 2014 Google  
Report a problem

100%

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Acceptance of the Semiannual Report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transfer of revenues and interest generated by water and wastewater impact fees in the amount of \$15,279,425.55 to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service.	Page 1 of <u>1</u>	Agenda Item #  4
--	-----------------------	---------------------------

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7/31/14	<b>Agenda Date</b> AUG 06 2014
--	------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> All
--	--

<b>For additional information contact:</b> Rudy Moreno, Jr., Deputy Assistant Director (892) 394-8986	<b>Date and identification of prior authorizing Council action:</b> CM 2014-0086 / 01-22-2014
--	---

**RECOMMENDATION: (Summary)**  
Approval of a Motion accepting the July 2014 semiannual report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transferring impact fee revenues and interest generated by the program to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service as recommended in the report.

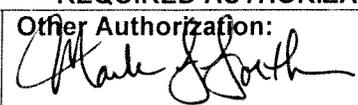
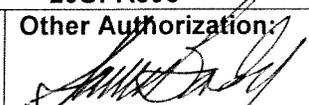
**Amount and Source of Funding:** \$15,279,425.55 (revenue)

**SPECIFIC EXPLANATION:**

Pursuant to Chapter 395 of the Local Government Code and the rules of procedures adopted by City Council, the Capital Improvement Advisory Committee (CIAC) must file semiannual reports on the implementation of the impact fee program and its supporting components. The Planning Commission, acting as the CIAC, approved the July 2014 semiannual report at its meeting on July 10, 2014. The Committee hereby now conveys the report to Council for consideration. This report contains documentation of impact fee administration from November 1, 2013 to April 30, 2014. The Committee recommends that City Council accept the report and authorize the transfer of revenues and interest generated by water and wastewater impact fees, **\$15,279,425.55**, to revenue bond debt service.

Attachment:

cc: David M. Feldman, City Attorney  
Marta Crinejo, Agenda Director  
Daniel W. Krueger, P.E., Director, Public Works and Engineering  
Mark L. Loethen, P.E., CFM, PTOE, Deputy Director, Public Works and Engineering

REQUIRED AUTHORIZATION		20UPA306
Finance Department	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division	<b>Other Authorization:</b>  Susan Bandy, CPA Deputy Director Resource Management Division

**July 2014**  
**Semiannual Report of the**  
**Capital Improvements Advisory**  
**Committee**  
**On Impact Fees**

**Planning Commission**  
**Acting as the**  
**Capital Improvements Advisory Committee**

**Mark A. Kilkenny, Chair**

**City of Houston**  
**Public Works and Engineering Department**  
**Planning and Development Services Division**

**JULY 2014 SEMIANNUAL REPORT OF THE**  
**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**  
**ON IMPACT FEES**

## A. Purpose of this Review

Cities imposing impact fees on new development must comply with Chapter 395 of the Texas Local Government Code. In accordance with Chapter 395, City Council adopted Ordinances 90-675 and 90-676 to establish procedures to administer the City's water and wastewater impact fees programs, respectively. Approval of Motion 90-0614 by the City Council appointed the Planning Commission as the Capital Improvements Advisory Committee. Under State law, the Committee is charged with the following responsibilities:

- Assisting and advising the City in adopting land-use assumptions;
- Reviewing the IFCIP and filing written comments;
- Monitoring and evaluating the implementation of the IFCIP;
- Filing semiannual reports on the progress of the plan;
- Reporting actual or perceived inequities in plan implementation or the application of impact fees; and
- Recommending updates or revisions to the plan or any impact fees

This documentation fulfills the State requirement of the semiannual report on the progress of the plan. Preparation and conveyance of this report complies with City Council Motion 90-0614 to file a report by January and July of each year. This report documents changes that occurred between the period of **November 1, 2013 and April 30, 2014**, of the 2010-2020 Impact Fees Program.

## I. FINDINGS AND RECOMMENDATIONS

The Planning Commission, acting in its capacity as the Capital Improvements Advisory Committee, finds the following for this period:

- A total of **692** single-family residence (SFR) building permit application exemptions (from paying impact fees) were granted to single-family residences below the median housing price for the City of Houston between **November 1, 2013 and April 30, 2014**. The unit cost range for considering residences below the median housing price was from **\$177,175- \$182,267**. The range is published by the Real Estate Center at Texas A & M University. A total of **23,447** exemptions have been applied for since the ordinance was adopted in 1997.
- A total of **\$15,279,425.55** generated from revenues and interest for water and wastewater impact fees accrued in the impact fees accounts between **November 1, 2013 and April 30, 2014**, the second half of the third year of the 2010-2020 Impact Fees Program. The program has an all-time total income of **\$307,186,164.26**.

**Based on these findings, the CIAC recommends the following actions:**

- The total amount of the revenues and interest generated from water and wastewater impact fees during the reporting period in the sum of **\$15,279,425.55** should be authorized for appropriation to debt retirement.

## **B. Background**

The City of Houston established an impact fees program in June 1990, and adopted updates beginning in July of 2010 in compliance with State legislative requirements. The Planning Commission, acting in the capacity of the Capital Improvements Advisory Committee, oversees the program. The program institutes a method to collect fees for new development applications for water and/or sanitary sewer service. The fees offset a portion of costs associated with capital improvements for providing water and wastewater facilities to meet the new demand.

According to State legislation, estimates of new demand and needed facilities must be based on approved land-use assumptions. Maximum chargeable impact fees, the maximum fees the City can charge, are calculated from the estimated cost of the facilities and the capacity of the system. City Council determines the impact fees collection rates, which cannot exceed the maximum chargeable fees. These are the actual rates paid by the developer upon request for service. The City applies collected fees to the cost of the capacity needed by new development for designated water and wastewater capital improvements. These capital improvements are identified in the IFCIP. (Note that the IFCIP is not the City's five year Capital Improvement Plan.)

## **II. EVALUATION OF IMPACT FEE PROGRAM COMPONENTS**

### **A. Land Use Assumptions**

Review of the Land Use Assumptions (LUA) consists of monitoring the following components: population and employment, and water and wastewater service units. Population and employment projections were distributed among census tracts, followed by calculation of water demand and wastewater generation for the projected growth within each census tract.

#### **1. Population and Employment**

Population and employment projections provide the foundation to develop forecasts of future land use. The 2010-2020 Impact Fee Program is based on population and employment projections using Traffic Analysis Zone (TAZ) data from the Houston-Galveston Area Council.

#### **2. Service Units**

The second method of analysis involves a comparison of service units projected in IFCIP to service units generated by actual development. Service units provide a method for converting demand from different land uses to a common unit of measure. Adopted units of measure are based on the average daily demands for a single-family residence, which are 250 gallons for water and 250 gallons for sewer in the current 2010-2020 Impact Fee Program. Service unit analysis compares prorated ten-year growth projections in service units with service units generated by actual development. The number of projected service units was calculated for each ten-year planning period.

The maximum impact fee for each service unit calculated in the IFCIP is based on the prorated cost of projects divided by the capacity of the system. For both water and wastewater, the maximum rate is not time sensitive since it was calculated as the average cost per gallon for the entire system. Without a change to project costs or capacities in that IFCIP, maximum fees per service unit will not change.

Growth projections anticipate citywide demands will increase to 217,461 service units for water and 108,384 service units for wastewater between 2010 and 2020. Using an interpolation of proportionate service unit consumption, 83,360 service units for water and 41,547 service units for wastewater were projected to be consumed through this period of the updated program (**November 1, 2013 and April 30, 2014**). Service unit data was compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 6-month period totaled 8,849 water service units and 8,330 wastewater service units for a cumulative total of 51,865 water service units and 43,016 wastewater service units (See Table 1).

Table 1 shows that historically the percentage of actual growth has been slower than projected through each reporting period. The current consumption of service units for this reporting period is 62% for water and 104% for wastewater. This shows slower growth for water and consistent growth for wastewater compared to the linear projection, resulting that sufficient capacity remains in the systems for new development through 2020, the end of the ten-year reporting period. Since the rate of growth for wastewater is slightly higher than the linear projection at this point in the 2010-2020 Impact Fee Program, the wastewater system demand is being evaluated with the Public Utilities Division.

**TABLE 1**  
**November 1, 2013 and April 30, 2014**  
**Percent of Actual to Prorated Projected Service Units (s.u.)**

Semiannual Report	Duration (months)	Water			Wastewater		
		Prorated s.u.	Actual s.u.	%*	Prorated s.u.	Actual s.u.	%*
January 2011	4	7,255	1,471	20	3,613	1,516	42
July 2011	10	18,122	7,011	39	9,032	5,467	61
January 2012	16	28,995	17,025	59	14,451	10,037	69
July 2012	22	39,868	21,089	53	19,870	14,213	72
January 2013	28	50,741	26,621	52	25,289	20,205	80
July 2013	34	61,614	33,728	55	30,709	25,968	85
January 2013	40	72,487	43,016	59	36,128	34,686	96
July 2014	46	83,360	51,865	62	41,547	43,016	104

### 3. Impact Fees Capital Improvement Plan (IFCIP)

An update of the Impact Fees Capital Improvement Plan (IFCIP) has been performed in the 2010-2020 Impact Fee Program. The combined Water and Wastewater impact fee of **\$1,798.54** per service unit has been effective since **July 1, 2013** under the program. Examination of data regarding service unit consumption from **November 1, 2013 and April 30, 2014**, indicates significant capacity remains in the water and wastewater systems to support future demand.

### 4. Maximum Chargeable Impact Fees

The maximum fees are derived by using the formula given in Chapter 395 of the Texas Local Government Code. The City of Houston has evaluated the changes in the 2010-2020 Impact Fee Program and determined that the maximum allowable fees have increased, and that the fees the City has adopted are sufficiently below the maximum as proscribed by Chapter 395.

### 5. Findings:

- The 2010-2020 Impact Fee Program has been implemented and is acceptable for continued administration through the next reporting period.
- Review of service unit data indicates excess capacity in both the water and wastewater systems sufficient to accommodate new development through the next scheduled report in **January of 2015**.
- Water and wastewater facilities identified in the IFCIP are adequate to meet anticipated demand through **October 31, 2014**, the end of the next reporting period.

## III. SUMMARY OF IMPACT FEE ACCOUNTS

### A. Impact Fees Rates:

Impact Fee rates are set by City Council in accordance with Chapter 395 of the Texas Local Government Code. A summary of the maximum allowable Impact Fees collectable and the rates adopted for the 2010-2020 Impact Fee Program is provided in Table 2. The current Water/Wastewater impact fee has been effective since **July 1, 2013** with the implementation of the 2010-2010 Impact Fee Program. The current Water/Wastewater impact fee of **\$1,798.54** per service unit for water and wastewater is **24.76%** of the maximum fees allowed by current law.

**TABLE 2**  
Maximum and Adopted Impact Fees

<b>2010-2020 Program</b>	<u><b>Wastewater</b></u>	<u><b>Water</b></u>	<u><b>Total</b></u>
Maximum Impact Fee/Residential Equivalent	<b>\$3,427.07</b>	<b>\$3,835.44</b>	<b>\$7,262.51</b>
<b>Adopted Fee</b>	<b>\$1,199.11</b>	<b>\$599.43</b>	<b>\$1,798.54</b>

**B. Current Status of Fees:**

The City maintains separate accounts for recording revenues received from water and wastewater impact fees. The funds may be expended for design and construction services, and/or retiring debt service. As of **April 30, 2014**, the City has accrued **\$307,186,164.26** since implementing the impact fees ordinances in 1990. A total of **\$291,839,543.09** has been transferred to the revenue bond debt service fund. The amount of **\$15,279,425.55** is available for transfer to the debt service fund from impact fees accounts. Table 3 provides a summary of impact fee revenues and account balances.

**TABLE 3**  
**Status of Impact Fees Accounts**

	<u>Wastewater</u>	<u>Water</u>	<u>Totals</u>
<i>1990-2000 Program</i>			
<i>Total Income</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>Transfers to Debt Service:</i>	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
<i>2000-2010 Program</i>			
<i>Total Income</i>	\$121,439,622.12	\$43,094,284.12	\$164,533,906.24
<i>Transfers to Debt Service</i>	\$121,439,622.12	\$43,094,284.12	\$164,533,906.24
<i>2010-2020 Program</i>			
Collections Income (7-1-2010 - 4/30/2014)	\$51,580,612.86	\$26,934,350.25	\$78,514,963.11
Interest Income (7-1-2010 - 4/30/2014)	\$308,537.18	\$155,070.61	\$463,607.79
<i>Total Income:</i>	\$51,889,150.04	\$27,089,420.86	\$78,978,570.90
<i>Transfers to Debt Service:</i>	\$41,865,565.89	\$21,766,383.84	\$63,631,949.73
<i>Not Transferred to Debt Service:</i>	\$10,023,584.15	\$5,323,037.02	\$15,346,621.17
<b>All-Time Total Income (6/1/1990-4/30/2014)</b>	<b>\$217,444,643.21</b>	<b>\$89,741,521.05</b>	<b>\$307,186,164.26</b>
<b>TOTAL AVAILABLE FOR TRANSFER</b>	<b>\$9,978,784.83</b>	<b>\$5,300,640.72</b>	<b>\$15,279,425.55*</b>

\*Total Available for Transfer reflects dollars to be transferred less payments made with insufficient funds.

### **C. Finding:**

- A total of **\$15,279,425.55** in the impact fee requires authorization for transfer to the revenue bond debt service fund.

## **IV. REVIEW OF PROGRAM IMPLEMENTATION**

### **A. Analysis of Inequities**

- **Implementation:** The Committee finds no inequitable implementation of the plan during this reporting period.
- **Application of Fees:** Impact fees for water and wastewater are based on a uniform usage standard calculated in single-family residential equivalents, i.e. 250 gallons per day (gpd) for water and 250 gpd for wastewater. City Council adopted the current single-family residential equivalent unit, and a standard conversion table (Impact Fee Service Unit Equivalent Table) which applies to the types of land uses, with the implementation of the 2010-2020 Impact Fee Program on July 1, 2010.

### **B. Reporting Period Activity**

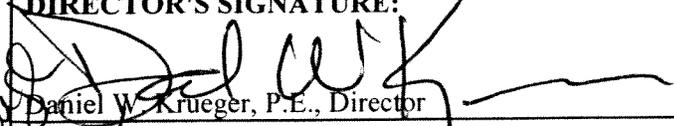
Provided by Ordinance 97-442, applicants qualify for a single-family residence (SFR) impact fee exemption as approved by the Department of Public Works and Engineering if the purchase price of the house does not exceed the latest available average of median prices for the past twelve months for single-family housing in the city as published by the Real Estate Center at Texas A&M University. The Maximum Exempt Unit Cost for the reporting period ranged from **\$177,175-\$182,267**.

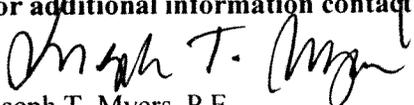
### **C. Findings:**

- The Impact Fees Program continues to be implemented in an equitable manner.
- For this reporting period, **692** exemptions from impact fees have been applied for, and **23,447** impact fee exemptions for SFR building permits have been applied for since Ordinance 97-442 was enacted in April 1997.

<p><b>SUBJECT:</b> Accept Work for 48-inch/42-inch Water Line along Existing Easement, West Orem, Chimney Rock, River Bluff, Summit Ridge, Wood River, and Coachcreek from Sims Bayou Pump Station to Hillcroft and Southwest Pump Station Chlorine Building Improvements; WBS No. S-000900-0109-4.</p>	<p>Page 1 of 1</p>	<p>Agenda Item #</p> <p style="text-align: right;">5</p>
---	------------------------	--

<p><b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering</p>	<p>Origination Date 7/31/14</p>	<p>Agenda Date AUG 06 2014</p>
--	-------------------------------------	------------------------------------

<p><b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director</p>	<p>Council District affected: G &amp; K</p>
--	---

<p><b>For additional information contact:</b>  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355</p>	<p><b>Date and identification of prior authorizing Council action:</b> Ord. # 2012-0123 dated: 02/08/2012</p>
---	---

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$5,633,572.13 or 7.09% under the original Contract Amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Total (original) appropriation of \$7,123,900.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Surface Water Transmission Program and was required to increase circulation and availability of water from the Sims Bayou Pump Station.

**DESCRIPTION/SCOPE:** This project consisted of approximately 10,903 linear feet of 48-inch, 42-inch, 12-inch, 8-inch, and 6-inch water lines, valves and appurtenances including removal/replacement of sanitary and storm sewer, pavement replacement of two (2) lanes and Southwest Pump Station Chlorine Building Improvements. Lockwood, Andrews and Newnam, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to BRH-Garver Construction, L.P. with an original Contract Amount of \$6,063,756.63.

**LOCATION:** The project area is generally located along existing easements, West Orem, Chimney Rock, River Bluff, Summit Ridge, Wood River, and Coachcreek from the Sims Bayou Pump Station to Hillcroft in the Key Map Grids 491Z and 571J, K & P.

**CONTRACT COMPLETION AND COST:** The Contractor, BRH-Garver Construction, L.P., has completed the work under the subject Contract. The project was completed 67 days beyond the established completion date with an additional 111 days approved by Change Orders No.1 and 2. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Orders No. 1 and 2 is \$5,633,572.13 a decrease of \$430,184.50 or 7.09% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities of General Items, Paving Items, and Extra Unit Price Items, which were not necessary to complete the project.

**REQUIRED AUTHORIZATION** 20HA316

<p>Finance Department:</p>	<p>Other Authorization:</p>	<p>Other Authorization:</p> <p style="text-align: center;"> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division</p>
----------------------------	-----------------------------	---

NOT  
5

<b>Date</b>	<b>SUBJECT:</b> Accept Work for 48-inch/42-inch Water Line along Existing Easement, West Orem, Chimney Rock, River Bluff, Summit Ridge, Wood River, and Coachcreek from Sims Bayou Pump Station to Hillcroft and Southwest Pump Station Chlorine Building Improvements; WBS No. S-000900-0109-4.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
-------------	--	------------------------------	-----------------------

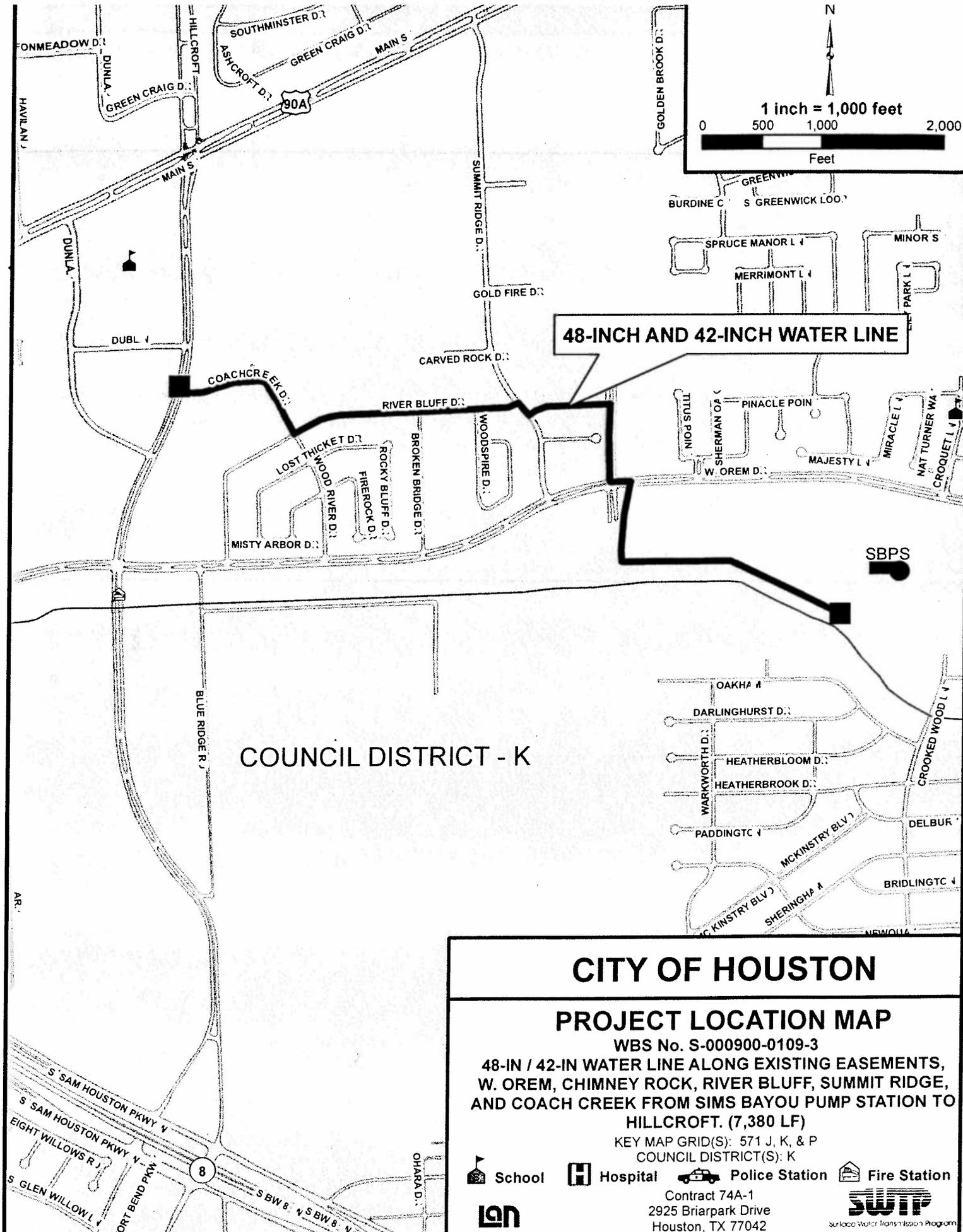
**M/SBE PARTICIPATION:** The M/SBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 23.64%. Contractor's M/SBE performance evaluation was rated Outstanding

*DM:skf*

DWK:DRM:JTM:SKF:NI:ha

H:\E&C Construction\Facilities\Projects\S-000900-0109-4\RCA\RCA - Closeout.doc

12694



**48-INCH AND 42-INCH WATER LINE**

**COUNCIL DISTRICT - K**

**CITY OF HOUSTON**

**PROJECT LOCATION MAP**

WBS No. S-000900-0109-3

48-IN / 42-IN WATER LINE ALONG EXISTING EASEMENTS,  
 W. OREM, CHIMNEY ROCK, RIVER BLUFF, SUMMIT RIDGE,  
 AND COACH CREEK FROM SIMS BAYOU PUMP STATION TO  
 HILLCROFT. (7,380 LF)

KEY MAP GRID(S): 571 J, K, & P  
 COUNCIL DISTRICT(S): K

- School
- Hospital
- Police Station
- Fire Station

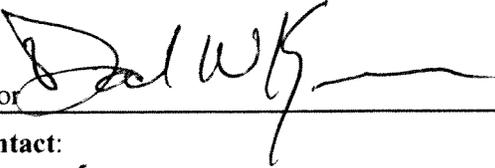


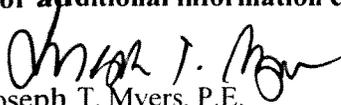
Contract 74A-1  
 2925 Briarpark Drive  
 Houston, TX 77042



<b>SUBJECT:</b> Accept Work for Intersection Construction Contract (Work Order Project) City Wide; WBS No. N-000662-0032-4 and Railroad Crossing Quiet Zone Improvement Program; WBS No. N-000817-0001-4.	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 6
---	-----------------------	---------------------------

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/1/14	<b>Agenda Date</b> AUG 06 2014
--	-----------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> Daniel W. Krueger, P.E., Director 	<b>Council District affected:</b> #11 A, B, C, E, G, H, I, K	
---	---	--

<b>For additional information contact:</b>  6/25/14 Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b> Ord. # 2008-0723 dated: 08/13/2008	
---	---	--

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$2,855,737.10 or 7.88% under the original Contract Amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Total (original) appropriation of \$3,501,000.00 with \$2,100,000.00 from Metro Project Commercial Paper Series E Fund No. 4027 and \$1,401,000.00 from Street and Bridge Consolidated Construction Fund No. 4506.

**PROJECT NOTICE/JUSTIFICATION:** This project provided for the construction of new intersections and the modification of existing intersections and railroad crossings to improve safety, improve carrying and manage train-noise related issues.

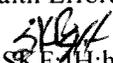
**DESCRIPTION/SCOPE:** This was a work-order contract where projects were assigned as designs were completed. The Scope of the work determined by the work order from time to time on an as needed basis. The location of work was not determined at the time to bid, by the Department of Public Works and Engineering. In-House Engineering Branch designed the project for two (2) years with three (3) one-year option to renew. The project is awarded to Texas Sterling Construction Co. with an Adjustment Factor of 1.700 rather than a monetary amount. The Adjustment Factor applied on individual unit price items in the Contract documents. Estimated work orders prices calculated by multiplying Unit Quantity of each item in the work order by Unit Price an applicable Adjustment Factor. The total expenditure available for the entire project was \$3,100,000.00.

**LOCATION:** The Project is located throughout the City.

**CONTRACT COMPLETION AND COST:** The Contractor, Texas Sterling Construction, Co., has completed the work under the subject Contract. The project was completed on time with an additional 730 days approved by Change Orders No. 1 and 2. The final cost of the project, including overrun and underrun of estimated unit price quantities is \$2,855,737.10 a decrease of \$244,262.90 or 7.88% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of an underrun in various General Items, Paving Items, Storm Items, Sanitary Items, Small Diameter Water Items, SWPPP Items, Traffic and Traffic Signal Items, and Extra Work Items, which were not necessary to complete the project.

**M/SBE PARTICIPATION:** The M/SBE goal established for this project was 22%. According to Mayor's Office of Business Opportunity, the participation was 7.67%. Contractor's M/SBE performance evaluation was rated Satisfactory based on "Good Faith Effort".

DWK:DRM:JTM:SKF:JH:ha 

**REQUIRED AUTHORIZATION 20HA318**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
----------------------------	-----------------------------	---



**CITY OF HOUSTON**  
 Department of Public Works & Engineering  
 Street and Bridge/Stormwater Engineering and Construction Branch

**PROJECT STREET LIST**

Project Name: Texas Sterling Construction, L.P.  
 Contractor: N-000817-0001-4  
 Project No: 4600008919  
 Contract No:

Street	From Street	To Street	KEY MAP	Council District	Start Date	Comp Date	Status	Comments
1300 S. Sheperd Dr			492Q	C			complete	intersection improvements
1400 Kingwood Dr			336B	E			complete	intersection improvements
14000 Clay Rd			448H	A			complete	intersection improvements
14200 Main St			570M	K			complete	roadway modifications for establishing quiet zone
1500 Prairie			493M	I			complete	roadway modifications for ADA parking
1600 Winter			493F	H			complete	roadway modifications for establishing quiet zone
1700 Clay			493Q	I			complete	roadway modifications for ADA parking
1800 Saltford			452S	C			complete	installed splitter islands
2200 Commerce St			493R	H			complete	roadway modifications for establishing quiet zone
2300 Kingwood Dr			336C	E			complete	intersection improvements
2300 Northpark Dr.			496V	E			complete	intersection improvements
300 Kingwood			336A	E			complete	roadway modifications for establishing quiet zone
4090 Westhiemer			491V	G			complete	roadway modifications for establishing quiet zone
4600 Allen			492H	C			complete	roadway modifications for establishing quiet zone
600 N Dairy Ashford			448Y	A			complete	intersection improvements
6600 Lockwood			454Q	B			complete	roadway modifications for establishing quiet zone
9500 W Montgomery			412N	B			complete	intersection improvements

**CONTRACT COMPLIANCE SECTION**  
**SMWDBE Participation Report**  
**Justification for Satisfactory Rating**

Project Closed Date	<u>5/30/2014</u>
Project # or Description	<u>Intersection Construction</u>
	<u>4600008919</u>
Prime Contractor	<u>Texas Sterling Construction, LP.</u>
Final Contract Amount	<u>\$2,855,737.10</u>
MWDBE Goal	<u>22%</u>
Goal Achieved	<u>7.67%</u>
Rating	<u>GFE</u>

**Summary of SMWDBE Evaluation**

**Original SMWDBE's Listed**

Earth Material Services, LLC  
Maintenance to Go, Inc.  
Reliable Signal & Lighting  
Two Way Barricade Equipment

**SMWDBE's Utilized**

Earth Material Services, LLC  
Maintenance to Go, Inc.  
Reliable Signal & Lighting  
Willow CityRail

**Explanation from Prime**

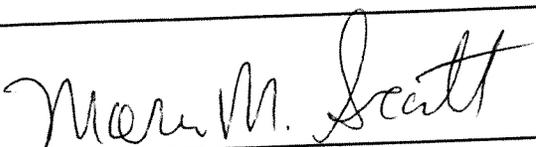
Work items were removed from the contract which were supposed to be done by the MWBE subcontractor.

**Explanation from Subcontractor**

Did al the work prime authorized them to do on the project.

**Final Comments**

PWE had another contract to do signals city wide at a better price than TSC so they removed the work items for the Kingwood area to the cheaper contract. This caused the prime to not be able to fully utilize the MWBE sub who would have performed the signal installation so he missed an opportunity to perform over \$300,000.00 towards goal.

  
Morris M. Scott

**SUBJECT:** Request for the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-132, and AY14-116**

Page  
1 of 2

Agenda Item #

7

**FROM (Department or other point of origin):**

Origination Date

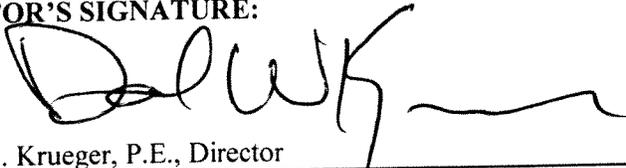
Agenda Date

7/31/14

AUG 06 2014

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**



Council District affected: C

Key Map: 493E



Daniel W. Krueger, P.E., Director

**For additional information contact:**

Date and identification of prior authorizing Council Action:

Nancy P. Collins  Phone: (832) 395-3130  
Senior Assistant Director-Real Estate

**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-132, and AY14-116**

**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

Lyle Henkel, Terra Associates, Inc., 1445 North Loop West, Suite 450, Houston, Texas, 77008, on behalf of Studemont Venture, L.P., [Capcor Studemont, LLC, (Josh Aruh, Managing Partner) General Partner], and Carlos R. and Maria A. Harvey, requested the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. Studemont Venture, L.P. plans to construct a mixed-use development of multi-family and commercial in the location of the existing streets. Carlos R. and Maria A. Harvey are under contract to sell their abutting property to Studemont Venture, L.P.

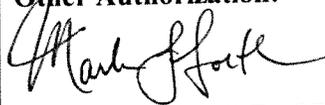
This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

s:\dob\sy14-079.rcl.doc

CUIC #20DOB9450

**REQUIRED AUTHORIZATION**

<p><b>Finance Department:</b></p>	<p><b>Other Authorization:</b></p>	<p><b>Other Authorization:</b>                    Mark L. Loethen, P.E., CFM, PTOE                  Deputy Director                  Planning and Development Services Division</p>
-----------------------------------	------------------------------------	---

Date:

**Subject:** Request for the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-132, and AY14-116**

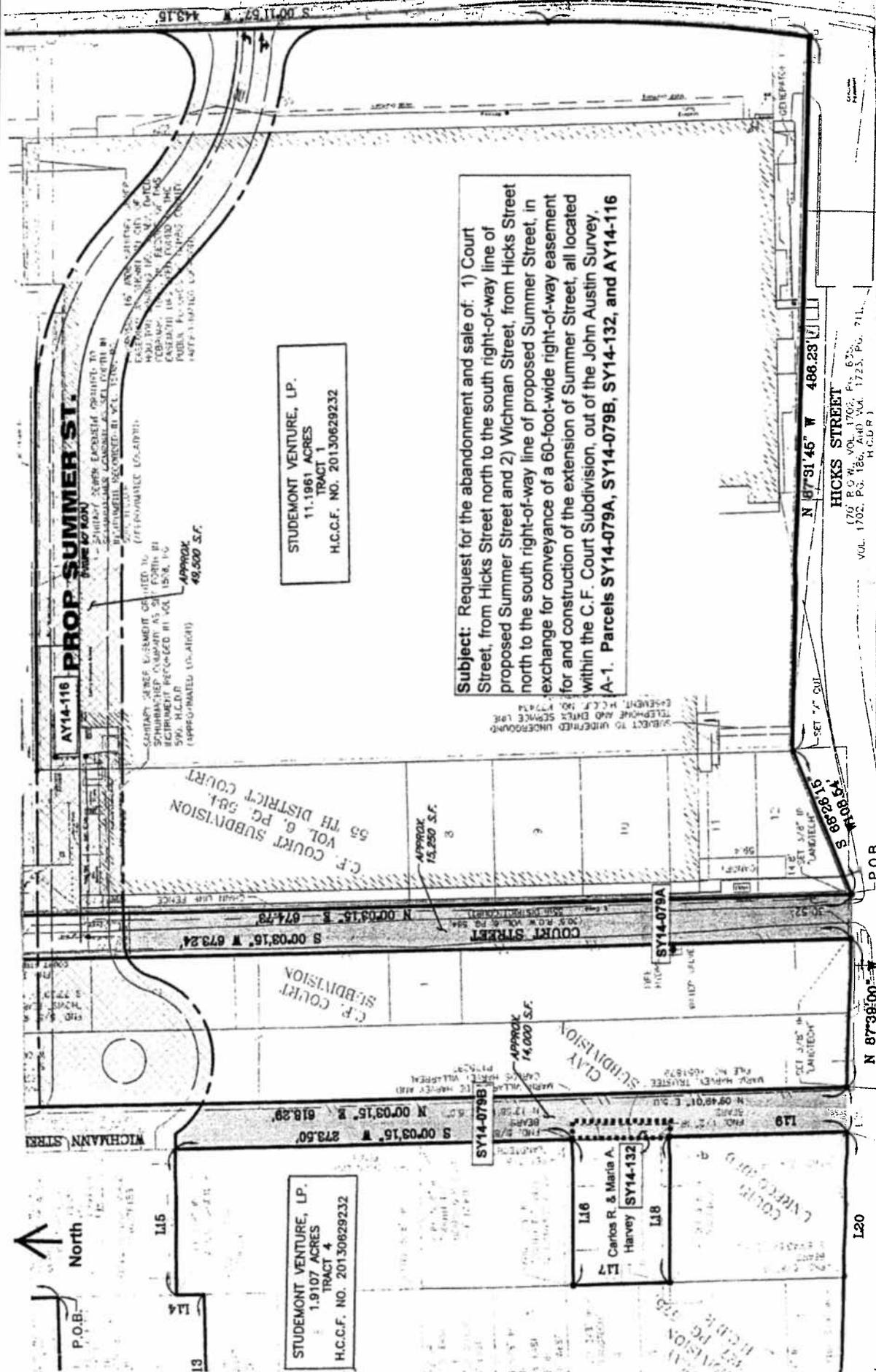
Originator's  
Initials

Page  
2 of 2

3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the streets being abandoned and sold;
4. The applicant be required to provide an assurance that no portion of the conveyed right-of-way and constructed street improvements in any manner impact or physically affect any graves or headstones related to the nearby cemetery. The specific form of assurance to satisfy this requirement will be determined prior to forwarding a Request for Council Action (RCA) for an ordinance;
5. The applicant be required to: (a) eliminate the public street appearance of Court Street and Wichman Street at Hicks Street by installing gates across these streets or by other methods upon review and approval by the Traffic Operations Division. However, prior to eliminating the public street appearance of Wichman Street, the proposed Summer Street must be completed, inspected, and accepted by the City for public service, (b) remove all traffic signs in the right-of-way abandonment area and return the signs and poles to the City at 2200 Patterson Street, (c) contact CenterPoint Energy Street Lighting Design Section to deactivate and remove the lights and poles in the abandonment area, and (d) the forgoing items must be completed at no cost to the City and under the proper permits obtained separately and exclusively from the Office of the City Engineer;
6. The applicant be required to: (a) construct the extension of Summer Street to current City standards, from Wichman Street to Studemont Street, within the ±49,500 square feet of right-of-way easement to be conveyed to the City; (b) cut, plug, and abandon the 6-inch sanitary sewer line and manhole in Wichman Street, from the intersection of Starkey Street (aka 2<sup>nd</sup> Street) and Wichman Street south in Wichman Street to its terminus and install a new back-end manhole; (c) cut, plug, and abandon the 6-inch sanitary sewer line and manhole in Court Street, from the 8-inch sanitary sewer line in the private sanitary sewer easement in the location of the proposed Summer Street south to its terminus and install a new back-end manhole; (d) cut, plug, and abandon the 8-inch sanitary sewer line in private sanitary sewer easement in the location of the proposed Summer Street, from the manhole of the 8-inch sanitary sewer line Studemont Street west to the manhole of the 8-inch sanitary sewer line at the intersection of Wichman Street and Starkey Street (aka 2<sup>nd</sup> Street); (e) cut, plug, and abandon the 8-inch sanitary sewer line in Starkey Street (aka 2<sup>nd</sup> Street), from the manhole of the 8-inch sanitary sewer line at the intersection of Starkey Street (aka 2<sup>nd</sup> Street) and Wichman Street west in Starkey Street (aka 2<sup>nd</sup> Street) to the manhole of the 8-inch sanitary sewer line at the intersection of Starkey Street (aka 2<sup>nd</sup> Street) and Lakin Street; (f) construct a 12-inch sanitary sewer line, from the existing 8-inch sanitary sewer line in Studemont Street west ±820 feet in the proposed Summer Street, then north ±170 feet in Wichman Street, then west ±240 feet in Starkey Street (aka 2<sup>nd</sup> Street) to connect to manhole #11130048; (g) cut, plug, and abandon the 6-inch water line in Wichman Street, from the 8-inch water line in Hicks Street north to the 8-inch water line in Starkey Street (aka 2<sup>nd</sup> Street); (h) cut, plug, and abandon the 4-inch and 6-inch water lines in Court Street, from the 8-inch water line in Hicks Street north to its terminus; (i) construct an 8-inch water line from the 8-inch water line in Studemont Street west ±910 feet in the proposed Summer Street, then north ±200 feet in Wichman Street to connect to the 8-inch water line in Starkey Street (aka 2<sup>nd</sup> Street); (j) relocate any service connections to the 8-inch water lines in Starkey Street (aka 2<sup>nd</sup> Street), Hicks Street, Studemont Street, or the proposed Summer Street; (k) leave in place and operational the existing three fire hydrants in Wichman Street and Court Street until new fire protection is constructed and in service upon completion of the proposed Summer Street to service any existing and future building structures in the area in accordance with current City standards; and (l) the forgoing items must be completed at no cost to the City and under the proper permits obtained separately and exclusively from the Office of the City Engineer;
7. The applicant be required to prepare drawings that show all public utilities (sanitary sewer and water) that are to be abandoned, relocated, and/or constructed as part of this project, submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review. The applicant be required to provide a copy of the Certificate of Final Completion completed by the project manager and signed by the City Engineer or his designee;
8. The Legal Department be authorized to prepare the necessary transaction documents; and,
9. Inasmuch as the value of the City's property interest is expected to exceed \$1,000,000.00, that the City Council appoint Thomas Bazan and Gary Brown, independent real estate appraisers, to establish the value.

DWK:NPC:dob

c:	Jun Chang, P.E., D.WRE	David Feldman	Daniel Menendez, P.E.	Jeffrey Weatherford, P.E., PTOE
	Marta Crinejo	Terry A. Garrison	Patrick Walsh, P.E.	



**AY14-116 PROP SUMMER ST.**

50% INTEREST GRANTED TO SHIRLEY ZORR EXPRESSELY GRANTED TO CHARLES R. GANDELLA & SON NORTH BY INSTRUMENT RECORDED IN VOL. 1702, P. 625. APPROX 49,500 S.F.

STUDEMONT VENTURE, LP.  
11.1961 ACRES  
TRACT 1  
H.C.C.F. NO. 20130629232

Subject: Request for the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. Parcels SY14-079A, SY14-079B, SY14-132, and AY14-116

C.F. COURT SUBDIVISION  
VOL. 6, P.C. 581  
55 TH DISTRICT COURT

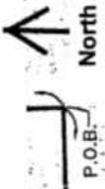
C.F. COURT SUBDIVISION

CLAY SUBDIVISION

STUDEMONT VENTURE, LP.  
1.9107 ACRES  
TRACT 4  
H.C.C.F. NO. 20130629232

L16 Carlos R. & Maria A. Harvey  
L18 SY14-132

HICKS STREET  
VOL. 1702, P. 186, AND VOL. 1723, P. 711, H.C.C.F.



P.O.B.

N 87°38'00" W

N 87°31'45" W 486.23'

L20

S 89°28'15" W 108.54'

P.O.B.

SY14-079A

SY14-079B

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

N 09°49'01" E 50.00'

S 89°28'15" W 108.54'

S 00°03'15" W 673.24'

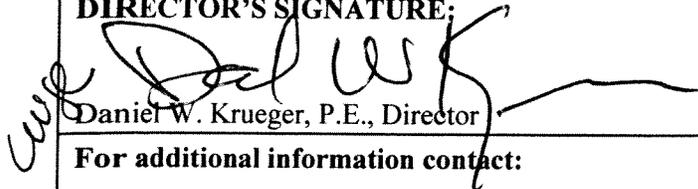
N 00°03'15" E 674.78'

S 00°03'15" W 273.50'

N 00°03'15" E 618.29'

<b>SUBJECT:</b> Request for the abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24. <b>Parcels SY14-082 and KY14-313</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  <div style="text-align: center; font-size: 2em;">8</div>
---	-------------------------------------	--

<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  7/31/14	<b>Agenda Date</b>  AUG 06 2014
--	--	---------------------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected: A</b>  CS  <b>Key Map: 488C/488D</b>
---	--

<b>For additional information contact:</b>  Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
---	---

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24. **Parcels SY14-082 and KY14-313**

**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

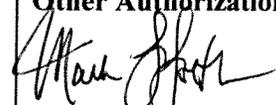
Erica Sanchez, Walter P. Moore and Associates, Inc., 1301 McKinney Street, Suite 100, Houston, Texas, 77010, on behalf of ConocoPhillips Company (Stephen Matthews, Attorney-in-fact), requested the abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24. The applicant plans to dedicate a new 70-foot-wide right-of-way to the City by plat, and construct a new street to City standards within the dedicated 70-foot-wide right-of-way in order to alleviate traffic congestion at the intersection of Eldridge Road and Dairy Ashford Road.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the applicant convey to the City a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to provide letters of no objection from each of the privately owned utility companies for the street being abandoned;

p:\cs\sy14-082.rcl.doc CUIC #20CJS9457

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
----------------------------	-----------------------------	--

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24. <b>Parcels SY14-082 and KY14-313</b>	<b>Originator's Initials</b>  CS	<b>Page</b> <u>2</u> of <u>2</u>
--------------	---	--	-------------------------------------

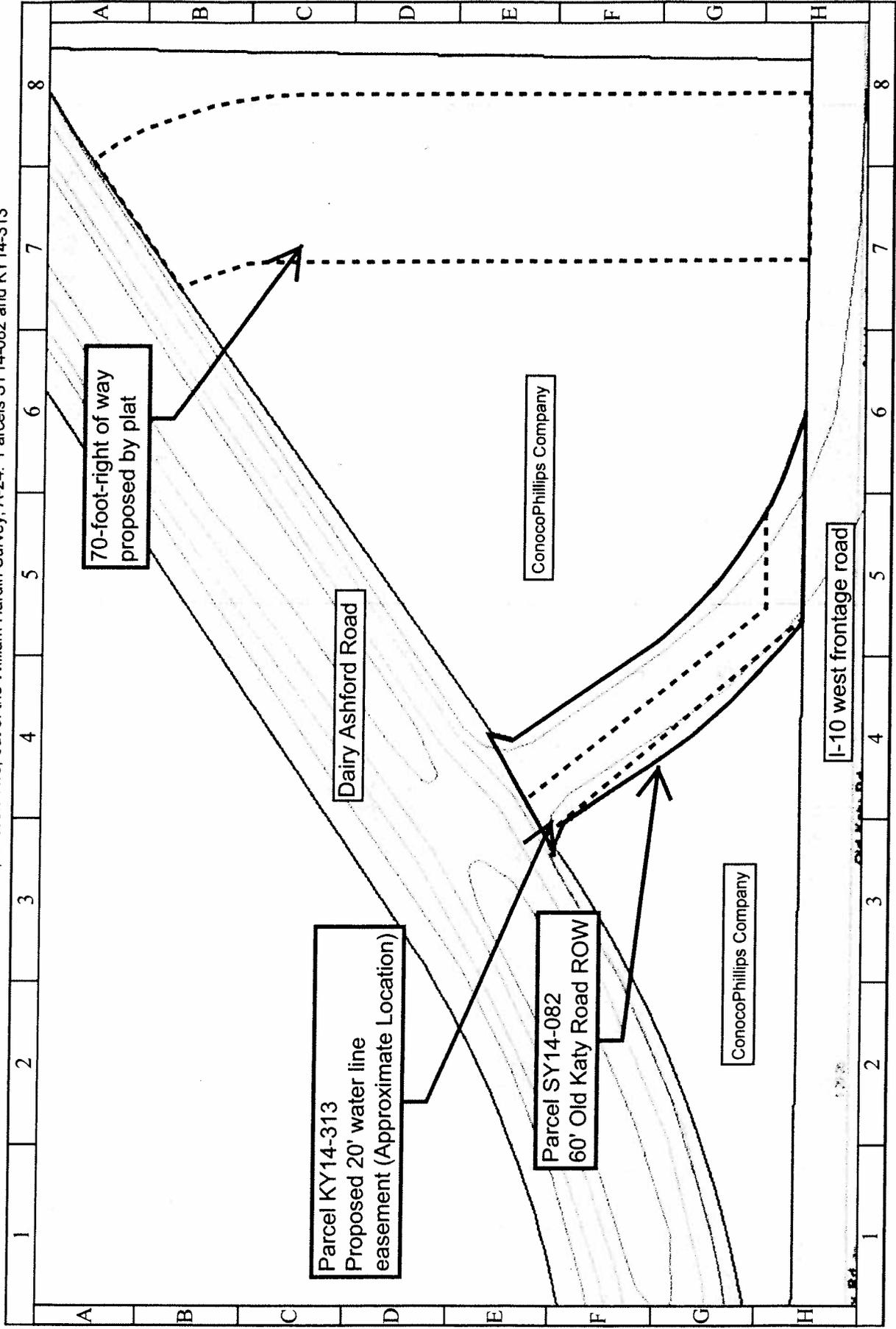
4. The applicant be required to: (a) cut, plug, and abandon the existing 24-inch storm sewer line and manholes located within the Old Katy Road right-of-way, from manhole #3105351 on the 60-inch storm sewer line in Dairy Ashford Road to its terminus, (b) pay the City of Houston the depreciated value of the storm sewer line and three manholes to be abandoned, and (c) complete all of the foregoing items at no cost to the City and under the proper permits obtained through the Office of the City Engineer and separate from any other project permits;
5. The applicant be required to prepare drawings that show all public utilities (storm sewer) that are to be abandoned, relocated, and/or constructed as part of this abandonment request and submit the drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by an independent appraiser appointed by the Director of Public Works and Engineering.

DWK:NPC:cs

- c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
Eric Dargan  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

Parcel Map

Abandonment and sale of Old Katy Road right-of-way, from the I-10 frontage road north to Dairy Ashford Road, and the conveyance to the City of a 20-foot-wide water line easement, all located within the Woodcreek Park Subdivision, Section Two, out of the William Hardin Survey, A-24. Parcels SY14-082 and KY14-313



1 inch = 27 feet

**CITY OF HOUSTON**  
**Department of Public Works and Engineering**  
**Geographic Information & Management System (GIMS)**



DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.  
THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.  
FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

<b>SUBJECT: CNA Contract for Hazard Analysis and Emergency Planning Support</b>		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 9
<b>FROM (Department or other point of origin):</b> Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		<b>Origination Date:</b> 6/20/2014	<b>Agenda Date</b> AUG 06 2014	
<b>DIRECTOR'S SIGNATURE:</b> <i>Dennis J. Storemski</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Melanie Bartis Phone: 832-393-0917		<b>Date and Identification of prior authorizing Council action:</b> 7/11/2012: Ord# 2012-0636		
<b>RECOMMENDATION: (Summary)</b> Approval of a Motion authorizing issuance of a Purchase Order to CNA for updating the Houston Region's Threat Hazard Identification and Risk Assessment and the development of a supporting resource guide.				
<b>Amount of Funding:</b> \$178,314.49		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> [X] <b>Grant Funds:</b> \$178,314.49 Texas Division of Emergency Management (pass-through from DHS)				
<b>SPECIFIC EXPLANATION:</b> <p>In 2008, the U.S. Department of Homeland Security began awarding grants to ten high risk urban areas to engage in regional catastrophic preparedness planning. The City of Houston is the <b>fiscal agent</b> for this \$12 million grant program. A <b>Regional Catastrophic Planning Team (RCPT)</b> of public and private sector representatives was convened to lead the initiative. The RCPT has developed numerous plans, models, and tools to assist the region in being more prepared to respond to and recover from a catastrophic disaster. Organizations involved with the RCPT include:</p> <ul style="list-style-type: none"> <li>▪ Cities: Houston (multiple departments), Galveston, Pasadena, Deer Park, La Porte, Baytown</li> <li>▪ Counties: each of the 13 counties in the H-GAC region</li> <li>▪ Regional partners, non-profits, and private sector, including: H-GAC, METRO, CenterPoint Energy, the East Harris County Manufacturers Association, the Downtown Management District</li> <li>▪ Other "advisory" members: US Coast Guard, FEMA, the Department of State Health Services, the Texas Division of Emergency Management, the Harris County Department of Education</li> </ul> <p><b>SCOPE OF WORK</b>                  On June 1, 2012, DHS initially issued guidance requiring the nation's 31 highest threat urban areas to complete a Threat and Hazard Identification and Risk Assessment (THIRA), in addition to the THIRAs that the states had already been directed to prepare. CNA supported the development of our region's first THIRA (prior authorizing council action referenced above). Per guidance from DHS, updated THIRAs are due to DHS by the end of this calendar year. Deliverables will include the outputs that our state needs to incorporate our region's risks, capabilities and gaps into the state THIRA, as well as a separate THIRA for our region for submission to DHS. Further, CNA will support our region with the development of a resource guide to support emergency operations in the greater Houston Region. The proposed amendment is for costs plus a fixed fee (5%), for a total of \$178,314.49. It will be paid completely with grant funds.</p> <p>CNA is an approved vendor through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC), and will be charging the City rates that are consistent with their H-GAC agreement.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10198**

**Subject:** Approve Spending Authority to Purchase Computers and Installation Services for the Houston Fire Department  
S55/ E25121

Category #  
4

Page 1 of 2

Agenda Item

10

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

July 30, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Charles T. Thompson Phone: (832) 393-0082  
Joyce Hays Phone: (832) 393-8723

**Date and Identification of prior authorizing**

**Council Action:**  
Ord 14-356, 4/24; CM 14-340, 4/23, 14-572, 6/18

**RECOMMENDATION: (Summary)**

Approve spending authority to purchase computers and installation services in the total amount not to exceed \$277,785.52 through the Texas Department of Information Resources for the Houston Fire Department.

Spending Authority: \$277,785.52

**Finance Budget**

*[Signature]*

\$277,785.52 - Fund 5030 pass through Homeland Security Grant

**SPECIFIC EXPLANATION:**

The Chief Information Officer and the City Purchasing Agent recommend that City Council approve the purchase of computers and installation services in the total amount not to exceed \$277,785.52 through the Texas Department of Information Resources (DIR) for the Houston Fire Department (HFD) and that authorization be given to issue purchase orders, as necessary, to the DIR contractor, Mobile Concepts Technology, LLC.

The purchase will consist of Panasonic Toughbook laptops and installation services to replace the antiquated devices that are currently being used and are no longer supported. Continued use of the current devices could pose a significant risk of fire service interruption for incident response and emergency medical service. The laptops will be installed in all fire apparatus which will maximize the overall interoperability for Houston Fire Department's first responders. The scope of work requires the contractor to provide all labor, tools, materials, equipment, supplies, supervision and transportation necessary to replace and install the Panasonic Toughbook laptops in the front of all fire apparatus.

Grant funding was utilized to make two prior purchases for equipment and implementation services via prior council actions. This is the third of four requests for purchasing replacement mobile computers for Fire apparatus. Houston Fire Department requires a total of 667 devices consisting of 386 laptop computers and 281 tablet type computers to complete the needed replacement. The first two actions allowed HITS to purchase 280 ruggedized laptop computers for the front of each apparatus and 247 ruggedized tablet type computers for the back of each apparatus. This motion will allow for the purchase of 38 laptop computers. We have pending grant funding for the balance of 68 laptops and 34 tablets that we anticipate receiving in the October timeframe. A fourth and final RCA for this project will be initiated once we have confirmed the receipt of the final grant award.

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Purchasing Agreement for this purchase.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 7/30/2014	Subject: Approve Spending Authority to Purchase Computers and Installation Services for the Houston Fire Department S55/ E25121	Originator's Initials JB	Page 2 of 2
--------------------	--	--------------------------------	-------------

**Pay or Play**

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, Mobile Concepts Technology, LLC provides benefits to some employees but will pay into the Contractor Responsibility Fund in compliance with City policy.

**M/WBE Participation:**

The contracts between the Texas Department of Information Resources and its vendors do not require an MWEBE goal; however, Mobile Concepts Technology, LLC has designated Access Data Supply Incorporated (ADSI) as its certified M/WBE subcontractor with an MWBE participation of 15%.

Buyer: Joseph Badell

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10124**

<b>Subject:</b> Approve the Purchase of a Tuberculosis Digital Imaging System through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Department of Health and Human Services.	Category # 4	Page 1 of 1	Agenda Item  11
---	-----------------	-------------	-----------------------

<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Finance Department	<b>Origination Date</b>  July 14, 2014	<b>Agenda Date</b>  AUG 06 2014
--	--	---------------------------------------

<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected</b> All
---	--

<b>For additional information contact:</b> Kathy Barton Phone: (832) 393-5045 Ray DuRousseau Phone: (832) 393-8726	<b>Date and Identification of prior authorizing Council Action:</b> Ord. No. 2013-745, Passed: 08/19/2013
--	--

**RECOMMENDATION: (Summary)**  
Approve the purchase of a Tuberculosis Digital Imaging System in the total amount of \$72,576.00 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Department of Health and Human Services.

Award Amount: \$72,576.00	<b>Finance Budget</b>
---------------------------	-----------------------

\$72,576.00 - Equipment Acquisition Consolidated Fund (Fund 1800)  
Previously appropriated by Ordinance Number 2013-745, approved on August 19, 2013.

**SPECIFIC EXPLANATION:**  
The Director of the Houston Department of Health and Human Services and the City Purchasing Agent recommend that City Council approve the purchase of a Tuberculosis (TB) Digital Imaging System in the total amount of \$72,576.00 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Houston Department of Health and Human Services and that authorization be given to issue a purchase order to the Harris County Department of Education contractor, Henry Schein, Inc. The TB Digital Imaging System will be used to immediately convert X-rays into enhanced digital images for preview and quick detection of TB.

The TB Digital Imaging System includes two Viztek CR-IIs, one MXReview PACS, two Dual color clinical professional workstations, one Single 3MP professional grade workstation and disaster recovery to the Viztek Data Center, as well as project planning, integration, configuration, quality assurance testing, installation and three days of onsite training. This equipment comes with a one-year warranty for parts and remote diagnostics and the life expectancy is seven years.

**Hire Houston First:**  
This procurement is exempt from the City's Hire Houston First Ordinance because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Buyer: Ketan Shah

**REQUIRED AUTHORIZATION**

Finance Department:	Other Authorization:	Other Authorization:
---------------------	----------------------	----------------------

*Calvin*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10165**

**Subject:** Amend Council Motion 2011-0573, Passed July 20, 2011, for Recreational, Educational, and Miscellaneous Supplies for the Parks and Recreation Department  
S21-S23836-A1

Category #  
4

Page 1 of 1

Agenda Item

*12*

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

July 07, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Luci Correa Phone: (832) 395-7057  
Desiree Heath Phone: (832) 393-8742

**Date and Identification of prior authorizing Council Action:**

CM 2011-0573, passed 07/20/2011

**RECOMMENDATION: (Summary)**

Amend Council Motion 2011-0573, passed July 20, 2011, to increase the spending authority from \$380,000.00 to \$558,600.00 for recreational, educational and miscellaneous supplies for the Parks and Recreation Department.

Spending Authority Increased by: \$178,600.00

**Finance Budget**

\$178,600.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department Director and the City Purchasing Agent recommend that City Council amend Council Motion 2011-0573, to increase the spending authority for recreational, educational, and miscellaneous supplies awarded to S&S Worldwide, Inc. from \$380,000 to \$558,600.00. The additional spending authority requested will enable the Parks and Recreation Department to continue to make purchases through the remainder of the awarded term.

This award began July 26, 2011 for a 60-month term in an amount not to exceed \$380,000.00. Expenditures as of June 20, 2014 totaled \$379,750.39. All other terms and conditions shall remain as previously approved by City Council.

This award consists of various types of arts, crafts and games that are used by the Department to support the Summer Enrichment, Summer Reading, Special Events, Seniors and Arts & Entertainment Programs.

This solicitation was issued with a 4% MWBE goal. S&S Worldwide, Inc. is currently achieving 2.52%. The Office of Business Opportunity will continue to monitor this award for participation in accordance with the goal.

**Hire Houston First**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids were solicited prior to the passing of the ordinance by City Council in September 2011.

Buyer: Laura A. Guthrie

Attachment: MWBE zero-percent goal approved by the Office of Business Opportunity.

**Estimated Spending Authority:**

FY 15	OUTYEARS	TOTAL
\$15,000.00	\$163,600.00	\$178,600.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*NDT*

*11*



CITY OF HOUSTON

Interoffice

Correspondence

To: Carlecia D. Wright, Director  
Mayor's Office of Business Opportunity

From: Laura A. Guthrie  
Finance Department

cc: Walter R. Guthrie  
HPARD

Date: June 12, 2014

Subject: Final Request for Verification of  
MWDBE Participation

Prime Contractor S&S Worldwide, Inc.  
OA/BPO No. 4600011126 Start Date 07/26/2011 End Date 07/25/2016  
Contract Description Recreational, Educational and Miscellaneous Supplies  
Prime Contact Person/Phone/Email Carol Mares 1-800-642-7354  
MWBE Goal 4% Scheduled MWBE Part.        Amt. Paid by City (to date) \$326,029.30  
Scheduled S/MWBEs Burnetts Package Express \$15,200.00 (4%)

**FOR OFFICE OF BUSINESS OPPORTUNITY USE ONLY**

Total MWBE Dollar Amt. Paid \$8,215.00 MWBE Part. Achieved 2.52%

MWBE Rating:        Outstanding        Satisfactory        Unsatisfactory

Comments Prime was exceeding the goal until an adjustment to the payment was made on 6/16/2014 to match total paid per SAP. Prime is providing the maximum opportunity for sub to perform. All orders are shipped by the MWBE sub for this contract. Prime will continue to maximize opportunity for the sub.

Approved by Morris Scott  
Division Manager

Morris M. Scott Date 06/16/2014

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10066**

**Subject:** Purchase of Construction Services to Furnish and Install a Pre-Fabricated Restroom/Shower Facility from the State of Texas Procurement and Support Services Contract for the General Services Department on behalf of the Parks and Recreation Department S50-C24852E

Category #  
4

Page 1 of 2

Agenda Item

130 13A

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

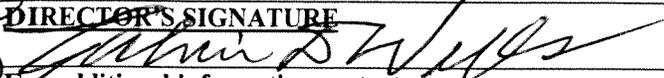
**Origination Date**

May 09, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*CWS*  


**Council District(s) affected**

E

**For additional information contact:**

Jacquelyn L. Nisby Phone: (832) 393-8023  
Ray DuRousseau Phone: (832) 393-8726

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance appropriating \$174,225.49 out of the Woodlands Regional Participation Fund (Fund 2425) and approve the purchase of construction services to furnish and install a pre-fabricated restroom/shower facility in the total amount of \$169,976.09 and contingencies (2.5% for unforeseen changes within the scope of work) in the amount of \$4,249.40 for a total amount not to exceed \$174,225.49 from the State of Texas Procurement and Support Services Contract for the General Services Department on behalf of the Parks and Recreation Department.

Award Amount: \$174,225.49

**Finance Budget**



\$174,225.49 - Woodlands Regional Participation Fund (Fund 2425) - WBS No. F-000695-0008-4-02-02

**SPECIFIC EXPLANATION:**

The Director of the Parks and Recreation Department and the City Purchasing Agent recommend that City Council approve an ordinance appropriating \$174,225.49 out of the Woodlands Regional Participation Fund (Fund 2425) and approve the purchase of construction services to furnish and install a pre-fabricated restroom/shower building in the total amount of \$169,976.09 and contingencies (2.5% for unforeseen changes within the scope of work) in the amount of \$4,249.40 for a total amount not to exceed \$174,225.49 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department on behalf of the Parks and Recreation Department, and that authorization be given to issue purchase orders, as necessary, to the State contract vendor, CXT Incorporated. The restroom and shower building is needed to serve overnight campers and day-use park visitors.

The scope of work requires the construction contractor to provide all supervision, labor, materials, equipment, tools, transportation and ancillary items necessary to furnish and install a 30' X 26' pre-fabricated restroom/shower building at Lake Houston Wilderness Park, located at 25840 FM 1485, New Caney, TX 77357. The pre-fabricated multi-user restroom/shower building will be comprised of a large multi-flush restroom, multi-showers and will be designed to meet all current American with Disabilities Act requirements and is built to withstand extreme vandalism. The contractor shall warranty all labor and workmanship for one year and the completed pre-fabricated restroom/shower building shall be warranted for twenty years subsequent to acceptance of work by the City of Houston. The contractor shall have 120 calendar days to complete the work on this project upon receipt of the notice to proceed.

**Hire Houston First and Pay or Play Ordinance:**

This procurement is exempt from the City's Hire Houston First Ordinance and the City's Pay or Play Ordinance. Bids/proposals were not solicited because the department is utilizing a Cooperative Purchasing Agreement for this purchase.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

125A

Date: 5/9/2014	Subject: Purchase of Construction Services to Furnish and Install a Pre-Fabricated Restroom/Shower Facility from the State of Texas Procurement and Support Services Contract for the General Services Department on behalf of the Parks and Recreation Department S50-C24852E	Originator's Initials AL	Page 2 of 2
-------------------	--	--------------------------------	-------------

Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Arturo Lopez

**REQUEST FOR COUNCIL ACTION**

RCA# 10186

TO: Mayor via City Secretary

**Subject:** Purchase of Training Courses through the National Association of State Boating Law Administrators (NASBLA) and its Boat Operations and Training (BOAT) for the Houston Police Department.  
S54-E25110

Category #  
4

Page 1 of 1

Agenda Item  
  
14

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

July 30, 2014

**Agenda Date**

**AUG 06 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Joseph A. Fenninger      Phone: (713) 308-1770  
Ray DuRousseau          Phone: (832) 393-8726

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve the purchase of training courses through the National Association of State Boating Law Administrators (NASBLA) and its Boat Operations and Training (BOAT) in the amount of \$77,500.00 for the Houston Police Department.

Award Amount: \$77,500.00

**Finance Budget**

*[Signature]*

\$77,500.00 - Federal Government - Grant Funded (Fund 5000)

**SPECIFIC EXPLANATION:**

The Chief of the Houston Police Department and the City Purchasing Agent recommend that City Council approve the purchase of training courses for the Houston Police Department through the National Association of State Boating Law Administrators (NASBLA) and their Boat Operations and Training (BOAT) Program in the amount of \$77,500.00 and that authorization be given to issue purchase orders to NASBLA. This training is designed to enhance the Houston Police Department Port Security operators' knowledge in basic boat operations, tactical boat operations, and the pursuit and stopping of rogue vessels. This training will integrate HPD into a joint law enforcement force with other waterborne enforcement assets such as the United States Coast Guard. This training will be held at the U.S. Coast Guard Port of Houston, located at 9640 Clinton Drive.

The scope of work requires the contractor to provide all equipment, materials, tools, supervision and transportation necessary to provide certified NASBLA instructors to teach three training courses: One five-day Boat Crew Member Course for up to 30 students, one five-day Tactical Operators Course for up to 20 students and one three-day Pursuant and Stop Course for up to 20 students. Upon successful completion of the courses, each student will be issued a certificate and their names entered into the national data base of credentialed Pursuit Operators.

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance.

Attachment: MWBE Zero-Percent Goal Document Approved by the Office of Business Opportunity

Buyer: Mabel G. Martinez  
PR #10190176

**REQUIRED AUTHORIZATION**

Finance Department:	Other Authorization:	Other Authorization:
---------------------	----------------------	----------------------



CITY OF HOUSTON  
OFFICE  
BUSINESS OPPORTUNITY

Goal Modification  
Request Form

RECEIVED

JUL 22 2014

To: Assistant Director  
Office of Business Opportunity **OBO**

Solicitation Number: PR# 10190176

Estimated Dollar Amount: \$ 77,500.00

From: Tim Crabb/Senior Contract Administrator  
Requestor's Name/Title  
Police  
Department

Type of Solicitation: Bid  Proposal  Other

Name and Intent of this Solicitation: Additional Swift Water Rescue Training for HPD Tactical  
Operation Division - Dive Team.

PREVIOUS CONTRACT (if any): Yes  No

Goal on Last Contract: \_\_\_\_\_ Was Goal Met: Yes  No

If goal was not met, what percentage did the vendor achieve? \_\_\_\_\_

Why wasn't goal achieved: \_\_\_\_\_

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW (Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)

WAIVER

I am requesting a waiver of the MWBE Goal: Yes  No

Reason for waiver:

- A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);
- If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or



If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

Other: \_\_\_\_\_

Detailed Explanation of waiver reason: This is a professional services bid, vendors sole duty is to provide Swift Water Rescue Training for Tactical Operations - Dive Team. No MWBE opportunity is available.

**REDUCED GOAL (To be completed by the department prior to advertisement)**

I am requesting a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes  No  If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.

**GOAL REVISION AFTER ADVERTISEMENT**

I am requesting a revision of the MWBE Goal: Yes  No

Original Goal: 0% New Proposed Goal: 0%

Advertisement Date: \_\_\_\_\_ Number of Solicitations Received: \_\_\_\_\_ Estimated Dollar Amount: \$ 77,500.00

Detailed reason for request: This is a professional services procurement, their is no MWBE divisible work, this vendor has a national contract for the printing of all course materials and materials are only printed as needed for scheduled courses, instructors pickup materials for classes taught (no deliveries).

**COOPERATIVE OR INTER-LOCAL AGREEMENT**

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes  No  Goal Requested: \_\_\_\_\_

If yes, what type: \_\_\_\_\_ Yes  No

Did Department explore opportunities for using certified firms? Yes  No  N/A

If no, please explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Concurrence:**

[Signature]  
Department Initiator

7-22-14  
Date

[Signature]  
Department Director or Designee

7-22-14  
Date

**Approved by:**

[Signature]  
CFO Assistant Director or Designee

7/23/14  
Date

CFO Tracking #: W-206

OBO Reason: NON-DIVISIBLE

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10179**

**Subject:** Amend Council Motion 2009-0610, Passed August 12, 2009 for Personal Protective Gear for Various Departments S44-S23117-A1

Category #  
4

Page 1 of 1

Agenda Item

15

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

July 28, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Cynthia Vargas Phone: (832) 394-6926  
Desiree Heath Phone: (832) 393-8742

**Date and Identification of prior authorizing Council Action:**

CM 2009-0610, Passed 8/12/2009

**RECOMMENDATION: (Summary)**

Amend Council No. 2009-0610, passed August 12, 2009 to extend the expiration date for personal protective gear from August 18, 2014 to December 31, 2015 and to increase the spending authority from \$2,801,947.00 to \$3,486,869.00

Spending Authority Increased by: \$684,922.00

**Finance Budget**

*[Signature]*

\$584,922.00 General Fund (1000)  
\$100,000.00 HAS-Revenue Fund (8001)

\$684,922.00 Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amendment to Council Motion 2009-0610 to extend the expiration date for personal protective gear awarded to Morning Pride MFG dba Honeywell First Responder Products from August 18, 2014 to December 31, 2015 and to increase the spending authority from \$2,801,947.00 to \$3,486,869.00.

This award began August 18, 2009 for a 60-month period in an amount not to exceed \$2,801,947.00. Expenditures as of July 28, 2014 totaled \$2,417,371.92. The Fire Department is currently in the process of testing structural bunker boots from various suppliers/manufacturers and has recently completed testing of structural coats, pants and suspenders. Therefore, until the wear testing phase is completed, the departments are in need of additional spending authority and an extension to the current award to meet the operational needs and to fulfill a legal mandate requiring them to replace soiled/contaminated equipment and equipment deemed irreparable. The new solicitation is scheduled to advertise in February 2015. All other terms and conditions shall remain as originally approved by City Council

The Houston Fire Department and Houston Airport System utilize this award for the purchase of personal protective gear which consists of, but is not limited to, bunker gloves, hoods, helmets, aluminized gloves, face shields, face shield bracket kits, and 16" pull-on Aircraft Rescue and Fire Fighting (ARFF) proximity rubber boots.

**Hire Houston First**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids were solicited prior to the passing of the ordinance by City Council in September 2011.

Buyer: Thelma Diaz

Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity

**Estimated Spending Authority**

Department	FY15	FY16	Total
Fire	\$414,000.00	\$170,922.00	\$584,922.00
Houston Airport System	\$ 72,000.00	\$ 28,000.00	\$100,000.00
Total	\$486,000.00	\$198,922.00	\$684,922.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

RCA# 9843

**TO:** Mayor via City Secretary

**Subject:** Purchase of Light-Duty Pickup Trucks through the Houston - Galveston Area Council for the Public Works & Engineering Department  
S38-E24746-B

Category #  
4

Page 1 of 1

Agenda Item  
  
**16**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

April 08, 2014

**Agenda Date**

**AUG 06 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*  
For additional information contact:  
Kenneth Hogleund  
Ray DuRousseau

Phone: (832) 393-6901  
Phone: (832) 393-8726

**Council District(s) affected**  
All

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve the purchase of light-duty pickup trucks through the Houston-Galveston Area Council (H-GAC) in the amount of \$1,441,104.00 for the Public Works & Engineering Department.

Award Amount: \$1,441,104.00

**Finance Budget**

\$ 53,352.00 - Dedicated Drainage & Street Renewal Fund (2310)  
\$1,387,752.00 - PWE-Combined Utility System General Purpose Fund (8305)

\$1,441,104.00 - Total

**SPECIFIC EXPLANATION:**

The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve the purchase of eighty-one light-duty 1/2-ton pickup trucks through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC) in the amount of \$1,441,104.00 for the Public Works & Engineering Department and that authorization be given to issue purchase orders to the H-GAC contractor, Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford. These pickup trucks will be used citywide by department personnel to conduct City business and provide services to the citizens of Houston.

These new pickup trucks will meet the EPA's current emission standards for trucks with gasoline engines. They will come with a full bumper-to-bumper warranty of three years/36,000 miles and a full power-train warranty of five years/60,000 miles. The life expectancy of these trucks is seven years or 100,000 miles. These trucks will replace trucks that have reached their life expectancy and will be sent to auction for disposition.

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the Department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Buyer: Lena Farris

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

*Calvin D. Wells* FMD

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

RCA# 10133

TO: Mayor via City Secretary

Category #  
4

Page 1 of 2

Agenda Item

Subject: Formal Bids Received for Emergency Medical Equipment, Supplies and Pharmaceuticals for Various Departments  
S21-S24712

17

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

July 15, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**Date and Identification of prior authorizing Council Action:**

**For additional information contact:**

Cynthia Vargas Phone: (832) 394-6926  
Desiree Heath Phone: (832) 393-8742

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$1,737,440.30 for emergency medical equipment, supplies and pharmaceuticals for various departments.

Estimated Spending Authority: \$1,737,440.30

**Finance Budget**

\$1,036,231.58 - General Fund (1000)  
\$ 701,208.72 - Federal/Local/State Pass Fund (5030)  
\$1,737,440.30 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,737,440.30 for emergency medical equipment, supplies and pharmaceuticals for various departments. It is further requested that authorization be given to make purchases, as needed, for a 36-month period, with two one-year options to extend. These awards consist of various line items and two price which includes; but are not limited to, infection control products, airway/oxygen delivery equipment, trauma and first aid kits, breathing and respiratory equipment, diabetic supplies, infection control supplies, intravenous sets and pharmaceuticals to be used by the Fire Department and the Houston Department of Health and Human Services in their day-to-day operations and serving the citizens of the City.

These are price list and line item awards. Relative to the price lists the best discount which determines the low bid for a price list is the best bid received for quantities of high-use items selected as sample pricing items based on current needs of the Departments. The bid total for sample pricing items does not represent the total amount estimated to be purchased; rather, these recommendations are for the total estimated expenditures projected over the awarded term based on the low bid submitted for the representative samples.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twelve prospective bidders downloaded the solicitation document from SPD's e-bidding website, and eight bids were received as outlined below:

**Bound Tree Medical, LLC:** Award on its complete bid for Group I (Bound Tree Emergency Medical Product Catalog which includes; but is not limited to, infection control products, airway/oxygen equipment, wound care, trauma and first aid kits, breathing and respiratory equipment, diabetic supplies, and pharmaceuticals) in an amount not to exceed \$684,360.65.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

✓

7

Date: 7/15/2014	Subject: Formal Bids Received for Emergency Medical Equipment, Supplies and Pharmaceuticals for Various Departments S21-S24712	Originator's Initials LG	Page 2 of 2
--------------------	---	--------------------------------	-------------

<u>Company</u>	<u>Sample Pricing Total</u>
1. Attentus Medical Sales, Inc.	\$1,551.79 (Partial Bid/Did Not Meet Specification)
2. Nashville Medical & EMS	\$1,781.26 (Partial Bid/Did Not Meet Specification)
3. WW Supply, LLC	\$4,008.67 (Partial Bid/Did Not Meet Specification)
4. Quadmed	\$5,269.34 (Partial Bid/Did Not Meet Specification)
5. Cardinal Health 200, LLC	\$5,915.34 (Partial Bid/Did Not Meet Specification)
<b>6. Bound Tree Medical, LLC</b>	<b>\$6,404.13</b>
7. Emergency Medical Equipment, Inc.	\$6,985.60
8. Midwest Medical Supply, LLC	\$7,080.50

**Emergency Medical Products, Inc.:** Award on its low bid meeting specifications for Group II (Emergency Medical Products, Inc.'s Medical Equipment & Supply Catalog 2014 which includes; but not limited to, airway maintenances, breathing and respiratory equipment, diabetic supplies, immobilization and extrication supplies, infection controls, first aid kits, and pharmaceuticals) in an amount not to exceed \$705,153.65.

<u>Company</u>	<u>Sample Pricing Total</u>
1. Quadmed	\$ 256.26 (Partial Bid/Did Not Meet Specification)
2. WW Supply, LLC	\$ 276.28 (Partial Bid/Did Not Meet Specification)
3. Attentus Medical Sales, Inc.	\$ 803.50 (Partial Bid/Did Not Meet Specification)
4. Nashville Medical & EMS	\$ 1,518.22 (Partial Bid/Did Not Meet Specification)
5. Cardinal Health 200, LLC	\$ 1,701.75 (Partial Bid/Did Not Meet Specification)
6. Midwest Medical Supply, LLC	\$ 1,871.79 (Partial Bid/Did Not Meet Specification)
7. Bound Tree Medical, LLC	\$ 2,318.81 (Partial Bid/Did Not Meet Specification)
<b>8. Emergency Medical Equipment, Inc.</b>	<b>\$ 2,477.67</b>

**Attentus Medical Sales, Inc.:** Award on its low bid for Group VI, Line Item Nos. 1 and 2 (IV primary sets) in an amount not to exceed \$347,926.00.

<u>Company</u>	<u>Line Item Total</u>
<b>1. Attentus Medical Sales, Inc.</b>	<b>\$347,926.00</b>
2. Midwest Medical Supply, LLC	\$363,659.94
3. Cardinal Health 200, LLC	\$376,778.40
4. Bound Tree Medical, LLC	\$494,899.20

**Hire Houston First:**

The proposed awards require compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Attentus Medical Sales, Inc. does meet the requirements of Hire Houston First.

Groups III, IV and V are not being awarded. These items will be purchased on an as needed basis.

Buyer: Laura A. Guthrie

Attachment: M/WBE zero-percent goal document approved by the Office of Business Opportunity.

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY15	OUTYEARS	TOTAL
Fire	\$276,934.29	\$ 759,297.29	\$1,036,231.58
Houston Department of Health and Human Services	\$262,943.92	\$ 438,264.80	\$ 701,208.72
<b>TOTAL</b>	<b>\$539,878.21</b>	<b>\$1,197,562.09</b>	<b>\$1,737,440.30</b>

GIS-04



CITY OF HOUSTON  
OFFICE  
of  
BUSINESS OPPORTUNITY

Goal Modification  
Request Form

RECEIVED

NOV 08 2013

To: Assistant Director  
Office of Business Opportunity

OBC

Solicitation Number: S21-S24712

Estimated Dollar Amount: ~~\$13,437,106.00~~  
1,737,440.30

From: Laura A. Guthrie, Procurement Specialist  
Requestor's Name/Title  
Finance  
Department

Type of Solicitation: Bid  Proposal  Other

Name and Intent of this Solicitation: Emergency Medical Equipment, Supplies and Pharmaceuticals  
for Various Departments

PREVIOUS CONTRACT (if any): Yes  No

Goal on Last Contract: 5% Was Goal Met: Yes  No

If goal was not met, what percentage did the vendor achieve? zero

Why wasn't goal achieved: The prime vendor designated a sub-contractor for the 5% goal; however the prime and sub did not achieve the goal as the prime did not understand the program. The sub vendor went out of business. To date, the prime has not designated a sub for the term of this award.

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW (Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)

WAIVER

I am requesting a waiver of the MWBE Goal: Yes  No

Reason for waiver:

- A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);
- If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or



If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

Other: \_\_\_\_\_

Detailed Explanation of waiver reason: Supplies for this project will be placed and ordered direct from the manufacturer and delivered directly to the City.

**REDUCED GOAL (To be completed by the department prior to advertisement)**

I am requesting a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes  No  If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.

**GOAL REVISION AFTER ADVERTISEMENT**

I am requesting a revision of the MWBE Goal: Yes  No

Original Goal: \_\_\_\_\_ New Proposed Goal: \_\_\_\_\_

Advertisement Date: \_\_\_\_\_ Number of Solicitations Received: \_\_\_\_\_ Estimated Dollar Amount: \$ \_\_\_\_\_

Detailed reason for request: \_\_\_\_\_

**COOPERATIVE OR INTER-LOCAL AGREEMENT**

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes  No  Goal Requested: \_\_\_\_\_

If yes, what type: \_\_\_\_\_ Yes  No

Did Department explore opportunities for using certified firms? Yes  No  N/A

If no, please explain why not: \_\_\_\_\_

**Concurrence:**

Cory Cassner 11/6/2013  
Department Initiator Date

Neil J. DePasqua 11/7/13  
Department Director or Designee Date

**Approved by:**

Wanda L. Wang 11/12/13  
OBO Assistant Director or Designee Date

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION 14 - Resolution - Reed

<b>SUBJECT:</b> Approval of a state-required Resolution of No Objection enabling NHH at Reed, Ltd. to apply for non-competitive, 4% federal tax credits through the Texas Department of Housing and Community Affairs for the NHH at Reed Road housing community	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
--	-------------------	-----------------------	----------------------------

<b>FROM:</b> Neal Rackleff, Director Housing and Community Development	<b>Origination Date</b> 6/23/2014	<b>Agenda Date</b> AUG 06 2014
--	--------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>(Signature)</i> (FOR NEAL RACKLEFF)	<b>Council District affected:</b> District D
<b>For additional information contact:</b> Stephen Tinnermon Phone: 713-868-8448	<b>Date and identification of prior authorizing Council action:</b> July 23, 2014 Motion no. 2014-0716

**RECOMMENDATION:** Approval of a state-required Resolution of No Objection enabling NHH at Reed, Ltd. to apply for non-competitive, 4% federal tax credits through the Texas Department of Housing and Community Affairs for the NHH at Reed Road housing community

<b>Amount of Funding:</b> None	<b>Finance Budget:</b>
-----------------------------------	------------------------

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

No funding required

**SPECIFIC EXPLANATION:**

NHH at Reed, Ltd., an affiliate of New Hope Housing, plans to construct a 140-unit apartment community on a 6.7-acre tract that is part of a 47-acre campus being developed by the Star of Hope.

Proposed financing for the facility includes non-competitive, 4% federal tax credits administered through the Texas Department of Housing and Community Affairs (TDHCA). Per new TDHCA rules, developers interested in applying for 4% tax credit equity must obtain a Resolution of "No Objection" from the City of Houston.

The proposed project will be a three-story midrise building consisting of one, two and three bedroom floor plans, ranging in size from 750 to 1,250 square feet. One half of the total units (70 units) will be designated as Permanent Supportive Housing (PSH) in support of the City's initiative to end chronic homelessness. Therefore, the Housing and Community Development Department recommends Council approve this Resolution of No Objection enabling NHH at Reed, Ltd. to apply for tax credits.

On March 26, 2014, Council approved a Resolution of Support for NHH at Reed, Ltd. to receive TDHCA's 9% tax credits. Unlike the non-competitive 4% tax credits, the 9% credits are highly competitive, and TDHCA has not yet selected the recipients of the 9% tax credits. Because of the large number of highly qualified projects competing for limited funds under the 9% tax credit program, New Hope Housing is also applying for 4% tax credits to secure funding for the project.

This Resolution of No Objection to 4% tax credits was reviewed by the Housing and Community Affairs Committee on July 15, 2014.

NR:EP:SS  
cc: CSC, FIN, MYR, LGL

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------------	-----------------------------	-----------------------------

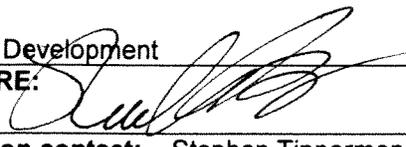


TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION 14 - NHH at Reed

<b>SUBJECT:</b> An Ordinance appropriating bond funds and authorizing the execution of a Grant Agreement between the City of Houston and Houston Area Community Development Corporation, an affiliate of New Hope Housing and NHH at Reed, Ltd., for construction of an affordable 140-unit housing community located at 2620 Reed Road	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  19
---	-------------------	-----------------------	--------------------------------

<b>FROM:</b> Neal Rackleff, Director Housing and Community Development	<b>Origination Date</b> 7/14/2014	<b>Agenda Date</b> AUG 06 2014
--	--------------------------------------	-----------------------------------

*Clay*

**DIRECTOR'S SIGNATURE:** 

**For additional information contact:** Stephen Tinnermon  
Phone: 713-868-8448

**Council District affected:**  
District D

**Date and identification of prior authorizing Council action:** N/A

**RECOMMENDATION:** Approval of an Ordinance appropriating bond funds and authorizing the execution of a Grant Agreement between the City of Houston and Houston Area Community Development Corporation, an affiliate of New Hope Housing and NHH at Reed, Ltd., for construction of an affordable 140-unit housing community located at 2620 Reed Road

<b>Amount of Funding:</b>  \$6,000,000	<b>Finance Budget:</b>
--	------------------------

**SOURCE OF FUNDING**       General Fund       Grant Fund       Other

**Housing & Homeless Bond Funds**

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department recommends Council approve an Ordinance authorizing the use of \$6,000,000 of Housing and Homeless Bond funds for the construction of a new affordable housing community located at 2620 Reed Road. Total project costs are anticipated to be \$21,799,700.

The proposed project will be a three-story midrise building consisting of one, two and three bedroom floor plans, ranging in size from 750 to 1,250 sq. ft. The property will be located on a 6.7-acre tract that is part of a 47-acre campus being developed by the Star of Hope. The Star of Hope and NHH are working together in order to bring needed affordable housing to this area.

The developer, New Hope Housing, has a track record of developing high-quality and well managed affordable housing communities across the city.

In exchange for the funding, NHH will build a 140-unit affordable housing community serving families at or below 60% Area Median Income. Of these 140 units, 70 will be designated as Permanent Supportive Housing (PSH) in support of the City's initiative to end chronic homelessness. This financing will leverage additional funding, including State Low Income Housing Tax Credits and charitable contributions.

The project's \$21,799,700 cost will be financed as follows:

**Sources of Funds:**

Housing & Homeless Bonds	\$6,000,000.00
Tax Credit Equity	\$3,500,000.00
Tax Exempt Bonds	\$6,000,000.00
<u>Charitable Contributions</u>	<u>\$6,299,700.00</u>
<b>Total Project Cost</b>	<b>\$21,799,700.00</b>

This item was reviewed by the Housing and Community Affairs Committee on May 13, 2014.

NR:EP:SS  
Cc: CSC, FIN, MYR, LGL

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------------	-----------------------------	-----------------------------

*MO*  
*16*

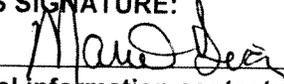
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement between the City of Houston and Baycor International, LLC - George Bush Intercontinental Airport/Houston (IAH).	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 20
---	-------------------	-----------------------	----------------------------

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> July 25, 2014	<b>Agenda Date</b> AUG 06 2014
--	--	-----------------------------------

*Clay*

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> B
---	--

<b>For additional information contact:</b> Kathy Elek <i>Kac</i> Phone: 281-233-1826 Ian Wadsworth <i>IW</i> Phone: 281-233-1682	<b>Date and identification of prior authorizing Council action:</b> N/A
--	--

<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Revenue - \$74,026.24 annually	<b>Prior appropriations:</b> N/A
--	-------------------------------------

**RECOMMENDATION: (Summary)** Enact an ordinance approving and authorizing a Lease Agreement between the City of Houston and Baycor International, LLC Inc. at George Bush Intercontinental Airport /Houston (IAH).

**SPECIFIC EXPLANATION:** Baycor International, LLC ("Lessee") has requested to lease office and warehouse space for its freight forwarding operations at George Bush Intercontinental Airport/Houston (IAH).

The pertinent terms and conditions of this lease agreement are as follows:

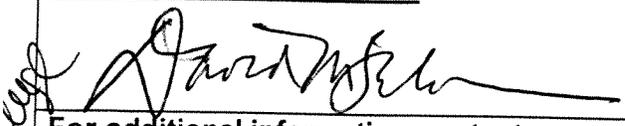
- 1. Premises:** Approximately 10,624 square feet of office and warehouse space and approximately 28,880 square feet of exclusive-use parking space at 110 Standifer Rd. (IAH).
- 2. Term:** Ten (10) years. The Lessee or the Director shall have the right to terminate this lease upon 60 days' prior written notice to the other party.
- 3. Rent:** \$74,026.24 per year and shall escalate 3% annually over the prior year's rental rate.
- 4. Use:** The space is to be used for parking, storage and office space for freight forwarding operations.
- 5. Maintenance and Utilities:** Lessee shall assume the entire responsibility, cost and expense for all maintenance of the leased premises and shall be responsible for all utilities or services to the leased premises.
- 6. Other:** Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the lease.

REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------------	-----------------------------	-----------------------------

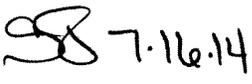
<b>SUBJECT:</b> An ordinance amending Ordinance No. 2013-1013, as amended, to increase the maximum amount of the contract with Connelly Baker Wotring LLP.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  21
--	-------------------	-----------------------	--------------------------------

<b>FROM: (Department or other point of origin):</b> David M. Feldman, City Attorney Legal (832) 393-6412	<b>Origination Date</b>  7/31/14	<b>Agenda Date</b>  AUG 06 2014
--	--	---------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> All
--	---

<b>For additional information contact:</b> Phillip Goodwin 832-393-6285	<b>Date and identification of prior authorizing Council Action:</b> November 13, 2013: Ordinance No. 2013-1013; and March 26, 2014: Ordinance No. 2014-238
---	---

**RECOMMENDATION: (Summary)**  
Adopt an ordinance amending Ordinance No. 2013-1013, as amended, to increase the maximum contract amount of the agreement between the City and Connelly Baker Wotring LLP, for representation of the City in negotiations with U. S. Environmental Protection Agency to \$2,765,000 for legal and consulting engineering services.

<b>AMOUNT AND SOURCE OF FUNDING:</b> Additional Funding: \$1,420,000 (\$250,000: Legal Fees; and \$1,170,000: Consulting Engineering Fees) to be paid from the CC40003 G/L 521905; Water & Sewer System Operating Fund 8300  Revised Maximum Contract Amount: \$2,765,000	<b>Budget:</b>  
--	---

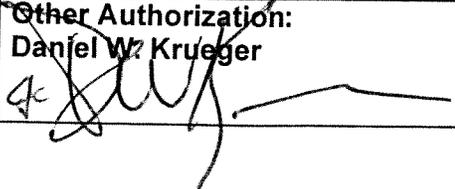
**SPECIFIC EXPLANATION:**

The City and the U.S. Environmental Protection Agency ("EPA") are currently in negotiations regarding the status of the City's wastewater treatment program. Previously, the Department of Public Works & Engineering ("PWE") requested the expertise of outside counsel and a consulting engineering firm to supplement City staff. To this end, the City retained the law firm of Connelly Baker Wotring, LLP ("Firm") to assist the City Attorney in managing the negotiations and to represent the City's legal interests. Since the Firm's initial authorization, it has effectively assisted the City in its negotiations with EPA.

Pursuant to the request from PWE, the Firm retained the environmental engineering firm HDR, Inc. as consulting engineers to assist the City in the negotiations, predict capital and operational costs, and provide advice on systemic improvements that may be needed. HDR is performing its work in multiple phases and has completed the first phase, as contemplated in the previous authorization. HDR is now ready to proceed with additional tasks as requested in support of the City's ongoing negotiations with EPA.

We now have a better understanding of EPA's schedule for negotiations, and are thus requesting that the maximum contract amount be increased from the previously-authorized \$1,345,000 to \$2,765,000, which includes legal fees of \$250,000 and consulting engineering fees of \$1,170,000, and which will provide funding through the end of February, 2015. As we anticipate the schedule will change as negotiations progress, we may come back to Council with a revised budget and timetable.

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b> Danfel W. Krueger 	<b>Other Authorization:</b>  20DWK19
--------------------------	---	--

<b>SUBJECT:</b> Ordinance allowing the Houston Police Department to apply for and accept grant funding from the Office of Community Oriented Policing Services (COPS) FY2014 COPS Hiring Program through the U. S. Department of Justice.	<b>Category</b>	<b>Page</b>	<b>Agenda Item</b>
	#	1 of 1	# 22

<b>FROM: (Department or other point of origin):</b> Charles A. McClelland, Jr. Houston Police Department	<b>Origination Date</b> July 15, 2014	<b>Agenda Date</b> AUG 06 2014
--	--	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> All
---	---

<b>For additional information contact:</b> Joseph A. Fenninger, CFO & Deputy Director 713-308-1770	<b>Date and identification of prior authorizing Council Action:</b>
---	---

**RECOMMENDATION: (Summary)**  
The Houston Police Department recommends that City Council adopt an ordinance authorizing the application for and acceptance of grant funds from the Office of Community Oriented Policing Services (COPS) FY2014 COPS Hiring Program through the U. S. Department of Justice (DOJ).

<b>Amount of Funding:</b>				<b>Finance Budget:</b>
<u>U. S. DOJ</u> \$3,125,000	<u>CASH MATCH</u> \$1,041,675	<u>IN-KIND MATCH</u> \$0	<u>TOTAL FUNDING</u> \$4,166,675	

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund     Other (Specify)

Cash Match: Fund 1000                      Grant Fund: Fund 5000

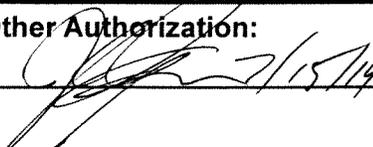
**SPECIFIC EXPLANATION:**

The Chief of Police of the Houston Police Department recommends that City Council approve an ordinance authorizing the application for and acceptance of grant funds through the U. S. Department of Justice, Office of Community Oriented Policing Services (COPS) FY2014 COPS Hiring Program. The COPS Hiring Program (CHP) provides grant funds directly to law enforcement agencies to hire new cadets and/or the re-hire of career law enforcement officers to increase community policing capacity and crime prevention efforts.

Under the FY2014 COPS Hiring Program, the DOJ will provide up to 75% of associated compensation and benefits costs for newly hired, full-time sworn officer positions, or for rehired officers who have been laid off or are scheduled to be laid off on a future date as a result of local budget cuts. The grant funds per officer cannot exceed \$125,000 for a three year period.

HPD has applied for \$3,125,000 in grant funds to hire 25 full-time police cadets – the maximum allowed. The grant requires a cash match of 25% (\$41,667 per officer) totaling \$1,041,675. HPD's total matching costs are expected to be \$2,486,429 resulting from all of the associated compensation and benefits which will approximate \$166,667 per officer over the three year grant period.

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
--------------------------	--	-----------------------------



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

2014-SEARCH-HHSP

<b>SUBJECT:</b> An Ordinance authorizing a contract between the City of Houston and SEARCH Homeless Services providing \$1,353,014 in State HHSP funds for the acquisition of land at the 2000 block of Franklin for a community facility and the acquisition of vehicles for program services	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 24
--	-------------------	--------------------	----------------------------

<b>FROM :</b> Neal Rackleff, Director Housing and Community Development	<b>Origination Date</b> 7/30/14	<b>Agenda Date</b> AUG 06 2014
--	------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>Stephen R. Cuper for Neal Rackleff</i>	<b>Council District affected:</b> District I
---	---

<b>For additional information contact:</b> Stephen Tinnermon Phone: 713-868-8448	<b>Date and identification of prior authorizing Council action:</b>
---	---

**RECOMMENDATION:** Approval of an Ordinance authorizing a contract between the City of Houston and SEARCH Homeless Services providing \$1,353,014 in State HHSP funds for the acquisition of land at the 2000 block of Franklin Street for a community facility and the acquisition of vehicles for program services

<b>Amount of Funding:</b> \$1,353,014	<b>Finance Budget:</b>
--	------------------------

**SOURCE OF FUNDING**     General Fund                       Grant Fund                       Enterprise Fund

State of Texas -- Homeless Housing Services Program (HHSP)

**SPECIFIC EXPLANATION:** Established in 1989 to provide homeless people with meals, showers, laundry services and mail pick-up, SEARCH is now one of the leading institutions in greater Houston helping people transition from the streets into jobs and safe, stable housing. In Fiscal Year 2013, SEARCH served 7,203 men, women and children in our community. Its mission is to provide hope, create opportunity, and transform lives.

This Ordinance authorizes a contract between the City of Houston and SEARCH to provide \$1,353,014 in State Homeless Housing Service Program (HHSP) funds for SEARCH to 1) acquire land for a 22,000-square-foot Employment Services and Care Hub, 2) purchase seven cars to be used by Housing Navigators who assist homeless persons in navigating the system of health care and social service agencies from which they get the documentation and support needed to gain permanent housing, and 3) purchase two vans needed by the Mobile Outreach team, which engages with homeless persons on the street by providing them with essential food and supplies.

For its Employment Services and Care Hub, SEARCH has identified property at the 2000 block of Franklin Street, within one mile of the Beacon day center, which is a homeless person's entry point for coordinated access to care. This proximity will help shorten the distance a homeless person must travel to obtain all documentation and services needed to enter permanent supportive housing from 40 square miles to four square miles.

The new 22,000-square-foot facility will cost an estimated \$9.5 million including land, construction, furniture, fixtures, and equipment, and is expected to be completed by June 2016.

Given the number of chronically homeless currently in our community, SEARCH estimates 13 community-based Housing Navigators are needed to provide the one-on-one assistance a homeless person requires at the time of referral or voucher issuance to be move-in ready and begin to stabilize within 60 days. The seven cars to be purchased with the HHSP grant will support the work of a Housing Navigator supervisor and six teams of two, which will serve approximately 500 individuals annually.

The Mobile Outreach team serves approximately 800 unduplicated persons annually. The team recently doubled from 2 to 4 fulltime outreach specialists who partner with the Houston Police Department Homeless Outreach Team;

REQUIRED AUTHORIZATION

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
--------------------------	-----------------------------	-----------------------------

**Date**  
7/30/14

**Subject:** An Ordinance authorizing a contract between the City of Houston and SEARCH Homeless Services providing \$1,353,014 in State HHSP funds for the acquisition of land at the 2000 block of Franklin for a community facility and the acquisition of vehicles for program services

**Originators**  
**Initials**

*NR for NR*

**Page**  
**2 of 2**

graduate school social work interns, volunteers and staff from collaborating agencies. SEARCH currently has one 11-year-old van with 150,000+ miles that the team loads with essentials; including hygiene packs, warm clothes (during the cold season), insect repellent, socks, underwear, water and food to distribute as necessary to homeless persons.

Replacing the current van will ensure greater safety and cost effectiveness by reducing the expense of fuel and maintenance. Adding another van will increase the ability of the team (two per van) to be more efficient in covering the vast geographic areas of Houston and convert a larger number of outreach contacts into more purposeful connections that will result in more program enrollments. This, in turn, will lead to more intensive case management service delivery that focuses on connecting clients to behavioral health, housing, and supports that encourage self-sufficiency.

SEARCH will fund \$9.5 million of the total program costs. HCDD's funding will be used as follows:

<b>Budget Categories</b>	<b>Totals</b>
Acquisition of Land	1,143,014.00
Acquisition of Vehicles	210,000.00
<b>Total</b>	<b>\$ 1,353,014.00</b>

SEARCH Homeless Services has received funding from the City as a service provider since 2000.

This item was reviewed by the Housing and Community Affairs Committee on July 15, 2014.

NR: EP: MB

cc: City Attorney  
Mayor's Office  
City Secretary  
Finance Department

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Approve an ordinance authorizing a contract with SAP Public Services, Inc. for Software Maintenance and Services related to an Enterprise Resource Planning (ERP) System

Category #

Page 1 of 1

Agenda Item

25

**FROM (Department or other point of origin):**

Charles T. Thompson  
Chief Information Officer

**Origination Date**

July 7, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE**

*CSG Charles T. Thompson 7.31.2014*

**Council District(s) affected**

All

**For additional information contact:**

Somayya Scott

Phone: 832-393-0082

**Date and Identification of prior authorizing**

**Council Action:** 5/3/05 Ord. 05-405, 5/23/06 Ord. 06-504  
1/10/07 Ord. 2007-55, 4/16/08 Ord.2008-331, 5/16/2012  
Ord.2012-467

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing a contract with SAP Public Services, Inc. for Software Maintenance and Services related to an Enterprise Resource Planning (ERP) System and authorizing a maximum contract amount.

Contract Amount: \$18,000,000.00

**Finance Budget**

**Amount and Source of Funding:**

\$ 18,000.000.00 –Central Service Revolving Fund (1002)

**RECOMMENDATION:**

The Chief Information Officer recommends that City Council approve an ordinance awarding a 4-year contract, with five one-year options, to SAP Public Services, Inc., for a total amount not to exceed \$18,000,000.00 for an agreement for software licenses and services related to an Enterprise Resource Planning (ERP) system for the City of Houston. The Chief Information Officer or the City Purchasing Agent may terminate this contract at any time upon 60-days written notice to the contractor.

The scope of work for the contract allows Houston Information Technology Services (HITS) to continue the implementation of the Phase II module currently owned by the City, Employee Self Service/ Manager Self Service (ESS/MSS). It also provides the ability to purchase additional licenses (when needed) and allows HITS to continue paying for annual maintenance, and related professional services for the ERP System.

**BACKGROUND:**

On April 27, 2005, City Council approved a contract with SAP Public Services, Inc. to purchase software licenses and services to implement the Financial, Procurement, HR and Payroll modules in a two-phase process. Phase I was successfully implemented and there was an intent to proceed to Phase II. After 2005, the user base grew due to the changing and increasing demand from City Departments. This growth became apparent to SAP in late 2007 and the City of Houston was informed of the need to obtain licenses for the additional users; there was an understanding to address the licenses in Phase II. However, Phase II was not implemented and SAP licenses remained out of compliance.

On April 16, 2008, City Council approved an amendment effective April 25, 2008 with contractor to extend the contract term, obtain specialized SAP services, and provide for the continued use and maintenance of the Enterprise Resource Planning System.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/30/2012	Subject: Approve an amending ordinance authorizing a contract with SAP Public Services, Inc. for Software Maintenance and Services related to an Enterprise Resource Planning (ERP) System	Originator's Initials JW	Page 2 of 2
--------------------	--	--------------------------------	-------------

On May 16, 2012, City Council approved an amending ordinance (2012-467) to the prior contract to increase the spending authority but the contract was not extended.

**CURRENT STEP:**

The City and SAP Public Services, Inc. have negotiated an agreement to continue with the implementation of Phase II, continue paying for maintenance, and provided related professional services for the continued implementation of the Enterprise Resource Planning System.

**ESTIMATED SPENDING AUTHORITY**

Department	FY15	Out Years	Total
HITS	\$1,493,430	\$16,506,570	\$18,000,000

**M/WBE Goal:**

The M/WBE participation includes a goal of at least 35% of the value of the services portion of the contract. SAP has identified Sierra Infosys, a certified M/WBE firm to fulfill their good-faith goal participation obligation. This firm will provide consulting for public sector functional requirements for the services as needed for the financial, material management and HR/Payroll software modules, technical consulting and data conversion/interface related services. SAP Public Services, Inc. has designated the below-named company as its certified M/WBE subcontractors.

Prime Contractor	Subcontractor	Percentage of Contract
SAP Public Services, Inc.	Sierra Infosys	35%

**Pay or Play:**

The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, the contractor will provide health benefits to eligible employees in compliance with City Policy.

**Hire Houston First:**

The proposed contract requires compliance with the City's "Hire Houston First" ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, the contractor does not meet the requirements of Hire Houston First.

**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance designating the 2400-2500 block of Binz Street, north and south sides, between Highway 288 and Live Oak Street as a Special Minimum Building Line Block		<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>26</i>
<b>FROM (Department or other point of origin):</b> Patrick Walsh, P.E. Director Planning and Development Department		<b>Origination Date</b> May 26, 2014		<b>Agenda Date</b> <b>AUG 06 2014</b>
<b>DIRECTOR'S SIGNATURE:</b> <i>Patrick Walsh</i>		<b>Council District affected:</b> <b>D</b>		
<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance designating the 2400-2500 block of Binz Street, north and south sides, between Highway 288 and Live Oak Street as a Special Minimum Building Line Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 26'-0" special minimum building line.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-170 of the Code of Ordinances, the property owner of Lot 7, Block 31, of the Riverside Terrace Section 4 Subdivision initiated an application for the designation of a special minimum building line block. The application includes written evidence of support from owners of 59% of the area. Notification was mailed to twenty-seven (27) property owners indicating that the special minimum building line block application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the application and protest at the October 17, 2013 meeting and voted to recommend the City Council establish the Special Minimum Building Line Block.</p> <p>The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a 26'-0" Special Minimum Building Line for the block.</p> <p>Attachments: Planning Commission Approval, Map of the Area</p> <p>xc: Marta Crinejo, Agenda Director Anna Russell, City Secretary David M. Feldman, City Attorney Gary Dzierlenga, Land Use Division, Legal Department</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

# Special Building Line Requirement Area No. 186

## Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 2400 to 2500 block of Binz Street, north and south sides.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>79% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 59% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 26 feet exists on nineteen (19) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1926. The houses mostly originate from the 1930's. The establishment of a 26-foot minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Nineteen (19) out of twenty-seven (27) developed properties (representing 79% of the application area) have a building line of at least twenty-six (26) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**

\_\_\_\_\_  
Mark A. Kilkenny, Chair

\_\_\_\_\_  
Date

or

  
\_\_\_\_\_  
Sonny Garza,  
Vice-Chair

10-17-13  
\_\_\_\_\_  
Date



**Special Minimum Building Line  
 2400-2500 block of Binz Street  
 North and south sides, between Highway 288 and Live Oak Street  
 26 Feet**

 Special Minimum Building Line Boundary

Source: Harris County Appraisal District  
 Date: May 26, 2014  
 Reference: MLS367/MBL186

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.

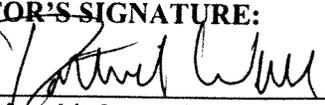


**PLANNING &  
 DEVELOPMENT  
 DEPARTMENT**

**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance designating the 2400-2500 block of Binz Street, north and south sides, between Highway 288 and Live Oak Street as a Special Minimum Lot Size Block	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> 27
--	-------------------	------------------------	-------------------------

<b>FROM (Department or other point of origin):</b> Patrick Walsh, P.E. Director Planning and Development Department	<b>Origination Date</b> May 26, 2014	<b>Agenda Date</b>  AUG 06 2014
--	---	---------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> D
---	--

<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
--	---

**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 2400-2500 block of Binz Street, north and south sides, between Highway 288 and Live Oak Street as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 6,768 square feet special minimum lot size

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
--------------------------------------	------------------------

**SPECIFIC EXPLANATION:** In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 7, Block 31, of the Riverside Terrace Section 4 Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 59% of the area. Notification was mailed to the twenty-seven (27) property owners indicating that the special minimum lot size block application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on October 17, 2013 and voted to recommend that the City Council establish the Special Minimum Lot Size Block.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,768 square feet.

Attachments: Planning Commission's Approval, Map of the area

- xc: Marta Crinejo, Agenda Director  
 Anna Russell, City Secretary  
 David M. Feldman, City Attorney  
 Gary Dzierlenga, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
--------------------------	-----------------------------	-----------------------------

**Special Minimum Lot Size Block No. 367  
Planning Commission Approval**

Planning Commission Evaluation:

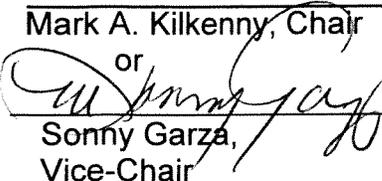
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSB area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 2400-2500 block of Binz Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>79% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 59% of the SMLSB.</b></p>
X		<p><i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,768 sq ft exists on seventeen (17) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSB has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivisions were platted in 1926. The earliest house originates from the 1930's. The establishment of a 6,768 square feet minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Seventeen (17) out of twenty-seven (27) lots (representing 71% of the application area) are at least 6,768 square feet in size.</b></p>		

**The Special Minimum Lot Size Block meets the criteria.**

Mark A. Kilkenny, Chair

Date

or

  
Sonny Garza,  
Vice-Chair

*10-17-13*

Date



**Special Minimum Lot Size**  
**2400-2500 block of Binz Street**  
**North and south sides, between Highway 288 and Live Oak Street**  
**6,768 Square Feet**

 Special Minimum Lot Size Boundary

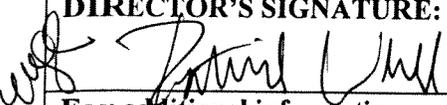
Source: Harris County Appraisal District  
 Date: May 26, 2014  
 Reference: MLS367/MBL186

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &  
 DEVELOPMENT  
 DEPARTMENT**

**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance designating the 500 - 700 blocks of Caplin Street, north and south sides, between Irvington Blvd, Lloyd Street and Helmers Road as a Special Minimum Lot Size Block		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 28
<b>FROM (Department or other point of origin):</b> Patrick Walsh, P.E. Interim Director Planning and Development Department		<b>Origination Date</b> January 14, 2014		<b>Agenda Date</b> AUG 06 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> H		
<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance designating the 500 - 700 blocks of Caplin Street, north and south sides, between Irvington Blvd, Lloyd Street and Helmers Road as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lots 19 &amp; 20, Block 81, of the Belt Junction City Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 68% of the area. Notification was mailed to the twenty-six (26) property owners indicating that the special minimum lot size block application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.</p> <p>It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250 sf.</p> <p>Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area</p> <p>xc: Marta Crinejo, Agenda Director Anna Russell, City Secretary David M. Feldman, City Attorney Deborah McAbee, Land Use Division, Legal Department</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

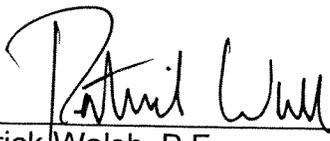
# Special Minimum Lot Size Block No. 372

## Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSB includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 500 - 700 blocks Caplin Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>81% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 68% of the SMLSB.</b></p>
X		<p><i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,250 sq ft exists on twenty-one (21) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSB has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1929. The houses originate from the 1930's. The establishment of a 6,250 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty-one (21) out of twenty-six (26) lots (representing 88% of the application area) are at least 6,250 square feet in size.</b></p>		

**The Special Minimum Lot Size Block meets the criteria.**



Patrick Walsh, P.E.  
Interim Director

1/16/14  
Date

# Special Minimum Lot Size Block

Subdivision:

- Lindale Court
- Belt Junction City
- Rose Bui Place

File Number:  
372

Minimum Lot Size:  
6,250 SF

Properties that meet the 6,250 SF minimum lot size

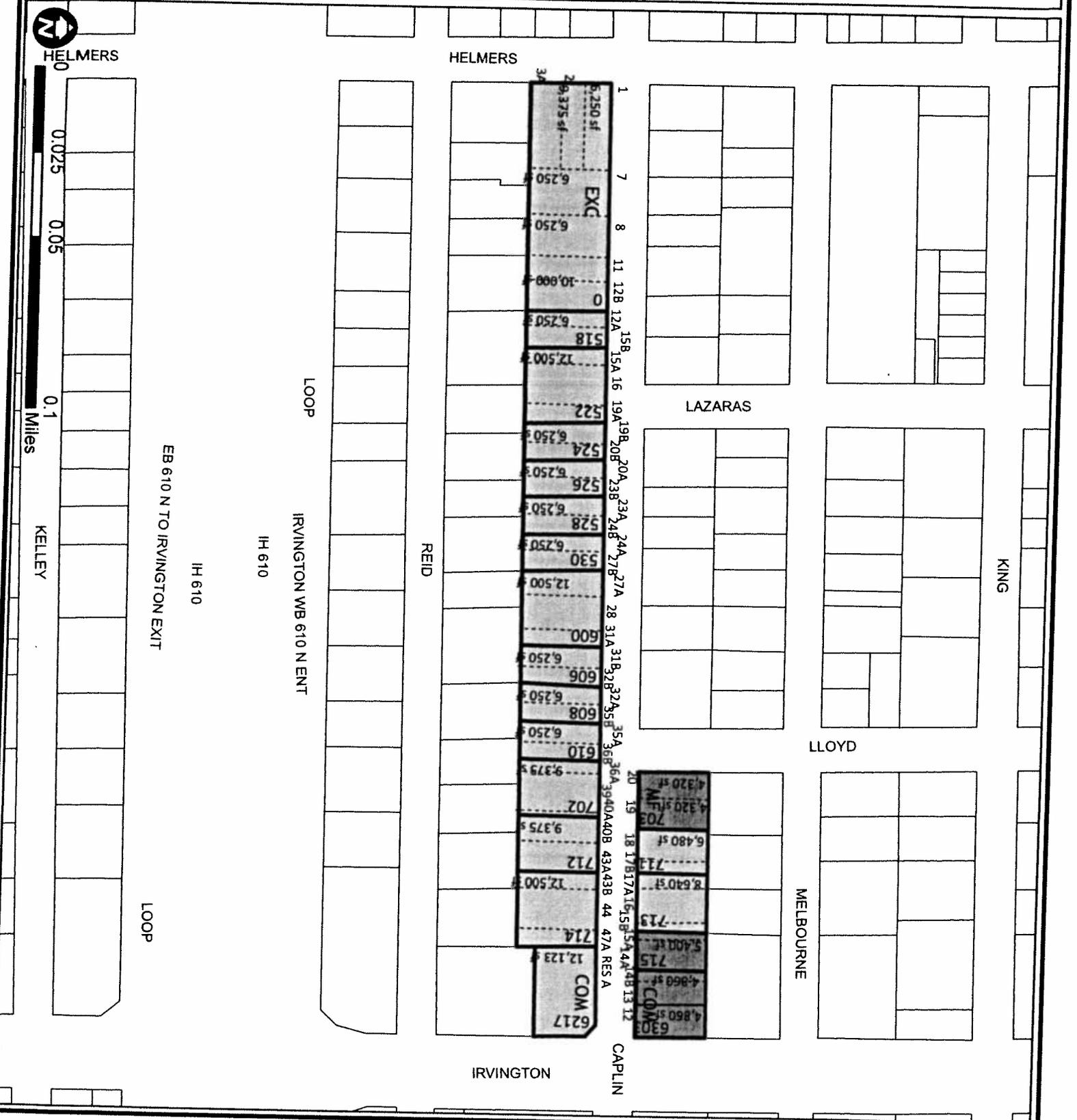
Properties less than the 6,250 SF minimum lot size

All properties within the application area are single family unless noted as such:

- MIF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

Source: City of Houston GIS database,  
Harris County Appraisal District 2013  
Date: December 2013  
Reference: MLS 372

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10051**

<b>Subject:</b> Ordinance Awarding a Contract for Maintenance and Repair Services of Electric 138KV Substations for Public Works and Engineering Department S30-L24769	<b>Category #</b> 4	<b>Page 1 of 2</b>	<b>Agenda Item</b>  29
---	------------------------	--------------------	------------------------------

<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Finance Department	<b>Origination Date</b>  April 30, 2014	<b>Agenda Date</b>  AUG 06 2014
--	---	---------------------------------------

<b>DIRECTOR'S SIGNATURE</b> <i>Calvin D. Wells</i>	<b>Council District(s) affected</b> All
---	--

<b>For additional information contact:</b> David Guernsey Phone: (832) 395-3640 Joyce Hays Phone: (832) 393-8723	<b>Date and Identification of prior authorizing Council Action:</b>
--	---

**RECOMMENDATION: (Summary)**  
Approve an ordinance awarding a contract to Saber Power Services, LLC on its low bid meeting specifications in an amount not to exceed \$6,708,145.50 for maintenance and repair services of electric 138KV substations for the Public Works and Engineering Department.

<b>Maximum Contract Amount:</b> \$6,708,145.50	<b>Finance Budget</b>
--	-----------------------

\$6,708,145.50 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**  
The Director of Public Works and Engineering Department and the City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Saber Power Services, LLC on its low bid meeting specifications in an amount not to exceed \$6,708,145.50 for maintenance and repair services of electric 138KV substations for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders downloaded the solicitation from SPD's e-bidding website and four bids were received as outlined below:

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Eaton Corporation	\$3,537,347.00 (Did Not Meet Specifications)
2. Saber Power Services, LLC	\$6,708,145.50
3. Power Line Solutions	\$8,666,877.93
4. Schneider Electric USA, Inc.	\$12,835,522.17

The scope of work requires the contractor to provide all labor, supervision, parts, materials, equipment, tools and transportation necessary to carry out on-call electrical preventative maintenance, infrared inspections, relay testing, calibrations, load flow and electrical grounding evaluations and power quality analyses of the 138 KV substations and other medium/high voltage equipment at various Drinking Water and Wastewater Facilities. The scope of work also includes Arc-Flash Studies, general electrical/mechanical work and unscheduled repairs of power transformers, oil and air circuit breakers, motor control centers, protective relays and other appurtenances necessary for optimum operation of the substations and high/medium voltage equipment.

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------------	-----------------------------	-----------------------------

Date: 4/30/2014	Subject: Ordinance Awarding a Contract for Maintenance and Repair Services of Electric 138KV Substations for Public Works and Engineering Department S30-L24769	Originator's Initials RM	Page 2 of 2
--------------------	--	--------------------------------	-------------

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with a 4% M/WBE participation level. Saber Power Services, LLC has designated the below-named companies as its certified M/WBE subcontractors.

<u>Name</u>	<u>Type of Work</u>	<u>Percentage</u>	<u>Amount</u>
Greener-er Lawns Landscapes & Pest Control, Inc.	Grounds Maintenance	2%	\$134,162.91
Emerald Standard Services, Inc.	Electrical Services	1%	\$ 67,081.46
H&R Electrical Supply	Electrical Supplies	1%	\$ 67,081.46

**Pay or Play Program**

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City Contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**Hire Houston First:**

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

**ESTIMATED SPENDING AUTHORITY**

Department	FY 14	Out Years	Total
Public Works and Engineering	\$500,000.00	\$6,208,145.50	\$6,708,145.50

Buyer: Richard Morris

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**SUBJECT:** Approve an ordinance amending the certificate of formation of Houston First Corporation.

**Category #**

**Page 1 of 1**

**Agenda Item#**

30

**FROM: (Department or other point of origin):**

Andrew F. Icken  
Chief Development Officer

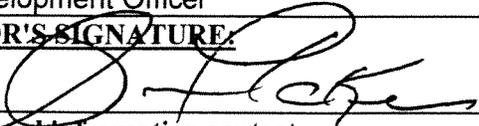
**Origination Date**

August 1, 2014

**Agenda Date**

AUG 06 2014

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

**For additional information contact:**

Andy Icken

**Phone:** 832-393-1064

**Date and identification of prior authorizing Council Action:**

Ord. 2012-1049 and 2011-0390

**RECOMMENDATION: (Summary)**

Approve an ordinance amending the certificate of formation of Houston First Corporation.

**Amount of Funding:**

No Funding Required.

**Finance Budget:**

**SPECIFIC EXPLANATION:**

By Ordinance 2011-0390, City Council approved and effectuated the consolidation of the Convention and Entertainment Facilities Department with the Houston Convention Center Hotel Corporation. Subsequently, the Corporation formally changed its name to the Houston First Corporation ("Houston First"). Ordinance 2012-1049 amended and restated the Certificate of Formation of Houston First.

Houston First and the Greater Houston Convention & Visitors Bureau ("GHCVB") have entered into a strategic alignment resulting in a dynamic team working together to grow Houston as a destination. The alignment has also created one voice speaking for Houston in all sales and marketing efforts and resulted in a streamlined organization in pursuit of a consistent, cohesive vision for the Houston product. The alignment allows Houston First to calibrate spending on sales and marketing up or down based on market conditions to achieve the sales goals of our region. It is planned that the GHCVB Board will remain the strong constituent group that it is today.

As part of the alignment, Houston First desires to amend its Certificate of Formation to increase its Board of Directors from 11 to 13. This Amendment will allow the GHCVB to recommend four candidates to serve on the Houston First Board of Directors. If the GHCVB enters into an agreement with Harris County related to general promotion and tourist advertising, then the Harris County Judge may recommend one candidate for appointment to the Houston First Board of Directors. Additionally, this Amendment provides that City Council shall appoint one director to the Houston First Board. All candidates must be approved by City Council and must have a broad business background and reasonable experience in defined areas. The composition of the GHCVB's Board of Directors and Executive Committee will not be affected. Replacement candidates shall be recommended in the same manner, subject to the confirmation of City Council.

Houston First Corporation believes that the strategic realignment will result in unprecedented levels of sales and service for Houston's hospitality community and recommends that City Council approve this Amendment.

**REQUIRED AUTHORIZATION**

Finance Department

Other Authorization

Other Authorization

26

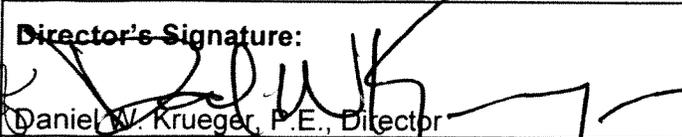
TO: Mayor via City Secretary

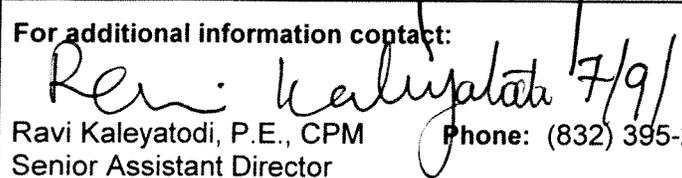
REQUEST FOR COUNCIL ACTION

R

<b>SUBJECT:</b> Contract Award for Riverwood Estates No. 1 Lift Station Replacement. WBS No. R-000267-0081-4.	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 31
--	-----------------------	----------------------------

<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b>	<b>Agenda Date:</b> AUG 06 2014
---	--------------------------	------------------------------------

<b>Director's Signature:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> A2. B
---	--

<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b>
--	---

**RECOMMENDATION: (Summary)**  
Reject low bid and second low bidder, return bid bonds, award construction contract to the third low bidder and appropriate funds.

**Amount and Source of Funding:** \$1,564,850.00 Water and Sewer System Consolidated Construction Fund No. 8500.  
*M.P. 7/9/2014*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's ongoing program to replace/upgrade its lift station facilities.

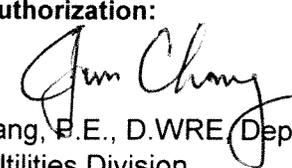
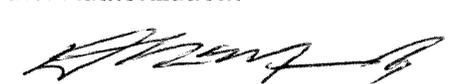
**DESCRIPTION/SCOPE:** This project consists of demolishing existing Riverwood No. 1 lift station, install a new lift station nearby to meet city standard. Install approximately 2,775 linear feet of 6" Force main. The Contract duration for this project is 365 calendar days. This project was designed by Infrastructure Associates, Inc.

**LOCATION:** The project area is generally bound by Lakemont Dr. on the north, Great Oaks Dr. on the south, River Trail Dr. on the east and Clear River Dr. on the west. The project is located in Key Map Grid 415E.

**BIDS:** This project was advertised for bidding on January 10, 2014. Bids were received on February 6, 2014. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Peltier Brothers Construction, Ltd.	\$1,334,551.00 (Not met 'MWSBE program goal')
2. Desert Eagle, LLC.	\$1,337,704.76 (Not met 'MWSBE program goal')
3. Industrial TX Corp.	\$1,379,300.00
4. R+B Group, Incorporated	\$1,410,468.00

LTS No. 12214 CUIC ID #20BZ109 A

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
----------------------------	--	---

NOT

**AWARD:** The low bid of \$1,334,551.00 was submitted by Peltier Brothers Construction, Ltd. The second low bid of \$1,337,704.76 was submitted by Desert Eagle, LLC. The apparent low bidder and second low bidder did not meet the 'MWSBE program goal'. It is recommended that this construction contract be awarded to third low bidder, Industrial TX Corp. who met the established 'MWSBE program goal' with a bid of \$1,379,300.00 and that Addendum Number 1 be made part of this Contract.

**PROJECT COST:** The total cost of this project is \$1,564,850.00 to be appropriated as follows:

- Bid Amount \$1,379,300.00
- Contingencies \$ 68,965.00
- Engineering and Testing Services \$ 20,000.00
- CIP Cost Recovery \$ 96,585.00

Engineering and Testing Services will be provided by Gorrondona & Associates, Inc. under a previously approved contract.

**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Contractor provides health benefits to eligible employees in compliance with City policy.

**M/WSE PARTICIPATION:** The contractor has submitted the following proposed program to satisfy the 11% MBE goal, and 7% WBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Medcalf Fabrication, Inc.	Metal Fabrication	\$ 18,000.00	1.31%
2. ADG Construction, L.L.C.	Fencing Services	\$ 6,934.00	0.50%
3. Magna-Flow International, Inc.	Sludge Services	\$ 2,500.00	0.18%
4. C & B Rebar Construction, Inc.	Rebar Services	\$ 19,000.00	1.38%
5. NY Trucking Company, Inc.	Trucking Services	\$ 1,500.00	0.11%
6. Atlantic Petroleum & Mineral Resources, Inc.	Fuel Supply	\$ 5,000.00	0.36%
7. Aviles Painting Contractor	Painting Services	\$ 39,500.00	2.86%
8. Ace Controls, LLC	Instrumentation Services	\$ 53,500.00	3.88%
	<b>TOTAL</b>	<b>\$145,934.00</b>	<b>10.58%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Jimerson Underground, Inc.	Utility Work	\$415,627.00	30.13%
2. Deanie Hayes, Inc.	Sand Supplies	\$ 4,500.00	0.33%
	<b>TOTAL</b>	<b>\$420,127.00</b>	<b>30.46%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Automation Nation, Inc.	Instrumentation Services	\$ 6,000.00	0.44%
	<b>TOTAL</b>	<b>\$ 6,000.00</b>	<b>0.44%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

*[Signature]*  
DWK:DRM:RK:EN:BZ:pa

c: File No. R-000267-0081-3

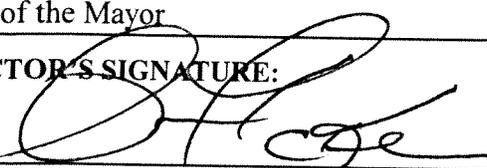
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

Reso

<b>SUBJECT:</b> A Resolution approving the creation of the Stadium Park Redevelopment Authority; approving the formation documents and confirming the appointment of the initial directors and chairperson	Page 1 of 1	Agenda Item # 32	Item # 11
--	----------------	---------------------	--------------

<b>FROM: (Department or other point of origin):</b> Andrew F. Icken, Chief Development Officer Office of the Mayor	<b>Origination Date:</b> 7/24/14	<b>Agenda Date:</b> <del>JUL 30 2014</del>
--	-------------------------------------	---

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> K	AUG - 6 2014
---	-------------------------------------	--------------

<b>For additional information contact:</b> Andy Icken 832-393-1064	<b>Date and identification of prior authorizing Council Action:</b> None
---	--

**RECOMMENDATION: (Summary)** Approve a Resolution approving the creation of the Stadium Park Redevelopment Authority, the formation documents and the initial board directors and chairperson.

**Amount and Source of Funding:** N/A FOR BACKUP SEE ITEM 11 FOR 7-30-14

**SPECIFIC EXPLANATION:**

This Resolution authorizes the creation of a Texas Local Government Corporation to assist the City in soliciting and collecting grants and contributions to fund beautification, green space, landscaping, parks and recreational improvements around and leading to Reliant NRG Park in preparation for Superbowl LI to be played in Houston in February 2017. Subchapter D of Chapter 431 (also cited as 431.101 et seq. of the Texas Transportation Code) and Chapter 22 of the Texas Business Organizations Code, (also cited as 22.01 et seq.) provides that a City may form an LGC to aid in and act on its behalf in performance of governmental functions.

Stadium Park LGC will be a non-profit organization under Chapter 431 and will file for recognition of non-profit status under the Internal Revenue Code 501(c)(3). It is not currently anticipated that City will contribute any tax revenues to the organization. Should the City desire to contribute funds in the future it will be required that the administration will be required to place such item on the agenda for consideration by Council.

It is anticipated that property owners near Reliant Park may seek legislation creating a management district which would impose a fee on those property owners. If the legislation is passed, then this LGC would coordinate its efforts with that management district.

The initial Board shall consist of six members self-selected by property owners and interested persons in the area. Board members are:

- Ed Wulfe, Chair
- Peter Brown
- Susan Young
- Leroy Shafer
- Jamey Rootes
- Melvin Houston

REQUIRED AUTHORIZATION

<b>Finance Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
------------------------	-----------------------------	-----------------------------

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

R

**SUBJECT:** Ordinance authorizing a Purchase and Sale Agreement between the City of Houston and Coastal Water Authority, seller, and Alliance Realty Partners, LLC, purchaser, to sell CWA Gillette Street, a subdivision in Harris County, Texas.

Page 1 of 1 33	Agenda Item #5
----------------------	----------------------

**FROM (Department or other point of origin):**  
Andrew F. Icken, Chief Development Officer  
Office of the Mayor

**Origination Date**  
7/17/2014

**Agenda Date**  
~~7/23/2014~~  
JUL 30 2014

**DIRECTOR'S SIGNATURE:**

**Council District affected:** C  
AUG - 6 2014

**For additional information contact:**

Andy Icken 832-393-1064

**Date and identification of prior authorizing Council action:**  
Ord. No. 2012-583 (6/20/2012)

**RECOMMENDATION:** It is recommended that City Council approve an ordinance authorizing a Purchase and Sale Agreement between the City of Houston and Coastal Water Authority, seller, and Alliance Realty Partners, LLC, purchaser, to sell CWA Gillette Street, a subdivision in Harris County, Texas.

**Amount and Source Of Funding:** Not applicable.

**SPECIFIC EXPLANATION:**

By Ordinance No. 2012, 583, City Council authorized the sale of an 11/16ths undivided interest in real property located at 801 Gillette Street, Houston, Texas (the "Property"), to Coastal Water Authority ("CWA"), in consideration of CWA's payment of \$11,000,000.00, management of the environmental remediation of the Property, and other consideration. The remediation costs are currently estimated to be approximately \$5,000,000.00. A Co-Ownership Agreement entered into by the City and CWA provided that, after the sale to CWA, the City could market the Property for sale with CWA's prior written consent. CWA gave its consent to the City's marketing the Property.

The City entertained a number of bids from potential purchasers of the Property, with the bid with the best value and most likely to close on schedule being a bid of \$39,500,000.00 submitted by Alliance Realty Partners, LLC, a Delaware limited liability company ("Purchaser"). This gross amount will be reduced by payment of marketing costs of approximately \$1,000,000.00.

The City and Purchaser have negotiated a Purchase and Sale Agreement (the "Agreement") for the sale of the Property.

It is requested that City Council approve the Purchase and Sale Agreement and authorize the sale of the Property pursuant to the terms of the agreement. Approval of the agreement will initiate a period of 30 days for the Purchaser to perform its due diligence, with the sale of the Property to take place after receipt of the final approval of the remediation by the Texas Commission on Environmental Quality ("TCEQ"). TCEQ's approval is expected in December 2014.

**REQUIRED AUTHORIZATION**

--	--	--

34

AUG - 6 2014

REVIEW on the record and make determination relative to the appeal to the City of Houston from a vote by the Houston Planning Commission to uphold the decision of the Houston Archaeological and Historical Commission's denial of a certificate of appropriateness to relocate a structure at 1815 Cortlandt Street (Historic District: Houston Heights East), filed by Timothy Kirwin, Attorney at Law, on behalf of Jeremy McFarland, Brick Moon Design (Applicant) for Laura Menafee (Owner)  
**DISTRICT I - GALLEGOS**

FOR BACKUP SEE  
ITEM 24 FOR AGENDA  
of 7/30/14

35

AUG - 6 2014

Consideration of proposed amendments to Item 35B below, submitted in writing on July 30, 2014 by Council Members Stardig, Costello, Laster, Davis, Kubosh and Martin, as set forth in the attached Exhibits 1-16 - **DELAYED BY MOTION #2014-742, 7/30/14**



Interoffice

City of Houston-----

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 1

**Amendment #1**

**WHEREAS**, the City is committed to collecting and analyzing data and other relevant information, including but not limited to anecdotal evidence, concerning the provision of vehicle for hire transportation services to persons with disabilities, in an attempt to develop regulatory controls that promote and incentivize permittees and registrants to make available wheelchair accessible vehicles to passengers with disabilities in furtherance of the City's aspirational goal that within five-three years not less than five percent of the ~~of the~~ vehicles for hire operated in the City or a different percentage as determined and recommended by the Task Force, and that an appropriate percentage within the diverse vehicle for hire categories, are wheelchair accessible vehicles; and

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 2

**Amendment #2**

**Section 8.** That City Council, having considered the input of industry stakeholders and special interest groups, coupled with observations and trends from other jurisdictions and relevant data and anecdotal evidence provided by representatives of the Houston disabilities community, has determined that by the first anniversary of the effective date of this ordinance not less than ~~two-three~~ percent of all vehicles for hire, including but not limited to taxicabs, limousines, sightseeing or charter vehicles, school vehicles, jitneys, low speed shuttles, transportation network vehicles, and all new entrants, operating in the City and available to the riding public must consist of ramp or lift-equipped wheelchair accessible vehicles or vehicles constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another. Each permittee and registrant has the responsibility to provide consistent and equivalent service to persons with disabilities. This section shall not be construed to allow a single vehicle for hire category to fulfill the three percent requirement on behalf of the entire vehicle for hire fleet. This section shall become effective at 12:01 a.m. on the 90<sup>th</sup> day next following the effective date of this ordinance. Permittees and registrants that do not provide consistent and equivalent service to persons with disabilities shall be subject to suspension or revocation pursuant to a hearing conducted according to the process outlined in Chapter 46.



Interoffice

City of Houston-----

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 3

**Amendment #3**

**Section 9.** That the Mayor hereby authorizes the creation of the Houston Transportation Accessibility Task Force ("Task Force") to:

- (1) study all aspects of transportation needs of persons with disabilities, including but not limited to available and emerging technologies related to adaptive devices such as wheelchairs and their use and integration in all vehicles, including vehicles constructed and designed or redesigned, modified, or equipped for to provide transportation services to persons with disabilities;
- (2) assess and make recommendations to City Council concerning the number of wheelchair accessible vehicles for hire currently operating and available for use in Houston, including the analysis of available data and information reflecting the number and percentage of wheelchair accessible vehicles operated by permittees and registrants authorized to provide vehicle for hire transportation services in Houston;
- (3) assess vehicle for hire response times for persons requesting a wheelchair accessible vehicle and make recommendations to City Council concerning minimum training requirements to ensure consistent and equivalent vehicle for hire transportation services to everyone, including but not limited to passengers with disabilities and passengers who request a wheelchair accessible vehicle; and
- (4) provide recommendations, supported by empirical facts and anecdotal evidence, to work with the Director of ARA in crafting future recommendations for City Council's consideration concerning the availability of wheelchair accessible vehicles within permittees' and registrants' respective vehicle for hire fleets and targeted recommendations aimed at ensuring that the City's requirement in Section 8 that a portion of the overall vehicle for hire fleet available to the riding public consist of wheelchair accessible vehicles or vehicles constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another is an accurate reflection of the demand for wheelchair accessible vehicles for hire in the City; and
- (5) study and provide recommendations concerning the necessity, feasibility, and practicability of requiring permittees and registrants to ensure a minimum percentage of their vehicle fleets consist of wheelchair accessible vehicles as a condition of receiving a permit, certificate of registration, or other authorization from the City to operate a vehicle for hire.

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 4

Amendment #4

Section 10. That City Council directs the Director of ARA to work with the Task Force to assess the necessity, feasibility, and practicability of requiring permittees and registrants to submit annual accessibility plans as a condition of permit or certificate of registration issuance or renewal and any Task Force recommendations concerning the minimum requisites for the accessibility plans aimed at ensuring that permittees and registrants provide a means of demonstrating that the vehicles and licensees operating within their respective vehicle for hire transportation services are equipped and trained to provide consistent and equivalent transportation services to the riding public, including persons with disabilities and persons who request a wheelchair accessible vehicle including but not limited to providing accessible means to request service, real time resolution and support, and complaint escalation procedures.

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 5

Amendment #5

Section 12. That within 60 days, the administration shall appoint, subject to City Council approval, ~~the appropriate number of~~ no less than five and no more than 11 individuals-regular members to serve on the Task Force ~~sufficient to ensure that~~ with a majority of its membership are comprised of representatives from the Houston disability community. The Houston Commission on Disabilities may recommend individuals to the administration to serve on the Task Force. The Task Force shall convene its first meeting no later than 60 days after all members have been appointed and approved by City Council. ~~Additionally, the Task Force shall consist of not less than two representatives from each of the vehicle for hire categories currently regulated by the City pursuant to Chapter 46 of the City of Houston Code of Ordinances.~~ The City Attorney shall designate a representative from the Legal Department to render legal advice and attend Task Force meetings, but such person shall not be a member of the Task Force. The administration shall designate the appropriate number of nonvoting ex officio representatives to render advice and assist the Task Force in conducting research. These ex officio representatives shall not be members of the Task Force. Three successive unexcused absences from the regularly scheduled meetings, after due notice served by telephone, mail, or electronic mail of the time and place of such meetings, shall automatically terminate membership on the committee. Absences may be excused only by a majority of the Task Force members present and voting at any scheduled meeting. The Task Force shall adopt administrative procedures applicable to its own governance as are necessary to accomplish the purposes set out in this ordinance.

To: Mayor Parker

From: Council Member Brenda Stardig, District A

Date: July 30, 2014

CC: City Council Member

Subject: Chapter 46 Substitute Amendments

Exhibit 6

Amendment #6

Section 13. That the Director of ARA shall evaluate and report the findings and recommendations of the Task Force to City Council as soon as practicable but not sooner than six months after the effective date of this Ordinance and not later than the first anniversary of the effective date of this Ordinance.



# CITY OF HOUSTON

Stephen C. Costello

**To:** Mayor Annise Parker  
Council Members

**From:** Council Member Stephen C. Costello

**Cc:** Marta Crinejo, Agenda Director  
Anna Russell, City Secretary

**Date:** July 30, 2014

**Subject:** Amendment to Agenda Item 25A relating to  
Vehicles-For-Hire

5cc

Exhibit 7

I move to amend to amend Item 25A, as substituted, as follows:

1. Strike Sec. 46-508(c)(1) and substitute the following:

(c) The insurance required in subsection (a) shall be in the form of:

(1) Commercial automobile liability insurance with a combined single limit for bodily injury and property damage of \$1,000,000 per accident covering liability resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle for incidents involving a driver from the time a driver is matched with and accepts a trip request through the transportation network company until the completion of the trip including of the drop off of passenger(s) at their final destination, regardless of whether the driver maintains personal insurance adequate to cover any portion of the claim and regardless of whether a driver is logged onto the transportation network company's internet-enabled application or digital platform at any point following the acceptance of the trip request; and

2. Strike Sec. 46-516(d) and substitute the following:

(d) It shall be unlawful for a No transportation network driver shall to accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements. It shall be unlawful for a transportation network driver to provide his or her direct phone number or email address to passengers or potential passengers to enable requests for service. A TNC shall immediately notify the department of administration and regulatory affairs and provide any evidence in its possession if it obtains actual knowledge of any violation of this subsection.

3. Strike Sec. 46-516(l) and substitute the following:

(l) All licensees operating a transportation network vehicle shall at all times: (1) carry proof of the insurance policies required in section 46-508 of this Code covering the vehicle; (2) carry an electronic or paper copy of the agreement or terms of service between the driver and the TNC; and (3) display the certification decal and distinctive signage or emblem required by this article. A transportation network driver shall log onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers immediately upon entering his or her transportation network vehicle with the intent to provide service.

# Laster Amendment # 2 Exhibit 8

## **Sec. 46-18. General prerequisites to putting vehicle into service.**

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual fuel economy guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon, a sport utility vehicle, or a van, passenger type, provided that the director may also allow vehicles classified for purposes of the fuel economy guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's guide entry for the same or most equivalent make and model of vehicle.

In addition to the foregoing, unless a permittee holds at least five percent (5%) of its fleet of taxicabs as wheelchair accessible vehicles, either lift- or ramp-equipped, any taxicab initially ~~vehicle to be placed into service or operated pursuant to any permit distribution occurring on~~ or after January 1, 2015 \_\_\_\_\_ January 1, 2008, must meet one or more of the following criteria:

- (1) Be powered by a 4-cylinder engine;
- (2) Be a hybrid-electric vehicle;
- (3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped; or
- (4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual fuel economy guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent fuel economy guide entry for the same or most equivalent make and model of vehicle.



# CITY OF HOUSTON

## Interoffice

Correspondence  
Council Member Jerry Davis  
District B

*Exhibit 9*

**To:** Mayor Annise Parker  
All Council Members

**From:** Jerry Davis  
Council Member, District B

**Date:** 7/30/2014

**Cc:** Marta Crinejo, Agenda Director  
Anna Russell, City Secretary

**Subject:** Chapter 46 Amendment

I move to amend Chapter 46 Section 46-7 to read as follows:

### **Sec. 46-7. Criminal history check.**

(a) Upon initial application for a license, ~~upon the filing of an amended application adding one or more new drivers,~~ and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each person designated as a driver in an application for a license to be researched. Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director and shall bear the cost, ~~along with funding in a manner specified to cover any fees imposed by state or federal agencies for the report.~~ The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

(b) An applicant may be provisionally permitted to drive for a permittee if the permittee has caused the criminal history of the applicant to be researched by, and such search discloses that the applicant has no convictions of any applicable offense listed in section 1-10 of this code. Such a search shall include a national criminal history database and a national sex offender database. Drivers provisionally approved pursuant to this subsection shall be required to comply with the requirements of section 46-6(c) within 30 days of being provisionally approved by the licensee.

# KUBOSH Amendment

## Article IX. Transportation Network Companies

EXHIBIT 10

### Proposed Language

Revise Section 46-501 as follows:

#### **“Sec. 46-501.1 Transportation Network Vehicles Tax Equivalency With Taxicabs.**

All Transportation Network Companies and Transportation Network Drivers shall render the transportation network vehicles to Harris County Appraisal District as commercial transportation vehicles in to enable all applicable taxing districts to collect the same taxes as would be collected if such for hire vehicles were operating as taxicabs.

~~AMKul~~  
A M KUBOSH

### Proposed Language

Revise Section 46-501 as follows:

#### **“Sec. 46-501. Scope – Amendment.**

~~The provisions of this article shall not apply to the transportation of two or more persons between their home and work locations or of persons having a common work-related trip purpose or leisure trip purpose in a vehicle used for the purpose of ridesharing when ridesharing is incidental to another purpose of the driver. The provisions of this article shall not apply to transportation which qualifies as ridesharing.”~~

MARTIN LASTER  
BY LASTER  
EXHIBIT 11

MARTIN

Exhibit 12

**Sec. 46-505. Transportation network permit term.**

(a) Permits shall be issued for a term of one year. Permittees desiring to have reissuance of their permit shall, at least 30 days prior to the expiration of the permit, file with the director a written application for a renewal of their permit. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new permits.

(b) A permit is specific to the permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or director as shown on the permit application shall render a permit void, unless an application for an amendment is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.

~~(c) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of transportation network vehicles that may be operated provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.~~ No transportation network company shall have more than one transportation network company permit. A transportation network company permit shall entitle the permittee (including all affiliates of permittee) to engage under written agreement with no more than 150 transportation network drivers to operate transportation network vehicles.

(d) A transportation network company permittee may acquire any existing taxicab permits from a taxicab permit holder and convert such taxicab permit to a transportation network license, thereby increasing the number of permissible transportation network licenses on a one for one transfer basis. Such transfer shall be upon application to the director upon procedures as the director may implement.

(e) No transportation network vehicle shall be shall be operated by anyone except a transportation network licensee under written agreement with the transportation network company permittee specifically incorporating the obligations under Chapter 46 into such written agreement. Such permittee shall be responsible for compliance by such transportation network licensee with Chapter 46.

MARTIN

Exhibit 13

Sec. 46-508. Transportation network company permit - Insurance required.

(a) Every permittee and transportation network driver shall comply with all applicable insurance requirements mandated by federal, State of Texas, and city laws.

(b) Each applicant for the issuance or renewal of a permit shall provide proof that the applicant has commercial automobile liability insurance, issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies, insuring the general public against any loss or damage that may result to any person or property from the operation of the vehicles covered by the permit and securing payment by the applicant of any final judgment or settlement of any claim against the applicant, its drivers, or employees of the applicant's TNC business resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle. ~~The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States.~~ The insurance may be in excess of the driver's automobile liability insurance.

(c) The insurance required in subsection (a) shall be in the form of:

(1) Commercial automobile liability insurance with a combined single limit for bodily injury and property damage of \$1,000,000 per accident covering liability resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle for incidents involving a driver from the time a driver is matched with and accepts a trip request through the transportation network company until the completion of the trip, regardless of whether the driver maintains personal insurance adequate to cover any portion of the claim; and

(2) Commercial automobile liability insurance coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act as now enforced or hereinafter amended during the time that a driver for a transportation network company is logged in and available to provide vehicle for hire transportation services on the

MARTIN Exhibit 14

**Sec. 46-508.1 Transportation network vehicle -- Insurance as prerequisite.**

(a) Before any vehicle shall be allowed to operate as a transportation network vehicle, the licensee shall file an insurance demonstrating insurance coverage on any transportation network vehicle utilized to perform transportation network services by licensee for a transportation network company complying with the requirements contained in subsection (b) below.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. The policy must provide for coverage 24/7. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and to the permittee with which such vehicle is affiliated. In the event that a policy terminates or is cancelled without replacement, then the licensee and permittee shall immediately cease utilizing such vehicle under this chapter until a replacement policy is provided to the director. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Formatted: Normal, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

**Proposed Language**

Revise Section 46-515(b) as follows:

Preferably:

MARTIN Exhibit 15

“(b) A transportation network vehicle shall display a consistent and distinctive emblem at all times that the vehicle and/or its driver are under contract with a Transportation Network Company, and such emblem shall identify the name and permit number of the Transportation Network Company ~~while being used vehicle for hire~~. The director is authorized to specify, by rule, the manner of display, method of issuance, design and contents of such emblem.”

Exhibit 16

MARTIN

**Sec. 46-516. Transportation network drivers – Additional operating requirements.**

(a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:

(1) To operate a transportation network vehicle within the city while not in possession of a valid Texas Driver License issued by a state, district or territory of the United States; or

(2) To operate, or cause to be operated, a transportation network vehicle that does not meet all the applicable requirements of this chapter.

(b) No transportation network driver shall pick up or discharge a passenger on any portion of George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) without proper authorization pursuant to chapter 9 of this Code. A licensee carrying a passenger or passengers from IAH or HOU shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. Such fee shall not be less than the fees paid by taxicabs. Additionally, no transportation network driver shall pick up or discharge any passenger in any designated taxicab stands or loading zones.

(c) It shall be unlawful for any permittee or licensee to solicit potential passengers for vehicle for hire services at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city, or use any words or gestures that could be construed as soliciting a passenger for vehicle for hire transportation services.

(d) No transportation network driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(e) It shall be the duty of each licensee to pull his transportation network vehicle to the curb when loading or unloading passengers.

(f) The permittee's internet enabled application or digital platform accessed by potential passengers shall display for the potential passenger: (1) a picture of the transportation network driver and (2) a picture of the transportation network vehicle the driver is approved to use, including the license plate number of the driver's transportation network vehicle. In addition, any permittee shall make any information displayed in the permittee's Internet-enabled application or digital platform also

Formatted: Indent: Left: 0"

35A

AUG - 6 2014

Consideration of proposed amendments to Item 35B below, submitted in writing on July 11, 2014  
by Council Members Laster and Kubosh, as set forth in the attached Exhibits 17 & 18  
**DELAYED BY MOTION #2014-743, 7/30/14**



# CITY OF HOUSTON

## Interoffice

Office of Council Member Mike Laster, District J

Correspondence

*Exhibit # 17*

**To:** Mayor Annise Parker

**From:** City Council Member Mike Laster

**Date:** June 11, 2014

**CC:** Marta Crinejo, Agenda Director  
Anna Russell, City Secretary

**Subject:** Amendment, Agenda Item 59, Ch. 46

I move to amend Agenda Item No. 59 to add Section 46-517 to read as follows:

**"Sec. 46-517. Limit on Number of Transportation Network Drivers (TNC) Affiliated with each TNC.** No TNC permittee shall affiliate with or otherwise contract with more than 150 transportation network drivers at any given time. The data and records required to ensure compliance shall be prescribed by rules adopted by the Director pursuant to Sections 46-11 and 46-504. A TNC permittee violating this cap is grounds for revocation, suspension, or refusal for renewal of a TNC permittee's permit pursuant to Section 46-5."

Mike Laster, District J

Council Member

Kulash

**Proposed Amendment 5: Remove Vague Language that Could Be Utilized as Loophole**

EXHIBIT 3  
18

**Issue:**

Why did the ARA include a surplusage of limitations in Sec. 46-501 in the 6/3/2014 draft ordinance?

Section 46-501 limits the scope of the entire new ordinance as it relates to TNCs through a confusing surplusage of limitations that add nothing and only create the potential for confusion. This limitation narrows the scope of 46-501 beyond what it appears is intended and may create a "loophole" for providers trying to avoid the TNC requirements. Specifically, note that Sec.46-1 already defines Compensation very clearly; and it also carefully defines Ridesharing as transportation without Compensation (a defined term).

By saying that transportation which is incidental to ridesharing is excluded, it duplicates and confuses the exclusion, unnecessarily; and likely creates an unintended loophole. The relevant definitions in the ARA 6/3/2014 draft are as follows:

*"Compensation* means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the driver or owner of any vehicle providing transportation for a person; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation. Reimbursement for the following is not *compensation*:

- (1) Tolls;
- (2) Vehicle operating costs in an amount that is equal to or less than the most current privately-owned vehicle mileage reimbursement rates established by the U.S. General Services Administration; and
- (3) Parking costs at the shared destination."

*"Ridesharing*, when describing conduct, means the travelling of two or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, buspooling, to any location incidental to another purpose of the driver, for which compensation is not accepted, collected, encouraged, promoted, or requested."

**Proposed Language**

Revise Section 46-501 as follows:

**"Sec. 46-501. Scope.**

~~The provisions of this article shall not apply to the transportation of two or more persons between their home and work locations or of persons having a common work related trip purpose or leisure trip purpose in a vehicle used for the purpose of ridesharing when ridesharing is incidental to another purpose of the driver. The provisions of this article shall not apply to transportation which qualifies as ridesharing."~~



## **Proposed Amendment 7: Revise Definition of Pre-Arranged Transportation Service**

### **Issue**

The Request For Council Action is clear on page 2 that TNCs are “prohibited from accepting street hails or operating on demand.” However, it is foreseeable that MDCs and TNCs will argue that as the definition of “Pre-arranged transportation service” is written in Section 46-1, it allows MDS’s and TNC’s to accept street hailed trips (and solicitation by passengers of TNC drivers outside of the use of an app at airports and other public places). The current language only bars MDS and TNC drivers from soliciting trips, but not from standing in public places non-audibly identifying themselves as available to provide vehicle for hire transportation (for example: by wearing their TNC company name on their clothing, or MDS or TNC identifying marks on their vehicle for hire). If this loophole is not closed, MDS and TNC drivers will be skipping taxicab staging lines and cluttering the pickup and drop off of passengers at airports, hotels, public streets, and other public places by standing there in easily identifiable clothing or circling in their vehicles for hire with MDS or TNC identifying marks.

### **Proposed Language**

Revise definition of “Pre-arranged transportation service” under Section 46-2 as follows:

“*Pre-arranged transportation service* means scheduled vehicle for hire transportation services which is first initiated through a Mobile Dispatch Service or Transportation Network Company internet-enabled smart phone application involving the issuance of a trip confirmation in advance of a vehicle for hire rendering transportation services to a prospective passenger.”

35B

SEE BACKUP  
FOR REVISED ORDINANCE  
Redline

MOTION NO. 2014 0742

MOTION by Council Member Green that the proposed Ordinance amending Chapters 1 and 46 of the Code of Ordinances relating to regulation of vehicles for hire be delayed for one week together with proposed amendments presented.

Seconded by Council Member Stardig and carried.

Mayor Parker, Council Members Stardig, Davis, Cohen, Boykins, Martin, Nguyen, Pennington, Gonzalez, Gallegos, Laster, Green, Costello, Robinson, Kubosh, Bradford and Christie voting aye  
Nays none

PASSED AND ADOPTED this 30th day of July 2014.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 5, 2014.

City Secretary

35B

MOTION NO. 2014 0742

MOTION by Council Member Green that the proposed Ordinance amending Chapters 1 and 46 of the Code of Ordinances relating to regulation of vehicles for hire be delayed for one week together with proposed amendments presented.

Seconded by Council Member Stardig and carried.

Mayor Parker, Council Members Stardig, Davis, Cohen, Boykins, Martin, Nguyen, Pennington, Gonzalez, Gallegos, Laster, Green, Costello, Robinson, Kubosh, Bradford and Christie voting aye  
Nays none

PASSED AND ADOPTED this 30th day of July 2014.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 5, 2014.

City Secretary

## Chapter 46 VEHICLES FOR HIRE

### ARTICLE I. IN GENERAL

#### DIVISION 1. VEHICLES FOR HIRE GENERALLY

##### **Sec. 46-1. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning:

*Central business district* means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a ~~northwesterly~~northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

*Certificate of registration* has the meaning assigned in section 46-451 of this Code.

*Certification decal* means and refers to a metal tag, decal, or placard for attachment on a vehicle for hire and is ~~or other evidence that~~ a permit or certificate of registration has been issued and an inspection performed by the director ~~for attachment on a vehicle for hire operated pursuant to a permit.~~

*Compensation* means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the driver or owner of any vehicle providing transportation for a person; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation. Reimbursement for the following is not *compensation*:

- (1) Tolls;
- (2) Vehicle operating costs in an amount that is equal to or less than the most current privately-owned vehicle mileage reimbursement rates established by the U.S. General Services Administration; and
- (3) Parking costs at the shared destination.

*Curb* means the raised edge of the street, driveway, or other public or private way upon which a vehicle for hire is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Customer service liaison refers to a representative made available to the city by the permittee for the purpose of coordinating with the city to resolve any passenger complaints concerning transportation services rendered by the permittee or registrant.

Director means the director of the department of administration and regulatory affairs or the director's designee and his duly authorized representatives.

Disability has the meaning assigned in section 17-244 of this Code.

For hire means providing, or offering to provide, a transportation service in exchange for compensation ~~any form of payment or gratuity, whether monetary or other valuable consideration.~~ The term expressly excludes car pooling or ride sharing arrangements for which no fee is imposed.

Licensee means any person who is the holder of a current and valid license issued pursuant to division 2 of this article authorizing that person to drive a specific class of vehicle for hire.

Metropolitan area means the Houston-Sugar Land-Baytown metropolitan statistical area, as defined by the Office of Management and Budget within the Executive Office of the President of the United States Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

Mobile dispatch service ~~has the meaning assigned in section 46-451 of this Code means and refers to the operation of a scheduling service that enables prospective passengers to request immediate or schedule pre-arranged vehicle for hire transportation services by electronic, radio or telephonic communication from a portable or handheld device, monitor, smartphone, or other electronic device or unit indicating the location of the passenger for immediate or pre-arranged vehicle for hire transportation services which information is then relayed to a vehicle for hire by radio or data communication of any type.~~

Permittee means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization, and any other entity holding a permit issued pursuant to this chapter.

Place of business means a location where the city may send and the permittee shall accept all notices from the city.

Pre-arranged transportation service means scheduled vehicle for hire transportation services involving the issuance of that is scheduled by or through a mobile dispatch service that issues a trip confirmation not less than 30 minutes in advance of before a vehicle for hire rendering transportation services to picks up a prospective passenger who requested to be transported.

Registrant has the meaning assigned in section 46-451 of this Code.

Ridesharing, when describing conduct, means the travelling of two or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, buspooling, to any location incidental to another purpose of the driver, for which compensation is not accepted, collected, encouraged, promoted, or requested.

*Service animal* has the meaning assigned in section 20-18 of this Code.

*Vehicle for hire*, when describing a class of vehicles, means a taxicab, pedicab, sightseeing and charter vehicle, chauffeured limousine, school vehicle, jitney, or low-speed shuttle, or transportation network vehicle used for the provision of transportation services for hire to the general public. The term expressly excludes vehicles operated or regulated by other government entities.

**Sec. 46-2. Refusal to convey.**

It shall be unlawful for any ~~permittee, registrant, or licenseedriver of any vehicle for hire~~ to refuse to transport a passenger on ~~thea~~ basis of a passenger's race, color, ethnicity, religion, sex, national origin, age, familial status, marital status, military status, sexual orientation, genetic information, gender identity, pregnancy or disability, including a driver's refusal to transport any service animal or medical equipment utilized in conjunction with a passenger's disability. All permittees, registrants, and licensees shall be required to provide safe, reliable, consistent and equivalent transportation services to the general public, including but not limited to persons with disabilities requesting transportation services from a specific class of vehicle for hire operating pursuant to this chapter. It shall be unlawful for any ~~permittee, registrant, or licenseedriver of any vehicle for hire~~ to refuse to transport a passenger at the rates authorized by this ~~chapterarticle~~ or to demand or receive an amount in excess of the rates authorized by this ~~chapterarticle~~. It is an affirmative defense to prosecution under this subsection that the ~~permittee, registrant, or licenseedriver~~ advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.

**Sec. 46-3. Taxes to be paid.**

No person shall use the streets of the city for the operation of a vehicle for hire unless the ad valorem taxes due and owing on all properties used as a vehicle for hire shall have first been paid.

**Sec. 46-4. Failure to pay permit and license fees; failure to maintain insurance.**

A license or permit issued for the operation of a vehicle for hire may be terminated at any time for failure to pay any applicable fee or installment payments imposed pursuant to this chapter or failure to maintain the requisite insurance.

**Sec. 46-5. Revocations, suspensions, and refusals to renew.**

(a) Permits, certificates of registration, and licenses issued pursuant to this chapter may be denied, revoked, suspended, or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following procedures specified in section 1-9 of this Code.

(b) Additionally, permits, certificates of registration, and licenses may be revoked, suspended, or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:

- (1) The permit, certificate of registration, or license was issued through error;
- (2) The applicant provided materially false or incomplete information on the permit, certificate of registration, or license application; or
- (3) ~~There are three or more instances within any one year period in which~~ The permittee or registrant or the permittee's or registrant's employee or licensee violates any provision of this ~~chapter-article~~ or regulation issued by the director hereunder. Consistent with sections 1-9 and 1-10 of this Code and applicable state laws, the director shall promulgate regulations for any required hearings and procedures.

(c) The director shall not designate a person to act as hearing officer who participated in the review of the application. Hearings shall be conducted in a manner that is consistent with principles of due process. The applicant may be represented by legal counsel, may present evidence and cross examine witnesses presented by the city. The hearing officer shall have the discretion to exclude from hearings any person who is not the applicant, the director, their legal representatives, and such other persons not entitled to attend and participate as a matter of law and any persons whose presence the hearing officer deems unnecessary or expedient to the complete resolution of the matter. The decision of the hearing officer, which shall be based upon the preponderance of credible evidence presented, shall be final, subject to the applicant's right to appeal pursuant to state law if the denial is based upon section 1-10 of this Code.

**Sec. 46-6. Physician's certificate of medical examination; fingerprints; drug screening.**

(a) Each applicant for a license issued pursuant to this chapter shall provide ~~have at all times on file in the office of the director~~ a certificate from a duly licensed physician, ~~which certificate is not more than two years old,~~ showing that the physician has examined the person within the 30 day period preceding the date of the filing of the license application and that the person has no disability or ailment that would prevent the person from safely operating the vehicle for hire for which the applicant has sought a license. The director shall have the authority to require a medical examination and

the provision of a replacement certificate at any time upon five days' notice in writing to a licensee or driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.

(b) Additionally, each applicant for a license issued pursuant to this chapter shall provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for issuance or renewal. The director shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.

~~(c) All~~Additionally, each applicants for a permit, certificate of registration, or license issued pursuant to this chapter shall:

- ~~(1) — Submit~~ submit himself to be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense(s) listed in subsection (a) of section 1-10 of this Code. The applicant shall complete any forms required for the director to obtain the report and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested; and
- ~~(2) — Provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for issuance or renewal. The director shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.~~

#### **Sec. 46-7. Criminal history check.**

Upon initial application for a license, ~~upon the filing of an amended application adding one or more new drivers,~~ and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each person designated as a driver in an application for a license to be researched. Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director and shall bear

~~the cost, along with funding in a manner specified~~ to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

**Sec. 46-8. Change of information.**

It shall be the duty of each registrant, permittee, licensee, and all applicants for a permit, certificate of registration, or license issued pursuant to this chapter to advise the director immediately of any change of mailing address or any other information required to be submitted pursuant to this ~~chapter article~~. Any change in information shall be submitted within ten calendar days of the change on the form prescribed by the director. Notices under this article shall be effective if mailed to the last address provided to the director. The failure of a permittee, registrant, or licensee, or applicant for a permit, certificate of registration, or license to receive any notice that is properly addressed and mailed to the last known address shall not affect any action authorized or taken under this article, and the only obligation of the director with respect to returned notices shall be to publicly post them as provided herein or by regulation of the director.

**Sec. 46-9. Accident reports.**

(a) When any vehicle for hire is involved in an accident or collision that results in any injury or damage to any person or property, including, but not limited to, damage to the vehicle for hire or injury of the licensee or a passenger, the licensee shall report the accident or collision to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents and collisions upon forms to be promulgated by the director, which shall include the following information:

- (1) The permittee's and the licensee's names;
- (2) The licensee's driver license number; ~~and~~
- (3) The time and location of the accident or collision; and
- (4) A detailed description of any injury or damage to any person or property involved in the accident or collision.

(b) A permittee shall report any accident or collision to the director not later than five business days after the accident or collision. Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available to the director for inspection and copying.

(c) A vehicle for hire involved in an accident shall not thereafter be placed in service and used in operation as a vehicle for hire until it has been inspected by the director. If the director's inspection reveals that the vehicle for hire has been damaged to an extent that it is not in a reasonably good operating condition from the standpoint of the safety, health and comfort of passengers, the director shall order the vehicle for hire out of service until the director has authorized the return of the vehicle for hire to

operations, which authorization shall not be given until proper repairs or corrections have been made and the vehicle for hire is inspected and meets all applicable minimum operation requirements prescribed by this chapter.

**Sec. 46-9.1. Passenger comfort; courtesy.**

(a) It shall be unlawful for the permittee or licensee to suffer, allow or cause the vehicle for hire to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system, if applicable, is not in good repair and capable of functioning within the tolerances of the vehicle manufacturer's specifications.

(b) It shall be the duty of the licensee to ensure that the vehicle for hire is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system, if applicable, is in operation at all times while one or more passengers are present in the vehicle and is functioning in accordance with a passenger's reasonable request for heating, ventilating, or cooling, unless the passenger(s) specifically request that the system be turned off.

(c) No licensee while operating a vehicle for hire with passengers present shall:

- (1) Use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;
- (2) Make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;
- (3) Create by chemical means any noxious and unreasonable odor;
- (4) Threaten another person in an obviously offensive manner;
- (5) Fight with another person; or
- (6) Engage in any other conduct that is a violation of law.

**Sec. 46-9.2. Vehicle for hire condition.**

It shall be unlawful for the permittee or licensee of any vehicle for hire to allow or cause the vehicle for hire to be in service at any time that the cleanliness and condition of the vehicle for hire do not meet any one or more of the following standards:

- (1) The passenger compartment of the vehicle is free of litter and debris.
- (2) The passenger compartment of the vehicle is free of any personal items of the licensee or other objects that would restrict the seating comfort of the passengers.
- (3) The vehicle is free of noxious or offensive odors.

- (4) The carpet, seating surfaces and head liner, if applicable, have no tears, exposed springs or underparts and are free of any spots or stains that are removable with a reasonable cleaning effort.
- (5) The exterior of the vehicle is free from debris and dirt, commensurate with ambient weather conditions and free of any paint or body work damage, excepting "door dings," minor scratches, and similar defects that are not significantly visible.
- (6) The vehicle has no broken windows or windows with cracks, except for cracks in places that do not interfere with licensee's vision.
- (7) The vehicle has hubcaps or wheel covers on all four wheels if it was so equipped by the manufacturer.

**Sec. 46-9.3. Duty to inspect vehicle; procedure when passenger leaves article in vehicle for hire.**

(a) Each licensee shall inspect his vehicle for hire before going on duty and after discharging each passenger to see that the vehicle is free of cigars, cigarettes, papers, bottles, and anything that could cause offensive or objectionable odors. He shall check the interior of the vehicle and the trunk, if applicable, to see that no articles have been left in the vehicle after each passenger reaches his destination. In the event a passenger should leave any article in the vehicle, the licensee shall immediately notify the permittee or registrant and shall immediately return the article to the owner, the permittee, the registrant, a company representative, or a customer service liaison before making another trip.

(b) The permittee, registrant, company representative, or customer service liaison shall keep the article for a period of not more than ten days and, if the owner of the article has not called for it within that period of time, shall then deliver the lost article to the office of the chief of police. The chief of police shall give the permittee, registrant, company representative, or customer service liaison a receipt for the article and, following any holding period required for the redemption, shall cause the item to be disposed of in accordance with applicable law.

**Sec. 46-10. Deficient service or operation; action by director.**

Should the director determine upon his own initiative or upon complaint of any person that the service authorized to be provided by any permittee or registrant is not being operated so as to serve fully provide safe, reliable, equivalent and consistent for hire transportation services to the general public the public safety or welfare, including but not limited to the operation of unsuitable or unsafe equipment or any other matter incident to the such operation or the unsafe or unlawful operation of the vehicle for hire in violation of any provision of this chapter or applicable state or federal law, the director shall notify the permittee or registrant of his concerns by clearly delineating the respects

in which the service is deficient or the specific incident of the alleged unsafe or unlawful operation of a vehicle for hire operated by the permittee or registrant and require that the conditions complained of be remedied within such time as the director he may designate. In the event the conditions are not remedied within the time specified, the director he may either suspend the permit or certificate of registration for a period not to exceed 15 days or revoke the permit after providing a hearing in a manner consistent with section 1-9 of this Code.

**Sec. 46-11. Records to be kept by permittees and registrants.**

(a) Permittees and registrants shall maintain business and operations records in a manner that demonstrates compliance with this chapter as provided by regulation of the director.

(b) Permittees and registrants shall collect, maintain, and provide to the director on a quarterly basis and on demand, operations data pertaining to the performance or facilitation of transportation services, as follows:

- (1) The total number of trips provided by the permittee or registrant in the city, specifying the number of trips provided by all authorized methodologies used to connect prospective passengers with the permittee's or registrant's vehicle for hire transportation service, including but not limited to the number of trips provided as pre-arranged transportation services and the number of trips provided as a result of the direct, in-person solicitation of the licensee by a prospective passenger (i.e. street hailing), when direct, in-person solicitation of the licensee by a prospective passenger is an appropriate means of requesting vehicle for hire transportation services;
- (2) The total amount of revenue retained by the permittee or registrant;
- (3) The total amount of revenue retained by the permittee's or registrant's licensees;
- (4) The gross receipts generated by the permittee's or registrant's vehicle for hire service in the city, specifying the gross receipts produced as a result of all authorized methodologies used to connect prospective passengers with the permittee's or registrant's vehicle for hire transportation service, including but not limited to gross receipts generated from pre-arranged transportation services and the gross receipts generated as a result of the direct, in-person solicitation of the licensee by a prospective passenger (i.e. street hailing), when direct, in-person solicitation of the licensee by a prospective passenger is an appropriate means of requesting vehicle for hire transportation services;

- (5) The total number of trips provided to passengers traveling to George Bush Intercontinental Airport and William P. Hobby Airport, if applicable;
- (6) The total number of permitted vehicles in operation;
- (7) The total number of vehicles available and in use by the permittee or registrant that are wheelchair accessible vehicles or are vehicles constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another;
- (8) The total number of wheelchair accessible trips requested of the permittee or registrant;
- (9) The total number of wheelchair accessible trips completed by the permittee or registrant;
- (10) The total number of licensees that provide vehicle for hire transportation services on behalf of the permittee or registrant;
- ~~(11) The total number of individuals employed by the permittee or registrant, divided and quantified by function;~~
- ~~(12) The total number of rides requested and accepted by the permittee or registrant and its licensees within each zip code within the city; and the number of rides that were requested but not accepted by the permittee or registrant and its licensees within each zip code;~~
- (123) The total number of accidents or collisions involving a permittee or registrant and its licensees, including the date and time of the accident or collision, the cause of the accident or collision; and
- (134) The total number of hours each of the permittee's or registrant's licensees spent providing vehicle for hire transportation services.

(c) Additionally, for purposes of law enforcement, emergency response, and complaint resolution, all permittees and registrants shall collect, maintain, and provide to the director, on demand, all real-time tracking information concerning the permittee's or registrant's licensees and vehicles, including access to the licensee's identifying information, GPS location data, and whether or not the licensee is engaged with a passenger. The provisions of this subsection shall only apply to permittees and registrants operating vehicles for hire equipped with global positioning satellite equipment or permittees and registrants using internet-enabled applications or digital platforms to send or transmit electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or

unit indicating the location of the passenger which information is then relayed to a vehicle for hire by radio or data communication of any type.

(d) A permittee or registrant required to collect, maintain, and provide the operations data listed in subsection (a) of this section may request, each year, a waiver from the director excusing the permittee or registrant from all or part of the quarterly reporting requirements, provided the permittee or registrant:

- (1) Clearly articulates the reason it is unable to provide the operations data required in subsection (a) of this section;
- (2) Provides a sample of the operations data it is able to produce for submission consistent with the reporting requirements in subsection (a) of this section; and
- (3) Submits a plan of action acknowledging the operations data submission requirements of subsection (a) of this section and provides a definitive timeframe within three years from the date of submitting its initial waiver request wherein the permittee or registrant will provide all operations data required pursuant to subsection (a) of this section.

The director shall review the waiver request and may grant the waiver upon the submission of all supporting documentation required pursuant to this subsection. A waiver request must be submitted at the time of renewal of the current permit or at the time of application if a permittee has not previously been permitted.

**Sec. 46-11.1. Fire extinguisher requiredMobile dispatch services.**

~~\_\_\_\_\_ (a) All mobile dispatch services shall be responsible for ensuring that any driver assigned to provide transportation services and the vehicle used in the rendition of the transportation services are duly authorized to provide such services pursuant to this chapter.~~

~~\_\_\_\_\_ (b) All mobile dispatch services shall register with the director and provide and maintain accurate records of all permittees and licensees providing vehicle for hire transportation services by the mobile dispatch service.~~

Except for pedicabs operated pursuant to article III of this chapter, no permittee or licensee shall operate or cause to be operated any vehicle for hire within the city unless it is equipped with a fire extinguisher consistent with Section 547.607 of the Texas Transportation Code stored within reach of the driver for immediate use.

**Sec. 46-11.2. Use of cellular telephones and electronic communication devices prohibited.**

(a) It shall be unlawful for any permittee, registrant or licensee to use or cause to be used any cellular telephone or any other electronic communication device to place or

receive a phone call or write, send, or read a text-based communication during the active provision of transportation services while the passenger is in the vehicle for hire unless the cellular telephone or electronic communication device is specifically designed and configured to allow voice-operated and hands-free operation to listen and talk or dictate, send, or listen to text-based communication and is used in that manner during the active provision of transportation services while the passenger is in the vehicle for hire.

(b) The provisions of this section shall not prohibit the use of an electronic communication device designed, configured and used to provide voice-operated and hands-free navigation assistance to the licensee during the active provision of transportation services while the passenger is in the vehicle for hire.

(c) Permittees, registrants and licensees may use or cause to be used cellular telephones or other electronic communication devices while the vehicle for hire is lawfully standing or parked.

(d) It is an affirmative defense to prosecution under this section that the permittee, registrant or licensee used or caused to be used a cellular telephone or other electronic communication device during the active provision of transportation services while the passenger is in the vehicle for hire to contact 9-1-1 to report an imminent threat to life or property; and

(1) The licensee could not safely stop the vehicle for hire to initiate contact with 9-1-1; and

(2) The licensee provides documentary proof of communication with 9-1-1.

### **Sec. 46-11.3. Vehicle for hire title classification.**

No vehicle for hire authorized to operate as such pursuant to the terms of this chapter shall have a title classification of "salvage," "junk," "rebuilt-salvage," "total loss," "non-repairable," or any equivalent or comparable classification in any other jurisdiction.

### **Sec. 46-11.4. Vehicle removal.**

(a) The police department shall remove any vehicle from a public street or public place when probable cause exists to believe that the vehicle is being operated as a vehicle for hire without the required permit, certificate of registration, certification decal, or other authorization issued by the director and required pursuant to this chapter. A vehicle removed pursuant to this section shall be placed in a secured facility designated by the city.

(b) If a vehicle has been removed from a public street or public place without the consent of the owner or operator, he may request a hearing to determine whether or not probable cause existed for the removal of the vehicle. Hearings under this section shall be before a municipal court judge.

(c) A person who wishes to request a hearing hereunder shall deliver a written request for the hearing to the clerk of the municipal courts not later than the 14<sup>th</sup> business day after the date the vehicle was placed in a secured facility. A person who fails to deliver the request within the specified time period waives the right to the hearing.

(d) A written hearing request under this section must contain the following information:

- (1) The name, address, and telephone number of the owner and operator of the vehicle;
- (2) The date and the location from which the vehicle was removed;
- (3) The name of the police officer who authorized the removal of the vehicle; and
- (4) The name, address, and telephone number of the secured facility to which the vehicle was removed.

(e) Upon receipt of a complete and timely filed hearing request, the clerk of the municipal courts shall schedule a hearing to occur as soon as practicable; provided, however, all hearings conducted pursuant to this section shall be held within ten business days after the date the hearing request was received.

(f) The court shall notify the vehicle owner or operator and the police officer who authorized the removal of the vehicle of the date, time and place of the hearing. The sole issue to be determined in a hearing under this section is whether probable cause existed for the removal of the vehicle.

(g) The court shall make written findings of fact and conclusions of law regarding the issues in the hearing. If the court determines that probable cause existed for the removal of the vehicle, the owner or operator of the vehicle shall pay the costs of removing and storing the vehicle prior to release of the vehicle.

(h) If the court determines that probable cause did not exist for the removal and of the vehicle, the vehicle shall be ordered released without the payment of any costs for removing and storing the vehicle. If the vehicle's owner or operator paid removal and storage costs before the hearing and the court determines that probable cause did not exist for the removal and storing of the vehicle, the city shall fully reimburse the owner or operator.

(i) The provisions of this section shall be cumulative of all other enforcement powers granted by this chapter and available to the city.

**Sec. 46-11.5. Waiting period before becoming eligible to reapply.**

A person whose application for a permit, license, or certificate of registration has been denied or whose current permit, license, or certificate of registration has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial, revocation, or refusal became final before becoming eligible to reapply for a permit, license, or certificate of registration.

**Sec. 46-11.6. Operation and inspection of wheelchair accessible vehicles for hire.**

A permittee operating a wheelchair accessible vehicle pursuant to a valid permit may operate the wheelchair accessible vehicle beyond any applicable vehicle for hire age and mileage limitations prescribed in this chapter, provided the permittee submits the vehicle for inspection at a location authorized and identified by the director prior to the expiration of the permit, and the director determines that the wheelchair accessible vehicle for hire is in compliance with all applicable vehicle inspection provisions and any other conditions of operation prescribed by the director.

**Sec. 46-12. Penalty.**

Any person who fails or refuses to comply with the terms and provisions of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided by section 1-6 of this Code. Each violation shall constitute and be punishable as a separate offense.

**Sec. 46-13. Rules and regulations.**

The director is hereby authorized to adopt rules and regulations consistent with the intent and purposes of the provisions of this chapter. A copy of all rules and regulations shall be maintained in the director's office and the office of the city secretary for inspection by the public, and copies shall be made available for purchase consistent with the fees prescribed by law.

**DIVISION 2. VEHICLE FOR HIRE DRIVER LICENSES**

**Sec. 46-14. Vehicle for hire driver's license required.**

(a) It shall be unlawful for any person who does not hold a current and valid license issued pursuant to this division to operate a vehicle for hire on the streets of the city. A duly authorized licensee shall have a current and valid license in his possession at all times when operating a vehicle for hire and shall display the license to any peace officer or city inspector upon request.

(b) No permittee shall suffer or allow any vehicle for hire to be driven by anyone who does not possess a current and valid license issued pursuant to the terms of this division.

(c) The provisions of this division shall be cumulative of all other additional license requirements contained in this chapter applicable to the license for the operation of a specific vehicle for hire.

(d) All licenses issued pursuant to the provisions of this article and applicable to this chapter shall be specific to the vehicle for hire indicated in the license application.

**Sec. 46-15. License application.**

Applications for licenses or renewal of licenses shall be submitted to the director on a form promulgated by the director. The applicant shall provide the following information with each application, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;
- (2) The specific type of vehicle for hire license for which the applicant is applying;
- (3) Whether the applicant is a citizen of the United States, and his record of employment for the five years prior to the date of the application, and social security number;
- (4) Whether the applicant has ever been convicted of a felony or misdemeanor;
- (5) Whether the applicant has previously been a licensee;
- (6) Whether the applicant has ever had a license issued pursuant to this chapter denied, revoked, or suspended;
- (7) Whether the applicant has ever had a state issued private passenger vehicle driver license or commercial vehicle driver license denied, revoked, or suspended;
- (8) The permittee for whom the applicant intends to work; and
- (9) Evidence of compliance with all qualifications established in this article; and
- (10) Any other information that may be reasonably requested by the director.

**Sec. 46-15.1. Qualifications of license applicant.**

(a) Each applicant for a license required by this chapter pursuant to this division must:

- (1) Have a valid state class A, B or C Texas driver license.
- (2) Be 18 years of age or older.
- (3) Be able to read and write the English language.
- (4) Provide the certificate from a duly licensed physician described in section 46-6(a) of this Code.
- (5) Have no criminal history that is disallowed under section 1-10 of this Code.
- (6) Provide evidence, in a form to be specified by the director, that he is either:
  - a. A citizen of the United States of America by birth or naturalization;  
or
  - b. An alien legally residing in the United States of America who has the legal right to engage in employment as a licensee.
- (7) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.
- (8) Demonstrate the attendance and successful completion of a training course approved by the director.

(b) Additionally, applicants for a license to operate a taxicab must demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of article II of this chapter as well as the city's streets.

**Sec. 46-15.2. License issuance or denial.**

(a) The director, upon consideration of the application and reports submitted under this division shall, subject to applicable requirements of this article, issue the license or deny the application. If the director denies the application, he shall notify the applicant in writing within five days after the date of the decision that the application has been denied and the grounds therefor.

(b) If the reason for the denial of a license is curable, the director shall allow the applicant, upon written request, to submit an amendment within the time allowed in section 46-15.5 of this Code to cure the defect in lieu of filing an appeal of the denial of the license. If the director denies the license again, the applicant shall still be entitled to file an appeal in the manner prescribed in section 46-15.5 of this Code.

(c) Additionally, the director may delay any decision on an application until final adjudication when the applicant is under indictment for or has charges pending for an offense listed in subsection (c) of section 1-10 of this Code pertaining to vehicle for hire driver licenses and shall promptly inform the applicant of the reason for the delay. Upon receiving notice of the reason for the delay, the applicant shall be entitled to an appeal of the director's delay in the same manner as provided in section 1-9 of this Code.

(d) If the criminal background check reveals that the applicant has been convicted of any applicable offense listed in subsection (a) of section 1-10 of this Code, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

#### **Sec. 46-15.3. License term; renewal.**

All licenses issued for the operation of vehicles for hire pursuant to this chapter shall be valid for two years from the date of issuance; provided however, licenses for school vehicles operated pursuant to article V of this chapter shall be valid for the period provided in section 46-291 of this Code. All licenses may be renewed by making application to the director upon forms provided by the director.

#### **Sec. 46-15.4. License fee.**

The fee for issuance of a license pursuant to this article is stated in the city fee schedule.

#### **Sec. 46-15.5. Appeal from denial of license.**

An applicant aggrieved with the decision of the director denying an application for a license under any provision of this article may appeal the decision to an independent hearing examiner designated by the director. Each appeal must be perfected by a letter addressed to the director and delivered to the director's office within 15 business days after the date that notice of the director's decision, addressed to the party with the right of appeal, is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the director is desired. The director may grant the applicant a hearing only if the applicant's notice of appeal is in writing and timely given. The hearing shall be conducted in accordance with section 1-9 of this Code and applicable state laws if the denial was based in whole or in part upon section 1-10 of this Code. Subject to any further appeal authorized by state law, the hearing examiner's decision shall be final.

**Sec. 46-15.6. State driver license status.**

The issuance of a license is subject to the holder's maintenance of a current and valid Class A, B, or C Texas Driver License and the expiration, suspension, or revocation of the state license shall automatically render the license invalid until the applicant again holds a current and valid state license.

**ARTICLE II. TAXICABS**

**DIVISION 1. GENERALLY**

**Sec. 46-16. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning:

*Daytime trip* means a taxicab trip originating between the hours of 6:00 a.m. and 8:00 p.m.

*Gross receipts* means an amount of money equal to the total of all fares received and charged for the carriage of passengers by taxicabs permitted to a permittee, including all tip revenue and reservation and billing service fees, if any. Provided, however, special passenger charges for taxicab operations at city airports and toll road fees allowable under this article shall not be included in the calculation of gross receipts.

*Hybrid-electric vehicle* means a vehicle that is propelled by the use of two or more distinct power sources consisting of an internal combustion engine and an on-board rechargeable energy storage system.

*License* means a taxicab driver's license issued pursuant to division 2 of article I of this chapter~~article~~.

*Licensee* means any person in physical control of a taxicab who is the holder of a current and valid license ~~issued pursuant to division 3 of this article~~.

*Nighttime trip* means a taxicab trip originating ~~at any time other than~~ between the hours of 8:01 p.m. and 5:59 a.m. ~~6:00 a.m. and 8:00 p.m.~~ of the following day.

*Permit* means a current and valid permit issued by the director under this article for the operation of a taxicab.

*Permittee* means the person to whom a permit has been duly issued by the director. Any permittee who operates two or more taxicab companies under separate assumed names or different subsidiary firms or by any other means

shall nevertheless be regarded as one and the same permittee for permit applications, disciplinary actions, and all other purposes relating to the administration of this article.

*Stool light* means an instrument or an accessory that is permanently attached to the top of a taxicab at a midpoint between the front doors and not more than 30 inches to the rear of the topmost part of the windshield.

*Street* means any public street, road, boulevard, alley, lane, highway, sidewalk, park roadway, railroad station, ship landing, ferry landing roadway, viaduct or other place under control of the city or other public authority and established by it for the use of vehicles not otherwise controlled by law or ordinance. It shall also mean any vehicular road, driveway, or area outside of and adjacent to, or in any railroad station, ferry landing, or bus station owned by the city or other public authority that is used regularly or may be so used by taxicabs for pickup and discharge of passengers, which places shall hereafter remain open to and be used by all duly permitted taxicabs without charge, except as authorized by city council, and without discrimination as to the identity of the permittee. The properties constituting the William P. Hobby Airport (HOU), the George Bush Intercontinental Airport/Houston (IAH), and the Ellington Airport (EFD) are not designated as streets under this definition.

*Taxicab* means every automobile or motor-propelled vehicle, whether the vehicle is identified or not as a taxicab as set forth herein, used for the transportation of passengers for hire ~~whether the vehicle is identified or not as a taxicab as set forth herein~~ over the public streets of the city, whether or not the operation extends beyond the city limits. Provided, the term *taxicab* shall not apply to limousines, school ~~vehicles~~ buses, emergency vehicles, jitneys, or sightseeing or charter vehicles, low-speed shuttles, or transportation network vehicles that operate under a permit, franchise, or license issued by the city or any other governmental regulatory authority, and, provided further, the term shall not apply to limousines that are chartered, hired or provided in connection with funeral services or any vehicles operating under a contract with the city.

*Taxicab cost index (TCI)* means a weighted combination of selected consumer price indexes and employment statistics as published by the United States Department of Labor used to measure the change in the costs of operating a taxicab.

*Taximeter* means a mechanical and/or electrical instrument that records miles or distances traveled or time consumed, or both, during the period of engagement of taxicab service and is so constructed as to visibly record the cumulative charges to the person engaging the service.

**Sec. 46-17. Authorized operators.**

No taxicab for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether as an employee or contractor. Any person driving or operating a taxicab upon the streets or other public property of the city is presumed to be an employee of the taxicab's permittee or to have entered into a written agreement with the taxicab's permittee.

**Sec. 46-18. General prerequisites to putting vehicle into service.**

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual fuel economy guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon, a sport utility vehicle, or a van, passenger type, provided that the director may also allow vehicles classified for purposes of the fuel economy guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's guide entry for the same or most equivalent make and model of vehicle.

In addition to the foregoing, any ~~taxicab initially~~ ~~vehicle to be~~ placed into service ~~or operated pursuant to any permit distribution occurring on or after~~ January 1, 2015 <sup>4</sup> ~~January 1, 2008~~, must meet one or more of the following criteria:

- (1) Be powered by a 4-cylinder engine;
- (2) Be a hybrid-electric vehicle;
- (3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped; or
- (4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States

---

<sup>4</sup> The City Secretary shall insert the date of passage of this Ordinance.

Environmental Protection Agency's annual fuel economy guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent fuel economy guide entry for the same or most equivalent make and model of vehicle.

**Sec. 46-19. Reserved.**

**Sec. 46-20. Age and mechanical condition of taxicabs.**

(a) Except as provided in subsection (b) of this section, a~~No~~ licensee or permittee shall not drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six years old, provided that no vehicle may be placed in service for the first time as a taxicab if it has been driven more than 100,000 actual miles, which shall be determined from the odometer ~~and from odometer~~ and title records. For purposes of this requirement, a taxicab will be considered to be six years old on April 30<sup>th</sup> of the sixth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

(b) A licensee or permittee may drive or cause to be driven a taxicab for an additional one-year period beyond the age limitation prescribed in subsection (a) of this section provided the licensee or permittee submits the taxicab for inspection at a location authorized and identified by the director prior to the expiration of the permit and the director determines that the taxicab is in compliance with the provisions of section 46-37 of this Code and any other conditions of operation prescribed by the director.

**Sec. 46-21. Identification of vehicles generally.**

(a) ~~A~~No permittee or licensee shall not drive or cause or suffer to be driven or operate or cause to be operated a taxicab in the city unless the taxicab has signs on the front doors on each side of the taxicab stating the telephone number and the name or the assumed name under which the owner operates or the name of the partnership, copartnership, association, society or corporation under which the owner operates the taxicab, as is on file with the director. The name and numbers shall be not less than three inches in ~~length~~height and not less than five-sixteenths of one inch in width and shall be a solid color that contrasts with the background. The name and numbers on the front door of the taxicab shall be placed in a location approved by the director. The telephone number shall also be placed where plainly visible on the rear of the taxicab.

(b) ~~A~~No permittee shall not operate or cause or suffer or allow to be operated a taxicab in the city unless and until a certification decal number has been assigned by the director at the time the permit is issued under this article. The number shall remain in full force and effect for each permit so long as the permit remains valid. The number shall be displayed on the taxicab in ~~four~~five separate and plainly visible locations as

follows: on the right of the trunk lid when viewed from the rear of the taxicab; on the left of the hood when viewed from the front of the taxicab; ~~and one on each side of the taxicab immediately below the handles of the rear doors; and on the roof of the taxicab.~~ If a taxicab has only one rear door, then the number for the side where there is no rear door shall be placed in an alternative location designated by the director. Each number on the roof of the taxicab shall be not less than twelve inches in length and not less than three inches in width and shall be a color prescribed by the director. In all other locations described in this subsection, each ~~The number, in each instance,~~ shall be not less than three inches in length ~~high~~ and not less than five-sixteenths of one inch in width.

**Sec. 46-22. Vehicle color scheme.**

(a) ~~A~~ No permittee or licensee shall not drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use under his ownership or radio service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

~~If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.~~

(b) If the director approves the ~~color scheme is approved,~~ the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a taxicab of his color scheme, and he shall not change the color scheme without approval of the director.

**Sec. 46-23. Certification decals.**

At the time a taxicab permit is issued or renewed under this article, the director shall issue one certification decal to the permittee for the taxicab covered by the permit. The certification decal shall be attached to the taxicab for which it is issued, at the place on the taxicab ~~as shall be designated by the director.~~ It shall further be unlawful for any person to drive a taxicab without the certification decal being so attached.

**Sec. 46-24. Stool light.**

No permittee or licensee shall operate or cause to be operated any taxicab within the city unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the

taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" or "taxi" sign contained thereon. Additionally, permittees and licensees shall be authorized to display and illuminate either the taxicab permittee name or permit number on the stool light when the taximeter is not recording.

**Sec. 46-25. Passenger's right of selection.**

Every person shall be allowed to select a taxicab of his choice at any place in the city.

**Sec. 46-26. Taxicabs at GGeorge Bbush Intercontinental Airport/Houston.**

(a) The provisions of this section shall apply to all taxicab service at any place upon the grounds of George Bush Intercontinental Airport/Houston (IAH).

(b) The director of aviation shall establish one or more locations at or near the various terminal buildings at IAH as taxicab arrival and departure loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for any licensee to load or discharge passengers or baggage at any location within the airline terminal areas of IAH other than in a zone so established.

(c) The director of aviation shall establish taxicab standing lines to service the departure loading zones designated under subsection (b) above. It shall be unlawful for any licensee to cause his vehicle to stand upon any area of IAH other than in a designated standing line. It is a defense to prosecution under this subsection that the operator has lawfully stopped his vehicle in order to comply with a traffic control device or that the operator is actually and lawfully engaged in the loading or unloading of passengers or baggage.

(d) Except where the passenger may request the service of a particular taxicab, departing passengers at IAH terminals will be assigned to taxicabs waiting in the standing lines by starters who have been designated by the director of aviation to operate the various departure zones and standing lines. Taxicabs will be assigned from the standing lines on a first-in-line-first-to-depart basis, provided that the director of aviation shall administratively provide by rule for the priority reassignment of any taxicab operating from a standing line that receives a short trip. For purposes of this provision, *a short trip* means a trip within an area immediately adjacent to IAH as defined on a map promulgated for that purpose by the director of aviation.

(e) A licensee carrying a passenger or passengers from IAH shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. The licensee shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from IAH ~~when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card.~~ Where passengers are being carried to two or more destinations, the airport

use fee shall be prorated among them on a per destination basis. ~~It shall be unlawful for any licensee to depart from the IAH with a passenger without having deposited the required fee.~~

**Sec. 46-27. Operation at William P. Hobby Airport.**

(a) The director of the department of aviation is hereby authorized to designate one or more locations on the airport adjacent to the airline terminal building at the William P. Hobby Airport (HOU) as standing and loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for a licensee to load or discharge passengers or baggage at any other location within the airline terminal building area of the airport.

(b) A licensee carrying a passenger or passengers from the airline terminal building at the HOU shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. The licensee shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from HOU ~~when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card.~~ Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. ~~It shall be unlawful for any licensee to depart from the HOU with a passenger without having deposited the required fee.~~

**Sec. 46-28. Reserved.**

**Sec. 46-29. Carrying additional passengers.**

Any passenger who engages the services of a taxicab shall have the exclusive right to the passenger compartment of the taxicab, ~~and~~ Except as provided in item (3) of subsection 46-30(a) of this Code, it shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the taxicab.

**Sec. 46-30. Taximeter.**

(a) ~~AN~~ licensee or permittee shall not drive or cause or suffer or allow to be driven a taxicab in the city, unless the taxicab is equipped with a properly functioning taximeter. ~~Except for trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(9) of this Code is being charged, no~~ A licensee shall not carry a passenger, whether for hire or not, unless the taximeter is in the recording position. Provided, however, it shall be an affirmative defense to prosecution under this subsection that the only passenger in the taxicab at the time the taximeter was not in recording position was a person riding for training purposes only, and:

- (1) The passenger had a valid license issued by the city at the time he was ~~se~~ riding as a passenger;
- (2) The passenger had not driven a taxicab ~~for 30 days or more~~ within the city for 30 days or more prior to the date the defendant was charged for violation of this subsection; and
- (3) At the time the person was riding as a passenger, there was a sign indicating that a passenger was riding for purposes of training as a licensee. The sign must be located so that it would be visible to any person who might ride in the vehicle as a passenger for hire.

(b) Except for any deposit or scheduling fee required for taxicab vehicle for hire services provided as pre-arranged transportation services or as otherwise provided in this article, all charges and collections for hire shall be based upon the taximeter reading. The dial showing the fare shall be in full view and readily visible and readable by the passenger or passengers at all times taxi service is being rendered.

(c) The taximeter shall be inspected and sealed by the director ~~when~~ at the time the taxicab is initially placed into service, during vehicle inspections conducted under this article, and before the taxicab is placed back into service following any repair, modification, or adjustment to the taximeter.

(d) ~~AN~~ no permittee shall not drive or cause or suffer or allow to be driven and ~~an~~ licensee shall not drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. ~~AN~~ no permittee shall not drive or cause or suffer or allow to be driven and ~~an~~ licensee shall not drive any taxicab on which any modification has been made to the taximeter or to any mechanical or electrical parts of the taxicab activating the taximeter that causes rates other than those authorized in this division to be recorded and shown on the taximeter.

(e) The director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal in lieu of a city-installed seal if a taximeter is installed repaired, modified, or adjusted during the period commencing at noon on a Friday or on the day preceding a city-observed holiday and extending until 8:00 a.m. on the next day that is not a Saturday, Sunday, or city-observed holiday. Use of a temporary seal during the aforesaid period in a manner authorized by the regulations is an affirmative defense to prosecution under this section, provided that the taximeter is functioning in accordance with all requirements of this division.

#### **Sec. 46-31. Rates prescribed.**

(a) All taxicab permittees and licensees shall comply with and abide by the rates established in this section:

- (1) *Daytime metered travel.* For daytime trips, the metered travel fee shall be \$2.75 for the first 1/11 of a mile or less plus \$0.20 for each additional 1/11 of a mile or less.
- (2) *Nighttime metered travel.* For nighttime trips, the metered travel fee shall be \$3.75 for the first 1/11 of a mile or less plus \$0.20 for each additional 1/11 of a mile or less.
- (3) *IAH flat rates.* Alternative flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X, as follows:

<b>Zone</b>	<b>Daytime Trip—Flat Rate</b>	<b>Nighttime Trip—Flat Rate</b>
I	\$ 45.00	\$ 46.00
II	52.50	53.50
III	60.00	61.00
IV	65.00	66.00
V	73.00	74.00
VI	81.00	82.00
VII	87.50	88.50
VIII	104.50	105.50
IX	34.00	35.00
X	41.00	42.00

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (4) *HOU flat rates.* Alternative flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI, as follows:

<b>Zone</b>	<b>Daytime Trip—Flat Rate</b>	<b>Nighttime Trip—Flat Rate</b>
I	\$32.00	\$33.00
II	26.00	27.00

III	38.50	39.50
IV	54.50	55.50
V	61.50	62.50
VI	70.00	71.00
VII	80.50	81.50
VIII	71.00	72.00
IX	37.50	38.50
X	86.00	87.00
XI	79.50	80.50

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (5) *Waiting time.* An amount not to exceed \$24.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed \$24.00 per hour.
- (6) *Hand luggage.* No charge will be made for hand luggage.
- (7) *Reservation and billing service fee:*
- a. A reservation and billing service fee may be added to the total trip charges authorized in this section, provided:
    1. The trip originates with an advance reservation; and
    2. At the request of the account holder or his authorized agent the fare and other charges are billed on account by the permittee, rather than being paid at the end of the trip.

The reservation and billing service fee shall not exceed ten percent of the total trip charges imposed, including the tip, if any.

- b. Notwithstanding the foregoing, this item (7) shall not be construed to authorize the operation of a taxicab service in such manner as to constitute a chauffeured limousine service. In the event of conflict, the provisions of article IV of this chapter shall prevail.

- (8) *Toll road fee.* In addition to the fees prescribed in this section, the permittees and licensees may impose a toll road fee in an amount exactly equal to any fees imposed by the Harris County Toll Road Authority for use of its facilities during the trip, provided that the imposition of the fee is noted on the posted rate card, and further provided that the passenger(s) are notified of the fee before the taxicab enters the toll road. Where passengers are being carried to two or more destinations, the toll road fees shall be prorated among them, per destination.
- (9) *Alternate central business district flat rate.* An alternate flat rate of \$6.00 shall be imposed for trips entirely within the central business district.
- (10) *Annual TCI review.* On or before December 31<sup>st</sup> of each year, the director shall conduct a review of the TCI, which shall be used to determine whether taxicab rates need to be adjusted. The TCI shall be weighted as indicated in Table 46-1 below:

<b>Table 46-1 Taxi Cost Index Factors and Weighting</b>		
Fuel	22.0%	CPI—Gasoline (All Types)—Houston-Galveston-Brazoria, TX
Repairs and Maintenance	7.0%	CPI—Motor Vehicle Maintenance—US City Average
Parts and Equipment	7.0%	CPI—Motor Vehicle Parts and Equipment—US City Average
Insurance	6.0%	CPI—Motor Vehicle Insurance—US City Average
Depreciation/Return on Investment	4.0%	CPI—Used Cars and Trucks—City Size A
Driver/Operator Returns—Part I	25.0%	Average Hourly Earnings—Transit and Ground Transportation—National
Driver/Operator Returns—Part II	25.0%	CPI—All Items—Houston-Galveston-Brazoria, TX
Fees and Miscellaneous	4.0%	CPI—All Items—Houston-Galveston-Brazoria, TX
<b>Total</b>	<b>100.0%</b>	

- (11) *Requested taxicab rate review.* A review of the taxicab rates may also be initiated by taxicab owners and operators by making a request in writing to the director. Upon receipt of a request for a rate review, the director shall prepare an estimate of the administrative cost of the rate review. If the

taxicab owner or operator determines to proceed with the rate review, the owner or operator shall submit a cashier's check to the director for the full amount determined by the director. The rate review shall be conducted in accordance with the procedures established for that purpose by the director. Without limitation, the director may select a representative group of taxicab owners and operators and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the information, the director shall make a recommendation to city council whether a rate adjustment is justified, and, if so, the amount of the recommended rate adjustment. If a rate adjustment is recommended to city council, then city council shall conduct a hearing before adopting any adjustment to the taxicab rate.

(12) *Annual automatic rate adjustment.* Except for years in which a rate adjustment adopted by city council under item (11) of this subsection will take effect, the director shall make an automatic rate adjustment if:

- a. The TCI has changed by more than five percent since the last rate adjustment; or
- b. At least three years have elapsed since the effective date of the most recent ~~The last rate adjustment was at least three years ago;~~

provided however, an increase in the TCI resulting in a rate adjustment of ten percent or more of the current taxicab rates shall require the approval of city council.

The TCI shall be computed annually and shall be based upon the not seasonally adjusted data for the month of October, rounded to the nearest \$0.05. Automatic adjustments to the rates shall be calculated by applying the percentage change in the TCI to the current six mile fare. The new rates shall be effective February 1 of the following year. Written notice of the automatically adjusted rates shall be provided by regular mail to taxi permittees not later than the 30<sup>th</sup> day before the rates go into effect.

This item does not apply to the flat rate specified in item (9).

(b) The director shall establish a taxicab passenger capacity rating (exclusive of children in arms), which will constitute the maximum number of passengers that may be carried simultaneously.

(c) In the event two or more taxicab passengers are going to the same destination, the licensee shall collect only one fare as recorded on the taximeter. If the passengers are going to different destinations, the licensee shall clear his taximeter at the first destination and charge the first passenger the amount recorded on the

taximeter, and then proceed to the next destination as though it were a completely new trip. Other destinations shall be treated likewise.

(d) Where any permittee has contracted with any department, agency or subdivision of the state, the United States or any foreign government or any nonprofit charitable organization for the transportation of passengers for the entity on a regular basis within the corporate limits of the city, the permittee is authorized, in lieu of the fares prescribed in subsection (a) above, to make other charges as are agreed to in writing by the contracting parties and filed with the director, prior to the transportation of passengers under the contract. A permittee or licensee transporting contract passengers under this subsection must fully comply with all other applicable provisions of this article.

(e) *Senior citizens' discount:*

(1) *Rate; restrictions.* Any taxicab passenger 60 years old or older who provides to the licensee proof of age as specified in this subsection at the time the fare is collected shall be charged a reduced fare equal to 90 percent of the fee otherwise applicable as set out in items (a)(1) through (a)(5) of this section; provided, however, the reduced fare set out in this subsection shall not be applicable any of in the following situations:

- a. In the event the passenger has ridden in the taxicab to the same destination with another passenger who is not an attendant but is 13 years of age or older but less than 60 years of age;
- b. The passenger is a person with disabilities who is riding in the taxicab pursuant to the terms of a contract between the taxicab permittee and the Metropolitan Transit Authority; or
- c. The fare is being charged to any account other than the passenger's personal account.

For purposes of this item, an *attendant* is a person who is accompanying a passenger because the passenger is physically or mentally unable to travel alone.

(2) *Proof of age.* To provide proof of age for the purposes of this subsection, the taxicab passenger must allow the licensee to examine one of the following identification documents that has been issued to the passenger and that has a picture of the passenger thereon:

- a. A driver license or identification card issued by a state of the United States;
- b. A military identification card;

- c. A passport; or
  - d. An alien registration receipt card (Form I-551 or I-151) or border crossing card issued by the United States Immigration Service.
- (3) *Posting of notice in taxicab.* ~~A~~ No person shall not operate a taxicab unless a notice regarding the discount set out in this subsection is posted in the passenger area of the taxicab. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed.

**Sec. 46-32. Posting of license and other information.**

(a) Each permitted taxicab shall be equipped with a license and rate card holder approved by the director. The holder shall be mounted on the taximeter or dashboard of the taxicab in a conspicuous location where the contents thereof may be seen by the passengers. It shall be the duty of the permittee and licensee to place in the holder a the city-issued license containing a picture of the licensee, the licensee's name and description, and a rate card showing the name of the permittee and the approved taxicab rates specified in section 46-31 of this Code. The size and contents of the license and the rate cards shall be approved by the director.

(b) It shall be the duty of the permittee and licensee of each taxicab to ensure that the taxicab has cards posted showing the rates for travel to and from IAH and to and from HOU for each zone as specified in section 46-31 of this Code and a map depicting the zones. One card shall be posted on the dashboard in a location conspicuous to a passenger in the front seat and the other card shall be posted on the back of the front seat or at the top of the inside of either rear door window so that the contents thereof can be seen by the other passengers riding in the cab. The director shall specify the size of print, the colors, and the information to be provided on each card as he finds necessary so that the information may be read by passengers.

(c) It shall be the duty of each permittee and licensee to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding taxicab services or charges. This card shall be mounted adjacent to the rate cards required by this section and shall instruct the passenger that if he wishes to file a complaint, he should obtain the taxicab number as posted on the taxicab, date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.

(d) It shall be the duty of each permittee and licensee to post a card that indicates whether smoking is permitted or prohibited in the taxicab. The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.

**Sec. 46-33. Payment method.**

(a) A licensee or permittee shall not drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning credit card payment device integrated with a global positioning satellite system. Additionally, it shall be unlawful for any permittee or licensee to refuse to accept a passenger's payment of posted rates by credit card. For trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(9) of this Code is being charged, it is an affirmative defense to prosecution under this subsection that the licensee was operating a taxicab that was marked with signage, as prescribed by the director, that indicates "cash only" rides.

(b) The credit card payment device integrated with a global positioning satellite system shall be inspected and approved by the director at the time the taxicab is initially placed into service, during vehicle inspections conducted under this article, and before the taxicab is placed back into service following any repair, modification, or adjustment to the taximeter.

**Sec. 46-34. Receipt for payment of fare.**

No licensee of any taxicab, upon receiving full payment for a fare as authorized by this article, shall refuse to give a receipt upon the request of any passenger making the payment. A receipt provided to the passenger via the passenger's e-mail address shall be sufficient for purposes of providing a receipt for payment upon the request of any passenger. Additionally, the permittee of the taxicab shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record required by this section to be used for this purpose.

**Sec. 46-35. Required operation; taking vehicles out of service generally.**

(a) Permittees shall pick up or accept delivery of any permit(s) initially granted under division 2 of this article and place the taxicab(s) into service as follows:

- (1) The permittee shall pick up or accept delivery of the permit(s) and place the taxicab(s) into service within 180 days subsequent to the date of the granting of the permits; and
- (2) If any permit is not obtained or any taxicab is not placed into service as provided herein, the permit shall be automatically revoked, and the director shall cause the permittee to surrender any certification decals or other permit indicia that have been issued.

(b) Permittees shall operate or cause their taxicabs to be operated whenever public convenience requires that the taxicabs be in operation. The director may order any or all permittees to put into operation any taxicab not then in operation whenever public convenience requires that all permitted taxicabs be in operation.

(c) Permittees may take out of service those taxicabs that require repairs or that need to be taken out of service for any other reason, with the exception that ~~permittees/operators~~ having ten or more taxicab permits must have not less than 60 percent of their taxicabs in operable condition and in service at all times. ~~Permittees/Operators~~ having fewer than ten taxicab permits must have not less than 50 percent of their taxicabs in operable condition at all times. Permittees shall furnish the director with quarterly reports demonstrating the percentage of their taxicabs in operable condition and in service at all times.

(d) The director may, upon the request of a permittee and the surrender of one or more taxicab permits to the director, hold surrendered permits for the permittee for a period not to exceed one year without revoking the permits for nonuse. The director may hold permits for a permittee as herein provided when the circumstances causing their non-utilization are beyond the control of the permittee and when the holding of the permit(s) by the director would not adversely affect public convenience. Only permittees who hold ten permits or fewer may use illness as a reason to request the holding of permits. The permittee must provide to the director verifiable proof/documentation of the circumstances, and the circumstances must be specifically related to the permittee's illness. The director may hold permits as herein provided once in a five-year period commencing on the date the surrender is accepted by the director. Once any of a permittee's permits are surrendered to the director for holding, no other permits held by the same permittee may be surrendered for holding during the five-year period. Permits surrendered by the permittee must be redeemed by the end of the surrender period by payment of all fees due, plus interest. The applicable interest rate shall be based on the rate of interest for variable rate demand obligations as fixed by the city's financial underwriting firm and shall be the average of that rate current as of the date of acceptance of surrender of the permits by the director and that rate current as of the date of redemption of the permits. Permits not redeemed within 30 days following the surrender period will automatically be revoked. A permittee who has paid the requisite fee is not entitled to a refund of the fee under the provisions of section 46-68(b) of this Code.

**Sec. 46-36. Removal of identification marks when vehicle retired from service.**

No permittee shall dispose of a taxicab that is being retired from service until all marks of taxicab identification have been removed therefrom.

**Sec. 46-37. Inspection by city—Generally.**

(a) The director shall cause each taxicab for which a permit has been issued to be inspected at the time that it is initially placed into service and thereafter at least once each year. The inspection shall be made to determine that the taxicab is in a reasonably good state of repair, clean, and equipped and being operated in compliance with all requirements of this article. The inspection shall be made at a place designated by the director. The director shall create a permanent cause the record of all the

~~inspections, which shall be maintained to be reduced to writing and a permanent record made thereof. The record shall be kept by the director for a period of at least two years.~~

(b) If the inspection reveals that a vehicle is not in a reasonably good operating condition, from the standpoint of the safety, health, and comfort of passengers, the director shall order the taxicab shall be ordered out of service until remedial repairs and corrections have been made. When the repairs and corrections have been made, the vehicle shall be reinspected to determine whether or not proper repairs and corrections have been made, and in no case shall the taxicab be permitted to resume its operation until the repairs and corrections have been made. It shall be unlawful for a permittee to utilize any taxicab that has been ordered out of service until the vehicle has been reinspected and the director authorizes resumption of its use.

(c) Inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; date of purchase; foot brakes; parking emergency brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; current state inspection sticker; rearview mirror; all glasses; cleanliness; safety; condition of paint; color scheme; certification decals; taximeter seals and readings; credit card payment device integrated with global positioning satellite system; rate card; signs; fumes; state license plates and registration sticker; speedometer readings; mileage; steering; tires; muffler and tail pipe; accuracy of taximeter; condition of the body of the vehicle and fenders.

**Secs. 46-38, 46-39. Reserved.**

**Sec. 46-40. Preferences and soliciting of business prohibited.**

(a) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, whether or not the vehicle is identified as a taxicab, at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city. It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures that could be construed as soliciting a passenger for hire. Violators of this section, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00.

(b) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.

**Secs. 46-41, 46-42. Reserved.**

**Sec. 46-43. — Passenger comfort; courtesy.**

~~—— (a) It shall be unlawful for the permittee or licensee to suffer, allow or cause the taxicab to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system is not in good repair and capable of functioning within the tolerances of the vehicle manufacturer's specifications.~~

~~—— (b) It shall be the duty of the licensee to ensure that the vehicle is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system is in operation at all times while passenger(s) are present in the vehicle and is functioning in accordance with the passenger's reasonable request for heating, ventilating, or cooling, unless the passenger(s) specifically request that the system be turned off.~~

~~—— (c) No licensee while operating a taxicab with passengers present shall:~~

- ~~(1) Use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;~~
- ~~(2) Make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;~~
- ~~(3) Create by chemical means any noxious and unreasonable odor;~~
- ~~(4) Threaten another person in an obviously offensive manner;~~
- ~~(5) Fight with another person; or~~
- ~~(6) Engage in any other conduct that is a violation of law.~~

**Sec. 46-44. — Taxicab condition.**

~~—— It shall be unlawful for the permittee or licensee of any taxicab to allow or cause the taxicab to be in service at any time that the cleanliness and condition of the taxicab do not meet any one or more of the following standards:~~

- ~~(1) The passenger compartment of the vehicle is free of litter and debris.~~
- ~~(2) The passenger compartment of the vehicle is free of any personal items of the licensee or other objects that would restrict the seating comfort of the passengers.~~
- ~~(3) The vehicle is free of noxious or offensive odors.~~

- ~~(4) The carpet, seating surfaces and head liner have no tears, exposed springs or underparts and are free of any spots or stains that are removable with a reasonable cleaning effort.~~
- ~~(5) The exterior of the vehicle is free from debris and dirt, commensurate with ambient weather conditions and free of any paint or body work damage, excepting "door dings," minor scratches, and similar defects that are not significantly visible.~~
- ~~(6) The vehicle has no broken windows or windows with cracks, except for cracks in places that do not interfere with licensee's vision.~~
- ~~(7) The taxicab has hubcaps or wheel covers on all four wheels if it was so equipped by the manufacturer.~~

~~Secs. 46-45—46-60. Reserved.~~

## DIVISION 2. VEHICLE PERMIT

### **Sec. 46-61. Definitions.**

As used in this division, the following words and terms shall have the meanings assigned to them in this section:

*Airport taxicab usage adjustment factor* means the percentage increase or decrease between the mean annual airport taxicab usage and the base year airport taxicab usage.

*Available permit number* means the number of permits made available for distribution, if any, as computed for a permit computation year pursuant to section 46-63 of this Code.

*Base year airport taxicab usage* means either (1) the mean annual airport taxicab usage for the last preceding permit computation year in which the issuance of permits was considered, or (2) the mean annual airport taxicab usage calculated for any preceding permit computation year in which the issuance of permits was considered, wherever is greater. Notwithstanding the foregoing, the base year airport taxicab usage for permit computation year 2011 shall be 600,270.

*Base year population* means the mean annual population of the city for the last preceding permit computation year in which the issuance of permits was considered. Notwithstanding the foregoing, the base year population for permit computation year 2011 shall be 2,076,189.

*Mean annual airport taxicab usage* means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental

Airport/Houston and William P. Hobby Airport during the three calendar years preceding each permit computation year as counted and compiled by the department of aviation and provided to the director. By example, the formula for determining the mean annual airport taxicab usage for permit computation year 2011 is expressed as follows:

$$\text{Mean annual airport taxicab usage} = \frac{(\text{airport taxicab usage 2008} + \text{airport taxicab usage 2009} + \text{airport taxicab usage 2010})}{3}$$

*Mean annual population* means the mathematical average of the population for the city published by the United States Census Bureau as of June 30 for the three years preceding the permit computation year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census Bureau data, the population in the annexed territory. By example, the formula for determining the mean annual population for permit computation year 2011 is expressed as follows:

$$\text{Mean annual population} = \frac{(\text{Population estimate 2008} + \text{population estimate 2009} + \text{population estimate 2010})}{3}$$

*New entrant applicant* means a permit applicant who is not a permittee or principal of a permittee.

*Operator* means the person who is or will be principally in charge of the day-to-day operations of a permittee or applicant for a permit.

*Other applicant* means any permit applicant who is not a new entrant applicant.

*Permit computation year* means a year in which the issuance of taxicab permits shall be considered. The first permit computation year shall be 2007. The next permit computation year shall be 2011, and subsequent permit computation years shall occur at three year intervals (2014, 2017, 2020, etc.).

*Permit computation year base permit number* means the total number of city taxicab permits then authorized on June 1 of a permit computation year.

*Permit computation year base permittee number* means the number of permittees that exists as of June 1 of a permit computation year.

*Permit distribution year* means the calendar year immediately following the permit computation year. The first permit distribution year shall be 2008. The next permit distribution year shall be 2012, and subsequent permit distribution years shall occur at three year intervals (2015, 2018, 2021, etc.).

*Population adjustment factor* means the percentage increase or decrease between the mean annual population and the base year population.

*Principal* means the operator and also includes in the case of a proprietorship the proprietor and proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each corporate officer or director; ~~each director and each other person who holds ten percent or more of the outstanding shares.~~ For any other form of entity, the term shall include the equivalent persons as determined by the director.

*Taxicab permit adjustment factor* means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor.

**Sec. 46-62. Required.**

(a) It shall be unlawful for any person to operate or drive or cause to be operated or driven any taxicab upon and over the streets of the city unless a current permit has been issued for the taxicab by the director in accordance with this article.

(b) It is an affirmative defense to prosecution under this section that the taxicab is not being operated for the purpose of serving any passenger in exchange for consideration unless the trip originated in a jurisdiction outside the city in which the taxicab is operated in compliance with all applicable laws. The provisions of this section shall not be construed to authorize a taxicab from another jurisdiction to originate any passenger service trip within the city.

**Sec. 46-63. Computation of permits to be distributed, if any.**

(a) On or before September 1 of each permit computation year, the director shall compute the taxicab permit adjustment factor, permit computation year base permit number and permit computation year base permittee number and cause the data to be published one time in a newspaper of general circulation and to be mailed to each permittee and licensee at the permittees' and licensees' last known addresses. The director shall provide a written explanation of the computations to any person who requests the data.

(b) Any interested person may appeal the director's computations as published under subsection (a) by filing a notice of appeal in the director's office on or before September 15 of the permit computation year. The appeal notice shall specify in detail

the nature of any errors that are alleged in the director's computations. In the event of an appeal, the director shall cause an appeal hearing to be conducted by a hearing examiner in which all appellants may jointly participate. The hearing examiner's decision shall be rendered on or before October 15 and shall be final.

(c) Following the computations under subsection (a) and resolution of any appeals therefrom under subsection (b), a mathematical determination shall be made whether any taxicab permits are to be issued. If the taxicab permit adjustment factor is a negative percentage or is zero, then no permits shall be issued. If the taxicab permit adjustment factor is a positive number, then the taxicab permit adjustment factor shall be multiplied by the permit computation year base permit number, and the result is the available permit number.

**Sec. 46-64. Distribution of available permits.**

(a) For purposes of distribution, the available permit number shall be divided into two categories:

- (1) A number of permits equal to five percent of the available permits, rounded to the nearest whole number (with a fraction of  $\frac{1}{2}$  rounded up), shall be reserved for new entrant applicants.
- (2) Based upon the computation provided in item (1) above, the balance of the available permit number shall be reserved for other applicants.

(b) On or before November 1 of each permit computation year, the director shall cause the computation of the available permit number to be published one time in a newspaper of general circulation.

(c) If permits are to be issued, then the publication shall also include the reservation numbers computed under subsection (a), the deadline for filing of applications, and an explanation of how to obtain filing information. If during a permit computation year, the director determines that the number of wheelchair accessible taxicabs is less than two percent of the entire taxicab fleet, the director shall cause the appropriate number of available permits listed in items (1) and (2) of subsection (a) to be designated for wheelchair accessible vehicles. Additionally, the director shall mail the information regarding permits available and filing procedures to all permittees and licensees at their last known addresses.

**Sec. 46-65. Applications.**

(a) Applications for permits may be filed on or before December 1 of each permit computation year in which permits are determined to be available pursuant to section 46-63 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the

applicant shall set forth and provide the following information, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.
- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant.
- (6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.
- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of administration and regulatory affairs. The fee approved under this provision shall be included in the city fee schedule.

(b) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application and advise the applicant of the deficiencies. Each applicant, whether a new entrant applicant or other applicant, shall be limited to the consideration of one application per permit computation

year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(c) The director shall review applications received ~~and~~ on or before March 1 of the permit distribution year and advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.
- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.
- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- (6) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- (7) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(d) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part upon section 1-10 of this

Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

(e) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

**Sec. 46-66. Drawing; distribution.**

(a) Based upon the list generated for new entrant applicants in section 46-65(e) of this Code and the number of permits reserved for new entrant applicants in section 46-64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. Each new entrant applicant may receive no more than one permit.

(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.

(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.

(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the petition that is independently verifiable by the director that each of the following criteria has been satisfied:

- (1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records; and
- (2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period preceding the filing date of the petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d).

(e) The total number of additional permits granted to all petitioners under this subsection—(d) may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection—(d) are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

- (1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and
- (2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above, and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.

**Sec. 46-67. Insurance as prerequisite.**

(a) Before any taxicab permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he has qualified as a self-insurer, as the term is defined in the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 10<sup>th</sup> business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

**Sec. 46-68. Fee.**

(a) The annual fee for a permit under this division is stated for this provision in the city fee schedule and is payable for each taxicab. In the event a permit is issued for a period of time less than eight months, the permit fee shall be prorated according to the number of months remaining in the permit period, payable at the rate stated for this provision in the city fee schedule for each month or fraction of a month, not to exceed the full amount of the annual fee. The reissuance of any certification decal that is lost, mutilated or otherwise rendered unusable shall be provided only upon reinspection of the taxicab.

The annual permit fee shall be paid in advance to the department of administration and regulatory affairs in three installments on or before May 1st, June 1st, and June 15th of each calendar year in amounts prescribed in the city fee schedule.

(b) Within 90 days following the expiration of any calendar year a permittee may apply to the director for a refund of a portion of his permit fees if the permit fees paid for the previous calendar year exceed two percent of the permittee's gross receipts. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of gross

receipts records maintained by the permittee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application or supplement and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating the refund request, the director shall either:

- (1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or
- (2) Deny the refund.

**Sec. 46-69. Issuance.**

Taxicab permits shall be issued by the director upon determination that the applicant is entitled to receive a taxicab permit and has otherwise complied with all of the requirements of this article, and upon payment by the applicant of the fee prescribed by section 46-68 of this Code.

**Sec. 46-70. Term; renewal.**

A permit issued under this division shall be valid for a one-year permit term commencing on May 1 and extending through the succeeding April 30<sup>th</sup>. A permit may be renewed each year by payment of the annual fee as provided in section 46-68 of this Code.

**Sec. 46-71. Changes in principals after issuance.**

Any change-in principals of a permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be authorized to the extent that the applicant is qualified thereunder, provided that the director may utilize modified application forms and procedures that do not require the provision of information or data that is applicable by its nature to the issuance of a new permit but not applicable to the decision process for a change in principal. The director shall authorize the permittee to continue to operate on a temporary basis pending the determination if, based upon an initial review of the application, it appears that the applicant will be determined to be qualified. If the application is denied, the permittee may not continue to utilize the permit(s), and the permit(s) shall terminate on the 30<sup>th</sup> day following notice of denial and any appeal therefrom, unless the permittee divests itself of the new principal or otherwise returns to compliance with this article.

**Sec. 46-72. Transfer of permits.**

(a) When used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

*New permit* means any permit that has been issued for a period of less than five years, as computed from the date of its initial issuance by the city.

*Old permit* means any permit that is not a new permit.

*Transfer* means any sale, lease, lease assignment, or other arrangement by contract or otherwise whereby a permittee allows another person on a temporary or permanent basis to make use of one or more permits that are held by the permittee except an arrangement in the nature excepted in subsection (b).

(b) The terms of this section do not apply to a license, lease, or subcontractor arrangement in conformity with section 46-17 of this Code between a permittee and an individual driver-operator that allows the driver-operator to operate a taxicab under one of the permittee's permits, provided that:

- (1) The permittee remains fully responsible to the city for the actions of the driver-operator as provided by this article;
- (2) The arrangement does not convey any right to purchase or acquire the permit or option to do so; and
- (3) The arrangement provides by its terms that it may not be used in any manner as collateral or as a guarantee to support any loan or extension of credit.

(c) A permit may only be transferred to:

- (1) A person who is an existing permittee; or
- (2) A person who would be qualified to obtain a permit as a new entrant applicant under this division.

(d) Any transfer to a person who is not an existing permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be allowed to the extent that the applicant is determined to be qualified thereunder. The director may authorize the transfer on a temporary basis pending the completion of the processing of the application, subject to the same provisions set forth in section 46-71 of this Code.

(e) Except as provided in this subsection, a new permit may not be transferred in any manner or by any means, whether at law, by contract or otherwise, and may only be held by the person with the same principals named as the applicant in the application

filed under section 46-65 of this Code. Any alienation of a new permit or use of any taxicab operated thereunder other than in the business owned and operated by the lawful holder of the new permit shall render the permit void.

A new permit shall constitute a privilege to which no property interests or rights of any kind or character shall appertain. However, in the case of the death, disability, or unavailability of any new permittee or principal thereof or for other good cause, the city council may, by motion, upon request duly filed with the city secretary, authorize the reassignment of the new permit to a spouse, child, or other close relative of the new permittee who will carry on the business. The proposed transfer shall be first referred by the city secretary to the director of administration and regulatory affairs for a determination that the proposed transferee is qualified to receive the transfer of the new permit under the applicable provisions of this Code. A new permit shall be subject to revocation and shall be unlawful to possess to the extent that it is used in contravention of this subsection. The new permittee shall be entitled to notice and a hearing in the same manner as provided in this article for revocation of permits for other grounds.

(f) A permit that is subject to a suspension or revocation proceeding may not be transferred, nor may a suspended permit be transferred during the period of suspension.

**Secs. 46-73—46-85. Reserved.**

### DIVISION 3. RESERVEDLICENSES

**Secs. 46-86.— Required.**

~~— (a) It shall be unlawful for any person who does not hold a current and valid license issued under this division to operate a taxicab on the streets of the city. Duly authorized licensees shall have a current and valid license in his possession at all times when operating a taxicab and shall display the license to any peace officer or city inspector upon request.~~

~~— (b) No permittee shall suffer or allow any of his taxicabs to be driven by anyone who does not possess a current and valid license.~~

**Sec. 46-87.— License application.**

~~— Applications for licenses shall be submitted to the director on a form promulgated by the director. The applicant shall provide the following information with each application, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:~~

- ~~(1) — The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;~~

- ~~(2) Whether the applicant is a citizen of the United States, and his record of employment for the past five years, social security number, and marital status;~~
- ~~(3) Whether the applicant has ever been convicted of a felony or misdemeanor;~~
- ~~(4) Whether the applicant has previously been a licensee;~~
- ~~(5) Whether the applicant has ever been denied a license or has had one or more licenses revoked or suspended;~~
- ~~(6) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver license or a chauffeur's license revoked;~~
- ~~(7) The permittee that the applicant intends to work for; and~~
- ~~(8) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.~~

**Sec. 46-88. Qualifications of applicant.**

~~Each applicant for a license required by this division must:~~

- ~~(1) Have a valid state class A, B or C Texas driver license.~~
- ~~(2) Be 18 years of age or older.~~
- ~~(3) Be a person of good moral character.~~
- ~~(4) Be able to read and write the English language.~~
- ~~(5) Produce, on forms to be provided by the director, affidavits of his character from two reputable citizens who have known him personally and observed his conduct for at least one year.~~
- ~~(6) Submit to medical examination by a licensed physician and provide the report of the physician, which must be signed by the physician, on forms to be provided by the director.~~
- ~~(7) Have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a license and at renewal intervals of six years, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the report and provide funding to the director in a manner specified to cover any fees imposed by state or federal agencies~~

~~for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.~~

- ~~(8) Provide evidence, in a form to be specified by the director, that he is either (i) a citizen of the United States of America by birth or naturalization or (ii) an alien legally residing in the United States of America who has the legal right to engage in employment as a licensee.~~
- ~~(9) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.~~
- ~~(10) Demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of this article of this Code as well as city streets.~~
- ~~(11) Demonstrate the attendance and successful completion of a training course approved by the director regarding public relations and communication skills. A licensee must successfully complete a refresher training course complying with this item prior to the renewal of a license.~~

**~~Secs. 46-89, 46-90. Reserved.~~**

**~~Sec. 46-91. Issuance or denial.~~**

~~—The director, upon consideration of the application and reports submitted under this division, as reflecting the applicant's character, and the applicant's reputation in the community for character, shall, subject to applicable requirements of this article, issue the license or deny the application. If the application is denied, the applicant shall be notified in writing by the director within five days that his application has been denied and the grounds therefor. If the grounds are based in whole or in part upon section 1-10 of this Code, then the notice shall comply with section 1-9 of this Code and applicable state laws.~~

**~~Sec. 46-92. License term; renewal.~~**

~~—Each license shall expire two years from the date of issuance. The license may be renewed by making application to the director upon forms provided by the director for that purpose 30 days prior to the date of expiration of the license.~~

**~~Sec. 46-93. Fee.~~**

~~—No fees shall be charged for the issuance of a license, or for renewal thereof.~~

**Sec. 46-94. — Appeal from denial of application.**

~~— The decision of the director in denying an application for a license under any provision of this article may be appealed to an independent hearing examiner designated by the director. Each appeal must be perfected by a letter addressed to the director and delivered to the director's office within 15 days of the date that notice of the director's decision, addressed to the party making the appeal, is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the director is desired. The director may grant the applicant a hearing only if the applicant's notice of appeal is in writing and timely given. The hearing shall be conducted in accordance with section 1-9 of this Code and applicable state laws if the denial was based in whole or in part upon section 1-10 of this Code. Subject to any further appeal authorized by state law, the hearing examiner's decision shall be final.~~

**Sec. 46-95. — State driver license status.**

~~— The issuance of a license is subject to the holder's maintenance of a current and valid Class A, B, or C Texas Driver License and the expiration, suspension, or revocation of the State license shall automatically render the license invalid until the applicant again holds a current and valid state license.~~

**Sec. 46-96. — Waiting period before becoming eligible to reapply.**

~~— A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.~~

**Secs. 46-97—46-110. Reserved.**

DIVISION 4. MISCELLANEOUS LICENSEE REQUIREMENTS

**Sec. 46-111. Licensee appearance.**

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody.

~~(b) Male licensees shall be clean shaven, and hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.~~

~~— (c) Subject to the limitations of subsection (de) below, the term *suitably dressed* shall be interpreted to mean the licensee, if male, shall wear trousers or slacks, a shirt, with or without a tie, shoes, and, if desired, appropriate outer garments.~~

(~~cd~~) Subject to the limitations of subsection (~~de~~) below, the term *suitably dressed* ~~shall be interpreted to mean~~ the licensee, if female, shall wear a skirt, trousers, or slacks, a shirt or a blouse, shoes, and, if desired, appropriate outer garments.

(~~de~~) Clothing that is not considered appropriate and is not permitted, whether the licensee is male or female, includes: (1) T-shirts, underwear, tank tops, body shirts, swim wear, jogging suits, or similar types of attire when worn as an outer garment; or (2) any form of shorts.

**Sec. 46-112. Reserved.**

**Sec. 46-113. Limitation on hours of work.**

(a) ~~AN~~ licensee shall not drive more than 12 hours in any ~~one~~ consecutive 24 hour period.

(b) ~~AN~~ taxicab permittee shall not suffer or allow any licensee to drive a ~~taxicab~~ for more than 12 hours in any consecutive 24 hour period.

**Sec. 46-114. Duty to transport passengers by shortest route.**

Each licensee shall transport his passengers to definite points designated by the passengers, and he shall take the most direct and shortest route to deliver the passengers safely and expeditiously to their destination.

**Sec. 46-115. Duty to pull to curb to load or unload.**

It shall be the duty of each licensee to pull his vehicle to the curb when loading or unloading passengers.

**Sec. 46-116. Refusal to discharge passenger at designated place.**

(a) ~~AN~~ licensee shall not refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when the place so designated is at a point not easily accessible by reason of an obstruction, a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous.

(b) The provisions of this section shall not be deemed to excuse compliance with section 46-115 of this Code, which requires passengers to be unloaded at the curb.

**Sec. 46-117. Leaving taxicab while waiting at depot, airport, hotel, etc.**

No licensee shall leave his taxicab for any purpose, except in emergencies, while he is waiting at a depot, airport or hotel. This section does not prohibit a licensee from assisting passengers in loading and unloading.

**Sec. 46-118. ~~Reserved. Duty to inspect vehicle; procedure when passenger leaves article in cab.~~**

~~— (a) Each licensee shall inspect his taxicab before going on duty and after discharging each passenger to see that the taxicab is free of cigars, cigarettes, papers, bottles, and anything that could cause offensive or objectionable odors. He shall check the interior of the taxicab and the trunk to see that no articles have been left in the vehicle after each passenger reaches his destination. In the event a passenger should leave any article in the taxicab, the licensee shall immediately notify the taxicab dispatcher and shall immediately return the article to the owner, the company dispatcher, or a company representative, before making another trip. When a licensee delivers the article to the owner or the dispatcher, a receipt for the article shall be prepared in triplicate. The original copy of the receipt shall be mailed to the director, the second copy retained by the licensee, and the third copy shall be furnished to the permittee.~~

~~— (b) The permittee shall keep the article for a period of not more than ten days and, if the owner of the article has not called for it within that period of time, the permittee shall then deliver the lost article to the office of the chief of police. The chief of police shall give the permittee a receipt for the article and, following any holding period required for the redemption, shall cause the item to be disposed of in accordance with applicable law.~~

**Sec. 46-119. Duty to transport within the corporate limits.**

It shall be unlawful for a licensee to refuse to transport a person to a requested destination located within the corporate limits of the city.

**Secs. 46-120—46-140. Reserved.**

**ARTICLE III. PEDICABS**

**DIVISION 1. GENERALLY**

**Sec. 46-141. Definitions.**

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

*Bicycle* means a belt-, chain-, or gear-driven device propelled by human power and on which a person may ride and that has two tandem wheels, either of which is more than 14 inches in diameter.

*Daytime* means the period between sunrise and sunset.

*License* means a pedicab driver's license issued pursuant to division 2 of article I of this chapter~~article~~.

*Licensee* means any person in physical control of a pedicab who is the holder of a current and valid pedicab driver's license ~~issued pursuant to division 2 of this article~~.

*Nighttime* means the period between sunset and sunrise.

*Pedicab* means a bicycle or tricycle used to transport passengers for hire, including a bicycle to which is attached a trailer, sidecar, or similar device.

*Pedicab service* means the business of transporting passengers for hire by means of a pedicab. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, and jitneys, sightseeing and charter vehicles, chauffeured limousines, school vehicles, low speed shuttles, and transportation network vehicles permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city; ~~and~~
- (4) ~~Sightseeing or charter vehicles licensed by the city.~~

*Permit* means a permit to operate a pedicab service pursuant to this article.

*Permittee* means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization and any other entity holding a permit issued pursuant to this article.

*Tricycle* means a belt-, chain-, or gear-driven device that is propelled by human power and on which a person may ride and that has three wheels in contact with the ground, any of which is more than 14 inches in diameter.

**Sec. 46-142. Reserved.**

**Sec. 46-143. Article cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve the operation of a pedicab upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of pedicabs.

**Secs. 46-144—46-150. Reserved.**

**DIVISION 2. PERMITS AND LICENSES**

**Sec. 46-151. Permit required.**

(a) It shall be unlawful for any person to operate a pedicab service without first obtaining a permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense listed in subsection (c) of section 1-10 of this Code;
- (2) Identify each pedicab the applicant desires to receive a certification decal for, including trade name, if any, serial or identification number and body style of the pedicab;
- (3) Identify the proposed route(s) or area(s) where the applicant desires to operate the pedicab service;
- (4) Provide proof of insurance pursuant to the requirements of this article;
- (5) If a natural person:
  - a. Be 18 years of age or older;
  - b. Be able to read and write the English language; and
  - c. ~~Provide written character references from two persons who have known the applicant for at least two years attesting to the applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five year period; and~~
  - d. ~~Hold a current and valid class A, B, or C Texas driver license;~~
- (6) Not have had a license or permit issued under this chapter denied, revoked or refused for renewal, by the city within the one-year period preceding the date of filing of the application;
- (7) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's pedicab service will be operated and that ~~thesuch~~ use of the location is in compliance with any applicable deed restrictions enforceable by the city; and
- (8) Provide any other information reasonably requested by the director for administration of this article.

**Sec. 46-152. License required.**

It shall be unlawful for any person to operate a pedicab without a license issued pursuant to this ~~chapter~~article.

**Sec. 46-153. Fees.**

~~(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.~~

~~(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.~~

~~(b)~~ (e**b**) In addition to the application processing fee provided in subsection ~~(a**b**)~~ of this section, an annual permit fee in the amount stated for this provision in the city fee schedule shall be payable for each pedicab before it is placed into service and annually thereafter on before May 1 of each year.

**Sec. 46-154. Application.**

(a) Each person desiring to obtain a ~~license or~~ permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each ~~license and~~ permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, ~~director, or holder of ten percent or more of the outstanding stock~~ if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-155. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit ~~or license~~. The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application with a statement of deficiencies.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial, the director shall give the applicant ~~shall be given~~ written notice of the basis for the denial~~such action~~. The applicant shall be entitled to appeal a decision based, in whole or in part, upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

(c) If the application is denied on the basis of the applicant's failure to satisfy any other requisites stated in this division, the applicant may request a hearing by submitting a written notice of appeal to the director within 15 business days following the date notice of the director's decision is deposited in the United States Mail. A hearing official shall conduct aAn informal hearing ~~and shall be conducted by an impartial hearing officer who~~ shall render a decision within 30 business days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the ~~license or permit~~.

(d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing an appeal. If the director denies the application is again denied, the applicant shall still be entitled to file an appeal within 15 business days following the date notice of the director's decision regarding the amended application is deposited in the United States mail.

(e) ~~A license shall be issued upon the approval of the application therefor. The director shall not issue a~~A permit shall not be issued until the applicant has identified each pedicab, if not provided with the application, and has also obtained a satisfactory inspection and certification decal, provided proof of insurance, and provided proof of ownership or lease of each pedicab.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

**Sec. 46-156. Transfer; nonexclusive; fee.**

(a) ~~A license or permit is personal to the licensee or permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or, director, or holder of ten percent or more of the outstanding shares of stock as shown~~ on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code. The fee for filing an application amendment is stated for this provision in the city fee schedule.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of pedicabs that may be approved, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

**Sec. 46-157. Permit t~~Terms of licenses and permits.~~**

~~(a) A license shall be valid for two years from the date of issuance. A permit shall be valid for five years from the date of issuance.~~

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of pedicabs; provided however, the addition, deletion, or substitution of any pedicabs pursuant to a current and valid permit shall require an inspection as provided for in section 46-161 of this Code, including the payment of the inspection fee.

~~(c) A person whose application for a license or permit has been denied or whose current license or permit has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a license or permit.~~

**Secs. 46-158—46-160. Reserved.**

**DIVISION 3. PEDICAB OPERATING REQUIREMENTS**

**Sec. 46-161. Pedicab inspection; fee.**

(a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid certification decal affixed in a manner and location prescribed by the director. There shall be a non-refundable inspection fee stated for this provision in the city fee schedule for each pedicab. All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) The director shall inspect e~~Each pedicab shall be inspected~~ before it is initially placed into service and thereafter before May 1 of each year at such location as the director may specify. The director shall approve the pedicab if he determines that:

- (1) The pedicab is of the approved color scheme and is marked as provided in this article;
- (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and
- (3) The pedicab complies with all other requirements of this article.

(c) Upon satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the pedicab. In any prosecution under this

section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) The director shall provide rReplacement certification decals ~~shall be provided~~ only upon reinspection of the pedicab and payment of the applicable inspection fee provided in subsection (a) of this section.

(e) It shall be unlawful to:

- (1) Remove, move, alter, or deface a certification decal;
- (2) Transfer a certification decal from the pedicab for which it was issued to another pedicab;
- (3) Operate a pedicab with a certification decal that was not issued for that pedicab; or
- (4) Operate a pedicab with a fictitious or fraudulent certification decal.

(f) The director may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the licensee in order to determine compliance with the provisions of this article and the regulations adopted by the director.

#### **Sec. 46-162. Authorized operators.**

No pedicab shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the pedicab under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for any person operating under his permit whether the person is an employee or is a person operating under a written agreement. Any person operating a pedicab on the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person operating a pedicab on the streets or other public property of the city shall be required to secure a license pursuant to this chapterarticle.

#### **Sec. 46-163. Rate structure and fares.**

A permittee shall file all rate structure and fare information with the director. It shall be unlawful for a permittee or licensee to charge a passenger a fare that was not agreed upon with the passenger in advance or to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

**Sec. 46-164. Receipt for payment of fare.**

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The permittee of the pedicab shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record for this purpose.

**Sec. 46-165. Posting of pedicab driver's license, fares, and other information.**

(a) Each permitted pedicab shall be equipped with a holder mounted in a conspicuous location on the pedicab to ensure that its contents are visible by the passengers. It shall be the duty of the permittee and licensee to post in this holder a photograph of the licensee, the licensee's name, and a copy of the licensee's pedicab license. Each permitted pedicab shall also display the name, trademark, logo, or other identifying information of the permittee and the specific fares charged for services rendered. The size and content of the permittee's information and the posted fares shall be affixed to the pedicab in a manner approved by the director.

(b) It shall be the duty of each permittee and licensee to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding pedicab services or charges. The card shall be mounted adjacent to licensee's pedicab license information and shall inform any passenger that wishes to file a complaint to obtain the pedicab certification decal number as posted on the pedicab, and the date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers.

**Sec. 46-166. Carrying additional passengers.**

Any passenger who engages the services of a pedicab shall have the exclusive right to the passenger compartment of the pedicab. It shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the pedicab.

**Sec. 46-167. Operation of pedicabs on roadways.**

(a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.

(b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

- (1) The pedicab is passing another vehicle moving in the same direction;
- (2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway;

- (3) A condition on or off the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or
- (4) The person is operating a pedicab in an outside lane that is:
  - a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
  - b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.

(c) A licensee operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(d) Licensees operating pedicabs on a roadway may ride two abreast. Licensees riding two abreast on a laned roadway shall ride in a single lane. Licensees riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Licensees may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.

(e) Each licensee shall pull his or her pedicab to the curb when loading or unloading passengers.

**Sec. 46-168. Pedicab condition.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:

- (1) Exposed rust;
- (2) Ripped upholstery or fabric;
- (3) Visible chips or scratches on any painted surface;
- (4) Exposed wood that is not painted and in good condition;
- (5) Exposed sharp edges; or
- (6) Dirt or debris on any surface accessible to patrons.

**Sec. 46-169. Licensee appearance.**

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with the requirements of this section at all times while operating a pedicab for hire.

~~(b) Licensees shall be clean-shaven or facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.~~

~~———(c) The term "suitably dressed" shall mean wearing appropriate outer garments, including, at minimum, shorts, slacks or trousers, a shirt with collar or blouse with or without a tie, and shoes. A licensee operating a pedicab shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.~~

(cd) Clothing that is not considered appropriate and is not permitted when the licensee is in charge of a pedicab includes: underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, athletic shorts or trunks (jogging or bathing), or sandals.

**Sec. 46-170. Pedicab lighting and reflectors.**

It shall be unlawful for any permittee or licensee to operate, or cause to be operated, a pedicab that does not have the following:

- (1) A lamp on the front that emits a white light visible from a distance of at least one hundred feet to the front during daytime;
- (2) A lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front during nighttime;
- (3) A red reflector on the rear of a type approved by the Texas Department of Transportation that is visible from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime; and
- (4) One lamp that emits a red light visible from a distance of five hundred feet to the rear during nighttime.

**Sec. 46-171. Pedicab brakes.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the licensee from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop in

a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement.

**Sec. 46-172. Pedicab seat belts.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a lap seat belt for each passenger.

**Sec. 46-173. Pedicab trailer; limitation on number.**

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

**Sec. 46-174. Pedicab width.**

It shall be unlawful to operate a pedicab that is wider than 54 inches at its widest point.

**Sec. 46-175. Pedicab operation; conduct.**

(a) It shall be unlawful for a licensee operating a pedicab, or a permittee operating a pedicab service, to cause, suffer, or permit a licensee to:

- (1) Operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab;
- (2) Carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection;
- (3) Operate a pedicab in a manner that results in damage to public or private property;
- (4) Fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk;
- (5) Operate a pedicab that is not equipped with an audible signaling device approved by the director and a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency;
- (6) Permit a person riding on a bicycle, coaster, sled, toy vehicle or roller skates to attach to the pedicab;
- (7) Operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars;

- (8) Operate a pedicab on any street or adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier;
- (9) Permit or allow passengers to ride in or on a pedicab in such a position that the licensee's vision forward or to the side is blocked;
- (10) ~~Refuse to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability; or~~
- (11) ~~Stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles.~~

(b) It shall be unlawful for any person to operate a pedicab on a street where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that street.

(c) It shall be unlawful for any person, while operating a pedicab, to pick up or drop off passengers on a street where the posted speed limit exceeds 35 miles per hour.

(d) It shall be unlawful for any person to operate a pedicab upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

(e) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers.

(f) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

(g) It shall be unlawful to remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.

**Sec. 46-176. Pedicab insurance.**

(a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file with the director an commercial general liability insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) of this section.

(b) The insurance required in subsection (a) shall be in the form of commercial general liability policy. The required policy shall name the city as an additional insured and be issued by either a company listed as an authorized general auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies ~~carrier authorized or eligible to transact business in Texas.~~ The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. The insurance shall be a policy of commercial general liability insurance, including broad form coverage, products and completed operations, and personal injury and advertising injury in an amount not less than \$1,000,000.00 12-month aggregate, and \$1,000,000.00 per occurrence.

(c) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all pedicabs within such coverage may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance required in subsection (b) shall be carried by licensees at all times while operating a pedicab and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

**Secs. 46-177—46-190. Reserved.**

## **ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES**

### **DIVISION 1. GENERALLY**

#### **Sec. 46-191. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Chauffeured limousine shall mean:*

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend

its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements;

- c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (i) has a passenger capacity of not less than ~~five~~six persons nor more than nine persons, including the driver; (ii) has a manufacturer's suggested base retail selling price of not less than \$37,600.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1<sup>st</sup>; and (iii) is either less than or equal to six years of age;
- d. A passenger van with a ~~manufacturer's rated~~ passenger capacity of 9 to 15 persons (including the driver), which vehicle is less than or equal to ~~ten~~seven years of age; or
- e. An antique, classic, or special interest vehicle.

For the purposes of this article, *antique* shall ~~mean~~s a vehicle that is 25 years old or older; *classic* shall ~~mean~~s a vehicle recognized by the Classic Car Club of America; and *special interest* shall ~~mean~~s a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to six years of age, ~~seven years of age~~, ten years of age, or is an antique, classic or special interest vehicle within the meaning of this article. In no event will a vehicle other than an antique vehicle be allowed in service for the first time with mileage in excess of 100,000 miles for vehicles, which mileage shall be determined from the odometer and from odometer and title records.

*Chauffeured limousine service* shall ~~mean~~s the business of renting or leasing a chauffeured limousine, as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, ~~for any period of time not less than two hours~~ to be used by the person or persons hiring the vehicle or under their direction and authority for the period of time the vehicle is rented or leased. Specifically excluded from this definition are the following:

- a. Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service;
- b. Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, school vehicles, low speed shuttles, and transportation network vehicles permitted and licensed by the city;~~All taxicabs licensed by the city;~~ and
- c. All vehicles operating under a contract with the city.
- d. ~~All sightseeing or charter vehicles licensed by the city.~~

*Extended body* ~~shall~~ means that a vehicle ~~has~~ shall have been modified to extend its original factory wheelbase by 40 inches or more in conformity with any applicable state or federal safety laws, standards, and regulations.

*Gross receipts* ~~shall~~ means the aggregate of all sums collected by the licensee in the operation of either a sightseeing or charter service or a chauffeured limousine service; provided, however, that in the case of a chauffeured limousine service, the term "gross receipts" shall not include or apply to revenues derived from providing chauffeured limousine services involving a vehicle leased or rented from another chauffeured limousine agency that makes a similar charge to the licensee providing the service to the customer.

*License* ~~shall~~ means a sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to division 2 of article 1 of this chapter~~article~~.

*Licensee* ~~shall~~ means the person in physical control of a motor vehicle operated as a sightseeing or charter vehicle or a chauffeured limousine who is the holder of a current and valid sightseeing or charter service or chauffeured limousine service ~~driver's license issued pursuant to the applicable provisions of this article~~.

*Luxury motor vehicle* ~~shall~~ means a vehicle that has a manufacturer's suggested base retail selling price of not less than \$33,000.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1<sup>st</sup>.

*Passenger van* means a motor vehicle built on a small truck chassis that is constructed or adapted to provide a passenger seating capacity of not less than 9 but not more than 15 persons, including the driver.

*Permit shall—means* authorization to operate a sightseeing or charter service or a chauffeured limousine service pursuant to this article.

*Permittee shall—means* any person, partnership, corporation, firm, joint venture, limited liability company, association, organization, and any other entity holding a permit issued pursuant to this article.

*Sightseeing or charter service shall—means* the transporting of passengers by charter between points within the city and between such points and points without the city upon a route including stops at various points of public interest and providing for eventual discharge at the place at which such passengers are picked up. From such definition is specifically excluded the discharge of passengers from points other than those at which they are picked up.

*Sightseeing or charter vehicle shall—means* a motor vehicle with a manufacturer's seating capacity of 16 persons or more, including the driver, manufactured, certified, and operated in compliance with the minimum requirements of the Federal Motor Vehicle Safety Standards and Regulations, as amended.

**Secs. 46-192—46-199. Reserved.**

DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

**Sec. 46-200. Scope.**

The provisions of this division shall apply to charter and sightseeing services and permittees thereof.

**Sec. 46-201. Permit and license required.**

It shall be unlawful for any person to operate a sightseeing or charter service, or to drive or cause to be operated or driven any sightseeing motor vehicle or charter service motor vehicle upon and over the streets of the city, until such time as the director has approved and issued a permit for such service and a license.

**Sec. 46-202. Permit term; operations authorized.**

(a) A permit shall be issued for a term of ten years and shall authorize the permittee to operate in a manner under which persons picked up at various points are taken upon a route including stops at various points of public interest and eventually discharged at the place at which they were picked up. Proof that persons carried by a permittee are discharged and leave the motor vehicle at points other than those at which they are picked up shall constitute grounds for termination of the permit under the provisions hereinafter stated for notice and hearing; provided, that should a permittee have scheduled routes under which "pickups" are made at several points within the business district of the city, then passengers who are picked up and carried over an

entire sightseeing route of not less than ten miles in length may be discharged at any of the scheduled discharge points within the business district without constituting a violation of the terms of the permit.

(b) A permit for a charter and sightseeing service shall also authorize the operation of a charter service between points within the city and between such points and points without the city; provided however, that in operating motor vehicles for charter service from motels and hotels to transport visitors to and from various sporting events:

- (1) A permittee shall not advertise locally except by use of posters or notices in said motels and hotels; and
- (2) A permittee shall wait for the passengers and bring them back to the point of origin.

**Sec. 46-203. Reserved. License term; issuance procedure.**

~~— A license shall be valid for two years from the date of issuance. Licenses shall be issued in a manner consistent with the requirements established in division 3 of article II of this chapter regarding the issuance of taxicab driver's licenses.~~

**Sec. 46-204. Permit application; issuance procedure.**

(a) An application for a permit shall be submitted on forms to be furnished by the director, and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The name and form of business under which the service will be operated. (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.)
- (2) The name, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information a permittee shall keep~~always be kept~~ current).
- (3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle that the applicant proposes~~desires~~ to place into operation and a statement as to the legal ownership of each vehicle.
- (4) A description of the sightseeing tours that the applicant proposes to furnish and a schedule of the routes proposed to be followed.
- (5) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's sightseeing or charter service

will be operated and that such use of the location is in compliance with any applicable deed restrictions.

(b) An applicant for a permit under this division must:

- (1) Be not less than 18 years of age ~~and of good moral character.~~
- (2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.
- (3) Be able to read and write the English language.
- (4) Not have had a license or permit issued under this chapter denied, revoked or refused for renewal within the one-year period preceding the date of filing of the application.

(c) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer or, ~~a director or a holder of ten percent or more of the outstanding shares,~~ shall be required to join in filing the application and all of the ~~herein set forth~~ provisions and requirements of this chapter applicable to individual applicants shall apply to and be required of each ~~such~~ partner, associate, officer or, director, ~~or shareholder.~~ Failure of any of ~~thesethe~~ persons ~~heretofore mentioned~~ to meet ~~thesuch~~ requirements shall be grounds to deny the application of the partnership, association or corporation.

(d) Any change in associates, partners, officers, or directors, ~~or shareholders~~ of the business entity holding a permit ~~issued by the city~~ shall require a permit amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, or directors, ~~or shareholders~~ shall complete and file the forms and supply the information required of applicants for permits. The director shall consider the information supplied regarding the new or proposed associate, partner, member or officer, or director of the permittee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit would be issued under the terms of this article, he shall change his records to reflect the new associate, partner, member or officer, or director of the permittee.

(e) Except as provided in section 46-218 of this Code, the addition, removal or substitution of any vehicle with a replacement vehicle operated pursuant to a permit shall require a permit amendment.

(f) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application to the applicant with a statement of deficiencies.

(g) The director shall review complete applications to determine whether the applicant has met all applicable requirements of this article and of other applicable provisions, including section 1-10 of this Code. If so, the director shall issue the permit without conducting a hearing. If, based upon the review, the director determines that one or more requirements may not have been met, the director shall afford the applicant the right to a hearing before acting on the application.

(h) Prior to the denial of an application, the director shall notify the applicant of the proposed grounds for denial and that the applicant may, within 15 business days following the date of deposit of the notice in the mail, request a hearing. Where the grounds are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds.

(i) In the event that the director approves the permit, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, and submission of proof of insurance.

(j) A permit does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose pursuant to the applicable provisions concerning the issuance of vehicle for hire driver licenses contained in this chapter.

#### **Sec. 46-205. Vehicle certification decals.**

Upon the director's issuance of a permit, the permittee shall furnish to the director a list of the vehicles that he proposes to operate, describing them in such detail as the director may require. The permittee shall furnish to the director similar descriptions and details when he proposes to place any additional vehicle in operation or withdraw from operation any vehicle theretofore operated. The director shall determine the number of vehicles a permittee shall be authorized to operate at any one time. The director shall devise a system of identification for ~~authorized~~ such vehicles and prescribe and issue a certification decal identifying each vehicle as one lawfully operated under the permit.

#### **~~Sec. 46-206. Waiting period before being eligible to reapply.~~**

~~A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.~~

#### **Sec. 46-207. Insurance requirements.**

(a) Every vehicle operated under a permit issued pursuant to the provisions of this division shall at all times be covered by commercial automobile liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain provisions for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and

for the giving of 30 days written notice to the director before cancellation of such policy is effective. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all sightseeing and charter service vehicles within such coverage may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate.

(c) The insurance required in subsection (a) shall be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

**Sec. 46-208. Maintenance and operation of vehicles; qualifications of licensees.**

(a) ~~A~~ ~~no~~ permittee shall not permit or cause to be driven, ~~and~~ ~~nor~~ shall not any licensee drive, on any street of the city any vehicle which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any permittee and licensee to fail to comply ~~and~~ to fail to require compliance with any of the provisions of this article.

(b) All vehicles operating as a sightseeing or charter service shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(c) All vehicles operating as a sightseeing or charter service shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights in good working condition, which shall be lit from one-half hour after sunset to one-half hour before sunrise, and four-wheel hydraulic or air brakes in good working condition.

(d) Every vehicle operating as a sightseeing or charter service shall have posted in a conspicuous place in the vehicle the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial number indicating the sightseeing or charter service vehicle's route in accordance with the classification and enumeration of routes as the director may devise and order.

(e) The director, ~~or his duly appointed representative,~~ may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if the director finds, ~~as a result of such inspection,~~ any vehicle is found to be in an

unsatisfactory condition, he shall notify the owner or operator thereof ~~shall be notified~~ of the defects observed. The owner or operator and shall immediately correct all defectssame to the satisfaction of the director. If the director finds any sightseeing or charter service vehicle to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of the sightseeing or charter service and thesueh operator shall not thereafter cause or permit thesueh vehicle to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of sightseeing or charter service vehicles shall be given free and ready access to all sightseeing or charter service vehicles. Proof of a valid state inspection in the last six months will suffice for the purposes of this subsection in determining that the sightseeing and charter vehicle is fit and safe for the carriage of passengers.

(f) Licensees shall not smoke or use tobacco during the time they are driving vehicles that are operating as a sightseeing or charter service.

(g) ~~AN~~ licensee not shall drive for more than 12 hours in any consecutive 24-hour period and ~~an~~ permittee shall not permit or cause a licensee to drive a vehicle operating as a sightseeing or charter service more than 12 hours in any consecutive 24-hour period.

(h) The doors of a vehicle operated as a sightseeing or charter service shall be securely closed at all times while the vehicle is in motion.

(i) Passengers of a sightseeing or charter service shall not be picked up or discharged in the traveled portion of any street. Licensees shall pull the vehicle to the curb and pick up and discharge the passengers on the side of the vehicle immediately against the curb.

(j) ~~AN~~ licensee shall not permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, ~~or nor shall any licensee~~ permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

#### **Sec. 46-209. Schedule of fares.**

Upon being issued a permit, a permittee shall file with the director a complete schedule of fares to be charged. In the event any changes are made in thesueh fares, the permittee shall file thesueh changes with the director not later than 30 days before the effective date of thesueh changes.

#### **Sec. 46-210. Routes and schedules.**

Permittees shall operate sightseeing and charter service motor vehicles only over and along routes and schedules filed with and approved by the director. The permittee shall submit all proposed routes and schedules for review and approval by the director.

Routes and schedules may be amended from time to time. Routes shall not be exclusive.

**Sec. 46-211. Annual permit fee.**

(a) *Fees.* The annual fee for a permit under this division for each sightseeing or charter vehicle is stated for this provision in the city fee schedule and is payable to the department of administration and regulatory affairs in two installments on or before January 1st and June 1<sup>st</sup> of each calendar year in amounts prescribed in the city fee schedule. In the event the permit is issued for a period of time less than one year, the fee shall be prorated, payable at the rate stated for this provision in the city fee schedule for each month or fraction thereof remaining in the calendar year, not to exceed the full annual fee. The reissuance of each certification decal that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the sightseeing or charter service vehicle.

(b) *Refunds.* Within 90 days of the expiration of any calendar year a permittee may apply to the director for a refund of a portion of its permit fees if the permit fees paid for the previous calendar year exceed two percent of the permittee's gross receipts. ~~The permittee shall make a refund application shall be made~~ on the form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in a form approved by the director. The application, as well as any supplementary material required by the director, must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant or conform to minimum state law requirements for unsworn declarations. The applicant shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item and that the applicant either: (i) has personal knowledge of each matter affirmed or declared, or (ii) has conducted a thorough investigation into each matter affirmed or declared. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or
- (2) Deny the refund.

(c) *Additional to other required fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.

**Sec. 46-212. Statements, reports, records.**

Permittees shall furnish and render to the director ~~such~~ statements and reports incident to the operation of a sightseeing or charter service required by ~~authorized as~~ the

director, including but not limited to records of ~~thesuch~~ operation sufficient to show the amount of ~~his~~ gross receipts during any and every monthly period.

**Secs. 46-213—46-215. Reserved.**

**Sec. 46-216. Transfer of permitlicense.**

~~A permit may not be transferred transfer of a sightseeing and charter service license issued shall be effective unless it be in writing, in duplicate, signed by the transferor and by the transferee, stating the true consideration of such transfer, accompanied by the transferee's application substantially in the form prescribed in section 46-203 of this Code, which shall be filed with the city secretary, and also accompanied by the certificate of the director that he has found and determined that the public necessity and convenience will be justified and served by such transfer. No transfer of a license shall be effective until the transferee has complied in all respects with the terms of this division.~~

**Sec. 46-217. Reserved.**

**Sec. 46-218. Temporary certification decals.**

In addition to the vehicles regularly operated by a permittee, the permittee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. Temporary certification decals shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at the fee stated for this provision in the city fee schedule per vehicle, per certification decal, upon provision to the director of proof of the identity of the vehicle to be used including verification that the vehicle is in compliance with all requirements of this division including proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the certification decal is issued. For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year), proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the permittee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.

**Secs. 46-219—46-229. Reserved.**

### DIVISION 3. CHAUFFEURED LIMOUSINE SERVICE

**Sec. 46-230. Scope.**

The provisions of this division shall apply to chauffeured limousine services and permittees thereof.

**Sec. 46-231. Permit required.**

(a) It shall be unlawful for any person to operate a chauffeured limousine service or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service in the City of Houston, unless the person holds a current and valid chauffeured limousine service permit that has been issued under this division.

(b) It is an affirmative defense to prosecution under this section that the chauffeured limousine is not being operated for the purpose of serving any passenger in exchange for consideration or the trip originated in a jurisdiction outside the city in which the chauffeured limousine is operated in compliance with all applicable laws. The provisions of this section shall not be construed to authorize a chauffeured limousine from another jurisdiction to originate any passenger service trip within the city.

**Sec. 46-232. Annual permit fee; other fees and taxes to be paid.**

(a) *Required.* The annual fee for a permit under this division for each limousine is stated for this provision in the city fee schedule and is payable to the department of administration and regulatory affairs in two installments on or before January 1st and June 1st of each calendar year in amounts prescribed in the city fee schedule. In the event the permit is issued for a period of time less than one year, the fee shall be prorated, payable at the rate state for this provision in the city fee schedule for each month or fraction thereof remaining in the calendar year, not to exceed the full amount of the annual fee. The reissuance of any certification decal that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the limousine. ~~Failure to pay the permit fees when due shall result in revocation, as provided in section 46-244(d) of this Code.~~

(b) *Refunds.* Within 90 days of the expiration of any calendar year a permittee may apply to the director for a refund of a portion of its permit fees if the permit fees paid for the previous calendar year exceed two percent of the permittee's gross receipts. ~~The permittee shall make a refund application shall be made on the form promulgated by the director.~~ The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant or conform to minimum state law requirements for unsworn declarations. The applicant shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item and that the applicant either: (i) has personal knowledge of each matter affirmed or declared, or (ii) has conducted a thorough investigation into each matter affirmed or declared. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

(1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or

(2) Deny the refund.

(c) *Additional fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.

**Sec. 46-233. Application for permit—Form.**

(a) An application for a permit shall be submitted on forms to be furnished by the director and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public or conform to minimum state law requirements for unsworn declarations:

(1) The name and form of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.);

(2) The name, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information a permittee shall keep~~always be kept~~ current);

(3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle, and a statement as to the legal ownership of each vehicle proposed to be placed into operation as a chauffeured limousine;

(4) Documentary evidence from an insurance company indicating a willingness to provide insurance or proof of current coverage of insurance as required in section 46-238 of this Code; and

(5) Any additional information as requested by the director for the administration of this division.

~~(b) An applicant for a license under this division must:~~

~~(1) Be not less than 18 years of age and of good moral character.~~

~~(2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.~~

~~(3) Not have had a permit issued under this division denied, revoked, or not renewed for cause by the city within the one-year period preceding the date of filing the application.~~

~~(4) Be able to read and write the English language.~~

~~(c) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer or, a director ~~or~~ a holder of ten percent or more of the outstanding shares, shall be required to join in filing the application and all of the herein set forth provisions and requirements of this chapter applicable to individual applicants shall apply to and be required of each ~~such~~ partner, associate, officer, or director, ~~or shareholder~~. Failure of any of ~~thesethe~~ persons heretofore mentioned to meet ~~thesuch~~ requirements shall be grounds to deny the application of the partnership, association or corporation.~~

~~(cd) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit issued by the city shall require a permilicense amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for permits. The director shall consider the information supplied regarding the new or proposed associate, partner, member or officer, or director of the permittee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit would be issued under the terms of this article, the directorhe shall change his records to reflect the new associate, partner, member or officer, or director of the permittee.~~

~~(de) Except as provided in section 46-235(b) of this Code, the addition, removal, or substitution of any vehicle with a replacement vehicle pursuant to a permit shall require a permit amendment.~~

~~(ef) Each permittee is required to maintain and operate at all times as part of his city authorized vehicle fleet of either:~~

~~(1) Not less than three chauffeured limousines, including at least one extended body type vehicle; or~~

~~(2) Not less than four chauffeured limousines.~~

~~The provisions of this requirement shall not extend to renewals or amendments of permits that were originally issued on the basis of applications that were filed on or before January 1, 2013; provided however, the revocation of a permit operated pursuant to this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services in the city.~~

~~—(g)(1) In addition to any other information required to be provided under this section, each applicant for issuance, renewal, or amendment of a permit shall be required to advise the director in writing upon the application form whether the applicant desires privileges to operate the limousine(s) covered by the permit upon the property of city airports.~~

~~(2) Each permittee who desires privileges to operate upon city airports is required to maintain and operate at all times under the permit a city authorized fleet of either:~~

~~a. Not less than three chauffeured limousines, including at least one extended body type vehicle, or~~

~~b. Not less than four chauffeured limousines.~~

~~—The provisions of this requirement shall not extend to renewals or amendments of permits that were originally issued on the basis of applications that were filed on or before November 1, 2000; provided however, the revocation of a permit operated pursuant to this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services upon city airports.~~

(f3) The director shall cause each permit that is issued, renewed, or amended and any certification decals or other evidence of authorization to operate a chauffeured limousine to indicate whether or not the permittee and vehicles have city airport privileges under this subsection.

(g4) It shall be unlawful for any person to operate or cause to be operated any chauffeured limousine that does not have city airport privileges under this subsection upon any city owned or operated airport. Additionally, violation of this subsection shall be grounds for revocation or suspension of the offender's permit and license.

**Sec. 46-234. Permit issuance procedure.**

(a) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application to~~shall be returned,~~ and the applicant with a statement of deficiencies~~shall be so advised.~~

(b) The director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and of other applicable provisions, including section 1-10 of this Code. If so, the director shall issue the permit without conducting a hearing. If, based upon the review, the director determines that

one or more requirements may not have been met, the director shall afford the applicant the right to a hearing before acting on the application.

(c) Prior to the denial of an application, the director shall afford the applicant notice of the proposed grounds for denial and that the applicant may, within 15 business ~~thirty~~ days following the date of deposit of the notice in the mail request a hearing. Where the grounds are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds.

(d) In the event that the director approves the permit ~~is approved~~, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, inspection of vehicles to be utilized, and submission of proof of insurance.

(e) A permit does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose pursuant to the applicable provisions concerning the issuance of vehicle for hire driver's licenses contained in this chapter ~~as provided in section 46-239 of this Code~~.

(f) No chauffeured limousine for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether the operator ~~he~~ is an employee or other person operating under a written agreement. Any person driving or operating a chauffeured limousine upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee.

**Sec. 46-235. Permit—Term; renewal; number of vehicles; identification certificate.**

(a) Permits shall be issued for a term of five years. Permittees desiring to have reissuance of their permit shall, at least 60 days prior to the expiration of the permit, file with the director a written application for a renewal of their permit. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new permits. A permit shall be valid only for the vehicles listed thereon and any vehicles reported under an amendment to the application filed pursuant to section 46-233 of the Code, which vehicles must also pass inspection under section 46-236 of the Code.

(b) In addition to the vehicles regularly operated by a permittee, the permittee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. The director shall issue ~~Temporary certification decals shall be issued~~ for a term of 30 consecutive

calendar days to commence on the date of issuance at the fee stated for this provision in the city fee schedule per vehicle, per certification decal, upon the permittee's provision to the director of proof of the identity of the vehicle to be used. Proof of identity shall include~~including~~ verification that the vehicle is in compliance with all requirements of this division ~~and including~~ proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the temporary certification decal is issued. ~~For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year), proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the permittee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.~~

**Sec. 46-236. Inspection fee; maintenance equipment.**

(a) Each permittee shall cause each limousine operated under his permit to be submitted for inspection by the director from time to time at intervals not exceeding 12 months as more particularly provided in section 46-237 of this Code. The director shall inspect each limousine and determine whether it is in full compliance with the terms of this article. If so, the permittee shall be given an inspection compliance decal for the limousine, which shall be valid for 12 months from the date of its issuance. The inspection compliance decal shall be affixed by the director to the windshield of the vehicle. It shall be unlawful to drive or to cause to be driven any limousine permitted under this division that does not have a current inspection compliance decal affixed by the director.

Each permittee shall pay to the director an inspection fee stated for this provision in the city fee schedule for the inspection services described in this section for each limousine operated pursuant to this division.

(b) All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in good working condition.

(c) All vehicles shall be air-conditioned and equipped with interior and exterior rearview mirrors, windshield washers and two-speed windshield wipers, proper headlights and taillights that shall be in operation from one-half hour ~~before~~after sunset to one-half hour ~~after~~before sunrise when the limousine is in operation. The inspection shall include, but not be limited to, the following items: Vehicle identification number; date of purchase; foot brakes; ~~parking~~emergency brake, headlights; taillights; brake lights; turn signal lights; license plate lights; horn; two-speed windshield wipers; interior and exterior rear vision mirrors; air conditioner; tires; muffler and tail pipe; condition of the body; condition of the fenders; condition of the paint; condition of the interior; current state inspection sticker; state license plates; speedometer readings; mileage; steering. Brakes, seat belts and all other safety, noise and antipollution requirements specified by

the United States Government and the state shall be complied with at all times. The brakes shall always be kept in good working condition.

**Sec. 46-237. Tests and inspections of limousine vehicles.**

(a) ~~The director may at any time, and shall at least once each year, make tests and inspections of all limousine vehicles then in operation to assure that they are in compliance with the terms of section 46-236 of this Code, and if upon a result of the inspection the director finds a or test any limousine vehicle is found not in compliance to comply with any of the requirements therein set out, he shall notify the permittee shall be notified of the defects observed. The permittee and he shall immediately correct the defect same to the satisfaction of the director.~~ Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The director shall be given access to the vehicles at all reasonable times. Failure to submit a vehicle requested for inspection by the director shall be cause for suspension of the operation of the vehicle until such time the vehicle is submitted for inspection and it is determined that the vehicle is in compliance with the terms of section 46-236 of this Code.

(b) Additionally, a licensee or permittee may drive or cause to be driven a sedan-type luxury motor vehicle or sport utility vehicle operated as a chauffeured limousine for an additional one-year period beyond the age limitations prescribed in subitems (a) and (c), respectively, of the definition of chauffeured limousine in section 46-191 of this Code provided:

- (1) The licensee or permittee submits the sedan-type luxury motor vehicle or sport utility vehicle for inspection at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the chauffeured limousine; and
- (2) The vehicle is determined to be in compliance with the provisions of section 46-236 of this Code and any other conditions of operation prescribed by the director.

**Sec. 46-238. Insurance requirements.**

(a) Notwithstanding any other provision of this article to the contrary, no permit shall become effective nor shall chauffeured limousine services be provided until the person to whom the permit is granted has filed with the director the requisite proof of insurance ~~executed issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, an insurance company duly and legally authorized to do business in this state~~ insuring the general public against any loss or damage that may result to any person or property from the operation of chauffeured limousine vehicles covered by his permit.

(b) The insurance required in subsection (a) shall be in a form of commercial automobile liability coverage with limits of not less than ~~\$1,000,000.00~~500,000.00 combined single limit per accident issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies ~~occurrence, or limits of not less than \$250,000.00 for bodily injury to one person or the death of one person, and \$500,000.00 for bodily injury to or death of all persons injured or killed in any one accident and \$100,000.00 for property damage.~~ The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States.

(c) The insurance shall be for the protection of the passengers of limousine vehicles as well as for the general public, ~~but shall not be required to cover personal injuries sustained by the servants, agents or employees of the permittee.~~ The required insurance shall name the city as an additional insured. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and a provision requiring that 30 days written notice shall be given the city before cancellation of the policy is effective.

(d) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from liability. The director shall thereupon give written notice to the permittee and demand that such permittee furnish evidence of new insurance obtained before the expiration of the policy.

(e) If any policy is cancelled as herein provided, or expires, and no new policy is filed by the permittee before the cancellation or expiration of the original insurance, the permit shall automatically be suspended, and the permittee shall discontinue the operation of the affected vehicles within the city. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the license shall automatically terminate.

~~(f) The insurance required in this section shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.~~

**Sec. 46-239. License; other driver requirements.**

(a) ~~AN~~ person shall not operate a limousine upon the streets of the city unless he holds a current and valid license.

(b) At all times while in service, whether physically operating a limousine, assisting passengers, or performing other duties attendant to the provision of limousine

service, it shall be the duty of the licensee to conspicuously display his license upon his upper chest. The license may be attached to the driver's outer shirt or jacket pocket or lapel, suspended from a necklace or displayed in an equivalent manner on the driver's outer garments. In any prosecution under this subsection, it shall be presumed that the driver was not in possession of a current and valid license if the license card was not conspicuously displayed as aforesaid.

(c) A licensee shall not drive for more than 12 hours in any consecutive 24-hour period and a permittee shall not permit or cause a licensee to drive a chauffeured limousine more than 12 hours in any consecutive 24-hour period.~~Licenses shall be issued in all respects on the same basis and subject to all of the same requirements established in division 3 of article II of this chapter for the issuance of taxicab driver licenses.~~

~~(d) Each licensee shall, while operating a permittee's limousine, wear business attire (a dress shirt and matching slacks, dress, or skirt) or a chauffeur's uniform with a dress shirt or blouse and, for men, an appropriately tied neck tie. Additionally, each licensee shall be authorized to wear other appropriate attire prescribed by the director pursuant to section 46-192 of this Code.~~

~~(ed) It is an affirmative defense to prosecution under this section that the person driving a limousine had been engaged by the permittee to perform repairs or servicing of the vehicle, and that the vehicle was not in service at the time of the alleged offense.~~

**Sec. 46-240. Written or electronic vehicle rental agreements.**

(a) A written or electronic vehicle rental agreement shall be entered into by the permittee and any person renting or leasing any chauffeured limousine. All vehicle rental agreements shall include, among other things: the name(s) of the permittee and the name of the assigned licensee; the name(s) of the passenger(s); the date and time of hiring; the scheduled pickup and drop-off addresses or locations; the date and time of release of the vehicle; and the rates applicable to the vehicle. In addition to the foregoing information, all vehicle rental agreements for service originating at city airports shall also include the airline name, flight number, and scheduled date and time of arrival. The permittee shall deliver a ~~copy of the vehicle rental agreement shall be delivered~~ to the renting or leasing party at the time the vehicle is released or, if a monthly statement is submitted, at that time. A completed copy of the bill submitted showing the total fare charged and received shall be retained by permittee for a period of two years from the date of contract. Upon request, the permittee shall make available to the director ~~or his designated agent~~ completed copies of the vehicle rental agreements retained within the two-year period.

(b) A copy of the vehicle rental agreement form shall be filed with the director who shall approve the form before the permittee may operate his vehicles under this article.

**Sec. 46-241. Operation from permittee's usual place of business, etc.**

(a) A permittee shall operate only from his usual place of business, ~~and his vehicles shall be dispatched therefrom;~~ provided, however, if any permittee has a written agreement authorizing the permittee to operate from a hotel or motel, that place shall be considered a usual place of business when a copy of the agreement is filed with the director.

(b) The permittee shall not operate out of a house or store or maintain any of his vehicles at any place of public accommodation unless the limousine is at that time hired. It shall be the duty of each licensee to present a copy of the rental agreement required under section 46-240 of this Code to any administration and regulatory affairs department employee or police officer upon request to evidence compliance with this section. If the licensee fails to produce a rental agreement evidencing compliance it shall be presumed in any prosecution under this subsection that the licensee's presence at the public place of accommodation was unlawful.

(c) The licensee shall not approach potential customers in any public place for the purpose of soliciting their business, ~~and no advertising sign shall be displayed inside the limousine at any time;~~ and the only advertising that may be displayed outside the limousine shall be limited to the name and telephone number of the permittee on the front and rear license plate frames in individual letters not to exceed one inch in length ~~height~~ and width with the cumulative size not to exceed beyond one inch the length and width of the license plates.

~~(d) All mobile dispatch services or any person acting in concert therewith shall operate only on a pre-arranged vehicle for hire transportation service basis in providing chauffeured limousine services.~~

**Sec. 46-242. Operation upon city airport property.**

No licensee shall operate a limousine upon the property of any city airport except for the purpose of discharging passengers whose trips originated elsewhere or for the purpose of rendering service to deplaning passengers who wish to be transported from the airports. No licensee shall park or stand his limousine upon airport property except for the purpose of actually loading or unloading passengers in accordance with a rental agreement executed under section 46-240 of this Code, nor shall any licensee enter or remain upon airport property unless his limousine has permanently affixed on the windshield an automatic vehicle identification tag in accordance with policies and procedures promulgated by the director of aviation. It shall be the duty of each licensee to present a copy of the rental agreement instrument required under section 46-240 of this Code to any aviation department employee, administration and regulatory affairs department employee, or peace officer upon request to evidence compliance with this section. If the licensee fails to produce the rental agreement evidencing compliance, it shall be presumed in any prosecution under this subsection that the licensee's presence upon the airport property was unlawful.

**Sec. 46-243. Schedule of fares.**

~~\_\_\_\_\_ (a) The minimum fare of \$70.00 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than \$15.00 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited.~~

~~\_\_\_\_\_ (b) Permittees shall file with the director a schedule of fares or rates to be charged. Permittees shall advise the director of any change in its schedule of fares or rates within five calendar days of the change on a form prescribed by the director, which schedule must be approved or denied within 15 days after receipt by the director. Failure of the director to act on the request shall be deemed to be a denial by him.~~

~~\_\_\_\_\_ (c) It shall be unlawful for any person to operate a chauffeured limousine service, or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service, for less than the minimum fare prescribed in subsection (a) of this section.~~

**~~Sec. 46-244. Waiting period before becoming eligible to reapply.~~**

~~\_\_\_\_\_ A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.~~

**Sec. 46-245. Transfer of permit or license.**

A permit or license may not be transferred.

**~~Sec. 46-246. Inspection—After accident.~~**

~~\_\_\_\_\_ A limousine involved in an accident shall not thereafter be used in limousine operations until it has been inspected by the director. If the director's inspection reveals that the limousine has been damaged to an extent that it is not in a reasonably good operating condition from the standpoint of the safety, health and comfort of passengers, or that the limousine has suffered damage in excess of \$1,000.00, the limousine shall be ordered out of service until the director has authorized the return of the limousine to limousine operations, which authorization shall not be given until proper repairs or corrections have been made.~~

**Secs. 46-2467—46-275. Reserved.**

## ARTICLE V. SCHOOL VEHICLES

### DIVISION 1. GENERALLY

#### Sec. 46-276. Definitions.

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*License* means a school vehicle ~~service-driver's license issued pursuant to division 2 of article I of this chapter~~article.

*Licensee* means any person in physical control of a school vehicle who is the holder of a current and valid school vehicle driver's license ~~issued pursuant to this article~~.

*Permit* means authorization to operate a school vehicle ~~service~~ pursuant to this article.

*Permittee* means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization and any other entity holding a permit issued pursuant to this article.

*School* means a public or private facility offering any one or more of: (i) day care or preschool programs, (ii) kindergarten, (iii) regular grades 1 through 12 or (iv) alternative programs for students under 21 years of age who have physical or learning disabilities or other special needs. The term also includes governmentally-sponsored job training centers, regardless of the age of persons attending the centers.

*School vehicle* means any motorized vehicle, whether a conventional sedan, station wagon, van, bus or other type, with a manufacturer's rated seating capacity of not more than 15 passengers, including the driver, that is used for hire to transport students to or from any school that is situated in the city or that is used under the sponsorship of the school to transport students to or from any school-sponsored activity of a school that is situated in the city. The term excludes any vehicle owned or leased by the person who operates the school and operated by that person's employees for the primary purpose of providing transportation to students of the school, and any intrastate or interstate motor bus operating under Texas Department of Transportation or federal licensing jurisdiction.

*School vehicle service* means the business of transporting passengers for hire by means of a school vehicle. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, ~~and low speed shuttles,~~ and transportation network vehicles permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city.

*State certificate* means a current and valid certificate pursuant to Chapter 14, Part 1, Title 37 of the Texas Administrative Code evidencing that the holder is enrolled in or has completed a driver training course in school bus safety education that has been approved jointly by the Texas Board of Education and the Texas Department of Public Safety. The term additionally means and includes a current and valid driver's license of a class that authorizes the operation of a school vehicle of the largest capacity that the driver will be assigned to drive.

*Student* means a person who is enrolled in a school.

**Sec. 46-277. Reserved.**

**Sec. 46-278. Article is cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of the other articles of this chapter. No vehicle operated under a license or permit issued under another article of this chapter may be utilized as a school vehicle except by additionally complying with this article.

**Secs. 46-279—46-285. Reserved.**

## DIVISION 2. PERMITS AND LICENSES

**Sec. 46-286. Permit and license required.**

(a) It shall be unlawful for any person to operate or cause to be operated any school vehicle service unless a permit has been issued for the operation of the school vehicle service under this article.

(b) It shall be unlawful for any person to act as a licensee unless the person receives a license and is designated as a licensee on the permit that pertains to that school vehicle. It is a defense to prosecution under this subsection that the vehicle was not being used for the transport of any student at the time of the alleged offense.

**Sec. 46-287. Permit and license applications.**

(a) Each person desiring to obtain a permit shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article. The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised. The application shall be completed by and, if granted, issued in the name of the person who owns the entity that will operate the school vehicles. A nonrefundable application process fee in an amount stated for this provision in the city fee schedule shall be payable upon the filing of each application. Each application shall be accompanied by:

- (1) A list of vehicles proposed to be utilized;
- (2) A list of the licensees proposed to operate pursuant to the permit;
- (3) A copy of each licensee's state certificate; and
- (4) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director; and-
- (5) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's school vehicle service will be operated and that such use of the location is in compliance with any applicable deed restrictions.

(b) Except where otherwise provided in this article, licenses for school vehicles shall be issued in a manner consistent with the requirements established in division 23 of article II of this chapter regarding the issuance of taxicab driver's licenses; provided however, compliance with the requirements of items (10) and (11) of section 46-88 of this Code shall not be applicable to an applicant for a license issued pursuant to this article.

**Sec. 46-288. Review.**

(a) Following review of the application, the director shall notify the applicant of intent to issue the permit unless:

- (1) The applicant or any proposed licensee is determined to be unfit in accordance with the criteria of section 1-10 of this Code following a hearing under section 1-9 of this Code;
- (2) The applicant fails to demonstrate that each proposed licensee has a state certificate;

- (3) The applicant, if a natural person, is not yet 18 years old;
- (4) The applicant, or a representative of the applicant who shall be designated as the liaison with the director, is unable to read and write the English language;
- (5) Any information provided in the application was materially incomplete or false; or
- (6) The applicant or any one of the proposed licensees has had a permit or license issued pursuant to this chapter or a school bus license issued by ordinance denied, revoked or refused for renewal by the city within the one-year period preceding the date of filing of the application.

(b) In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. If the application is denied in whole or in part upon the basis of first criterion specified above, the applicant shall be entitled to appeal the decision regarding the first criterion in the manner provided by the applicable state law. If the application is denied in whole or in part on the basis of any of criteria (2) through (6), above, then the applicant may request a hearing regarding the denial under those criteria by submitting a written notice of appeal to the director within 15 business days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 business days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the permitted license.

(c) If the application is approved, the actual permit shall not be issued until the applicant has provided proof of vehicle ownership for each school vehicle, caused each school vehicle to be inspected, and provided proof of insurance for each school vehicle as required under sections 46-290, 46-292 and 46-293 of this Code, and has made payment of the annual permit fee prescribed in section 46-289 of this Code.

~~———— (d) A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.~~

**Sec. 46-289. Annual permit fee.**

(a) There is hereby assessed an annual fee which shall be payable by each permittee on or before November 1 of each year, provided that the director shall alternatively allow the fee to be paid in installments, with ½ due by November 1 and the balance by the following February 1.

(b) The amount of the fee is stated for this provision in the city fee schedule. There shall be no fee for replacement of a vehicle with another vehicle of equivalent capacity. In the event that a permit is issued after March 1, or in the event that an additional vehicle is placed into service after March 1, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to section 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (November 1 to October 31 of the following year) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of all permitted school vehicles. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the permittee the amount by which the total fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

**Sec. 46-290. Vehicle inspection.**

(a) It shall be unlawful for any licensee or permittee to drive or cause to be driven any school vehicle while in service for the transportation of any student, unless the vehicle has been inspected as required in this section or inspected and permitted by the Texas Department of Transportation.

(b) Each vehicle shall be inspected before it is initially placed into service and thereafter during October of each year by the director at such location as the director may specify. The director shall approve the vehicle if he determines that:

- (1) The vehicle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;
- (2) That the vehicle is marked as provided in section 46-301 of this Code;
- (3) The vehicle is in generally sound working condition with no apparent safety-related defects and has a functioning speedometer and odometer;
- (4) The vehicle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent required by state law; and
- (5) The vehicle has no seats that have been added in excess of the manufacturer's specifications.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the windshield of the vehicle. In any prosecution under this section, it shall be presumed that a vehicle has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall only be provided upon reinspection of the vehicle.

**Sec. 46-291. Permit and license terms; licensees and vehicles.**

(a) A permit shall be valid for five years from the date of its issuance. A license shall be valid for three years from the date of its issuance. A permit shall be valid only for the operation of the school vehicles designated thereon and operated by the licensees designated in the application, provided that each licensee designated continues to maintain a current and valid state certificate. No permittee shall suffer or permit the driving of any school vehicle while in service for the transportation of any student by a person not designated as a licensee on the application. It shall also be the duty of each permittee to ensure that no licensee continues to operate any school vehicle in the event that the licensee's state certificate expires without renewal or is revoked or suspended by the state.

(b) A permittee may add or delete licensees from those listed on the application by filing an amended application with the director for that purpose, which shall be accompanied by the filing fee stated for this provision in the city fee schedule. A copy of the state certificate shall be furnished for each person proposed to be added as a licensee.

(c) School vehicles may be added to or deleted from a permit by filing an amended application listing the vehicles to be added or deleted and providing proof of insurance and ownership for vehicles to be added as specified in sections 46-292 and 46-293 of this Code. Added vehicles may not be placed into service until they have been inspected and certified in accordance with section 46-290 of this Code. It shall be

the duty of the permittee to return the certification decal or remnants thereof for any vehicle that is removed from the permittee's authorized fleet.

**Sec. 46-292. Insurance.**

(a) Each school vehicle operated by a permittee shall be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) The policy must be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then the permit to which it pertains shall be suspended, and no school vehicle may be operated under the permit. If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate.

(c) Proof of the insurance required in this section shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

**Sec. 46-293. Ownership of vehicles, use of permitslicensees.**

(a) Each school vehicle must be registered to or leased on a long-term basis of at least a year to the permittee who operates the vehicle, a copy of which title or lease shall be provided to the director.

(b) It is the express intent of the city council in establishing the requirements of this section to ensure that permitteeslicensees are fully responsible for the maintenance and operation of their school vehicles and to avoid any sort of scheme or artifice in which school vehicles are operated by persons who "lease" permitslicenses or drive vehicles as "independent contractors." The director shall promulgate any regulations that are necessary to carry out this section. Without limitation, the regulations may require that each permitteelicensee make his drivers' payroll records available for inspection and copying by the director to verify compliance.

**Sec. 46-294. Transfer, non-exclusive.**

(a) A permit is personal to the permittee to whom it is issued and may not be sold, transferred or conveyed by operation of law or otherwise.

(b) Each permit is non-exclusive, and no limits or restrictions shall exist upon the number of school vehicles that may be authorized to operate pursuant to a permit in accordance with all applicable requirements of this article.

**Secs. 46-295—46-300. Reserved.**

### DIVISION 3. OPERATING RULES

**Sec. 46-301. Marking of vehicles.**

Each school vehicle shall be conspicuously marked on the right and left sides and upon the rear with the name of the permittee and the permittee's local telephone number. The information shall be in characters at least three inches high and having a brush stroke width of at least 3/8 of an inch.

**Sec. 46-302. Contracts required.**

Each permittee under this article shall have a contract in writing authorizing the carriage of each student who is transported.

**Sec. 46-303. Picking up and delivering students.**

Each licensee shall ensure that students are loaded and offloaded in a safe manner that does not invite hazardous exposure to traffic or other hazards.

**Sec. 46-304. Standees, seat belts.**

(a) To the extent required by state law, each school vehicle shall be equipped with a functioning seat belt for each passenger seating space.

(b) It shall be unlawful for a licensee to allow any greater number of persons to be on board the vehicle than the seating capacity of spaces.

(c) It shall be the duty of a licensee to exercise reasonable caution to ensure that the vehicle is not in motion at any time when any person is not seated and does not have his seat belt attached, if seatbelts are required by state law.

**Secs. 46-305—46-320. Reserved.**

## ARTICLE VI. JITNEYS

### DIVISION 1. GENERALLY

**Sec. 46-321. Definitions.**

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*Jitney* means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than nine nor more than 15 persons including the driver, that is operated upon a closed loop route following specified streets and highways in a specified direction, and is operated without a fixed schedule, carrying passengers from place to place in exchange for a fee.

*Jitney service* means the business of renting, leasing, or owning a "jitney," as defined in this section, including the services of a driver, for the use and convenience of the general public. Specifically excluded from this definition are the following:

- (1) Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service;
- (2) ~~All taxicabs~~ Taxicabs, pedicabs, sightseeing and charter vehicles, chauffeured limousines, low speed shuttles, and transportation network vehicles permitted and licensed by the city; and
- (3) All vehicles operating under a contract with the city.
- (4) ~~All sightseeing or charter vehicles licensed by the city.~~

*License* means a current and valid jitney driver's license issued pursuant to division 2 of article I of this chapter~~under division 2 of this article.~~

*Licensee* means any person who is the holder of a current and valid jitney driver's license ~~issued under division 2 of this article.~~

*Permit* means a current and valid jitney permit issued under division 2 of this article.

*Permittee* means any person, entity, business, partnership, joint venture, or corporation that holds a current and valid permit to operate a jitney service issued under division 2 of this article.

*Route* means the route for a jitney, as filed with the director in accordance with section 46-340 of this Code.

**Sec. 46-322. Reserved.**

**Sec. 46-323. Article is cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve a route that involves the operation of a

jitney upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of that jitney upon that route.

**Sec. 46-324. Exception for existing permits.**

The minimum seating capacity of a jitney prescribed in section 46-321 of this Code shall not apply to any permit issued on or before August 4, 2010. The minimum seating capacity requirements provided in this article shall be immediately applicable to all permittees who received a permit on or before August 4, 2010 upon:

- (1) The expiration of the vehicle age limitations set forth in section 46-353 of this Code; or
- (2) A finding that the permittee has failed to comply with all other applicable provisions of this article resulting in the suspension, revocation, or refusal for renewal of a permit.

**Secs. 46-325—46-330. Reserved.**

DIVISION 2. LICENSES AND PERMITS

**Sec. 46-331. Permit required.**

(a) It shall be unlawful for any person to operate a jitney service unless a permit has been issued for the operation of the jitney service under this article.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
- (2) Identify the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle the applicant desires to receive a permit for and operate as a jitney;
- (3) Be 18 years of age or older, if a natural person;
- (4) Be able to read and write the English language, if a natural person;
- (5) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's sightseeing or charter service will be operated and that such use of the location is in compliance with any applicable deed restrictions~~Provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period;~~

- (6) Hold a current and valid class A, B or C Texas driver license;
- (7) Not have had a license, permit or franchise issued under any article of this chapter denied, revoked or not renewed for cause by the city within the one-year period preceding the date of filing of the application; and
- (8) Provide any other information reasonably requested by the director for administration of this article.

**Sec. 46-332. License required.**

It shall be unlawful for any person to drive a jitney unless the person holds a license issued pursuant to ~~for the driving of a jitney under this chapter~~ article.

**Sec. 46-333. Fees.**

~~(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.~~

~~—(b)—~~There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of each application for one or more permits, regardless of the number of permits requested.

(be) In addition to the application processing fee provided in subsection (ab) of this section, an annual permit fee shall be payable in the amount stated for this provision in the city fee schedule for each jitney before it is placed into service and annually thereafter as provided in section 46-336 of this Code.

**Sec. 46-334. Permit aApplication.**

(a) Each person desiring to obtain ~~a license or~~ one or more permits shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article. The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised.

(b) Upon notification by the director, each permit ~~and license~~ applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or, ~~director or holder of ten percent or more of the outstanding stock if a corporation~~) shall present himself at the location identified by the director for identification and fingerprinting to determine if he has been convicted of any applicable offense(s) as set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-335. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit(s) ~~or license~~.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any other information reasonably requested by the director, shall be immediate grounds for denial of the application. In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. The applicant shall be entitled to appeal the decision if the application is denied in whole or in part upon section 1-10 of this Code. Notice of denial in whole or in part upon section 1-10 of this Code shall comply with section 1-9 of this Code and applicable state laws. If the application is denied in whole or in part on the basis of any other criteria stated in sections 46-331 and 46-332 of this Code, the applicant may request a hearing regarding the denial by submitting a written notice of appeal to the director within 15 business days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 business days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the ~~license or permit~~.

(c) If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed in subsection (b) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date that notice of the director's decision regarding the amended application is deposited in the United States Mail, addressed to the applicant.

~~(d) If the application is for a license, then the license shall be issued upon the approval of the application.~~ Following approval of an application for one or more permits, the actual permits shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each jitney, if not provided with the application, and also has paid the annual fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease and filed routes and rate data for each jitney in a manner consistent with sections 46-336 through 46-340 of this Code.

**Sec. 46-336. Annual permit fee.**

(a) There is hereby assessed the annual permit fee stated for this provision in the city fee schedule per jitney, which shall be payable on or before June 1 of each year, provided that the director shall alternatively allow the fee to be paid in two installments, with ½ due by June 1 and the balance by December 1. In the event that a

permit is issued after December, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the permittee the amount stated on the application; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

**Sec. 46-337. Vehicle inspection; fee.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney, unless the jitney has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall hereby be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per jitney. All jitneys shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each jitney shall be inspected before it is initially placed into service and thereafter before June 1 of each year by the director at such location as the director may specify. The director shall approve the jitney if he determines that:

- (1) The jitney has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;
- (2) The jitney is of the approved color scheme and is marked as provided in this article;
- (3) The jitney is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, exhaust system, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;
- (4) The jitney has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent that the vehicle was so equipped by the manufacturer;
- (5) The jitney has no seats that have been added in excess of the manufacturer's specifications; and
- (6) The jitney complies with all other applicable requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the jitney. In any prosecution under this section, it shall be presumed that a jitney has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall only be provided upon reinspection of the jitney.

#### **Sec. 46-338. Insurance.**

(a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including the provision of a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than \$1,000,000.00 combined single limit per accident. ~~the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act~~ The insurance required shall be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. ~~The~~

eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in this section—~~subsection (a)~~ shall be accepted only in the authorized form approved by the Texas Department of Insurance.

**Sec. 46-339. Authorized operators.**

No jitney for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the jitney under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he be an employee or other person operating under a written agreement. Any person driving or operating a jitney upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person driving or operating a jitney upon the streets or other public property of the city shall be required to secure a license pursuant to the applicable provisions of this chapter—~~division 2 of this article~~.

**Sec. 46-340. Rates; routes.**

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) The permittee shall submit all proposed rates and route cards for review and approval by the director. Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee stated for this provision in the city fee schedule shall be imposed for each route or rate filing, per jitney. Each route application that involves use of airport facilities shall be accompanied by the proof required under section 46-323 of this Code.

(c) Approved rate and route cards for each jitney shall be conspicuously posted in the manner specified by regulation of the director. The route card shall state the

route and the rate. The information shall also be posted on each side of the vehicle in a manner and location approved by the director. The director may assign route numbers and may assign different colors of route cards to signify fare amounts.

(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney; provided however, the permittee shall submit and the director may approve a route deviation as a result of a road closure or construction on a route currently authorized for use by the permittee and its licensees.

(e) It shall be unlawful for a licensee or permittee to impose a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any jitney without the current rate cards posted as provided by the director for the jitney.

(g) Following notice and a hearing, the director may cancel any route that was authorized in error.

**Sec. 46-341. Transfer; nonexclusive.**

(a) ~~A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer or, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an application amendment is stated for this provision in the city fee schedule.~~

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of jitneys that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

**Sec. 46-342. Permit tTerms; suspension.**

(a) ~~A license shall be valid for two years from the date of its issuance. A permit shall be valid for five years from the date of its issuance.~~

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting jitney vehicles.

**Secs. 46-343—46-350. Reserved.**

DIVISION 3. OPERATING REQUIREMENTS

**Sec. 46-351. Licensee appearance and conduct.**

(a) It shall be the duty of every licensee to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a jitney is in his or her custody.

~~(b) Licensees shall be clean shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.~~

~~—(c) The term *suitably dressed* shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.~~

~~(cd) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a jitney includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals.~~

~~(de) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the right front or left is blocked.~~

~~(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.~~

**Sec. 46-352. Jitney equipment.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney that is not marked in a manner and location approved by the director and equipped as provided in this section.

(b) No licensee or permittee shall drive or cause to be driven any jitney in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the jitney service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and

- (3) Which permittee first used or requested approval of the color scheme.

~~If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.~~

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a jitney of his color scheme, and he shall not change the color scheme without approval of the director.

(d) Additionally, each jitney shall:

- (1) Be equipped with a light-equipped roof sign, which shall have the word "jitney" visible from the front and rear in red letters at least three inches tall with a brush stroke of at least 5/16 inch upon a white background and shall be illuminated at all times while the jitney is in service;
- (2) Have no ~~taxi meter~~ taximeter;
- (3) Have the word "jitney" painted on each side of the vehicle in black in letters at least six inches tall with a brush stroke width of at least one inch;
- (4) Have the following signage in letters not less than three inches in ~~length~~height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:
  - a. The name and telephone number of the permittee and rate structure on both front doors;
  - b. The telephone number of the permittee on the rear deck or trunk lid;
  - c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and
  - d. The street names or route name below the permit number on each side of the vehicle. In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing. The current route and rate structure for each must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers.
- (5) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the

operator and one set of rate and route cards approved by the director under section 46-340 of this Code; and

- (6) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in items (1), (3) and (4) above shall be painted upon the vehicle, provided that the director may allow the street name or route name information only to be posted upon a magnetic sign or other removable sign of durable materials.

**Sec. 46-353. Age of vehicle.**

(a) No licensee or permitteeperson shall drive or operate or cause to be driven or operated any jitney that is more than ten years old. For purposes of this requirement, a jitney is considered to be ten years old on the 31<sup>st</sup> day of May of the tenth year following the manufacturer's model year of the jitney, regardless of the date of its original purchase or the date it was first placed into service.

(b) Notwithstanding the age limitation prescribed in subsection (a) of this section, a licensee or permittee may drive or cause to be driven a jitney for an additional one-year period provided:

(1) The licensee or permittee submits the jitney for inspection at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the jitney; and

(2) The vehicle is determined to be in compliance with the provisions of section 46-337 of this Code and any other conditions of operation prescribed by the director.

**Sec. 46-354. Operating requirements.**

(a) It shall be the duty of the licensee to ensure that his jitney is operated in accordance with this section.

(b) Solicitation of passengers is unlawful. However, a licensee may indicate available space by gesture from within the jitney and may stop when flagged or hailed by a potential passenger.

(c) No jitney shall stop or stand to pick up or discharge any passenger in a taxicab zone.

(d) No jitney shall stop or stand to pick up or discharge any passenger at any place that is not upon the streets and highways designated upon the route.

(e) No jitney shall stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) Additional passengers shall have the right to utilize the jitney up to the manufacturer's rated seating capacity.

(g) A log shall be maintained within each jitney in a form prescribed by the director setting forth the hours of work of each licensee. ~~AN~~ licensee shall not operate a jitney for more than 12 hours in any consecutive 24-hour period and ~~a~~ permittee shall not allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in any consecutive 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

**Sec. 46-355. Inspection.**

The director may inspect any jitney and any records or documents required to be carried in or upon the jitney at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

**Secs. 46-356—46-370. Reserved.**

**ARTICLE VII. LOW-SPEED SHUTTLES**

**DIVISION 1. GENERALLY**

**Sec. 46-371. Definitions.**

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

*License* means a current and valid low-speed shuttle driver's license issued pursuant to division 2 of ~~this article~~ of this chapter.

*Licensee* means any person in engaged in the act of driving a low-speed shuttle who is the holder of a current and valid low-speed shuttle driver's license issued pursuant to ~~this article~~.

*Low-speed shuttle* means a motorized non-fossil fuel powered vehicle with a seating capacity of four to eight passengers, including the driver, that has an attainable speed of more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, conforms to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500), and is used to transport passengers for hire. The term does not include:

- (1) A vehicle modified after its original manufacture to meet the speed requirements or safety equipment requirements contained in 49 C.F.R. Section 571.500;
- (2) A golf cart, moped, motorcycle, or tractor;
- (3) An electric bicycle or motor-driven cycle, as defined by § 541.201 of the Transportation Code;
- (4) A motorized mobility device, as defined by § 542.009 of the Transportation Code;
- (5) An electric personal assistive mobility device, as defined by § 551.201 of the Transportation Code; or
- (6) A motor-assisted scooter, as defined in § 551.351 of the Transportation Code.

*Low-speed shuttle service* means the business of transporting passengers for hire by means of a low-speed shuttle. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, pedicabs, and jitneys, sightseeing and charter vehicles, chauffeured limousines, and transportation network vehicles permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city;
- ~~(4) Sightseeing or charter vehicles licensed by the city; and~~
- ~~(5) Pedicabs licensed by the city.~~

*Permit* means a permit to operate a low-speed shuttle service pursuant to this article.

*Permittee* means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization and any other entity holding a permit issued pursuant to this article.

*Zone* means the geographic area in which the low-speed shuttle will generally operate, as filed with the director in accordance with section 46-400 of this Code.

**Sec. 46-372. Reserved.**

**Sec. 46-373. Article cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve a zone that involves the operation of a low-speed shuttle upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of low-speed shuttles within that zone.

**Secs. 46-374—46-390. Reserved.**

DIVISION 2. PERMITS AND LICENSES

**Sec. 46-391. Permit required.**

(a) It shall be unlawful for any person to operate a low-speed shuttle service without first obtaining a permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
- (2) Identify the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle to be used as a low-speed shuttle;
- (3) Identify the proposed zone(s) where the applicant desires to operate the low-speed shuttle service;
- (4) Provide proof of insurance pursuant to the requirements of this article;
- (5) If a natural person:
  - a. Be 18 years of age or older;
  - b. Be able to read and write the English language; and
  - c. ~~Provide written character references from two persons who have known the applicant for at least two years attesting to the applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five year period; and~~
  - d. Hold a current and valid class A, B, or C Texas driver license;.
- (6) Not have had a license, permit, or franchise issued under this chapter revoked or not renewed for cause by the city within the one-year period preceding the date of filing of the application;

- (7) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's low-speed shuttle service will be operated and that such use of the location is in compliance with any applicable deed restrictions; and
- (8) Provide any other information reasonably requested by the director for administration of this article.

**Sec. 46-392. License required.**

It shall be unlawful for any person to operate low-speed shuttle without a license issued pursuant to this ~~chapter~~ article.

**Sec. 46-393. Fees.**

~~(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.~~

~~(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.~~

**Sec. 46-394. Annual permit fee.**

(a) The annual permit fee in the amount stated for this provision in the city fee schedule per low-speed shuttle shall be payable on or before June 1 of each year.

(b) There shall be no fee for the replacement of a low-speed shuttle with another low-speed shuttle.

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by the permittee. The permittee shall state that the application and all attachments are correct and complete and do not omit any material item, and that the permittee: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely

application, together with any required supplements, and after examining and investigating same, the director shall:

- (1) Refund or credit to the account of the permittee the amount stated on the application; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before an impartial hearing official.

**Sec. 46-395. Application.**

(a) Each person desiring to obtain a ~~license or~~ permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each ~~license and~~ permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or, director, ~~or holder of ten percent or more of the outstanding stock~~ if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-396. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit ~~or license~~. The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial, the applicant shall be given written notice of the basis for such action. The applicant shall be entitled to appeal a decision based, in whole or in part, upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

(c) If the application is denied on the basis of the applicant's failure to satisfy any other requisites stated in this division, the applicant may request a hearing by submitting a written notice of appeal to the director within 15 business days following the date the director's decision is deposited in the United States mail. An informal hearing shall be conducted by an impartial hearing officer who shall render a decision within 30 business days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the ~~license or~~ permit.

(d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 business days following the date the director's decision regarding the amended application is deposited in the United States mail.

~~(e) A license shall be issued upon the approval of the application therefor.~~ Following approval of an application for a permit, the actual permit shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each low-speed shuttle, if not provided with the application, and has paid the annual permit fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease of each low-speed shuttle, and filed and received approval of all requested zones and rate data for each low-speed shuttle with the director.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

**Sec. 46-397. Vehicle inspection; fee.**

(a) It shall be unlawful for any person to operate or cause to be operated any low-speed shuttle, unless the low-speed shuttle has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per low-speed shuttle. All low-speed shuttles shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each low-speed shuttle shall be inspected before it is initially placed into service and thereafter before June 1 of each year at such location as the director may specify. The director shall approve the low-speed shuttle if he determines that:

- (1) The low-speed shuttle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;
- (2) The low-speed shuttle is of the approved color scheme and is marked as provided in section 46-423 of this Code;
- (3) The low-speed shuttle is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;

- (4) The low-speed shuttle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent the vehicle is so equipped by the manufacturer;
- (5) The low-speed shuttle has no seats that have been added in excess of the manufacturer's specifications; and
- (6) The low-speed shuttle complies with all other requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the low-speed shuttle. In any prosecution under this section, it shall be presumed that a low-speed shuttle has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the low-speed shuttle.

(e) The director may inspect any low-speed shuttle and any records or documents required to be carried in or upon the low-speed shuttle at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

#### **Sec. 46-398. Insurance.**

(a) Before any permit shall be issued, or before renewal of any permit shall be granted, the applicant shall file proof of insurance coverage evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in an amount not less than \$500,000.00 combined single limit per occurrence issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those low-speed shuttles may not be operated. If a proper replacement policy is not provided to the director on or before the

tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in this subsection shall be carried by licensees at all times while operating a low-speed shuttle and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

**Sec. 46-399. Authorized operators.**

No low-speed shuttle shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the low-speed shuttle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for any person operating under his permit whether the person is an employee or is a person operating under a written agreement. Any person operating a low-speed shuttle on the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person operating a low-speed shuttle on the streets or other public property of the city shall be required to secure a license pursuant to this article.

**Sec. 46-400. Rate structure and fares; zones.**

(a) Each low-speed shuttle shall be operated within a zone that has been filed with the director. The permittee shall also file with the director the rate structure or fares to be in effect for each zone. The permittee may file two or more operating zones for the same low-speed shuttle.

(b) The permittee shall submit all proposed zones for review and approval by the director. Rates and zones may be amended periodically. Zones shall not be exclusive. The applicable fees stated for this provision in the city fee schedule shall be imposed for each zone, per low-speed shuttle and for the amendment of all zone or rate information submitted to the director. Each zone application that involves use of airport facilities shall be accompanied by the proof required under section 46-373 of this Code.

(c) Approved zones and all rate information, including compensation by gratuity only, for each low-speed shuttle shall be conspicuously posted on each side of the vehicle in a manner and location approved by the director. The director may assign zone numbers and may assign different colors to signify rate amounts.

(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the zone as filed with the director for that low-speed shuttle.

(e) It shall be unlawful for a licensee or permittee to impose a rate structure or collect a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any low-speed shuttle without the current structure or fare posted as provided by the director.

(g) Following notice and a hearing, the director may cancel, alter, or amend any zone authorized in error.

**Sec. 46-401. Receipt for payment of fare.**

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger making a payment. The permittee of the low-speed shuttle shall make available to each licensee a receipt book or other electronic instrument capable of creating a record to be used for this purpose.

**Sec. 46-402. Transfer; nonexclusive.**

(a) A ~~license or permit~~ is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer or, ~~director or holder of ten percent or more of the outstanding shares of stock~~ as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an amended application shall is stated for this provision in the city fee schedule.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of low-speed shuttles that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

**Sec. 46-403. Permit terms~~Terms of licenses and permits.~~**

(a) ~~A license shall be valid for two years from the date of issuance.~~ A permit shall be valid for five years from the date of issuance.

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of low-speed shuttle vehicles; provided however, the addition, deletion, or substitution of any low-speed shuttles pursuant to a current and valid permit shall require an inspection as provided for in section 46-397 of this Code, including the payment of the inspection fee.

**Secs. 46-404—46-420. Reserved.**

**DIVISION 3. LOW-SPEED SHUTTLE OPERATING REQUIREMENTS**

**Sec. 46-421. Operating restrictions.**

(a) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle in a zone that has not approved by the director or on any roadway in the city where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that roadway. It shall be unlawful for a low-speed shuttle to be operated on a roadway at a speed that exceeds the lesser of the posted speed limit or 25 miles per hour.

(b) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to a roadway through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

**Sec. 46-422. Licensee appearance and conduct.**

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while operating a low-speed shuttle for hire.

~~(b) Licensees shall be clean shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.~~

~~—(c) The term "*suitably dressed*" shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.~~

(cd) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a low-speed shuttle includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals; provided however, a licensee operating a low-speed shuttle that is not equipped with an interior air-conditioning system shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.

(de) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the side is blocked.

~~(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.~~

**Sec. 46-423. Low-speed shuttle equipment.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any low-speed shuttle that is not marked in a manner and location approved by the director and equipped as provided in this division.

(b) No licensee or permittee shall drive or cause to be driven any low-speed shuttle in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the low-speed shuttle service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

~~If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.~~

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a low-speed shuttle of his color scheme, and the permittee shall not change the color scheme without approval of the director.

(d) Additionally, each low-speed shuttle shall:

- (1) Have ~~no taxi meter~~ taximeter;
- (2) Have the following signage in letters not less than three inches in ~~length~~height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:
  - a. The name and telephone number of the permittee and rate structure on its ~~the exterior of both front doors~~;
  - b. The telephone number of the permittee on the rear deck or trunk lid;

- c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and ~~below the rear door handle~~ on each side of the vehicle; and
  - d. The zone name below the permit number on each side of the vehicle. In the event one low-speed shuttle serves multiple zones, a changeable electronic or analog sign shall indicate the zone the vehicle is currently serving. The current zone and rate structure or fare for each low-speed shuttle must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers;
- (3) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator, and the telephone numbers of the director and the permittee for complaint purposes regarding low-speed shuttle services or charges, including instructions that if the passenger wishes to file a complaint, he should obtain the low-speed shuttle permit number as posted on the low-speed shuttle, date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers; and
- (4) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in item (2) above shall be painted upon the vehicle, provided that the director may allow the zone information only to be posted upon a magnetic sign or other removable sign of durable materials.

**Sec. 46-424. Age of vehicle.**

No person shall drive or operate or cause to be driven or operated any low-speed shuttle that is more than six years old. For purposes of this requirement, a low-speed shuttle is considered to be six years old on the 31<sup>st</sup> of May of the sixth year following the manufacturer's model year of the low-speed shuttle, regardless of the date of its original purchase or the date it was first placed into service.

**Sec. 46-425. Carrying additional passengers.**

Any passenger who engages the services of a low-speed shuttle shall have the exclusive right to the passenger compartment of the low-speed shuttle, and it shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the low-speed shuttle.

**Sec. 46-426. Operating requirements.**

(a) It shall be the duty of the licensee to ensure that his low-speed shuttle is operated in accordance with this section.

(b) It shall be unlawful for a licensee to seek or solicit a passenger or passengers in an attempt to engage the services of a low-speed shuttle.

(c) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles. It shall be the duty of each licensee when loading or unloading passengers to pull the low-speed shuttle to the curb and ensure that the low-speed shuttle does not impede normal vehicular and pedestrian movement.

(d) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger at any place that is not on a street or roadway with a zone submitted to and approved by the director.

(e) It shall be unlawful for a low-speed shuttle to stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) A log shall be maintained for each low-speed shuttle in a form prescribed by the director setting forth the hours of work of each licensee. ~~AN~~ licensee shall not operate a low-speed shuttle for more than 12 hours in any consecutive 24-hour period and ~~an~~ permittee shall not allow or cause any licensee to drive a vehicle in operation as a low-speed shuttle more than 12 hours in any consecutive 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

**Sec. 46-427—46-450. Reserved.**

**ARTICLE VIII. MOBILE DISPATCH SERVICES**

**Sec. 46-451. Definitions.**

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

*Certificate of registration* means a current and valid certificate of registration issued by the director under this article to the owner or operator of a mobile dispatch service.

*Mobile dispatch service* means the operation of a scheduling service that enables prospective passengers to request pre-arranged transportation services offered or provided for compensation from qualified vehicles for hire using an

internet-enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit that indicates the location of the passenger which information is then relayed to a qualified vehicle for hire by radio or data communication of any type. Specifically excluded from this definition are transportation network companies pursuant to article IX of this chapter.

Qualified vehicles for hire means vehicles for hire authorized to provide such transportation services pursuant to article II and division 3 of article IV of this chapter.

Registrant means a person holding a current and valid certificate of registration for a mobile dispatch service under this article and includes all owners and operators of the mobile dispatch service identified in the registration application filed under this article.

**Sec. 46-452. Registration required.**

(a) Each mobile dispatch service shall register with the city on a form prescribed by the director and shall maintain and provide to the director current and accurate records of all qualified vehicles for hire providing vehicle for hire transportation services through the use of the mobile dispatch service.

(b) A person commits an offense if the person operates a mobile dispatch service without a current and valid certificate of registration.

**Sec. 46-453. Use of valid permittees and licensees required.**

(a) Each mobile dispatch service shall be responsible for ensuring that any driver assigned to provide vehicle for hire transportation services and any vehicle used in the rendition of the transportation services are duly licensed and permitted, respectively, to provide the transportation service pursuant to the applicable provisions of this chapter.

(b) Upon request, a mobile dispatch service shall make available to the director its records of all qualified vehicles for hire and drivers assigned to provide vehicle for hire transportation services. The provisions of this article applicable to the submission of information to the director shall be cumulative of the provisions of section 46-11 of this Code.

**Sec. 46-454. Registration—Form.**

(a) To obtain a certificate of registration, a mobile dispatch service shall furnish the following information on a form provided for that purpose by the director, which shall be sworn to before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The name and form of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached);
- (2) The name, phone number, street address, and mailing address (if different from the street address) of the applicant's agent for service of legal process (which information the registrant shall always keep current);
- (3) A list of all current licensees and permittees providing vehicle for hire transportation services through the use of the mobile dispatch service and updated to the director on a quarterly basis;
- (4) The name, phone number, street address, mailing address (if different from the street address), and e-mail address of the applicant's customer service liaison;
- (5) Evidence that the applicant has a place of business within the metropolitan area;
- (6) The proposed schedule of fares, rates, or other compensation to be charged by the applicant; and
- (7) Any additional information as requested by the director for the administration of this division.

(b) The following shall join in the filing of the application for a certificate of registration:

- (1) Each partner if the applicant is a partnership;
- (2) Each associate if the applicant is an association; or
- (3) Each person who is either an officer or director if the applicant is a corporation.

(c) An applicant or registrant shall notify the director within 10 days of any change in associates, partners, officers, or directors of the business applying for or holding a certificate of registration issued pursuant to this article.

(d) An applicant shall have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a certificate of registration and upon the request for the renewal thereof, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the applicant's criminal history and shall bear the cost of any fees imposed by state or federal agencies providing the criminal history information. This requirement shall not be construed to preclude the director from obtaining interim criminal history information at the expense of the city.

**Sec. 46-455. Certificate of registration issuance procedure.**

(a) The director shall initially review each application for issuance of a certificate of registration to determine whether the application is complete and all required information has been provided. If not, the director shall return the application to the applicant with a statement of deficiencies.

(b) The director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and section 1-10 of this Code. If so, the director shall issue to the applicant a certificate of registration. If, based upon the review, the director determines that one or more requirements may not have been met, the director shall afford the applicant the right to a hearing before acting on the application.

(c) Prior to the denial of an application for a certificate of registration, the director shall give the applicant written notice of the grounds for denial. If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 business days following the date that notice of the director's decision regarding the amended application is deposited in the United States Mail, addressed to the applicant. Where the grounds for denial are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds.

(d) A certificate of registration does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose.

**Sec. 46-456. Expiration and renewal of certificate of registration.**

(a) A certificate of registration issued pursuant this article shall be valid for one year from the date of issuance.

(b) A certificate of registration may be renewed by making application therefor in accordance with section 46-454 of this Code. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

**Sec. 46-457. Display of fare rates.**

All registrants shall display their fare rates and provide a fare rate estimator on the website, internet-enabled application, or digital platform used by the registrant to connect passengers to qualified vehicles for hire.

**Sec. 46-458. Certificate of registration; non-transferability.**

(a) A certificate of registration is specific to the registrant to whom it is issued and may not be transferred or otherwise assigned.

(b) Each certificate of registration is nonexclusive, and no limits or restrictions shall exist upon the number of qualified vehicles for hire that may provide vehicle for hire transportation services through a mobile dispatch service provided that each vehicle must be operated pursuant to a permit and in accordance with all applicable requirements of this article. The director shall promulgate procedures for the processing of amendments and may suspend the certificate of registration pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.

**Sec. 46-459. Violations; penalty.**

(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense for each and every violation relating to the operation of a mobile dispatch service, and for each day during which a violation is committed, permitted, or continued.

(b) An offense under this article is punishable as provided in section 1-6 of this Code and the city may enforce the provisions of this article through any other means prescribed in this chapter.

**Sec. 46-460—46-500. Reserved.**

**ARTICLE IX. TRANSPORTATION NETWORK COMPANIES**

**Sec. 46-501. Scope.**

The provisions of this article shall not apply to the transportation of two or more persons between their home and work locations or of persons having a common work related trip purpose or leisure trip purpose in a vehicle used for the purpose of ridesharing when ridesharing is incidental to another purpose of the driver.

**Sec. 46-502. Definitions.**

*License* means a current and valid transportation network driver's license issued pursuant to division 2 of article I of this chapter.

*Licensee* means any person engaged in the act of driving a transportation network vehicle who is the holder of a current and valid license.

*Operation of a transportation network vehicle or operating a transportation network vehicle* means offering, making available, or using a transportation network vehicle to provide a transportation network service, including any time when a driver is logged onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the company's

dispatch records show that the vehicle is dispatched; or when the driver has accepted a dispatch and is enroute to provide transportation network service to a passenger.

Permit means a transportation network company permit.

Transportation network permittee or permittee means the holder of, or a person that is required to hold, a current valid transportation network company permit issued pursuant to this chapter.

Transportation network driver or driver means an individual affiliated with a transportation network company transporting passengers for compensation using a transportation network vehicle.

Transportation network company or TNC means a person that offers or provides a transportation network service.

Transportation network service or service means a prearranged transportation service offered or provided for compensation using an internet-enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit that indicates the location of the passenger which information is then relayed by electronic, radio, or data communication of any type to a transportation network driver operating a transportation network vehicle.

Transportation network vehicle means any private passenger motor vehicle used to provide transportation network services. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, school vehicles, and low speed shuttles, permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city.

**Sec. 46-503. Transportation network company permit required.**

(a) No person shall operate a transportation network company in the city without a permit issued pursuant to this article.

(b) It shall be unlawful for any TNC permitted, licensed, or authorized by another jurisdiction to initiate transportation network service within the corporate boundaries of the city without a permit issued pursuant to this article; provided however, a

transportation network vehicle operated by a driver affiliated with a TNC permitted, licensed, or authorized by or in another jurisdiction may come into the city to discharge a passenger whose trip originated outside of the city.

**Sec. 46-504. Transportation network company permit fee.**

(a) The fee imposed for a permit issued pursuant to this article shall be in an amount equal to two percent of the annual gross receipts for the operation of each transportation network vehicle operated by each permittee.

(b) The fee provided in subsection (a) of this section shall be paid to the department of administration and regulatory affairs on a quarterly basis on or before the 10<sup>th</sup> day following the close of the calendar month for which the quarterly payment is calculated.

(c) The initial payment shall cover the period beginning from the date the permit was issued to the permittee. Upon the submission of each quarterly payment, the permittee shall file with the director a financial report itemizing the components of the permittee's gross receipts for the payment period. All permittees shall utilize any forms promulgated by the director for the submission of the required financial reports and shall submit the financial reports in accordance with any instructions, rules, or regulations promulgated by the director.

(d) Upon 10 days' notice to the permittee, the director shall have the right to inspect the permittee's records the director deems necessary and appropriate to determine that the permittee is in compliance with the requirements of this section.

(e) The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.

**Sec. 46-505. Transportation network permit term.**

(a) Permits shall be issued for a term of one year. Permittees desiring to have reissuance of their permit shall, at least 30 days prior to the expiration of the permit, file with the director a written application for a renewal of their permit. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new permits.

(b) A permit is specific to the permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or director as shown on the permit application shall render a permit void, unless an application for an amendment is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.

(c) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of transportation network vehicles that may be operated provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

**Sec. 46-506. Transportation network company permit - Application.**

(a) An application for a permit shall be submitted on forms to be furnished by the director, and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The name and form of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.);
- (2) The name, phone number, mailing address, and street address (if different from the mailing address) of the applicant's agent for service of legal process (which information the applicant shall keep current);
- (3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle, and a statement as to the legal ownership of each vehicle proposed to be placed into operation as a transportation network vehicle;
- (4) Proof of current coverage of insurance as required in section 46-508 of this Code;
- (5) A general description of the means and methodology used to charge passengers for vehicle for hire transportation services rendered;
- (6) The proposed schedule of fares, rates, or other compensation to be charged by the applicant; and
- (7) Any additional information as requested by the director for the administration of this division.

(b) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer or director shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer or director. Failure of any of the persons heretofore mentioned to meet such requirements shall be grounds to deny the application of the partnership, association or corporation.

**Sec. 46-507. Transportation network company permit - Qualifications for permit.**

(a) The director shall initially review each application for the issuance or amendment of a permit to determine whether the application is complete. If not, he shall return the application to the applicant with a statement of deficiencies.

(b) The director shall review complete applications to determine whether the applicant has met all applicable requirements of this chapter and Code. In determining whether an applicant is qualified for a permit, or the renewal thereof, the director shall take into consideration whether:

- (1) The application was filed with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications;
- (2) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code;
- (3) The applicant is in compliance with all applicable city, State of Texas, and federal laws;
- (4) The applicant has a place of business within the metropolitan area from which the applicant's transportation network service will be operated and that such use of the location is in compliance with any applicable deed restrictions enforceable by the city; and
- (5) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(c) The director shall issue the permit if all applicable requirements of this chapter and Code have been met. If the director approves the permit, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, inspection of vehicles to be utilized, and submission of proof of insurance. A permit does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose as provided in section 46-510 of this Code.

(d) Applicants who are determined to be unqualified shall be notified of the grounds asserted for that determination and may make a written demand upon the director for a hearing within ten days of receipt of notice that it is unqualified to receive a permit. The director shall conduct a hearing within 15 business days of receipt of a timely written demand for a hearing. If at such a hearing the applicant establishes through competent evidence that the determination that the applicant was unqualified to receive a permit was based upon incorrect findings, the director shall issue the permit.

If at such a hearing the determination was found to have been based upon correct findings, the determination shall become final.

(e) If the denial of the permit is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

**Sec. 46-508. Transportation network company permit - Insurance required.**

(a) Every permittee and transportation network driver shall comply with all applicable insurance requirements mandated by federal, State of Texas, and city laws.

(b) Each applicant for the issuance or renewal of a permit shall provide proof that the applicant has commercial automobile liability insurance, issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies, insuring the general public against any loss or damage that may result to any person or property from the operation of the vehicles covered by the permit and securing payment by the applicant of any final judgment or settlement of any claim against the applicant, its drivers, or employees of the applicant's TNC business resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. The insurance may be in excess of the driver's automobile liability insurance.

(c) The insurance required in subsection (a) shall be in the form of:

(1) Commercial automobile liability insurance with a combined single limit for bodily injury and property damage of \$1,000,000 per accident covering liability resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle for incidents involving a driver from the time a driver is matched with and accepts a trip request through the transportation network company until the completion of the trip, regardless of whether the driver maintains personal insurance adequate to cover any portion of the claim; and

(2) Commercial automobile liability insurance coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act as now enforced or hereinafter amended during the time that a driver for a transportation network company is logged in and available to provide vehicle for hire transportation services on the

transportation network company's internet-enabled application or website, but not actively engaged in providing the service.

(d) The insurance policy required in this section shall be (i) available to cover claims as specified in this section regardless of whether a driver maintains insurance adequate to cover any portion of the claim; (ii) disclosed on the permittee's Internet-enabled application and website, and (iii) maintained in force at all times that the transportation network company offers or provides transportation network service.

(e) No transportation network company permit shall be issued unless the applicant first agrees to provide electronic, on-demand access to the insurance policy required in this section to the director.

(f) Any permittee shall provide proof of insurance (electronic certificates of insurance) required by this section to each transportation network driver before the driver begins providing service and for as long as the driver remains available to provide service.

(g) If any insurer desires to be released from any insurance policy filed under this section, the TNC must give written notice to the director at least 30 days before release from liability occurs. The director shall demand that such TNC furnish evidence of new insurance obtained before the expiration of the policy.

(h) If any policy is cancelled or expires and no new policy is filed by the TNC before the cancellation or expiration of the original insurance, the permit shall automatically be suspended, and the TNC shall discontinue the operation of the affected vehicles within the city. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate.

**Sec. 46-509. Service charges and fare rates.**

All permittees shall display their fare rate and provide a fare rate estimator on the website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.

**Sec. 46-510. Transportation network drivers – License required.**

It shall be unlawful for any person to operate a transportation network vehicle without a license issued pursuant to division 2 of article I of this chapter.

**Sec. 46-511. Licensee hours of operation; duty to transport within the corporate limits.**

(a) A licensee shall not drive for more than 12 hours in any consecutive 24-hour period and a permittee shall not permit or cause a licensee to drive a transportation network vehicle more than 12 hours in any consecutive 24-hour period.

(b) A licensee shall not to refuse to transport a person to a requested destination located within the corporate limits of the city.

**Sec. 46-512. Transportation network vehicles – Vehicle ownership and standards.**

(a) No person shall operate or cause to be operated any transportation network vehicle in the city unless and until the vehicle meets all the terms and conditions of this article.

(b) No permittee shall own or lease or provide financing for the ownership or leasing of any transportation network vehicle.

(c) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless the vehicle:

- (1) Has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type, and proposed use; and
- (2) Is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible.

(d) No vehicle permitted or subject to a certificate of registration and operated as vehicle for hire pursuant to articles II through VIII of this chapter shall be operated as a transportation network vehicle.

(e) The permittee and the permittee's driver shall be jointly and severally liable if the permittee causes or permits the licensee to use a vehicle that does not meet the requirements for a transportation network vehicle.

**Sec. 46-513. Transportation network vehicles – Age and mechanical condition.**

In addition to the provisions of section 46-514 of this Code, no licensee or permittee shall drive or cause to be driven upon the streets of the city any transportation network vehicle that is more than seven years old or has been driven more than 150,000 actual miles, whichever occurs first. Actual mileage shall be determined from the odometer and title records. For purposes of this requirement, a transportation network vehicle will be considered to be seven years old on July 31st of the seventh year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

**Sec. 46-514. Transportation network vehicles - Inspections.**

(a) Prior to using any transportation network vehicle, and annually thereafter, a permittee or licensee shall have the vehicle inspected at a facility designated by the director, and maintain complete documentation of such inspections in the vehicle at all

times, and a written copy of such documentation shall be provided to the director upon request. The inspection shall be made to determine that the transportation network vehicle is in a reasonably good state of repair, clean, and equipped and being operated in compliance with all requirements of this article. Inspections shall include, but not be limited to, the following items:

- (1) Foot brakes;
- (2) Parking brakes;
- (3) Steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Tail lights;
- (9) Turn indicator lights;
- (10) Stop lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open, close, lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors;
- (19) Safety belts for driver and passenger(s); and
- (20) Heating, ventilation and air-conditioning systems.

(b) Upon passing the inspection prescribed in subsection (a) of this section, the director shall issue one certification decal for the transportation network vehicle. The

certification decal shall be attached and displayed at the place on the transportation network vehicle designated by the director. The permittee and the licensee shall be jointly and severally liable for any violation of this section.

**Sec. 46-515. Transportation network vehicles - Distinctive signage or emblem.**

(a) In addition to the certification decal issued pursuant to section 46-514(b) of this Code, a transportation network vehicle shall display, as provided by rule, consistent and distinctive signage at all times while being operated as a transportation network vehicle used to provide vehicle for hire transportation services. The distinctive signage shall be sufficiently large and color contrasted (i) as to be readable during daylight hours at a distance of at least 50 feet, and (ii) to identify a particular vehicle associated with a particular permittee. Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, or grilles. Magnetic or other removable distinctive signage is acceptable. Permittees shall file an illustration of their distinctive signage with the director for approval.

(b) A transportation network vehicle shall display a consistent and distinctive emblem at all times while being used to provide vehicle for hire transportation services. The director is authorized to specify, by rule, the manner of display, method of issuance, design and contents of such emblem.

**Sec. 46-516. Transportation network drivers – Additional operating requirements.**

(a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:

- (1) To operate a transportation network vehicle within the city while not in possession of a valid Texas Driver License issued by a state, district or territory of the United States; or
- (2) To operate, or cause to be operated, a transportation network vehicle that does not meet all the applicable requirements of this chapter.

(b) No transportation network driver shall pick up or discharge a passenger on any portion of George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) without proper authorization pursuant to chapter 9 of this Code. A licensee carrying a passenger or passengers from IAH or HOU shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. Additionally, no transportation network driver shall pick up or discharge any passenger in any designated taxicab stands or loading zones.

(c) It shall be unlawful for any permittee or licensee to solicit potential passengers for vehicle for hire services at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any

other place in the city, or use any words or gestures that could be construed as soliciting a passenger for vehicle for hire transportation services.

(d) No transportation network driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(e) It shall be the duty of each licensee to pull his transportation network vehicle to the curb when loading or unloading passengers.

(f) The permittee's internet enabled application or digital platform accessed by potential passengers shall display for the potential passenger: (1) a picture of the transportation network driver and (2) a picture of the transportation network vehicle the driver is approved to use, including the license plate number of the driver's transportation network vehicle. In addition, any permittee shall make any information displayed in the permittee's Internet-enabled application or digital platform also available on such permittee's website.

(g) The permittee shall make available on ~~either~~ the mobile application ~~and~~ the receipt provided to the passenger, the contact information for the permittee's customer service liaison, including, but not limited to, the liaison's name, phone number, and e-mail address.

(h) Any permittee shall clearly disclose, on the permittee's on-line enabled application or digital platform and website, that the permittee is a TNC. Additionally, the disclosure shall state that each permittee is required to maintain insurance policies as specified in section 46-508 of this Code.

(i) Any licensee shall provide to any authorized law enforcement officer proof of the insurance policies required by this article in case of an accident involving a transportation network vehicle while operating a transportation network vehicle.

(j) Any permittee shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a permittee cannot provide a wheelchair-accessible transportation network vehicle, it shall provide the prospective passenger with for hire transportation services in a manner consistent with section 46-2 of this Code.

(k) Any permittee shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, licensees, or other person that reports to, or acts as an agent of, the permittee, for any failure to respond to a request for service.

(l) All licensees operating a transportation network vehicle shall at all times: (1) carry proof of the insurance policies required in section 46-508 of this Code covering the vehicle; (2) carry an electronic or paper copy of the agreement or terms of service

between the driver and the TNC; and (3) display the certification decal and distinctive signage or emblem required by this article.

(m) Upon request a licensee shall display to the director, or other person authorized to enforce this chapter, a physical or electronic record of a ride in progress sufficient to establish that it was a prearranged transportation service. To the extent that trip records are contained on an electronic device, a licensee is not required to relinquish custody of the device in order to make the required display but must demonstrate to the director or other person authorized to enforce this chapter that the licensee has in his possession proof of that the ride in progress is the result of a prearranged transportation service.

(n) Any terms or conditions in the agreement between the permittee and licensee, or between the permittee and any passenger, that would act as a waiver of the permittee's liability to the passenger or to the public, are declared to be contrary to public policy, null, void and unenforceable.

**Sec. 1-10. Same—Specific permits, licenses, and registrations.**

\*\*\*\*

(b) The authorizations enumerated in this subsection shall be denied if the applicant has been convicted of any of the designated offenses within the five-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the five-year period immediately preceding the date of the filing of the application for such a conviction. Additionally the following authorizations shall be subject to denial, revocation, or refusal for renewal, as applicable, if the holder has been convicted of any of the designated offenses since the application was filed. Provided however, no such authorization shall be denied, revoked or refused for renewal if the conviction was set aside as invalid or if it is found that the authorization should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

\*\*\*\*

- (8) Occupational licenses or permits issued to, or in connection with, the following businesses or occupations:

TYPE OF PERMIT	CODE REFERENCE*
Ambulance Permits	4-1 thru 4-19
Antique Dealers, Precious Metals Dealers, Resale Media & Clothing Dealers	7-16 thru 7-50
Automotive Body Repair Shop	21-166(a)(1)
Automotive Parts Rebuilder	8-16, 8-51, et seq.
Automotive Rebuilder and Dismantler	8-16, 8-51, et seq.
Automotive Repair Facility	8-16, 8-51, et seq.
Automotive Storage Lot Operator	8-16, 8-51, et seq.
Body Shop Facility With Storage Privileges	8-16, 8-51, et seq.; 20-166(a)(1)
Carnival Amusement	5-16 thru 5-45
Charter Bus Operator	46-211(a)
Common Market	7-108(a)
Concrete Crushing Site	21-167, et seq.
Dance Hall	5-71, et seq.
Dealer—Vehicles, Parts, Accessories	8-16, 8-51, et seq.

Drain Layer	47-221; Plumbing Code § 104
Dealer In Motor Vehicles	8-16, 8-51, et seq.
Dry Cleaning Plant	21-166(a)(3); Fire Code 105.6.12
Farmers Market	20-186, et seq.
Food Dealers (restaurants, street vendors, etc.)	20-36 thru 20-44
Gas Dispensing Site	21-166(a)(2)
House Mover	10-84
House Repair or Resale Lot	10-49(e)
Jitney Permit	46-321 thru 46-370
Kennel License	6-121 thru 6-126
Limousine Permit	46-331, et seq.
Low Speed Shuttle Permit	46-391, et seq.
Metal Recycler/Secondhand Metal Dealers and Resellers	7-51 thru 7-80
Mini Warehouse	27-1 thru 27-6
<u>Mobile Dispatch Service Certificate of Registration</u>	<u>46-452</u>
Parking Facility	8-16, 8-51, et seq.
Pedicab Permit	46-141 thru 46-190
Retail Supply Dealer	8-16, 8-51, et seq.
School Vehicles	46-276 thru 46-320
Secondhand Reseller	7-57(b)
Sexually Oriented Businesses	28-81 thru 28-150
Sidewalk Sales and Performances (food; merchandise)	40-261 thru 40-280
Skeet Club/Shooting Gallery	5-139
Storage Lot	8-16, 8-51, et seq.
Street Vendors	22-1 thru 22-50
Swimming Pools	43-31 thru 43-39
Taxicabs	46-16 thru 46-140
Tire Transporter	21-198(c)

<u>Transportation Network Company Permit</u>	<u>46-503</u>
Used Parts & Used Accessory Dealer	8-16, 8-51, et seq.
Used vehicle sales lot	21-166(a)(4)
Valet Parking Services	26-371 thru 26-452
Vehicle Immobilization Service	26-651, et seq.
Wholesale Auto Jobber & Supply Dealer	8-16, 8-51, et seq.
<b>* All references are to the numbered sections of the City's Code of Ordinances unless otherwise specified.</b>	

- a. A conviction of either criminal offense defined in the Texas Pay Day Act, Texas Labor Code, Section 61.019; or
- b. A conviction of the criminal offense of theft of service defined in Texas Penal Code, Section 31.04(a)(4).

For purposes of this item, *conviction* means that a final adjudication of guilt relating to a criminal offense described in this item has been entered that has not been satisfied and for which no further appeal is available; the conviction shall be grounds for the denial, revocation or nonrenewal of any occupational license or permit issued to any business or occupation described in this item for a period of five years following the date of such conviction.

(c) The permits, certificates of registration, and licenses and permits enumerated in this subsection shall be denied if the applicant (i) has been convicted of any of the designated offenses within the ten-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the ten-year period immediately preceding the date of filing of the application for such a conviction, or (ii) is subject to deferred adjudication in connection with any of the above offenses. Additionally, the following permits, certificates of registration, and licenses and permits shall be subject to denial, revocation, or refusal for renewal, as applicable, if the permittee, registrant, or licensee or permittee has been convicted of any of the designated offenses since the application was filed. Provided, however, no such permit, certificate of registration, or license or permit shall be denied, revoked, or refused for renewal if the conviction was set aside as invalid or if it is found that the license or permit should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

SGT licenses issued pursuant to section 9-58 of this Code and permits, certificates of registration, and licenses issued pursuant to chapter 46 of this Code ~~for school vehicle operators, pedicab operators and drivers, low-speed shuttle operators and drivers, charter or sightseeing service~~

~~operators and drivers, chauffeured limousine service operators and drivers, taxicab drivers, and jitney drivers, and permits issued for taxicabs, pedicabs, low-speed shuttles, and jitneys, and franchises issued pursuant to uncodified ordinances for school bus operators:~~

- a. Any offense involving fraud or theft;
- b. Any offense involving forgery;
- c. Any offense involving the unauthorized use of a motor vehicle;
- d. Any violation of state or federal laws regulating firearms;
- e. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of Texas;
- f. Any offense involving prostitution or the promotion of prostitution;
- g. Any offense involving rape, sexual abuse, sexual assault, rape of a child, sexual abuse of a child, indecency with a child, or resulting in designation of the individual as a "registered sex offender" by any state or by the federal government;
- h. Any offense involving the use of or sale of drugs;

~~In addition to the offenses listed above, the following shall apply to franchises for school operators and SGT licenses issued pursuant to section 9-58 of this Code and licenses issued pursuant to Chapter 46 of this Code for school vehicle operators, taxicab drivers, pedicab drivers, low-speed shuttle drivers, jitney drivers and chauffeured limousine drivers;~~

- i. ~~Three or more moving violations of the traffic laws of this state or any other state if such violations occurred within the two years immediately preceding the application for or renewal of a franchise or license or of the notice of a hearing for revocation of a franchise or license;~~

~~In addition to the offenses listed above, the following shall apply to franchises for school bus operators and licenses for school vehicle operators, limousine drivers, pedicab drivers, low-speed shuttle drivers, taxicab drivers, jitney drivers;~~

- j. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

~~Each of the foregoing provisions of this subsection shall also be applicable to persons proposed to be listed as drivers by school vehicle licensees and applicants, school bus franchisees and applicants, and SGT licensees and applicants.~~

The above listed offenses shall be grounds for denial, revocation or refusal for renewal of the above ~~referenced~~listed ~~permits, certificates of registration, and licenses, permits, franchises, and listings of drivers authorized thereunder~~ as they allow persons to engage in businesses and occupations in which there is a high degree of personal contact with and danger to the public and a serious need to protect the members of the public utilizing public transportation services from the type of criminal conduct represented by such offenses.

\*\*\*\*

**Sec. 1-15. Conducting national criminal background checks.**

(a) This section applies to the following licenses, permits or authorizations or renewals thereof:

- (1) All licenses issued pursuant to article II of Chapter 8 of this Code except retail supply dealer licenses;
- (2) Wrecker licenses issued pursuant to subdivision B of division 2 of article III of Chapter 8 of this Code;
- (3) Licenses issued pursuant to section 5-171 of this Code authorizing a person to operate, use or maintain any room or place where persons are permitted to play at any game of dominoes, cards or other games;
- (4) Authorizations for private storage lots issued pursuant to Chapter 8, article III, division 3 of this Code;
- (5) Permits for sexually oriented business enterprise entertainers and managers issued pursuant to article VIII of Chapter 28;
- (6) Permits for valet parking services, issued pursuant to Chapter 26, article VII, division 2;
- (7) Permits for vehicle immobilization services issued pursuant to Chapter 26, article X, division 2 of this Code;~~or~~
- (8) SGT licenses issued pursuant to section 9-58 of this Code and permits, certificates of registration, and licenses issued pursuant to Chapter 46 of this Code~~for school vehicle operators, pedicab operators and drivers, low-speed shuttle operators and drivers, charter or sightseeing service operators and drivers, chauffeured limousine service operators and drivers, taxicab drivers, and jitney drivers, and permits issued for taxicab,~~

~~pedicabs, low speed shuttles, jitneys, and franchises issued pursuant to uncodified ordinances for school bus operators; or~~

- (9) Licenses for crafted precious metals dealers issued pursuant to article IV of Chapter 7 of this Code;
- (10) Registrations for boarding homes issued pursuant to article XIV of chapter 28 of this Code; and;
- (11) Licenses issued for dance halls pursuant to chapter 5, article III, of this Code.

(b) This section is enacted pursuant to §§ 411.122 and 411.087 of the Texas Government Code, which authorizes the city to obtain criminal history record information maintained or indexed by the Federal Bureau of Investigation ("FBI") through the Texas Department of Public Safety ("DPS").

(c) Each individual whose application for a license, permit or authorization or any renewal thereof is subject to subsection (a) shall be required to provide a complete set of fingerprints and other identifying information to the official designated by the permitting, licensing or authorizing department, along with any applicable fee and any release or waiver forms required in order for the official to conduct a national background check through the FBI.

(d) Upon receipt of the fingerprints and any applicable fee, the city is authorized to submit the fingerprints to the DPS for a search of the State's criminal history record, and the DPS is authorized to forward a set of the fingerprints to the FBI for a national criminal history check. The results of the FBI check will be returned to the DPS, which will disseminate the results of state and national criminal history checks to the city.

(e) The criminal history record information obtained through the FBI by the city will be used to determine compliance with section 1-10 of this Code.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement between the City of Houston and Black Forest Ventures Aviation RE, LLC – William P. Hobby Airport (HOU).

Category #

Page 1 of 2

Agenda Item

36

279

FROM (Department or other point of origin):

Houston Airport System

Origination Date

July 9, 2014

Agenda Date

~~JUL 23 2014~~

DIRECTOR'S SIGNATURE:

*Handwritten signature: Craig Maudsley*

Council District affected:

I

~~JUL 30 2014~~

AUG - 6 2014

For additional information contact:

Kathy Elek *Kee* Phone: 281/233-1826  
Ian Wadsworth *IW* 281/233-1682

Date and identification of prior authorizing Council action:

N/A

AMOUNT & SOURCE OF FUNDING:

REVENUE: \$122,000 annually

Prior appropriations:

N/A

RECOMMENDATION: (Summary)

Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Black Forest Ventures Aviation RE, LLC at William P. Hobby Airport (HOU).

SPECIFIC EXPLANATION:

Black Forest Ventures Aviation RE, LLC ("Lessee") has requested to enter into a new hangar lease covering approximately 2.77 acres of improved land located at William P. Hobby Airport (HOU).

The pertinent terms and conditions of the Lease are as follows:

1. Leased Premises: Approximately 2.77 acres of land and improvements which includes hangar, ramp and parking located at 8410 Larson Street.
2. Term: Forty (40) years, unless sooner terminated in accordance with the terms of the Lease. The Agreement may be mutually terminated by written agreement of Lessee and the Director.
3. New Investment: Lessee shall expend not less than \$150,000 to improve the leased premises during the first five years following the effective date. Lessee shall also expend not less than an additional \$1,400,000 during the remaining term of the lease.
4. Rent: Based on appraisals, annual rent is \$122,000 annually. Following each fifth year of term, the rent shall be increased by approximately 15%.
5. Performance Security: Lessee will provide a performance bond or an irrevocable Letter of Credit in the amount of \$61,000.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

**Date**  
July 9, 2014

**Subject:** Lease Agreement between the City of Houston and Black Forest Ventures Aviation RE, LLC- William P. Hobby Airport (HOU).

**Originator's  
Initials**

**Page  
2 of 2**

6. Use:

Premises may be used by Lessee for the operation of charter aircraft service consistent with Federal Aviation Regulation Part 135 for the purpose of chartering aircraft to individuals and corporations and the operation of aircraft under Federal Aviation Regulation Part 91 on behalf of, or by, the owners or lessees of aircraft under a hangar agreement with Lessee. Lessee may also use the premises for fixed base operations upon the opening of Black Forest's new FBO facility on the south ramp.

7. Maintenance  
and Utilities:

Lessee shall assume the entire responsibility, cost and expense for all repair and maintenance of the leased premises and shall be responsible for all utilities furnished to the leased premises.

8. Indemnification  
and Insurance:

Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease.

9. Other:

Lessee shall comply with all federal, state and local environmental laws and all Airport policies and procedures.