

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

with notes of action taken

MOTIONS 2014-0746 to 2014-0787
ORDINANCES – 2014-0745 to 2014-0759
RESOLUTIONS – 2014-0030 to 2014-0031

2014-0745-1

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

Motion 2014-0746 – Procedural motion
Motion 2014-0747 – Procedural motion
Motion 2014-0748 – Procedural motion
Motion 2014-0749 – Procedural motion
Motion 2014-0750 – Procedural motion
Motion 2014-0751 – Procedural motion

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

Motion 2014-0753 – Consider items 1 and 2 out of order

1. Motion 2014-0754

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

MISCELLANEOUS - continued

2. Motion 2014-0755

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. Pulled-Not Considered

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. Motion 2014-0756

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. Motion 2014-0757

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. Motion 2014-0758

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. Motion 2014-0785 – Delay two (2) weeks

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. Council Member Stardig tagged

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. Motion 2014-0759

CNA for Hazard Analysis and Emergency Planning Support - \$178,314.49 - Grant Fund

10. Motion 2014-0760

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. Motion 2014-0761

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. Motion 2014-0762

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 2014-0745

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. Motion 2014-0763

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

PURCHASING AND TABULATION OF BIDS - continued

14. Motion 2014-0764

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

15. Motion 2014-0765

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. Motion 2014-0766

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. Motion 2014-0767

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 2014-0030

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 2014-0746

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 2014-0747

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. Council Member Costello tagged

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

RESOLUTIONS AND ORDINANCES - continued

22. Ordinance 2014-0748

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 2014-0749

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**

24. Ordinance 2014-0755

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 2014-0756

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 2014-0750

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 2014-0751

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 2014-0752

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 2014-0753

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

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2014-0757

ORDINANCE approving the amendment to Certificate of Formation of Houston First Corporation

31. Council Members Kubosh and Costello tagged

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

Motion 2014-0786 - Written motion by Council Member Stardig to amend Item 32 as follows:

"Section 8. Not later than five (5) years from the date the ordinance establishing the Authority is passed and adopted, the Authority shall be brought before the Mayor and City Council for a vote to renew the Authority."

32. Resolution 2014-031 – Adopt as amended

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 2014-0758

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. Motion 2014-0787 – Override ruling of the Commission

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 C - COHEN** - **TAGGED BY COUNCIL MEMBER COHEN**
This was Item 24 on Agenda of July 30, 2014

MATTERS HELD - continued

Motion 2014-0752 – Suspend rules to consider Items 35, 35a and 35b out of order

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 2014-0754 – Adopted as amended**

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

Motion 2014-0778 – Suspend rules to remain in session beyond the scheduled noon recess

36. **Ordinance 2014-0759**

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

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

8/5/2014 - Mayor Parker out of the City on City business
Council Member Pennington absent on personal business
Mayor Pro-tem Gonzalez presiding
8/6/2014 - All Present

Issue	Council Member	Affected Section	Brief Synopsis of Amendment	Administration's Position	Discussion
Accessibility Motion 2014-0768 - Adopt	Stardig (1)	Adopting Ordinance Whereas Clauses	1) Sets a benchmark that within three years not less than 5% of the VFH fleet in Houston will WAVs 2) Gives the Task Force the ability to set further benchmarks	Support	N/A
Accessibility Motion 2014-0768 – Adopt	Stardig (2)	Adopting Ordinance Section 8	1) Requires 3% of Houston's VFH fleet to be comprised of WAV 2) Clearly reiterates each company's responsibility to provide consistent and equivalent service to individuals with disabilities 3) Provides penalties for companies that do not provide consistent and equivalent service	Support	N/A
Accessibility Motion 2014-0768 – Adopt	Stardig (3)	Adopting Ordinance Section 9	1) Clearly articulates the responsibilities of the Task Force 2) Clarifies that Task Force's ability to adjust the City's WAV mandate in Section 8	Support	N/A
Accessibility Motion 2014-0768 – Adopt	Stardig (4)	Adopting Ordinance Section 10	Specifies what must be included in a company's accessibility plan	Support	N/A
Accessibility Motion 2014-0768 – Adopt	Stardig (5)	Adopting Ordinance Section 12	Clarifies the selection and self-governance processes of the Task Force	Support	N/A
Accessibility Motion 2014-0768 – Adopt	Stardig (6)	Adopting Ordinance Section 13	Clarifies the timeline for reporting the Task Force's recommendations to Council	Support	N/A
Accessibility Motion 2014-0769	Laster (2)	46-18	Written motion by Council Member Laster to substitute the following: “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	Request Withdrawal in Favor of Proposed Substitute Language for Table Amendment	On its face, the proposed Table Amendment appears to increase the number of wheelchair accessible vehicles in the fleet. However, it would effectively set a cap of 5% WAVs on the fleet. In the proposed substitute ordinance, the Task Force is given the responsibility of determining the appropriate % of WAVs in the taxi fleet as well as the other vehicle for hire categories; thus, to cap it in this way via this Table Amendment usurps the Task Force's authority. The Administration recommends changing this Table Amendment to simply add a fifth criteria to §46-18(b) allowing it to be a Large SUV (see attached proposed substitute Table Amendment).

AGENDA - AUGUST 6, 2014 - PAGE 9

			<p>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.</p> <p>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, must meet one or more of the following criteria:</p> <ol style="list-style-type: none"> (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; (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; or (5) Be a sport utility vehicle ("SUV"), including but not limited to large SUVs, as said vehicles are defined or described by size, shape, specification, make or model according to commonly accepted industry standards. 		
Insurance Motion 2014-0770 - Adopt	Costello (1)	46-508(c)(1)	Requires Transportation Network Companies (TNCs) to extend insurance coverage until the passenger arrives at his or her final destination, regardless of whether the app is on for the entire trip	Support	N/A
Insurance Withdrawn	Laster (5) (On behalf of Martin)	46-508	Prohibits TNCs from obtaining insurance from Surplus Lines Carriers	Oppose	This proposed table amendment, as written, is discriminatory. Several incumbent vehicle-for-hire operators are already using surplus lines carriers for insurance coverage. In the interest of public safety, we established criteria for surplus lines carriers to ensure that any surplus lines carrier providing coverage for vehicles-for-hire in Houston had sufficient financial stability to provide appropriate coverage in the event of a major claim. The proposed table amendment is discriminatory in that it eliminates the ability for TNCs to use surplus lines coverage, while allowing other vehicles-for-hire to continue to make use of this coverage. There is no rational basis for making this distinction.
Insurance Motion 2014-0771 - Failed	Laster (6) (On behalf of Martin)	46-508.1	Requires transportation network drivers to obtain commercial insurance for their vehicles	Oppose	This proposed table amendment, as written, is discriminatory. No other VFH driver is required to purchase commercial insurance; instead, the responsibility is on the permittee. It is

AGENDA - AUGUST 6, 2014 - PAGE 10

					discriminatory to place the burden on TNC drivers while not imposing a similar burden on drivers of other vehicles-for-hire.
Public Safety Motion 2014-0772 – Adopt	Costello (2)	46-516(d)	1) Prohibits a transportation network driver from providing his or her email address or phone number to passengers to enable requests for service 2) A TNC must immediately notify ARA if the company becomes aware of a driver violating this provision	Support	N/A
Public Safety Motion 2014-0773 - Adopt	Costello (3)	46-516(l)	Requires transportation network driver to log on to the TNC app immediately upon entering his or her vehicle with the intent to provide service	Support	N/A
Public Safety Motion 2014-0774 - Adopt	Davis (1)	46-7	Allows a vehicle-for-hire (VFH) driver to be granted a provisional license to operate a vehicle-for-hire for 30 days before undergoing the City's background check process pursuant to passing a third party background check	Request Withdrawal	Allowing drivers to operate before they have undergone a comprehensive fingerprint-based background check creates a public safety risk. The Department of Justice (DoJ) recommends that background checks be supported by fingerprints in order to reduce the twin risks posed by false negatives and false positives. The DoJ also recommends that background checks be conducted through the FBI database when at all possible. Both practices are currently used in the City of Houston's vehicle-for-hire criminal background check process.
Definitions Motion 2014-0775 - Adopt	Kubosh (1)	46-501	Replaces TNC Article's scope with "The provisions of this article shall not apply to transportation which qualifies as ridesharing."	Request Withdrawal	The language in the scope as it exists distinguishes true rideshare (such as CARMA) from a TNC under the ordinance. Eliminating the sentence, as proposed by the Table Amendment, contributes to a blurring of the issue, and the clear distinction that all the vehicle-for-hire industries insisted on during months of stakeholder discussions. Operationally, the scope language would be used by the City Prosecutor's Office in training new and temporary volunteer prosecutors as to the type of violation and the rationale for citations issued to TNCs. Similar language exists in the other articles in Chapter 46 for the same purpose.
Definitions Withdrawn	Laster (3)	46-501	See Kubosh (1)	Request Withdrawal	See Response to Kubosh (1)
Definitions Withdrawn	Kubosh (2)	46-1	Limits the definition of pre-arranged transportation service to VFH service "which is first initiated through a Mobile Dispatch Service or Transportation Network Company internet-enable smart phone application..."	Request Withdrawal	Adoption of the definition proposed in this table amendment would inadvertently narrow the pre-arranged definition to only MDS and TNC services. The proposed table amendment fails to recognize that taxis also operate as a pre-arranged service in many instances, and limousines and other vehicles-for-hire operate on a pre-arranged basis. Therefore, this amendment would negatively impact other VFH industries. The definition needs to apply generally to the entire ordinance.

AGENDA - AUGUST 6, 2014 - PAGE 11

Barrier to Entry Motion 2014-0776 - Failed	Kubosh (3)	46-501.1	Requires transportation network drivers to render their vehicles for ad valorem taxation	Request Withdrawal	The proposed ordinance already requires all VFH drivers to render their vehicles for ad valorem taxation in Section 46-3. The language in §46-3 mimics the applicable language from state law regarding VFH and, as proposed in the substitute ordinance, applies to all VFH drivers, including transportation network drivers. Applying this language only in the TNC section potentially erodes the applicability of the requirement to all categories of VFH.
Barrier to Entry Withdrawn	Laster (1)	46-517	Imposes a 150-vehicle limit on each TNC	Oppose	The City of Houston does not have a rational basis for limiting the number of transportation network vehicles that will be permitted to operate in the city. The City caps the number of taxi permits in order to protect the taxicab stand and street hail markets, to which the other VFH categories do not have access. The number of taxi permits is also capped in order to avoid well-established market failures and negative safety, quality and customer service outcomes associated with over-supply in the stand and street hail taxi market subsegments. These market failures have not been observed in the dispatch taxi market subsegment. Because taxis would remain the only vehicle-for-hire allowed to provide service to all three vehicle-for-hire subsegments (stand, hail and dispatch), the Administration believes the caps on taxicab permits should remain. However, since TNCs (like limousines) would only be allowed to provide dispatch service, the proposed cap would serve only to limit competition in this subsegment of the market. The Administration is not aware of empirical evidence establishing a market failure that imposes a cost to society which this proposal would mitigate. The proposed ordinance, as written, regulates TNCs in a manner consistent with the other eight VFH categories (limos, jitneys, pedicabs, low-speed shuttles, etc), who are not subject to vehicle caps.
Barrier to Entry Motion 2014-0779 – Failed Motion 2014-0777 – Allow CM Martin to substitute	Laster (4) (On behalf of Martin)	46-505	1) Imposes a 250 vehicle cap on each TNC 2) Allows TNCs to expand this cap by purchasing existing taxi permits and converting them to “transportation network license” **Amended, the main motion, as amended, failed**	Oppose	1) See response to Laster (1). 2a) §46-505(d) Requiring TNCs to purchase convert taxi medallions to "transportation network licenses" in order to operate is, on its discriminatory, as none of the vehicle for categories currently have this requirement entry. There is no rational basis for the imposition of such a requirement.

AGENDA - AUGUST 6, 2014 - PAGE 12

					Note: The proposed table amendment §46-505(d) refers to a "transportation network license," for which there is no definition. The specifics of this license remain unclear. The usage of "license" in this instance is also inconsistent with the usage of "license" in the rest of the ordinance.
Barrier to Entry Withdrawn	Laster (7) (On behalf of Martin)	46-515(b)	3) Requires a transportation network driver to display permanent trade dress	Request Withdrawal	The substitute ordinance, as written, requires transportation network drivers to display distinctive signage while he or she is available to provide service. There is no benefit to public safety in identifying an off-duty transportation network vehicle. It is more likely that keeping an off-duty TNC vehicle in trade dress would result in adverse effects to public safety because it could create confusion for the public and result in activities such as the acceptance of street hailing off-app vehicle-for-hire services, which are prohibited.
Barrier to Entry Mayor ruled out of order	Laster (8) (On behalf of Martin)	46-516(b)	Ties the airport use fee (AUF) for transportation network drivers to the AUF for taxis	Motion Is Out Of Order	The Houston Airport System determines the fees for the use of its facilities. Airport use permits and associated fees are addressed, in detail, in § 46.01 of the Code of Ordinances. As such, this amendment provision is beyond the scope of Article 46.