

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 3, 2014 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Green

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

HEARING - 1:30 P. M.

1. **PUBLIC HEARING** on the City Budgets for the time period July 1, 2014 through June 30, 2015

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 - JUNE 4, 2014 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

2. **PUBLIC HEARING** relative to designation of a banner district in the Midtown Management District
DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 56

MISCELLANEOUS - NUMBERS 3 through 6

3. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **FIREFIGHTER CHRISTOPHER CHAPPELL**
4. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **ENGINEER OPERATOR/EMT ANTHONY LIVESAY**
5. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **FIREFIGHTER EMT ROBERT YARBROUGH**
6. RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a residential parking permit area in the Super Neighborhood of Neartown-Montrose - **DISTRICT C - COHEN**

ACCEPT WORK - NUMBERS 7 through 16

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,471,675.31 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.** for Whiteheather Drainage and Paving Sub-Project IV 3.34% under the original contract amount - **DISTRICT K - GREEN**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,642,340.60 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., LTD.** for West Little York Paving from T. C. Jester to Alabonson/Deep Forest - 1.53% under the total contract amount - **DISTRICTS A - STARDIG and B - DAVIS**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,539,867.48 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.**, for Safe Sidewalk Program - 6.39% under the original contract amount **DISTRICTS A - STARDIG; C - COHEN; G - PENNINGTON and H - GONZALEZ**
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,143,554.36 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.**, for Safe Sidewalk Project - 6.10% under the original contract amount **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; D - BOYKINS; G - PENNINGTON; H - GONZALEZ and J - LASTER**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,268,699.60 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 1.73% under the original contract amount (4257-107) - **DISTRICTS B - DAVIS; C COHEN; D - ADAMS; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,269,504.53 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 0.95% under the original contract amount (4257-113) - **DISTRICTS B - DAVIS; C COHEN and D - ADAMS**

ACCEPT WORK - continued

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$534,099.85 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation 0.71% over the original contract amount (4257-67)
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,679,751.50 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Alameda Sims Wastewater Treatment Plant and Sludge Processing Facility Improvements Package 2 - 5.75% under the original contract amount **DISTRICT D - BOYKINS**
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,893,804.00 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Northeast Water Purification Plant Improvements - Sedimentation Basin Sludge Collector Replacement - 4.54% under the original contract amount - **DISTRICT E - MARTIN**
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$512,965.53 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation 2.55% under the original contract amount (4277-54)

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 20

17. **FERRARA FIRE APPARATUS, INC** for Firefighting Equipment for the Houston Fire Department 3 Years with 2 one-year options - \$513,608.00 - General Fund
18. ORDINANCE appropriating \$252,270.90 out of Equipment Acquisition Consolidated Fund for Installation of Automatic Entry Door Openers for the General Services Department on behalf of the Health & Human Services Department
 - a. **BASELINE PAVING AND CONSTRUCTION, INC** for Installation of Automatic Entry Door Openers through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Department of Health & Human Services - \$240,258.00 and contingencies for a total amount not to exceed \$252,270.90
19. ORDINANCE appropriating \$322,451.80 out of Public Health Consolidated Construction Fund for Roof Replacement for the General Services Department on behalf of the Health and Human Services Department
 - a. **JOHN A. WALKER ROOFING CO., INC** for Roof Replacement at Peavy Senior Center, located at 3814 Market Street for the General Services Department on behalf of the Health and Human Services Department - \$293,138.00 and contingencies for a total amount not to exceed \$322,451.80 - **DISTRICT B - DAVIS**
20. **ROTATING EQUIPMENT REPAIR, LLC** for Emergency Centrifuge Repair and Overhaul Services for the Department of Public Works & Engineering - \$100,749.19 - Enterprise Fund

ORDINANCES - NUMBERS 21 through 56

21. 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
22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Colecrest Lane, from its Southern terminus north to its cul-de-sac terminus at Barton Gate Lane; vacating and abandoning the street to the Harris County Municipal Utility District 529 and Lakes of Parkway Homeowners Association, Inc., abutting owners, in consideration of owner's payment of \$96,187.00 to the City and conveyance to the City of a public utility easement, located within Lakes of Parkway Section 17, Joel Wheaton Survey, A-80, and other consideration - **DISTRICT G - PENNINGTON**
23. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, and **CENTERPOINT ENERGY RESOURCES CORP.**, for approximately 18,000 square feet of real property located under the Navigation Blvd. Overpass from approximately terminal street on the west to a point approximately 350 feet west of 67th Street on the east, for use by Centerpoint Energy Resources Corp. for parking - **DISTRICT I - GALLEGOS**
24. ORDINANCE accepting the Tunnel Funnel Sculptures, for temporary placement in the median of Montrose Boulevard on a temporary basis and approving and authorizing agreement between the City of Houston and the **ART LEAGUE HOUSTON** for donation of such work of art - **DISTRICT C - COHEN**
25. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FOR THE GULFTON COMMUNITY YOUTH DEVELOPMENT PROGRAM** for continued operation of the Campo Del Sol Summer Day Camp at Burnett Bayland Park \$37,000.00 - Grant Funds - **DISTRICT J - LASTER**
26. ORDINANCE approving and authorizing amended and restated Interlocal Agreement between the City of Houston and **FORT BEND COUNTY** for Design and Construction of Fondren Road, S. Post Oak, and Blue Ridge Road (Approved by Ordinance No. 2009-0512, as amended) **DISTRICT K - GREEN**
27. ORDINANCE appropriating \$7,830,204.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Sole Source Contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for the Operation and Maintenance of Pure Oxygen Generating Plant at 69th Street Wastewater Treatment Facility for the Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$4,485,384.00 - Enterprise Fund
28. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **THE HOUSTON PARKS BOARD LGC** for the provision of local matching funds and other costs related to the construction of Four Bicycle/Pedestrian Projects; Mason Park Bridge, University Connection, Hermann Park/Brays Bayou Trail Connector, and Hunting Bayous Gaps **DISTRICTS B - DAVIS; D - BOYKINS and I - GALLEGOS**
- a. ORDINANCE approving and authorizing Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the MASON Park Ped/Bike Bridge Transportation Enhancement Project - **DISTRICT I - GALLEGOS**

ORDINANCES - continued

Item 28 - continued

- b. ORDINANCE approving and authorizing Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the University Connection Transportation Enhancement Project - **DISTRICT D - BOYKINS**
- c. ORDINANCE approving and authorizing Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Hunting Bayou Gaps Transportation Enhancement Project - **DISTRICT B - DAVIS**
- d. ORDINANCE approving and authorizing Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Hermann Park/Brays Bayou Trail Connectors Transportation Enhancement Project - **DISTRICT D - BOYKINS**
- 29. ORDINANCE appropriating \$6,540.22 out of Parks Special Fund and \$66,179.00 out of Parks Consolidated Construction Fund as an additional appropriation for contract (Approved by Ordinance No. 2004-1091); between the City of Houston and **THE TEXAS DEPARTMENT of TRANSPORTATION** for project cost overruns on the Hermann Park Trail Improvements and Scottcrest Park Pedestrian Trail Project - **DISTRICT D - BOYKINS**
- 30. ORDINANCE establishing the west side of the 1600 block of Buescher Drive, the north and south sides of the 10900 block of Britt Way Street, and the east and west sides of the 1600 block of Skyview Drive, within the City of Houston as a special minimum building line block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - STARDIG**
- 31. ORDINANCE establishing the west side of the 4400 block of Busiek Street, between Whitney Street and Crosstimbers 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 H - GONZALEZ**
- 32. ORDINANCE establishing the north and south sides of the 1800 block of Missouri Street, between Mandell Street and Ridgewood 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 C - COHEN**
- 33. ORDINANCE establishing the east side of the 1800 block of Wycliffe Drive, between Chatterton Drive and Timberoak Drive, within the City of Houston as a special minimum building line block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - STARDIG**
- 34. ORDINANCE establishing the northeast side of the 2600 block of Yupon Street, between Missouri Street and California 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 C - COHEN**
- 35. ORDINANCE consenting to the addition of 30.829 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district
- 36. ORDINANCE consenting to the addition of 73.8716 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194**, for inclusion in its district
- 37. ORDINANCE consenting to the addition of 30.1554 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**, for inclusion in its district
- 38. ORDINANCE consenting to the addition of 89.433 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**, for inclusion in its district

ORDINANCES - continued

39. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential properties within **BRAYS FOREST SUBDIVISION, SECTIONS 4 R/P, 5 R/P and 6** to prohibit the parking of vehicles in the front or side yards of such residences; making findings and containing other provisions related thereto **DISTRICT F - NGUYEN**
40. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **PLEASANTVILLE SUBDIVISION, SECTIONS 2-4 & 6-8; PLEASANT VIEW SUBDIVISION, SECTIONS 1-3 and PLEASANTON MANOR SUBDIVISION, SECTIONS 2-4**, to prohibit parking vehicles in the front or side yards of such residences; making findings and containing other provisions related thereto **DISTRICT B - DAVIS**
41. ORDINANCE approving the LED Street Light Installation and Tariff Agreement with **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** within the City of Houston, Texas; maintaining in effect the current rates that shall constitute the CenterPoint Energy Houston Electric, LLC Street Light rates to be observed within the City of Houston, Texas, until changed under the Utilities Code; providing an installation schedule
42. ORDINANCE appropriating \$184,000.00 out of Metro Projects Construction DDSRF for the Relocation of a fiber optics cable for the Buffalo Speedway Paving and Drainage: Holmes Road to West Airport Boulevard Project; approving a Utility Reimbursement Services Agreement with **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** - **DISTRICT K - GREEN**
43. ORDINANCE approving the closing to vehicular traffic of street railroad crossings at Bringham Street and Hailey Street; approving the installation of roadway ending devices at those crossings to affect such closings - **DISTRICT B - DAVIS**
44. ORDINANCE approving and authorizing Master License Agreement for Hike and Bike Trails between the City of Houston and **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** to fulfill certain legal defense obligations in the agreement - \$100,000.00 - Property and Casualty Fund
45. ORDINANCE appropriating \$8,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an amendment to the Advance Funding Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for the Rehabilitation of Cambridge Road from Holly Hall to Old Spanish Trail (Approved by Ordinance No. 2011-0712) - **DISTRICT D - BOYKINS**
46. ORDINANCE appropriating \$328,119.00 out of Fire Consolidated Construction Fund as an additional appropriation to the Design/Build Contract between the City of Houston and **BARTLETT COCKE GENERAL CONTRACTORS, LLC** for Fire Station No. 67 Expansion and Renovation (Approved by Ordinance No. 2013-784); providing funding for the Civic Art Program and for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT B - DAVIS**
47. ORDINANCE appropriating \$317,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Little York, Courlandt Meadows and York Meadows Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT H - GONZALEZ**

ORDINANCES - continued

48. ORDINANCE appropriating \$873,500.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Spring Shadows (North) Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT A - STARDIG**
49. ORDINANCE appropriating \$14,412,202.00 out of Street & Traffic Control & Storm Drainage DDSRF and \$1,979,798.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS LLC**, for Northline Drive Rehabilitation from Parker Road to Canino Street; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Traffic Control & Storm Drainage DDSRF and the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ**
50. ORDINANCE appropriating \$274,237.00 out of Metro Projects Construction DDSRF as an additional appropriation; approving and authorizing an amendment to Professional Engineering Services Contract between the City of Houston and **VAN DEWIELE & VOGLER, INC** for Hillcroft Avenue and Court Road Extension (Approved by Ordinance No. 2010-0012); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT K - GREEN**
51. ORDINANCE appropriating \$2,665,767.00 out of Metro Projects Construction DDSRF, \$2,068,082.00 out of Water & Sewer System Consolidated Construction Fund, \$336,071.00 out of Street & Traffic Control and Storm Drainage DDSRF awarding contract to **CONRAD CONSTRUCTION CO., LTD.** for Freedman's Town Brick Streets Restoration Project; 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 Metro Projects Construction DDSRF, the Water & Sewer System Consolidated Construction Fund, the Street & Traffic Control and Storm Drainage DDSRF - \$530,000.00 - Grant Fund - **DISTRICT C - COHEN**
52. ORDINANCE appropriating \$834,000.00 out of Metro Construction - Other, awarding contract to **IU-FEI SAFE SIDEWALK JV** for Safe Sidewalk Program; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Construction - Other - **DISTRICTS B - DAVIS; E - MARTIN; F - NGUYEN and I - GALLEGOS**
53. ORDINANCE appropriating \$6,858,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX CORP.** for Northeast Water Purification Plant: Plant Security, Truck Scale and Miscellaneous Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

ORDINANCES - continued

54. ORDINANCE appropriating \$3,357,621.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **HUFF & MITCHELL, INC** for East Water Purification Plant 60-Inch Raw Water Line Condition Assessment and Rehabilitation; 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, contingencies, and construction management relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**
55. ORDINANCE appropriating \$2,008,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Engineering Services associated with the facilities improvements at various Well Sites and Re-Pump Stations; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; B - DAVIS; E - MARTIN; F - NGUYEN; G - PENNINGTON; J - LASTER and K - GREEN**
56. ORDINANCE granting to the **OUTHOUSE BOYS, LLC, A TEXAS LIMITED LIABILITY COMPANY**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

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MATTERS HELD - NUMBERS 57 through 59

57. ORDINANCE approving and authorizing contract between the City of Houston and **PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP AND GREENBERG TRAURIG, LLP**, functioning as a Joint Venture for the collection of delinquent ad valorem taxes - **TAGGED BY COUNCIL MEMBERS DAVIS, NGUYEN, KUBOSH, GREEN, LASTER and BRADFORD**

This was Item 34 on Agenda of May 28, 2014

58. ORDINANCE awarding contract between the City of Houston and **HOLMES ROAD RECYCLING COMPANY, INC** for Sale of Scrap Metal Materials for Various Departments - 3 Years with two one-year options - Revenue - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 40 on Agenda of May 28, 2014

59. ORDINANCE appropriating \$6,117,975.00 out of Public Library Consolidated Construction Fund as an additional appropriation under a CMAR Contract between **TURNER CONSTRUCTION COMPANY** and the City of Houston (Approved by Ordinance No. 2013-0669) for Pre-Construction and Construction Phase Services for the Houston Public Library; providing funding for related services - **DISTRICT G - PENNINGTON**

TAGGED BY COUNCIL MEMBER PENNINGTON

This was Item 43 on Agenda of May 28, 2014

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Kubosh 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

*CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - WEDNESDAY
JUNE 3, 2014 – 2:00 PM*

AGENDA

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>

NON-AGENDA

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
MR. ROBERT MILLER – 600 Travis #2800 – 77002 – 713-226-1186 – UBER – Chapter 46		
<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
MR. GUILLERMO HERRERA, JR – 10903 Sageleaf Ln – 77089 – 281-918-9725 – HPD complaint		
MS. AMANDA LINA – 26 Seven St – Texas City – 77590 – 832-741-5751 – Missing person, Jacob Wallace		
MS. SHIRLEY WALLACE – 334 FM 1010 – Cleveland – 77327 – 281-508-4656 - Missing person, Jacob Wallace		
MS. CARMELITA WHITAKER – 19103 Sprinters – Humble – 77346 – 281-636-3138 – Missing person, Jacob Wallace		
MS. JAN LATSCH – 2100 Tanglewilde #427 – 77063 – 832-217-0694 – Can we hire/find more police?		
MS. LOVERIA LOUISE JORDAN – 6310 Dumfries #218 – 77096 – 713-779-3249 – Lawsuit against City of Houston		
MS. DEBORAH ELAINE ALLEN – 12000 Martin Luther King Blvd., No. 2059 – 713-264-0127 – Problems in the World		
MR. OTIS MYLES – 5606 Yorkwood – 77016 – 713-633-8067 – Trash concerns		
MR. JOHN CIESLEWICZ – 1250 DuBarry – 77018 – 713-906-1725 – Drainage		

PREVIOUS

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – C/Counsel Chamber’s – under arrest by tempt. Chief Sheriff J.Charles - H/C-Texas		

/
JUN 03 2014

PUBLIC HEARING on the City Budgets for the time period July 1, 2014 through June 30, 2015

2
JUN 04 2014

MOTION NO. 2014 0459

MOTION by Council Member Costello that the recommendation of the Director of Department of Public Works and Engineering, to set a hearing date relative to designation of a banner district in the Midtown Management District, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, June 4, 2014, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Bradford 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 28th day of May, 2014.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is June 3, 2014.

City Secretary

SUBJECT: Motion to set a public hearing relating to a request for designation of a Banner District in the Midtown Management District.

Category #

Page
1 of 1

Agenda Item #
64

FROM (Department or other point of origin):
Department of Public Works and Engineering

Origination Date

5/21/14

Agenda Date

MAY 28 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

C, D, and I

For additional information contact:

Mark L. Loethen, P.E, PTOE, CFM Phone: (832) 395-2705
Deputy Director

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

RECOMMENDATION: Approval of a motion setting the public hearing date relative to a request for the designation of a banner district in the Midtown Management District

Amount of Source of Funding: N/A

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering received a request from the Midtown Management District for the designation of a banner district as defined in Section 40-30 of the City of Houston Code of Ordinances. The boundaries of the proposed district exist within the City limits. Placement of banners will be on specific sections of roadways shown in the attached exhibit. The Code of Ordinances defines that City Council shall conduct a hearing to consider the merits of the request. The request is accompanied by exhibits which address the merits and include verification that the proposed district streets have a minimum 60-foot right-of-way and that the district is predominately non-residential.

The Department of Public Works and Engineering requests that a public hearing be held on June 4th, 2014 to consider the designation of a banner district in the Midtown Management District. During the hearing, the Midtown Management District will present evidence of said merits relative to Section 40-30.

Location: The project is located in Council Districts C, D and I on Key Map Grid 493 L, M, Q, R, T, U and X

REQUIRED AUTHORIZATION

20MLL66

Finance Department:

Other Authorization:

Mark Loethen, P.E., PTOE, CFM
Deputy Director
Planning and Development Services

Other Authorization:

REQUEST FOR COUNCIL ACTION**To:** Mayor via City Secretary**SUBJECT:** Request for Extension of Injury Leave for:
Christopher Chappell, Employee No. 120311**Category #****Page**
1 of 1**Agenda**Item **JUN 04 2014****FROM (Department or other point of origin):**Terry Garrison
Fire Chief**Origination**
Date

04/28/2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:**Council District affected:**
All**For additional information contact:**

Assistant Chief Cynthia Vargas

Phone: (832) 394-6751**Date and identification of prior**
authorizing Council action:**RECOMMENDATION: (Summary)**

Request approval for injury on duty leave (Salary Continuation) extension for Firefighter Christopher Chappell.

None required**Finance Budget****SPECIFIC EXPLANATION:**

Christopher Chappell a Firefighter/Paramedic was first injured on duty on February 5, 2013. Firefighter Chappell was assisting a patient, who was lying on the floor and having a seizure, to stand up. As he did, he felt pain to his neck, chest and right shoulder. Firefighter Chappell did have surgery on April 19, 2013. Firefighter Chappell was approved for injury leave beginning on February 7, 2013. He completed one year of injury leave on February 7, 2014 and since was returned to full duty on March 8, 2014. After the initial year, City Council's approval is required. As such, this request is to extend this leave from February 7, 2014 through March 7, 2014, which will result in an amount of \$3,266.09.

cc: Anna Russell, City Secretary
Marta Crinejo, Agenda Director
Lisa Campbell, Chief – Fire Department/Human Resources Division
Lydia Henn, HFD Risk Management Office

REQUIRED AUTHORIZATION**Finance Department****Other Authorization:****Other Authorization:**

MJD

JA

3

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

4

SUBJECT: Request for Extension of Injury Leave for:
Anthony Livesay, Employee No. 118043**Category #****Page**
1 of 1**Agenda**
Item**FROM (Department or other point of origin):**Terry Garrison
Fire Chief**Origination**
Date
03/10/2014**Agenda Date**

JUN 04 2014

DIRECTOR'S SIGNATURE:**Council District affected:**
All**For additional information contact:**

Assistant Chief Cynthia Vargas

Phone: (832) 394-6751**Date and identification of prior**
authorizing Council action:**RECOMMENDATION: (Summary)**

Request approval for injury on duty leave (Salary Continuation) extension for Engineer Operator/EMT Anthony Livesay.

None required**Finance Budget****SPECIFIC EXPLANATION:**

Anthony Livesay an EOE was first injured while on duty on May 31, 2013. EOE Livesay was in a large building fire and he attempted to rescue other officers. EOE Livesay suffered a broken left fibula, contusions and strains to the right shoulder, ribs, thigh, hip and lower leg. He has since undergone and continues medical treatment. EOE Livesay was approved for injury leave beginning on June 1, 2013. He will complete one year of injury leave on or about May 31, 2014. After the initial year, City Council approval is required. As such, this request is to extend this leave from June 1, 2014 through September 12, 2014, which will result in an amount of \$ 6,302.24.

cc: Anna Russell, City Secretary
Marta Crinejo, Agenda Director
Lisa Campbell, Chief – Fire Department/Human Resources Division
Lydia Henn, HFD Risk Management Office

REQUIRED AUTHORIZATION**Finance Department****Other Authorization:****Other Authorization:**

REQUEST FOR COUNCIL ACTION**To:** Mayor via City Secretary**SUBJECT:** Request for Extension of Injury Leave for:
Robert Yarbrough, Employee No. 079581**Category #****Page**
1 of 1**Agenda**
Item**FROM (Department or other point of origin):**

Terry Garrison

Fire Chief

Origination
Date

03/10/2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:**Council District affected:**
All**For additional information contact:**

Assistant Chief Cynthia Vargas

Phone: (832) 394-6751**Date and identification of prior**
authorizing Council action:**RECOMMENDATION: (Summary)**

Request approval for injury on duty leave (Salary Continuation) extension for Firefighter/EMT Robert Yarbrough.

None required**Finance Budget****SPECIFIC EXPLANATION:**

Robert Yarbrough a Firefighter/EMT was first injured while on duty on May 31, 2013. Firefighter Yarbrough was attempting to evacuate a burning building when a wall fell on him. Firefighter Yarbrough sustained a fracture to left leg and foot and injuries to both knees and neck. He has since undergone and continues medical treatment.

Firefighter Yarbrough was approved for injury leave beginning on June 1, 2013. He will complete one year of injury leave on or about May 31, 2014. After the initial year, City Council approval is required. As such, this request is to extend this leave from June 1, 2014 through September 12, 2014, which will result in an amount of \$ 6,372.32.

cc: Anna Russell, City Secretary
Marta Crinejo, Agenda Director
Lisa Campbell, Chief – Fire Department/Human Resources Division
Lydia Henn, HFD Risk Management Office

REQUIRED AUTHORIZATION**Finance Department****Other Authorization:****Other Authorization:**

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Designation of residential parking permit areas in various neighborhoods in the City of Houston.

Category #

Page 1 of 10

Agenda Item# 6

FROM: (Department or other point of origin):Tina Paez, Director
Administration & Regulatory Affairs Department

Origination Date

5/29/14

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Council Districts affected:

C

For additional information contact:Maria Irshad, CAPP Phone: 832-393-8641
Toya Ramirez Phone: 832-393-8503**Date and identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Adopt a motion authorizing the designation of a residential permit parking area in the Super Neighborhood of Neartown-Montrose

Amount of Funding: N/A**FIN Budget:****SOURCE OF FUNDING:**

N/A

☐ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)**SPECIFIC EXPLANATION:**

Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 134 permit areas have been designated.

The Administration & Regulatory Affairs Department recommends that the following proposed areas be designated residential parking permit areas, where on-street parking at the times of day and days of the week specified in the attachment require a valid permit. The Administration & Regulatory Affairs and the Department of Public Works and Engineering reviewed the applications. The required public hearing was held on February 19, 2014 and April 29, 2014 and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the following proposed areas are attached.

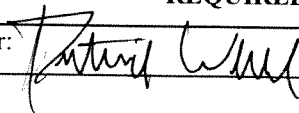
- 082813-24-229, 2400 block of Morgan, at Hyde Park Blvd. and Fairview, Wednesday – Sunday 11 pm – 5 am, tow-away zone
- 091213-24-226, 800 block of West Drew, northside, at Crocker and Converse, Wednesday - Sunday 11 pm – 5 am, tow-away zone
- 011414-24-230, 4300 block of Greeley, westside, at Richmond and Oakley, Tuesday – Sunday, 11am – 11pm, tow-away zone
- 021214-24-231, 1800 block of Missouri, at Mandell and Ridgewood, Monday –Friday 6 pm -12 am, Saturday – Sunday, 9am – 12 am, tow-away zone

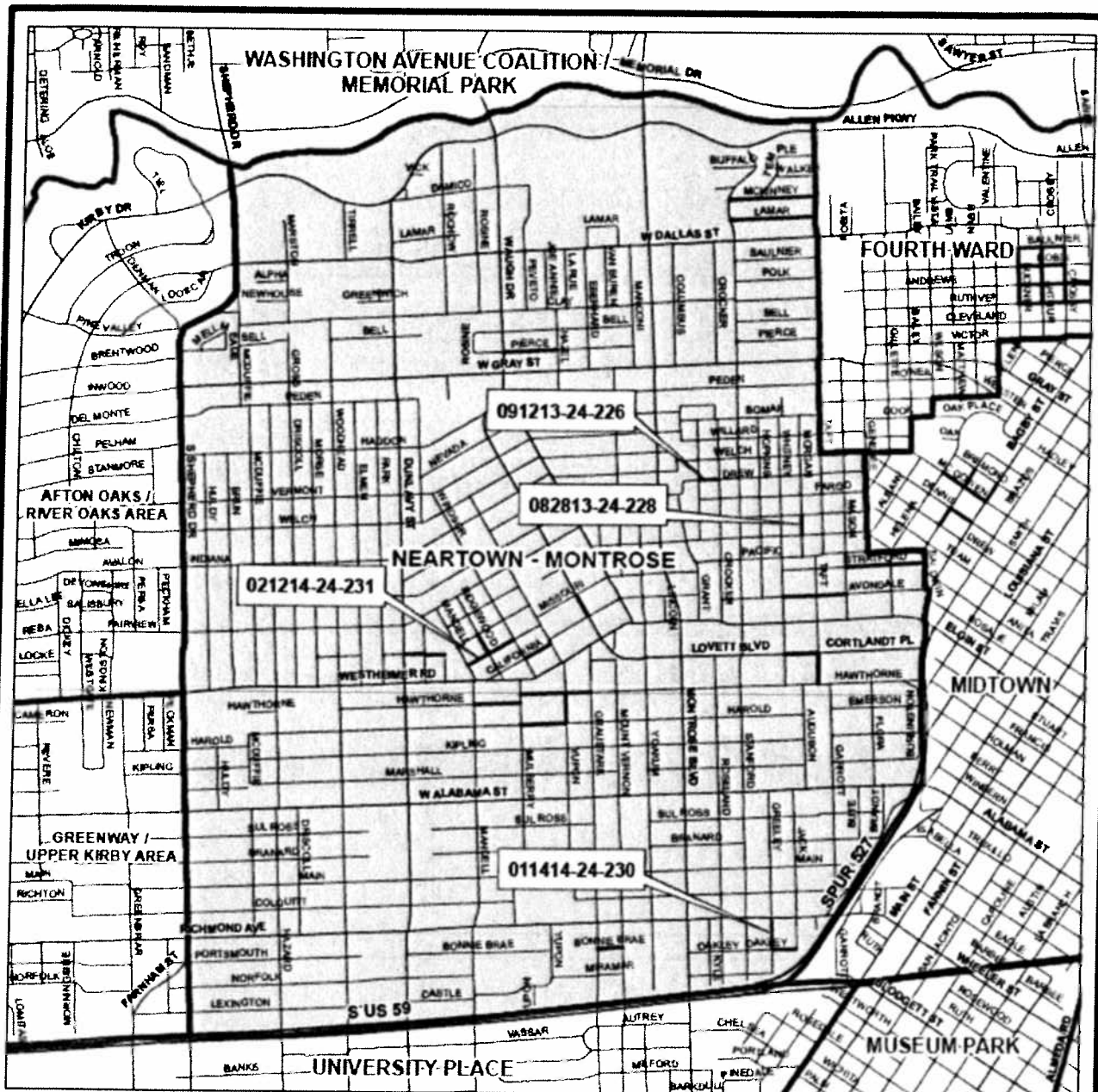
C: Patrick Walsh, Director, Planning and Development, Jeff Weatherford, Deputy Director, Public Works and Engineering

TP:MLI:mrc









REQUIRED AUTHORIZATION

Planning & Development Director:





Legend

-  NEARTOWN-MONTROSE (SN#24)
-  Existing Areas
-  Proposed Areas
-  Local Street
-  Major Road
-  Freeway
-  Tollway
-  Proposed Road

Residential Parking Permit Areas

Application: 091213-24-226
W. DREW ST (77006)
Application: 082813-24-228
2400 MORGAN ST (77006)
Application: 011414-24-230
4300 GREELEY ST (77006)
Application: 021214-24-231
1800 MISSOURI ST (77006)

Source: COHGIS Database
Date: April 2014
Reference: Pj17552_drew_morgan



0 850 1,700 3,400 Feet



**PLANNING &
DEVELOPMENT
DEPARTMENT**

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Designation of Residential Parking Permit Areas Findings

Permit Area Regulations Proposed by Applicant:

091213-24-226, 800 West Drew, Crocker and Converse, requested times Wednesday 10pm-2am, Thursday 9pm-5am, Friday 10pm-5am, Saturday 9pm-5am, Sunday 11am-3am

Parking Official Recommendation:

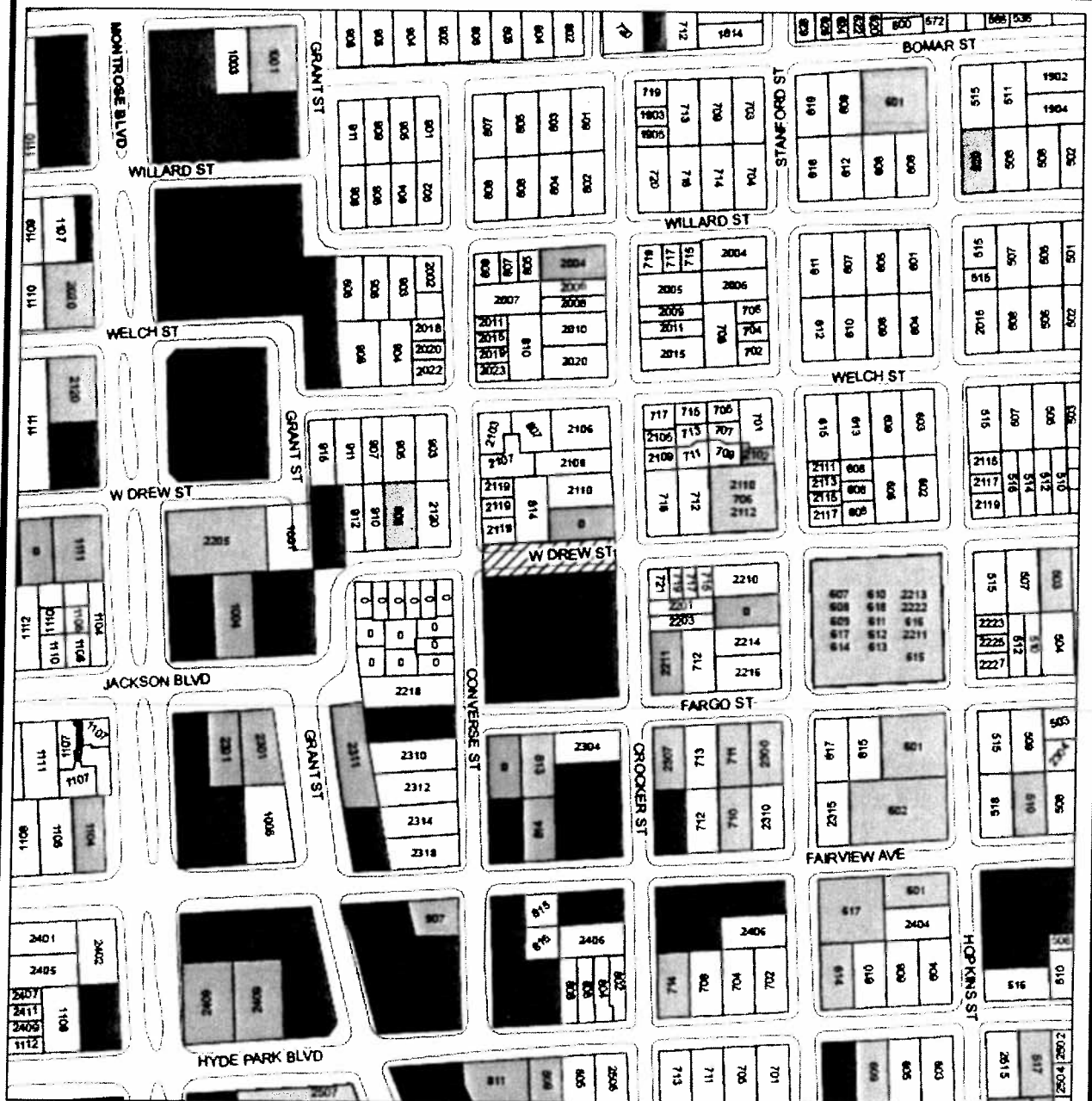
Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

800 West Drew, northside, at Crocker and Converse, Wednesday - Sunday 11 pm – 5 am, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and comments received at the public hearing leads to the following findings:

- A parking problem exists between the hours of 11 p.m. and 5 a.m., Wednesday through Sunday,
- Excessive commuter parking from local bar and restaurant patrons, 100% of curbside parking spaces occupied of which 75% were commuter vehicles
- Support is demonstrated by 100% percent (out of 4 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Legend

- Proposed
- Land Use:
- Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

Proposed Residential Parking Permit Area

Application: 091213-24-226

800 W. DREW ST (77006)

Source: COHGIS Database

Date: October 2013

Reference: Pj17303_w_drew



**PLANNING &
DEVELOPMENT
DEPARTMENT**



0 100 200 400 Feet

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Designation of Residential Parking Permit Areas Findings

Permit Area Regulations Proposed by Applicant:

082813-24-229, 2400 Morgan, at Hyde Park Blvd. and Fairview, requested times Monday – Sunday 6pm – 3am, tow-away zone

Parking Official Recommendation:

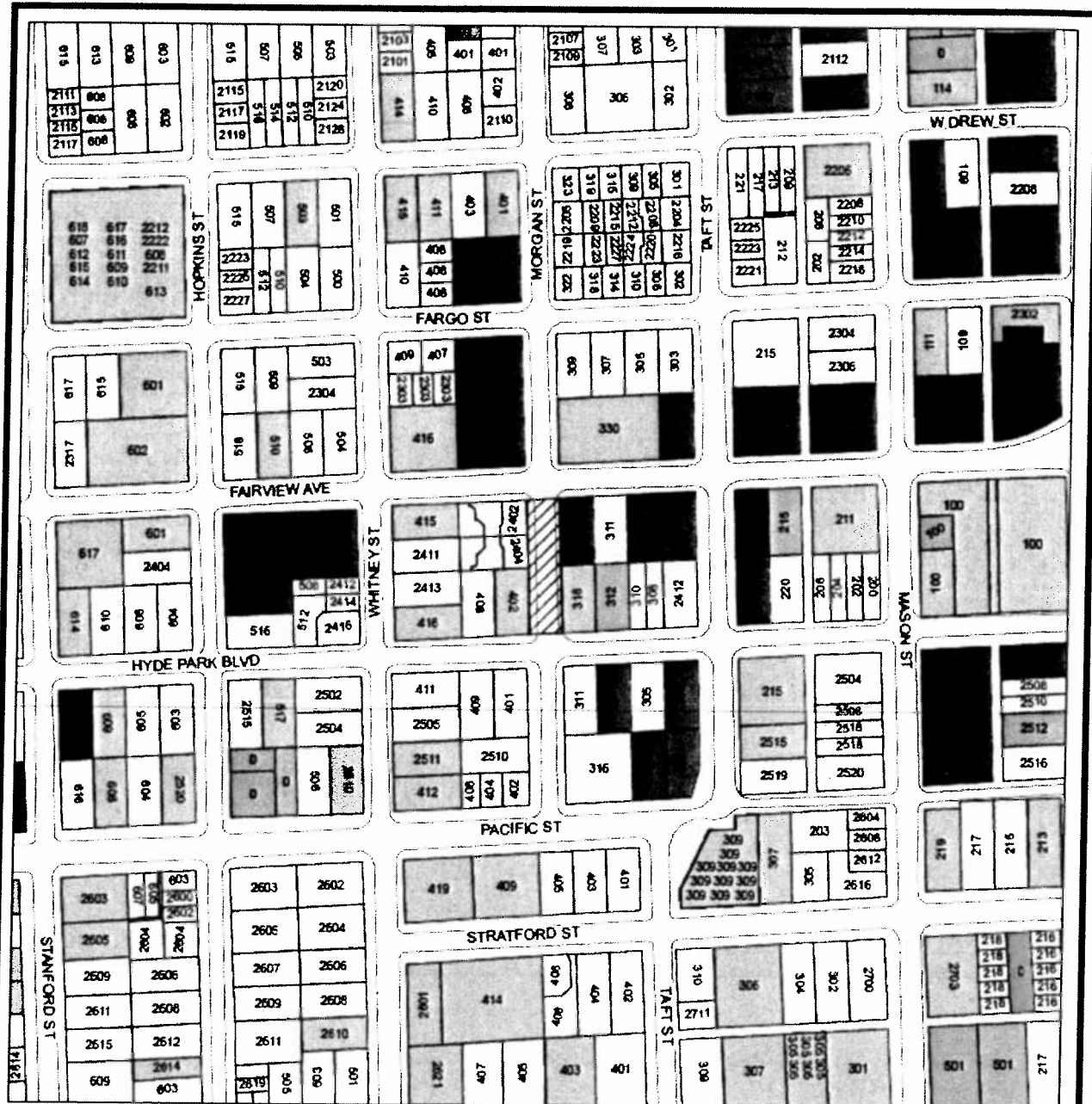
Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

2400 Morgan, at Hyde Park Blvd. and Fairview, Wednesday – Sunday 11 pm – 5 am, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and comments received at the public hearing leads to the following findings:

- A parking problem exists between the hours of 11 pm and 5 am, Wednesday through Sunday.
- Excessive commuter parking from local bar and restaurant patrons, 100% of curbside parking spaces occupied of which 70% were commuter vehicles
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 82 percent of residents (out of 17 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Legend

- Proposed
- Land Use:
- Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

Proposed Residential Parking Permit Area

Application: 082813-24-229
2400 MORGAN ST (77006)

Source: COHGIS Database
Date: October 2013
Reference: Pj17302_morgan



0 100 200 400
Feet



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Designation of Residential Parking Permit Areas Findings

Permit Area Regulations Proposed by Applicant:

011414-24-230, 4300 Greeley, at Oakley and Richmond, requested times Monday 5 pm – 10 pm, Tuesday – Friday 11 am – 11 pm, Saturday 9 am – 11 pm, Sunday 11 am – 11 pm

Parking Official Recommendation:

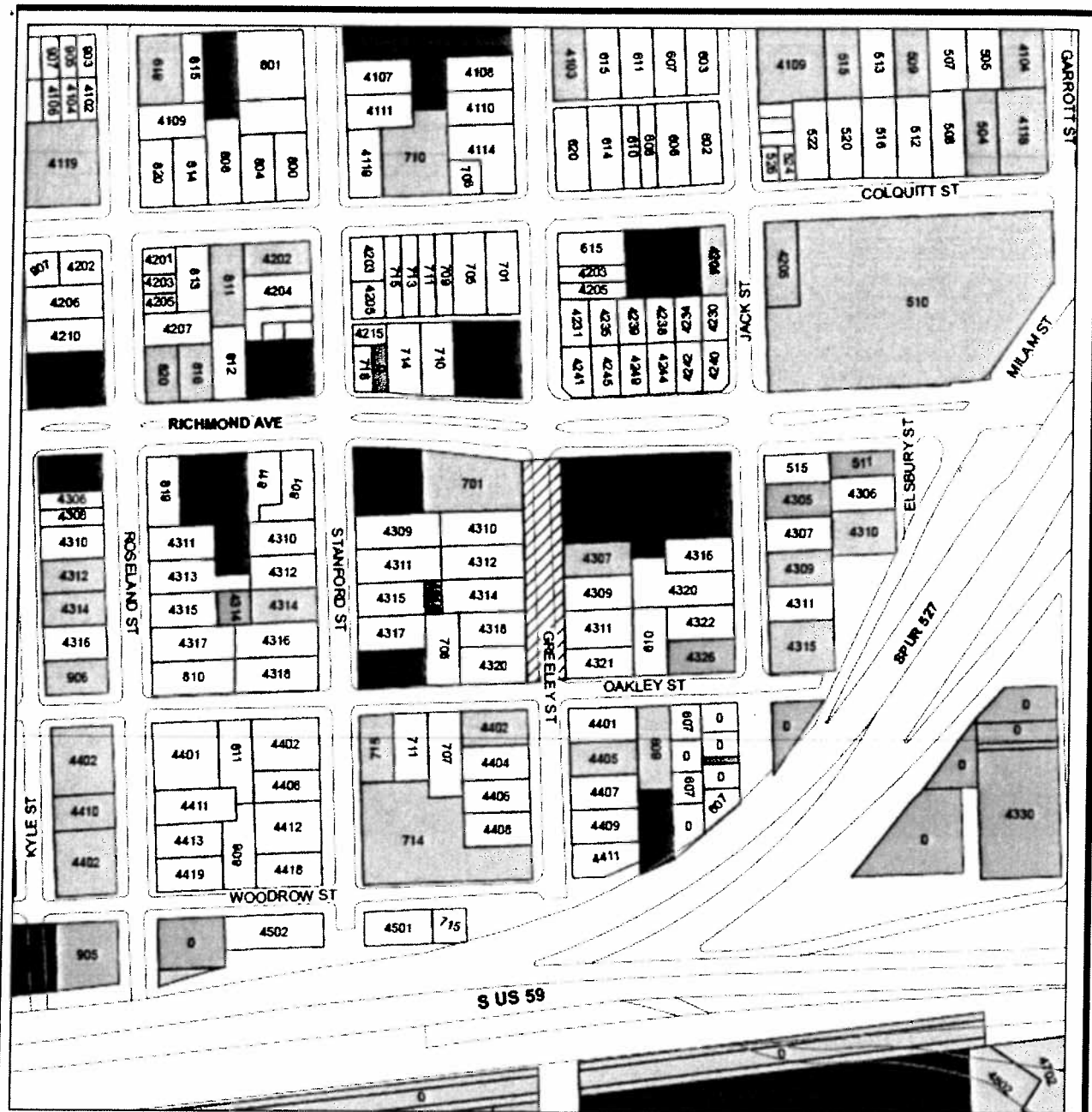
Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

4300 Greeley, westside, at Oakley and Richmond, Tuesday - Sunday 11 am – 11 pm, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and comments received at the public hearing leads to the following findings:

- The westside of the block meets the criteria for residential property frontage at a minimum of 75%
- A parking problem exists between the hours of 11 am. and 11 pm., Tuesday through Sunday
- Excessive commuter parking on from local bar patrons, 75% of curbside parking spaces occupied of which 100% were commuter vehicles
- Support is demonstrated by 83% percent (out of 6 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Legend

Proposed

Land Use:

- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

Proposed Residential Parking Permit Area

Application: 011414-24-230

4300 GREELEY ST (77006)

Source: COHGIS Database

Date: February 2014

Reference: Pj17424_greeley



**PLANNING &
DEVELOPMENT
DEPARTMENT**



0 100 200 400 Feet

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Designation of Residential Parking Permit Areas Findings

Permit Area Regulations Proposed by Applicant:

021214-24-231, 1800 Missouri, at Mandell and Ridgewood, requested times Saturday - Sunday, 9 am – 12 am. Adding additional weekend days to current RPP area of Monday – Friday, 6 pm – 12am

Parking Official Recommendation:

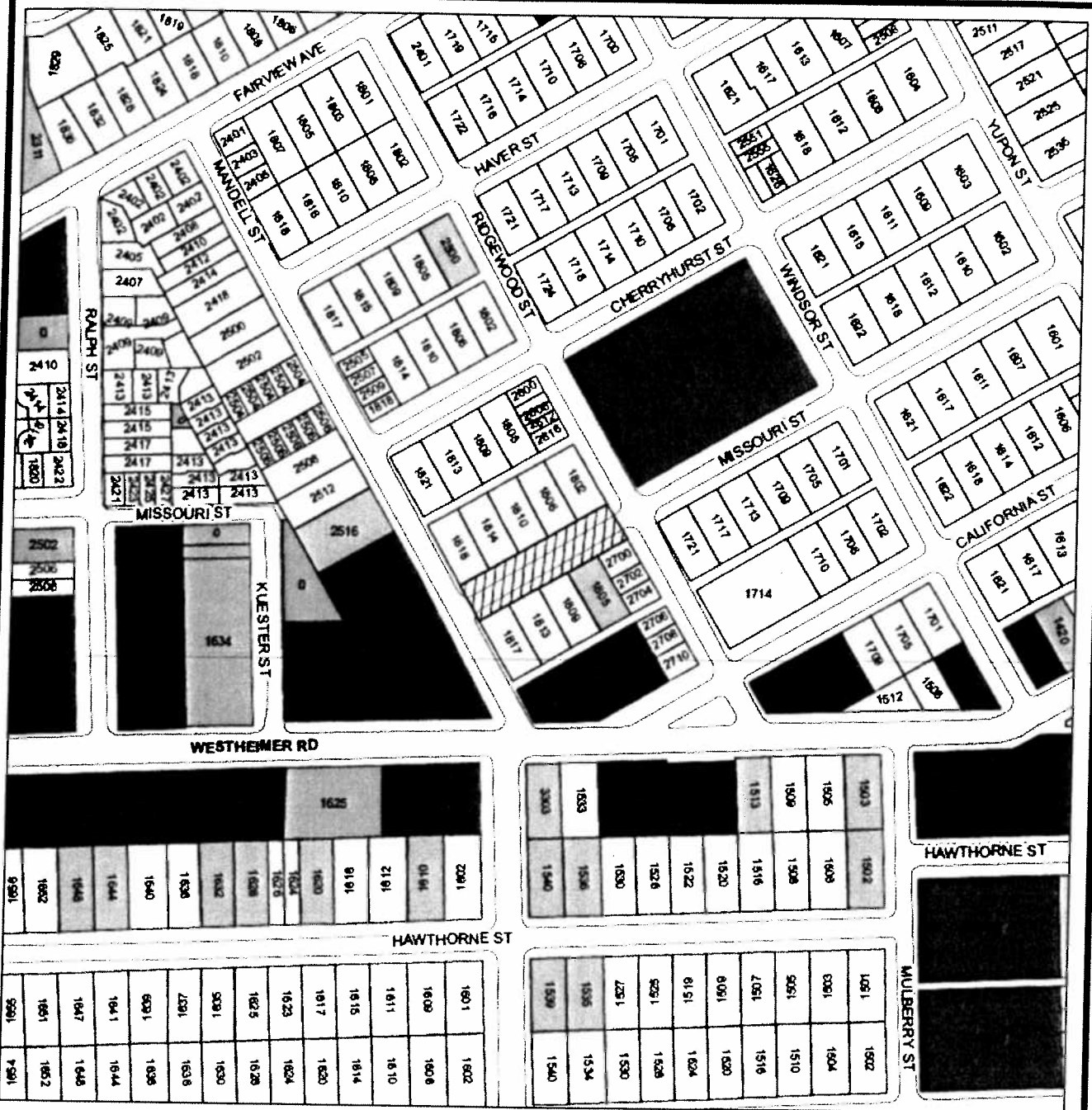
Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

1800 Missouri, at Mandell and Ridgewood, Monday – Friday, 6 pm – 12 am, Saturday – Sunday 9 am – 12 am, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and comments received at the public hearing leads to the following findings:

- A parking problem exists between the hours of 9 am and 12 am., Saturday - Sunday
- Excessive commuter parking on from local bar and restaurant patrons, 89% of curbside parking spaces occupied of which 72% were commuter vehicles
- Support is demonstrated by 90% percent (out of 10 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Legend

Proposed

Land Use:

- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

Proposed Residential Parking Permit Area

Application: 021414-24-231

1800 MISSOURI ST (77006)

Source: COHGIS Database

Date: February 2014

Reference: Pj17458_missouri

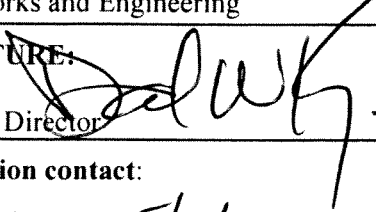
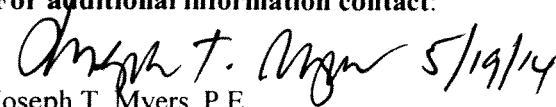


**PLANNING &
DEVELOPMENT
DEPARTMENT**

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0 100 200 400 Feet

SUBJECT: Accept Work for Whiteheather Drainage and Paving Sub-Project IV; WBS No. M-000262-0004-4; S-000500-0123-4.	Page 1 of 1	Agenda Item # 7
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: KAW	
For additional information contact:  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2012-0561 dated: 06/13/2012	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$6,471,675.31 or 3.34% under the original Contract Amount, accept work and authorize final payment.

Amount and Source of Funding: No additional funding required.

Total (original) appropriation of \$7,680,000.00 with \$6,517,000.00 from Street and Traffic Control and Storm Drainage DDSRF, Fund No.4042 and \$1,163,000.00 from Water and Sewer System Consolidated Construction, Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Capital Improvement Plan and it constructed storm drainage improvements to address and reduce the risk of structural flooding. Improvements included modification of street conveyance and sheet flow, and provided detention as needed for mitigation.

DESCRIPTION/SCOPE: The project improved drainage through the construction of approximately 9,300 linear feet of storm sewer trunk line system (varies from 24" diameter reinforced concrete pipe to 48" diameter reinforced concrete pipe and elliptical reinforced concrete pipe). The storm sewer system included new manholes and inlets. The existing pavement structure material and concrete curbs removed and replaced with a concrete pavement type structure and new concrete curbs. The existing 4, 6, 8 and 12 inch diameter water lines within the project area replaced and abandoned with approximately 11,000 linear feet of 6, 8, and 12 inch diameter water lines. SES Horizon, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises, Ltd. with original Contract Amount of \$6,695,425.90.

LOCATION: The project area is generally bounded by Wuthering Heights Drive on the north, West Orem on the south, Landmark Drive on the east, and HCFCU Unit No. C146-00-00 on the west in the Key Map Grid 572J.

CONTRACT COMPLETION AND COST: The Contractor, Angel Brothers Enterprises, Ltd., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$6,471,675.31 a decrease of \$223,750.59 or 3.34% 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 underrun in Base Unit Price Items, Paving Items, Storm Sewer Utility Items, Water Utility Items, and Extra Unit Price Items, which were not necessary to complete the project.

M/SBE PARTICIPATION: The M/SBE goal established for this project was 16%. According to Mayor's Office of Business Opportunity, the participation was 18.15%. Contractor's M/SBE performance evaluation was rated Outstanding.

DWK:DRM:JTM:JAK:SW:ha

H:\E&C Construction\South Sector\PROJECT FOLDER\M-000262-0004-4 (Whiteheather SP 4)\21.0 Close-Out Documentation\RCA\RCA - Closeout.doc

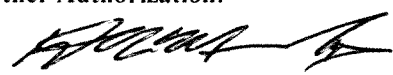
REQUIRED AUTHORIZATION

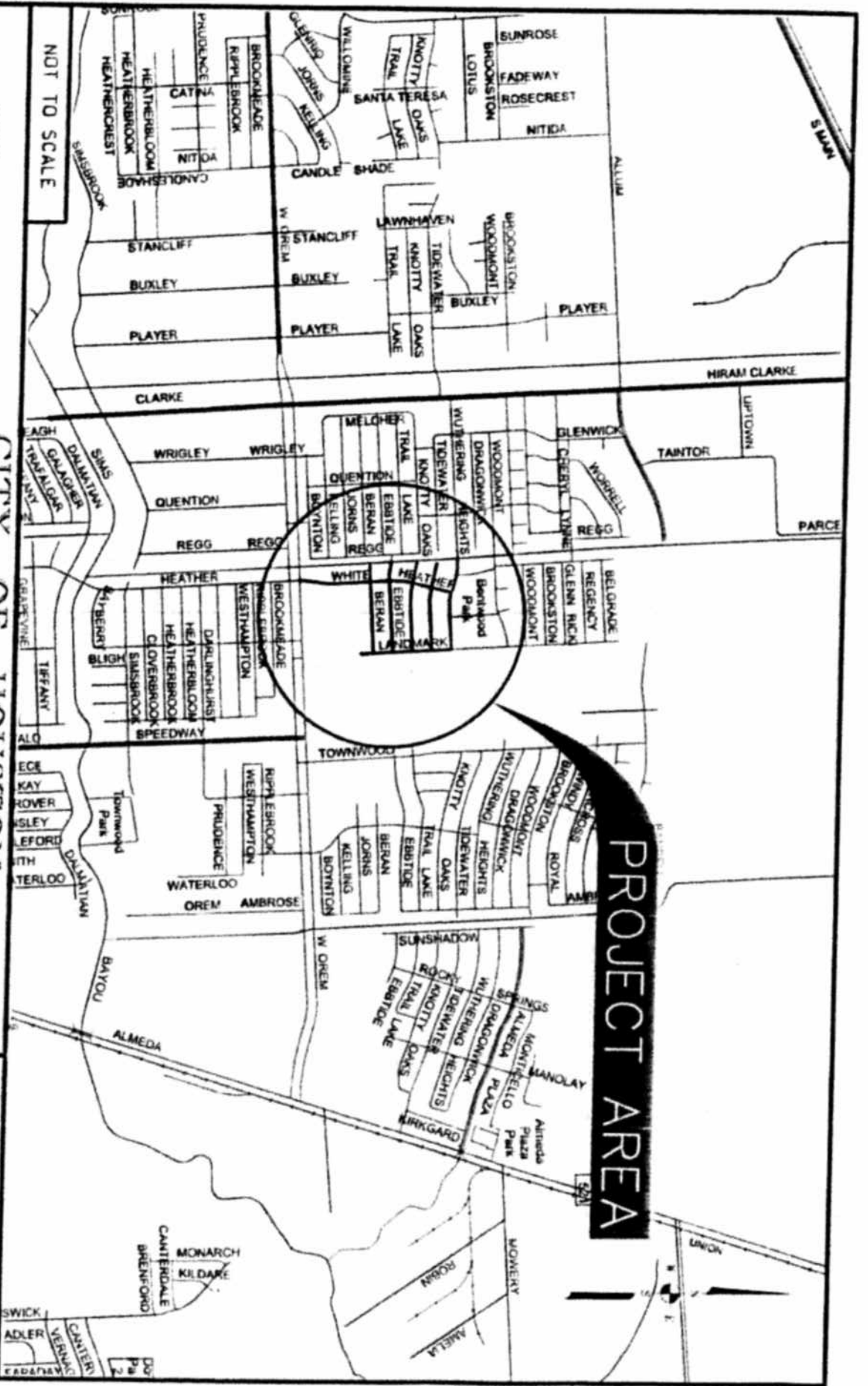
20HA304

Finance Department:

Other Authorization:

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



PROJECT AREA

WHITE HEATHER STORM SEWER
IMPROVEMENTS
SEGMENT-IV
WBS NO. M-000262-0004-3

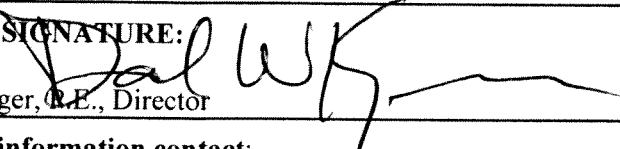
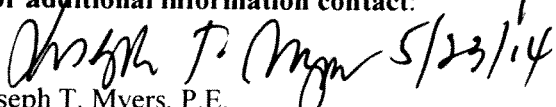
SES HORIZON
CONSULTING ENGINEERS, INC.
80241 Southwind Parkway, Suite 400, Houston, Texas 77064
713/966-3364, Fax 713/966-1441 www.seshorizon.com

PROJECT LOCATION
MAP

SES HORIZON

CONSULTING ENGINEERS, INC.

Southwest Freeway, Suite 400, Fort Worth, Texas 76104
 (713) 968-5354, Fax (713) 968-1441 www.ses-horizon.com

SUBJECT: Accept Work West Little York Paving from T. C. Jester to Alabonson/ Deep Forest; WBS No. N-000687-0003-4 and S-000500-0108-4.		Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: A, B for Rm	
For additional information contact:  Joseph T. Myers, P.E. Senior Assistant Director Phone: (832) 395-2355		Date and identification of prior authorizing Council action: Ord. # 2011-0525 dated: 06/22/2011 Ord. # 2012-1111 dated: 12/19/2012	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$5,642,340.60 or 1.53% under the total Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required.

Original appropriation of \$6,453,480.00 with \$5,926,415.00 from Metro Projects Construction Fund No. 4040 and \$527,065.00 from Water and Sewer System Consolidated Construction Fund No. 8500. Additional appropriation of \$450,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500 for a total appropriation of \$6,903,480.00.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Capital Improvement Project (CIP) and was necessary to meet the City of Houston standards and improve traffic circulation, mobility, and drainage.

DESCRIPTION/SCOPE: The project consisted of the construction of approximately 7,400.00 linear feet of undivided concrete roadway on the West Little York from T. C. Jester to Alabonson / Deep Forest, replacement of existing storm sewer system, sidewalks, driveways and necessary underground utilities. Atkins North America, Inc. (formerly PBS&J) designed the project with 400 calendar days allowed for construction. The project was awarded to Conrad Construction Co., Ltd. with an original Contract Amount of \$5,357,303.30, and an additional appropriation of \$372,619.49 for a revised total Contract Amount of \$5,729,922.79.

LOCATION: The project area is generally bounded by Victory on the north, Tidwell on the south, Alabonson on the west, and T.C. Jester on the east in the key Map Grids 411X, Y & Z.

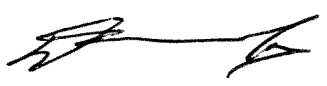
CONTRACT COMPLETION AND COST: The Contractor, Conrad Construction Co., Ltd., has completed the work under the subject Contract. The project was completed on time with additional 138 days approved by Change Orders No. 1, 2, 3, 5 and 6. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Orders No. 1 through 5 and 7 through 9 is \$5,642,340.60 a decrease of \$87,582.19 or 1.53% under the total 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; it's further decreased by previously approved Change Orders No. 8 and 9, which eliminated the proposed work that was not necessary to complete the project.

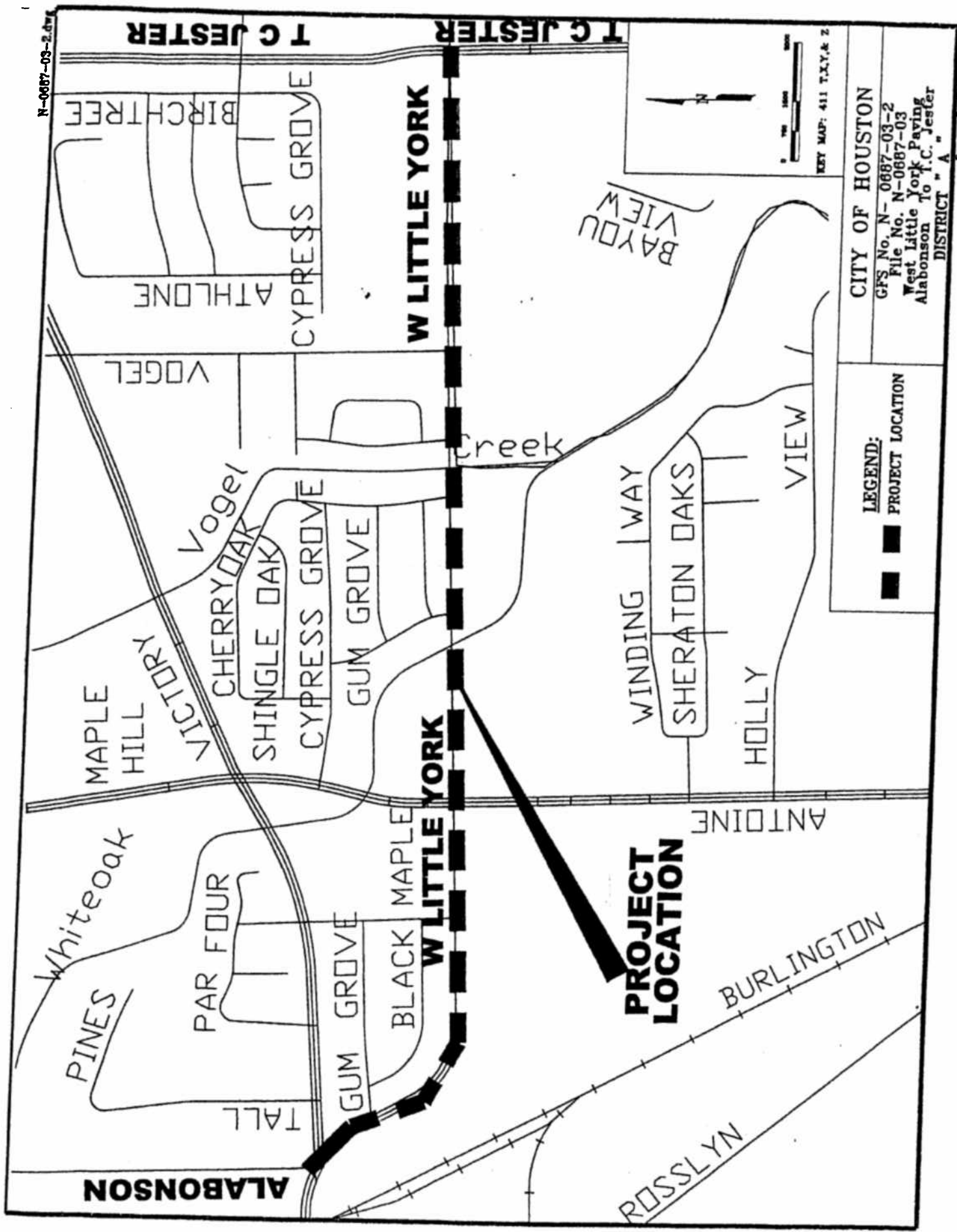
M/SBE PARTICIPATION: The M/SBE goal established for this project was 17%. According to Office of Business Opportunity, the participation was 36.52%. Contractor's M/WBE performance evaluation was rated Outstanding.

DWK:DRM:JTM:RJM:JM:ha

\\VE&C Construction\North Sector\PROJECT FOLDER\N-000687-0003-4 W LITTLE YORK PAVING FROM T C JESTER TO ALABANSON DEEP FOREST\close out\RCA\RCA - Closeout.doc

REQUIRED AUTHORIZATION		20HA301
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

N-0687-03-2.dwg



CITY OF HOUSTON

GFS No. N- 0687-03-2
File No. N-0687-03
West Little York Paving
Alabonson To T.C. Jester
DISTRICT "A"

LEGEND:
PROJECT LOCATION

Drawn By: Jester, Jester

SUBJECT: Accept Work for Safe Sidewalk Program; WBS No. N-00610A-0109-4.

Page
1 of 2

Agenda Item
#

9

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/29/14

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

A, C, G, H

for RJA

For additional information contact:

Joseph T. Myers, P.E.

Sr. Assistant Director

Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Ord. # 2011-0812 dated: 09/21/2011

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,539,867.48 or 6.39% 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 \$1,917,400.00 from Metro Projects Construction Fund No. 4040.

PROJECT NOTICE/JUSTIFICATION: This project was part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of its residents.

DESCRIPTION/SCOPE: This project provided for the construction of sidewalk improvements at numerous locations. Brooks and Sparks, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an original Contract Amount of \$1,644,986.30.

LOCATION: The project locations are listed below:

S.No.	Street	Limit	Key Map Grid	Council District
1.	Amelia Road	Wirt Road to Jacquelyn Drive	451T	A
2.	Bayland Avenue	Florence Avenue to Beauchamp Avenue	493B	H
3.	Bethlehem	Park Plaza Drive to Candlelight	452G	C
4.	Crosstimbers	North Main Street to I-45 South Bound	453J, 453K	H
5.	Donna Bell Lane	LaMonte Lane to West 43 rd Street	452J	C
6.	Emnora Lane	McKean Road to Hollister Road	450R, 450Q	A
7.	Emnora Lane	Campbell Road to Peppermill Road	450Q, 450P	A
8.	Housman Street (South Side Only)	Afton Street to Silber Road	451Y	A
9.	Memorial	Barkers Landing to Hwy 6	488B, 488E, 488F	G
10.	Memorial	Legend to Somerset	489H	G
11.	Morris	Coachran Street to Gano Street	493D	H
12.	North Main Street	37 th Street to 35 th Street	453N	H
13.	Piney Woods	Du Barry to LaMonte	452J, 452N	C
14.	Underhill Street	Bolin Road to Dead End (Bayou)	451K	A
15.	West Tidwell Road	300 feet east to Yale Street	452D	H

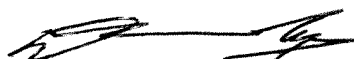
REQUIRED AUTHORIZATION

20HA203

Finance Department:

Other Authorization:

Other Authorization:



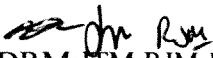
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division


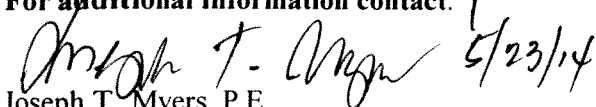
Date	SUBJECT: Accept Work for Safe Sidewalk Program; WBS No. N-00610A-0109-4.	Originator's Initials	Page 2 of 2
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CONTRACT COMPLETION AND COST: The Contractor, Metro City Construction, L.P., has completed the work under the subject Contract. The project was completed on time with an additional 532 days approved by Change Orders No. 4 through 7. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Orders No. 1 through 7 is \$1,539,867.48, a decrease of \$105,118.82 or 6.39% 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 Base Unit Price Items, and Extra Unit Price Items, which were not necessary to complete the project.

MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 13%. According to Mayor's Office of Business Opportunity, the participation was 12.63%. Contractor's MBE/SBE performance evaluation was rated Satisfactory.


DWK:DRM:JTM:RJM:JC:ha
I:\E&C Construction\North Sector\PROJECT FOLDER\N-00610A-0109-4 (SAFE SIDEWALK PROGRAM)\closeout\RCA\RCA - Closeout.doc

SUBJECT: Accept Work for Safe Sidewalk Project; WBS No. N-00610A-0118-4.	Page 1 of 2	Agenda Item # 10
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: A, B, C, D, G, H, J for Pam	
For additional information contact:  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2011-0813 dated: 09/21/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,143,554.36 or 6.10% 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 \$1,409,000.00 from Metro Projects Construction Fund No. 4040.

PROJECT NOTICE/JUSTIFICATION: This project was part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of its resident.

DESCRIPTION/SCOPE: This project provided for the construction of sidewalk improvements at numerous locations. Zarinkelk Engineering Services designed the project with 225 calendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an original Contract Amount of \$1,217,829.66.

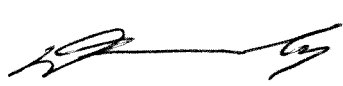
LOCATION: The project locations are listed below:

<u>S.No.</u>	<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>	<u>Council District</u>
1.	8 th Street, West	Heights to Yale	492D, 493A	C
2.	Bauman	Soren to Treasure	453C, 413Y	H
3.	Bauman	E. Tidwell to Berry	453C, 453G	H
4.	Bellfort	SH 288 to Comal	533X, 533Y	D
5.	Bringhurst	Clinton to I-10	494K, 494F	B
6.	Durham Blvd.	Washington to IH-10	492G	C
7.	Edgemoor	Renwick to Chetwood	531F	J
8.	Gellhorn	Cowart to Josie	495L	B
9.	Holder Forest	T.C. Jester to Inwood Park Dr.	411V	A
10.	Link Road	I-45 (North Frwy) to Fulton	453U	H
11.	Long Point	Blalock to Conrad Sauer (various locations)	449Z, 450W, 450X	A
12.	Memorial Drive	Westlake Park Blvd. to Barker's Landing Road	488B	G
13.	Oak Forest	43 rd Street to Candlelight	452F, 452K	C
14.	Oak Forest	W. 43 rd to Lamonte	452K	C
15.	Wakefield	Brinkman to Sue Barnett	452Q	C

REQUIRED AUTHORIZATION

20HA204

NOT

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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10

Date	SUBJECT:. Accept Work for Safe Sidewalk Project; WBS No. N-00610A-0118-4	Originator's Initials	Page 2 of 2
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CONTRACT COMPLETION AND COST: The Contractor, Metro City Construction, L.P., has completed the work under the subject Contract. The project was completed with an additional 483 days approved by Change Order No. 2, 3 and 4. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Orders No. 1, 2, 3 and 4 is \$1,143,554.36, a decrease of \$74,275.30 or 6.10% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities and previously approved Change Order No. 2. This decrease is primarily the result of an underrun in various Base Unit Price Items, and Extra Unit Price Items, which were not necessary to complete the project.

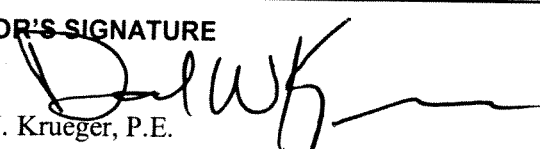
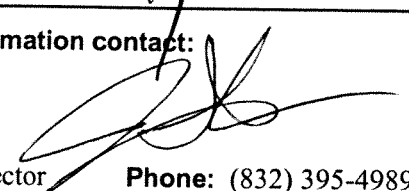
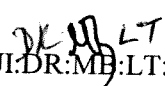
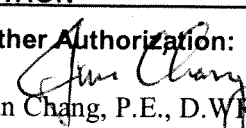
MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 13%. According to Mayor's Office of Business Opportunity, the participation was 24.23%. Contractor's MBE/SBE performance evaluation was rated Outstanding.


DWK:DRM:JTM:RJM:JC:ha

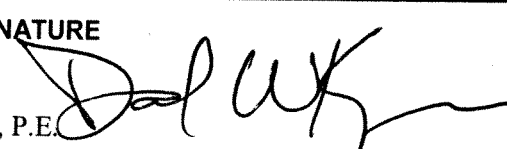
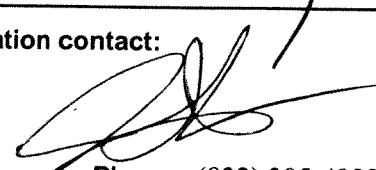

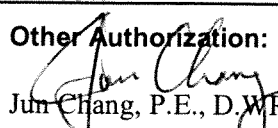
H:\E&C Construction\North Sector\PROJECT FOLDER\N-00610A-0118-4 (FY2012 Safe Sidewalk Program) (Package 1)\CLOSEOUT\RCA\RCA - Closeout.doc

TO: Mayor via City Secretary

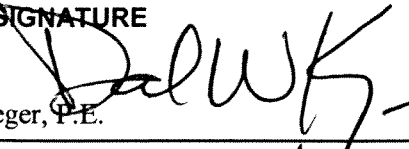
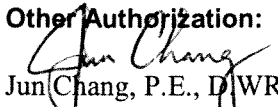
REQUEST FOR COUNCIL ACTION


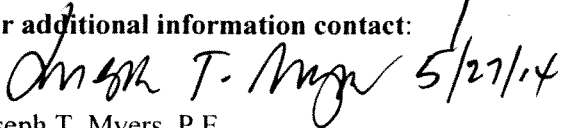
SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0136-4		Page 1 of 1	Agenda Item # 11
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: B, C, D, F, G, H and I	
For additional information contact:  Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: Ordinance No. 2009-1392, dated 12/29/2009	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,268,699.60, which is 1.73% under the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>M.P. 5/21/2014</i> Original appropriation of \$3,547,556.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,326,243.34. The Notice to Proceed date was 3/24/2010 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts B, C, D, F, G, H and I. CONTRACT COMPLETION AND COST: The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,268,699.60, a decrease of \$57,543.74 or 1.73% under the original contract amount. Less pipe bursting was needed than anticipated. The final amount of this work order contract was not affected by Change Order No. 1. MWDBE PARTICIPATION: The MWDBE goal for this project was 21%. According to the Office of Business Opportunity, the actual participation was 29.82%. The contractor was awarded an "Outstanding" rating from the Office of Business Opportunity.  DWK:JC:JI:DR:MB:LT:al Attachments			
Project File 4257-107		REQUIRED AUTHORIZATION	
Finance Department		Other Authorization:  Jun Chang, P.E., D.W.R.E., Deputy Director Public Utilities Division	

4257-107	Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods				
WBS No. R-000266-0136-4		PM Construction & Rehab, L.P.			
WORK ORDER	KEY MAP	SUBDIVISION	BASIN	Old Council Dist.	New Council Dist.
3	494F	CHAPMANS	II009	B	B
9	493W	COLBY COURT	AS074	C	C,D
8	493T,X	EMPIRE	AS071	D,I	C,D
6	576P	RAINBOW VALLEY	SM006	E	D
7	576T	KIRKWOOD	SM006	E	D
5	490T	WOODLAKE	WD102	G	F,G
1	493H	A.C. ALLEN	II112	H	H
4	493H	A.C. ALLEN	II110	H	H
2	575M	EASTHAVEN	EH346	I	I

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0150-4		Page 1 of 1	Agenda Item # 12
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: B, C and D	
For additional information contact:  Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: Ordinance No. 2010-780, dated 10/06/2010	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,269,504.53, which is 0.95% under the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>M.R. 5/21/2014</i> Original appropriation of \$3,525,972.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,300,925.66. The Notice to Proceed date was 12/09/2010 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts B, C and D. CONTRACT COMPLETION AND COST: The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,269,504.53, a decrease of \$31,421.13 or 0.95% under the original contract amount. Less pipe bursting was needed than anticipated. The final amount of this work order contract was not affected by Change Order No. 1 and No. 2. MWDBE PARTICIPATION: The MWDBE goal for this project was 21%. According to the Office of Business Opportunity, the actual participation was 33.70%. The contractor was awarded an "Outstanding" rating from the Office of Business Opportunity.  DWK:JC:JE:DR:MB:LT:al Attachments			
Project File 4257-113		REQUIRED AUTHORIZATION	
Finance Department		Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	
		CUIC ID# 20JAI508	

4257-113	Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods				
WBS No. R-000266-0150-4		PM Construction & Rehab, L.P.			
WORK ORDER	KEY MAP	SUBDIVISION	BASIN	Old Council Dist.	New Council Dist.
1	455F	PARKHURST ESTATES	FB021	B	B
2	454P	KASHMERE GARDENS	IB048	B	B
6	532C	WINDERMERE, WESSEX	AS040	C	C
3	573D	SUNNYSIDE GARDENS	CHP01	D	D
4	454G	NORTH SHADYDALE	FB011	D	B
5	573D	BAYOU ESTATES	CHP01	D	D

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0177-4		Page 1 of 1	Agenda Item # 13
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: A, B, C, D, E, F, G, H, I, J, K	
For additional information contact:  Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: Ordinance No. 2011-987, dated 11/16/2011	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$534,099.85, which is 0.71% over the original contract amount and under the 5% contingency amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$561,849.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to CleanServe, Inc. with an original contract amount of \$530,332.40. The Notice to Proceed date was 03/22/2012 and the project had 365 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, C, D, E, F, G, H, I, J, K. CONTRACT COMPLETION AND COST: The contractor, CleanServe, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$534,099.85, an increase of \$3,767.45 or 0.71% over the original contract amount. More cleaning and television inspection were needed than anticipated. MWDBE PARTICIPATION: No City M/WBE participation goal was established for this project as the contract amount did not exceed the threshold of \$1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances. DKMBLT DWK:JC:JI:DR:MB:LT:al Attachments			
Project File 4277-67		REQUIRED AUTHORIZATION	CUIC ID# 20JA1503 1X
Finance Department	Other Authorization:	Other Authorization:  Jun Chang, P.E., DWRE., Deputy Director Public Utilities Division	

SUBJECT: Accept Work for Almeda Sims Wastewater Treatment Plant and Sludge Processing Facility Improvements Package 2; WBS No. R-000298-0005-4.	Page 1 of 1	Agenda Item # 14
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: D	
For additional information contact:  Joseph T. Myers, P.E. Sr. Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2012-0530 dated: 06/06/2012	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$5,679,751.50 or 5.75% 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 \$7,021,200.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's ongoing program for improvements to the Almeda Sims Wastewater Treatment Plant (WWTP) and Sludge Processing Facility (SPF).

DESCRIPTION/SCOPE: This project consisted of the construction, rehabilitation, and replacement of wastewater treatment facilities, sludge processing facilities and electrical facilities. Binkley & Barfield Consulting Engineers designed the project with 500 calendar days allowed for construction. The project was awarded to LEM Construction Company, Inc. with an original Contract Amount of \$6,026,050.00.

LOCATION: The project area is located at 12319 1/2 Almeda Road in the Key Map Grids 572 L & M.


CONTRACT COMPLETION AND COST: The Contractor, LEM Construction Company, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated unit price quantities is \$5,679,751.50 a decrease of \$346,298.50 or 5.75% 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 Clarifier Replacements (2) Item Nos. 16 and 22, Thickener Improvements (2) Item Nos. 36 and 40, and extra Unit Price Items, which were not necessary to complete the project.

M/WBE PARTICIPATION: The M/WBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 20.20%. Contractor's M/WBE performance evaluation was rated Outstanding.

WK:DRM:JTM:SKF:RC:ha

\\E&C Construction\Facilities\Projects\R-000298-0005-4 ALMEDA SIMS WWTP & SLUDGE\21.0 Close-Out Documents\RCA\RCA - Closeout.doc

REQUIRED AUTHORIZATION		20HA303
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division



COUNCIL
DISTRICT
K

521

Alameda
Plaza
Park

MOWERY

EDWINA

AMELIA

ROBIN

PLAZA

MONTICELLO

HEIGHTS

ALAMEDA

DRAGONWICK

WUTHERING

TIDEWATER

KNOTTY

TRAIL

LAKE

EBBTIDE

KIRKGARD

W OREM

W OREM

ALAMEDA ROAD

UP RR

Bayou

Sims

ALAMEDA SIMS WWTP
12319 1/2 ALAMEDA ROAD
KEY MAP 572-L & M

MONARCH

KILDARE

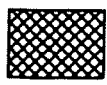
CANTERDALE

BRENFORD

COUNCIL
DISTRICT
D

Dow
Park
2

LEGEND



PROJECT LOCATION



COUNCIL DISTRICT
BOUNDARY LINE

CITY OF HOUSTON

WBS NO. R-000298-0005-4

ALAMEDA SIMS WWTP & SPF
IMPROVEMENTS PACKAGE II
COUNCIL DISTRICT MAP
Houston, Texas

DATE	PROJECT NO.	SCALE
05/09/12	115805	1"=1000'

SUBJECT: Accept Work for Northeast Water Purification Plant Improvements – Sedimentation Basin Sludge Collector Replacement; WBS No. S-000066-0013-4.

Page
1 of 1

Agenda Item
#

15

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/29/14

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

E

For additional information contact:

Joseph T. Myers, P.E.
Sr. Assistant Director

Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Ord. # 2012-0538 dated: 06/06/2012

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,893,804.00 or 4.54% 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 \$3,445,200.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program, and was required to improve operability, maintainability, reliability and to assist the City in meeting existing and proposed requirements of the Surface Water Treatment Rules and Texas Commission on Environmental Quality regulations, and to meet immediate and future water demands.

DESCRIPTION/SCOPE: This project consisted of various improvements to sedimentation collection equipment including drives, motors, local controls panels, sludge collection piping, sludge valves, flow meters and all the necessary components for a functioning system. Kalluri Group, Inc. designed the project with 360 calendar days allowed for construction. The project is awarded to Industrial TX Corp. with the original Contract Amount of \$3,031,422.65.

LOCATION: The Project is located at 12121 North Sam Houston Parkway East in Humble in the Key Map Grid 377 W.

CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp., has completed the work under the subject Contract. The project was completed on time with an additional 90 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$2,893,804.00 a decrease of \$137,618.65 or 4.54% 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 Base Unit Price Items and Extra Unit Price Items, which were not necessary to complete the project.

M/SBE PARTICIPATION: The M/SBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 18.13%. Contractor's M/SBE performance evaluation was rated Satisfactory.

DWK:DRM:JTM:SKF:TGD:ha

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REQUIRED AUTHORIZATION

20HA314

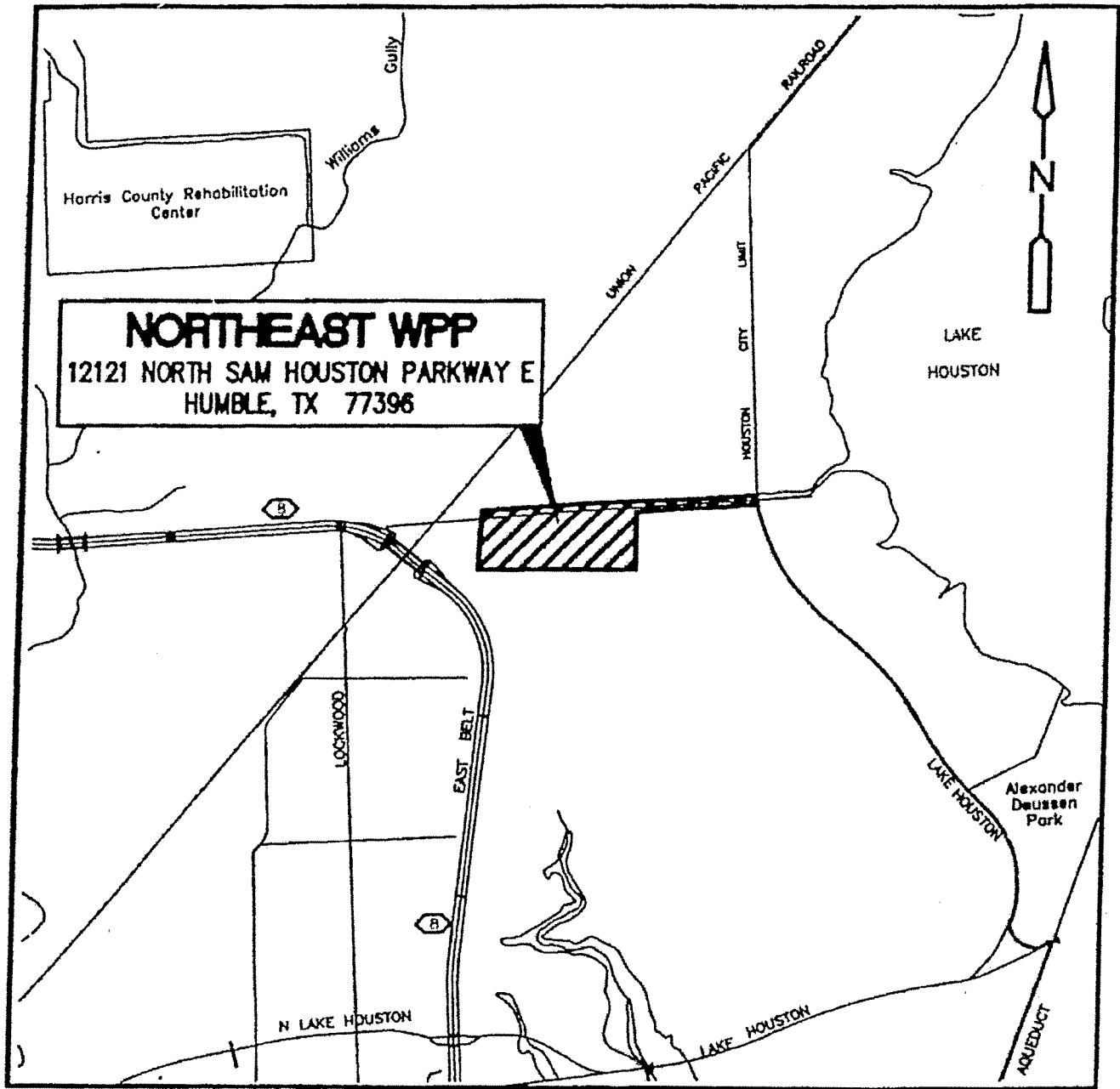
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Finance Department:


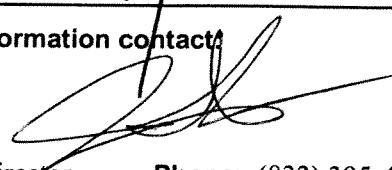
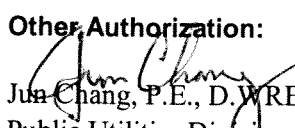
Other Authorization:

Other Authorization:

Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



VICINITY MAP
NOT TO SCALE

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0160-4		Page 1 of 1	Agenda Item # 16
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: A, B, C, D, E, F, G, H, I, J, K	
For additional information contact:  Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: Ordinance No. 2011-375, dated 05/18/2011	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$512,965.53, which is 2.55% under the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$557,722.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to CleanServe, Inc. with an original contract amount of \$526,402.10. The Notice to Proceed date was 01/05/2012 and the project had 730 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, C, D, E, F, G, H, I, J, K. CONTRACT COMPLETION AND COST: The contractor, CleanServe, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$512,965.53, a decrease of \$13,436.57 or 2.55% under the original contract amount. Less television inspection was needed than anticipated. M/WDBE PARTICIPATION: No City M/WBE participation goal was established for this project as the contract amount did not exceed the threshold of \$1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances. DRLB:LT JWK:JC:JI:DR:MB:LT:al Attachments			
Project File 4277-54		REQUIRED AUTHORIZATION	
Finance Department	Other Authorization:	CUIC ID# 20JAI502  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	

48

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 10081

Subject: Formal Bids Received for Firefighting Equipment for the
Houston Fire Department
S35-S24742

Category #
4

Page 1 of 2

Agenda Item

17

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

May 21, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
Cynthia Vargas
Desiree Heath

Phone: (832) 394-6926

Phone: (832) 393-8742

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Ferrara Fire Apparatus, Inc. on its low overall bid meeting specifications in an amount not to exceed \$513,608.00 for firefighting equipment for the Fire Department.

Estimated Spending Authority: \$513,608.00

Finance Budget

\$513,608.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that City Council approve an award to Ferrara Fire Apparatus, Inc. on its low overall bid meeting specifications in an amount not to exceed \$513,608.00 for firefighting equipment for the Fire Department. It is further requested that authorization be given to make purchases, as needed, for a thirty-six (36) month period with two (2) one (1) year options to extend. This award consists of various price lists for firefighting equipment which includes, but are not limited to, nozzles, hoses, spanner wrenches, portable monitors, hose clamps, valves, inserts, liners, retaining rings, stems, seats, handle assemblies, swivels, shafts and spinning teeth rings to be used by the Fire Department to replace worn and obsolete equipment and to repair, maintain, and upgrade equipment on pumper, ladder and booster trucks which are located in various fire stations citywide.

This is a price list solicitation. 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 the current needs of the Department. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the term of the award 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. Twenty-seven prospective bidders downloaded the solicitation document from SPD's e-bidding website, and four bids were received as outlined below:

COMPANY

SAMPLE PRICING TOTAL

- | | |
|---|---|
| 1. Dooley Tackaberry, Inc. | \$17,521.25 (Partial Bid/Higher Unit Price/
Did Not Meet Specifications) |
| 2. Ferrara Fire Apparatus, Inc. | \$21,714.79 |
| 3. Municipal Emergency Services | \$23,490.71 |
| 4. Metro Fire Apparatus Specialists, Inc. | \$23,914.81 |

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 5/21/2014	Subject: Formal Bids Received for Firefighting Equipment for the Houston Fire Department S35-S24742	Originator's Initials JD	Page 2 of 2
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Hire Houston First:

The proposed award 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 supplier does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

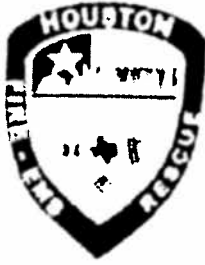
Buyer: John Dearmon

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

Estimated Spending Authority

<u>Department</u>	<u>FY 2014</u>	<u>Out Years</u>	<u>Total</u>
Fire Department	\$25,000.00	\$488,608.00	\$513,608.00

65-19



Memorandum

To: Marsha Murray, OBO Assistant Director
From: Terry A. Garrison, Chief
Houston Fire Department
Date: September 23, 2013
Subject: MWBE Participation Waiver Request

RECEIVED

SEP 20 2013

OBO

I am requesting a waiver of the MWBE Goal: Yes No ☐ No ☒ Type of Solicitation: Bid ☒ Proposal ☐

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement) Yes ☐ No ☒

I am requesting a revision of the MWBE Goal: Yes ☐ No ☒ Original Goal: 0% New Goal: 0%

If requesting a revision, how many solicitations were received: NA

Solicitation Number: TBD Estimated Dollar Amount: \$513,608.00 Goal on Last Contract: 0%

Anticipated Advertisement Date: NA Solicitation Due Date: NA Was Goal met: Yes ☐ No

If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation:

Fire Fighting Equipment for the Houston Fire Department (HFD)

Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement):

The Manufacturers for these products drop-ship their product directly to the end-users, consequently, there is no opportunity for M/WBE participation. Therefore, HFD request goal remain at zero percent.

Concurrence:

Fire Chief

Marsha E. Murray
Marsha Murray, OBO Assistant Director

Phil J. McFarland
Deputy Director

Attachment: previous MWDBE goal sign-offs

*Signature is required, if the request is zero percent MWBE participation, or to revised the MWBE goal.



8/86

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 10116****Subject:** Approve the Purchase of Construction Services for Installation of Automatic Entry Door Openers for the General Services Department on behalf of the Houston Department of Health and Human Services - WBS No. H-000102-0004-4 S50-C248922ECategory #
4

Page 1 of 2

Agenda Item

181 RA

FROM (Department or other point of origin):Calvin D. Wells
City Purchasing Agent
Finance Department**Origination Date**

May 16, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE**For additional information contact:**Jacquelyn L. Nisby
Ray DuRousseau

Phone: (832) 393-8023

Phone: (832) 393-8726

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:**RECOMMENDATION: (Summary)**

Approve an ordinance appropriating \$252,270.90 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of construction services for installation of automatic entry door openers in the total amount of \$240,258.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$12,012.90 for a total amount not to exceed \$252,270.90 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Department of Health and Human Services.

Award Amount: \$252,270.90

Finance Budget

\$252,270.90 - Equipment Acquisition Consolidated Fund (Fund 1800)

SPECIFIC EXPLANATION:

The Director of the General Services Department and the City Purchasing Agent recommend that City Council approve an ordinance appropriating \$252,270.90 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of construction services for installation of automatic entry door openers at the Houston Department of Health and Human Services (HDHHS) Multi-Service and Health Centers in the total amount of \$240,258.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$12,012.90 for a total amount not to exceed \$252,270.90 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of HDHHS, and that authorization be given to issue purchase orders, as required, to the Harris County Department of Education contractor, Baseline Paving and Construction, Inc. Public entry doors and bathroom doors at Multi-Service and Health Centers are not automatic entry doors, making it difficult for senior citizens and adults with children in strollers to enter.

The scope of work requires the construction contractor to provide all equipment, labor, materials, tools, supervision and transportation necessary to furnish and install automatic entry door openers at the locations listed below. The scope of work includes, but is not limited to, the installation of electrically operated door openers, actuators, bollards (as required) and minor repairs to restore affected areas of work to their original condition to provide a turnkey project at the following locations: Hiram Clarke Multi-Service Center (3810 West Fuqua), Kashmere Multi-Service Center (4802 Lockwood), Sunnyside Health Center (4605 Wilmington), Sunnyside Multi-Service Center (9314 Cullen), West End Health Center (190 Heights Blvd.) and the West End Multi-Service Center (170 Heights Blvd.). The automatic entry door openers come with a one-year warranty on materials and workmanship. The contractor shall have 90 calendar days to complete the work on this project upon receipt of the notice to proceed.

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. 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.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

1707A

Date: 5/16/2014	Subject: Approve the Purchase of Construction Services for Installation of Automatic Entry Door Openers for the General Services Department on behalf of the Houston Department of Health and Human Services - WBS No. H-000102-0004-4 S50-C248922E	Originator's Initials AL	Page 2 of 2
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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. This procurement is exempt from the City's 'Pay or Play' Program because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Buyer: Art Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9976

Subject: Sealed Bids Received for Roof Replacement for the General Services Department on behalf of the Health and Human Services Department
S50-C24885

Category #
4

Page 1 of 2

Agenda Item

19 + 19A
JUN 04 2014

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

April 07, 2014

Agenda Date

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
B

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 \$322,451.80 out of the Public Health Consolidated Construction Fund (Fund 4508) and approve an award to John A. Walker Roofing Company, Inc. on its low bid in an amount of \$293,138.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$29,313.80 for a total amount not to exceed \$322,451.80 for roof replacement for the General Services Department on behalf of the Health and Human Services Department.

Awarded Amount: \$322,451.80

Finance Budget

\$322,451.80 - Public Health Consolidated Construction Fund (Fund 4508)

SPECIFIC EXPLANATION:

The Director of the General Services Department and the City Purchasing Agent recommend that City Council approve an ordinance appropriating \$322,451.80 out of the Public Health Consolidated Construction Fund (Fund 4508). It is further recommended that City Council approve an award to John A. Walker Roofing Company, Inc. on its low bid in an amount of \$293,138.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$29,313.80 for a total amount not to exceed \$322,451.80 for roof replacement for the General Services Department on behalf of the Health and Human Services Department and that authorization be given to issue purchase orders as necessary. This past fiscal year, the City of Houston's General Services Department conducted a facility condition assessment. During this assessment, it was confirmed that the existing twenty-seven year old roof system has deteriorated beyond repairs.

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

<u>Company</u>	<u>Total Amount</u>
1. JJ Red Commercial Roofing, LLC	\$234,030.00 (Did Not Meet Specifications)
2. John A. Walker Roofing Co., Inc.	\$293,138.00
3. Level Infrastructure, LLC	\$331,640.00
4. Atlas Universal Roofing, Inc.	\$364,750.00
5. PRC Roofing Co., Inc.	\$372,300.00
6. Texas Liqua-Tech Services, Inc.	\$410,882.00
7. Roof Systems by Diversified	\$422,350.00
8. Rain Seal Master Roofing, Inc.	\$470,000.00

The scope of works requires the construction contractor to provide all materials, labor, equipment, transportation, insurance, permits, bonds and other services necessary to remove and properly dispose of an

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

10 + 6A

Date: 4/7/2014	Subject: Sealed Bids Received for Roof Replacement for the General Services Department on behalf of the Health and Human Services Department S50-C24885	Originator's Initials AL	Page 2 of 2
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existing roof system at the Peavy Senior Center, located at 3814 Market Street, Houston TX. 77020. The contractor shall be required to remove and properly dispose of the existing bituminous and sheet metal roofing, insulation, lightweight concrete fill, flashing, sheet metal and other miscellaneous debris. Subsequent, to the demolition of the existing roof system, the contractor shall also be required to provide and install a new modified bitumen cap built-up roof and a new standing seam metal roof, to include waterproofing exterior walls at the aforementioned location. Labor, materials and workmanship for the roof system is warranted by the Contractor for five years and the installed system is warranted by the material manufacturer for twenty years. The contractor shall have 110 calendar days to complete all work associated with the installation of the new roof system after receipt of the written notice to proceed.

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.

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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: ArtLopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9970

Subject: Emergency Centrifuge Repair and Overhaul Services for the Public Works & Engineering Department
S12-E24997

Category #
4

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

April 14, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

E

For additional information contact:

David Guemsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve payment of the emergency purchase order issued to Rotating Equipment Repair, LLC in the total amount of \$100,749.19 for emergency centrifuge repair and overhaul services for the Public Works & Engineering Department.

Total Payment Amount: \$100,749.19

Finance Budget

[Signature]

\$100,749.19 - PWE Water & Sewer System Operating Fund (Fund 8300)

SPECIFIC EXPLANATION:

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve payment of the emergency purchase order issued to Rotating Equipment Repair, LLC in the total amount of \$100,749.19 for emergency centrifuge repair and overhaul services for the Public Works & Engineering Department and that authorization be given to issue an automated (SAP) purchase order.

On or about April 24, 2013, sludge plant operators noticed pieces of metal in the dewatered sludge at the City's East Water Purification Plant (EWPP). Further inspection indicated the metal emanated from the plant's No. 4 Centrifuge, which was immediately removed from service to prevent further damage. The immediate repair and overhaul of Centrifuge No. 4's rotating assembly and chain of flight conveyor system was required to restore normal solids extraction operations and maintain minimum pressures and production capacity throughout the EWPP's distribution system, as promulgated by Federal and State regulations. The Strategic Procurement Division issued an emergency purchase order to Rotating Equipment Repair, LLC on May 02, 2013 to address this emergency.

The scope of work required the contractor to furnish all parts, labor, equipment, tools, supervision and transportation necessary to remove, disassemble, completely repair and overhaul and re-install the EWPP's 25-year old Alfa Laval centrifuge. This service should sustain the functionality of the EWPP's Centrifuge No. 4 rotating assembly and chain of flight solids conveyor system an additional 10 years.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) "a procurement necessary to preserve or protect the public health and safety of the municipality's residents" of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA

18

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: APPROVE AN ORDINANCE AMENDING CHAPTER 1 AND VARIOUS PROVISIONS OF CHAPTER 46 OF THE HOUSTON CODE OF ORDINANCES, RELATING TO VEHICLES-FOR-HIRECategory
#

Page 1 of 2

Agenda Item
21**FROM (Department or other point of origin):**Tina Paez, Director
Administration & Regulatory Affairs Department**Origination Date**

May 7, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE**Council District(s) affected:**

All

For additional information contact:Tina Paez Phone: (832) 393-8500
Chris Newport Phone: (832) 393-1050**Date and Identification of prior authorizing Council Action:**

N/A

RECOMMENDATION: (Summary)

Approve an ordinance amending Chapter 1 and various provisions of Chapter 46 of the Houston Code of Ordinances relating to vehicles-for-hire

Amount of Funding: N/A**FIN Budget****SOURCE OF FUNDING:** N/A**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance amending Chapter 46 of the City of Houston Code of Ordinances ("Chapter 46") relating to vehicles-for-hire.

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public and encourage service quality. Chapter 46 establishes the standards, regulations, and permitting and licensing requirements for the vehicle-for-hire industry operating within the city of Houston. ARA's Regulatory Affairs Division is responsible for administration and enforcement of these provisions. Of the nine existing categories of transportation services, eight are regulated under Chapter 46 — charter/sightseeing, jitneys, limousines, low speed shuttles, mobile dispatch, pedicabs, school buses and taxicabs. Scheduled ground transportation (SGT) services are regulated under Chapter 9.

In 2010, ARA initiated a process to improve the vehicle-for-hire regulatory framework. This five-year, multi-part initiative impacts all categories of vehicles-for-hire regulated by the City. Part I focused on jitneys, pedicabs, and low speed shuttles — the "Green Vehicle Initiative." Part II is a multi-phase, multi-year initiative involving taxicabs. Part III centers on housekeeping amendments across multiple vehicle-for-hire categories, the creation of a regulatory framework to address smart phone dispatch applications, and the uniform application of regulations across vehicle-for-hire categories. ARA's current recommendations are captured under Part III. Highlights of the proposed recommendations are summarized below.

Proposed Amendments Related to All Categories of Vehicles-for-Hire

The City of Houston regulates many categories of vehicles-for-hire, but there are fundamental requirements for vehicles and drivers that are applicable to all categories. Rather than continue to articulate these requirements in a repetitive manner throughout Chapter 46, the requirements are being articulated once in the General Section of the Ordinance. An example of this involves the standardization of the drivers' license application process.

In addition, new requirements are being added that will apply to all categories of vehicles-for-hire, and these are also described in the General Section of the Ordinance. These include trip and revenue data submission requirements and anti-discrimination requirements.

Proposed Amendments Related to Taxicabs, Limousines, Jitneys

In keeping with the improvements to taxicab services that began in 2010, we are recommending the requirement for an integrated credit card/GPS system be mandatory. To date, 75% of taxicab vehicles are fitted with this equipment. The

REQUIRED AUTHORIZATION

FIN Department:

Other Authorization:

Other Authorization:

Date: 05/07/14	Subject: APPROVE AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES RELATING TO VEHICLES-FOR-HIRE	Originator's Initials TP	Page 2 of 2
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Houston Taxi Study survey results indicated that 100% of Houston riders expected credit card processing equipment to be available in taxicabs.

Two changes are proposed in the limousine provisions of the ordinance: elimination of the existing \$70 minimum fare and elimination of the four-vehicle minimum requirement for an entity to receive a Houston Limousine License.

ARA also recommends that the pilot program allowing taxicab and limousine vehicles to operate for a seventh year be codified. The proposed ordinance amendment maintains the requirement that only those vehicles that pass a rigorous third-party inspection will be eligible for a seventh year of service as a taxicab or limousine. The amendment also proposes that jitney vehicles be eligible for an eleventh year of service upon passing the rigorous third party inspection.

Finally, commercial auto liability insurance limits would be raised to \$1 million per occurrence for limousines and jitneys.

Proposed Amendments Related to Mobile Dispatch Services (MDS)

Mobile dispatch services (MDS) regulations were created in Chapter 46 in December 2012. To date, only one company, GetRide, has registered with the City to provide these services. Because MDS companies dispatch only duly authorized City-permitted vehicles and City-licensed drivers, ARA recommends each MDS company register with, rather than be permitted by, the City of Houston.

The proposed amendments expand the MDS provisions to include definitions, as well as the type of information that must be provided on the registration application. The amendments also define the process for issuance of registrations, establish an annual renewal period, and provide for penalties for violation of the MDS provisions.

Proposed Amendments Related to Transportation Network Companies (TNCs)

The proposed amendments create a new category of vehicle-for-hire: transportation network services. These services require the use of transportation network vehicles, which are private passenger motor vehicles. Vehicles that cannot be used to provide these services are taxicabs, pedicabs, jitneys, charter and sightseeing vehicles, limousines, school vehicles, or low speed shuttles permitted and licensed by the City. Other provisions applying to the new services include:

- TNCs must be permitted by the City and pay an annual fee equal to 2% of gross revenues generated in Houston;
- TNCs are prohibited from owning, leasing, or financing any vehicles;
- Transportation network drivers are required to obtain a City-issued license and to have their vehicles undergo a City-approved inspection;
- TNCs must maintain commercial automobile liability insurance to protect third parties, including the passenger and the public;
- TNCs may accept trips only through their internet-enabled smart phone application, i.e. they must be pre-arranged trips. They are prohibited from accepting street hails or operating on demand.

We anticipate at least two companies, Uber (operating UberX) and Lyft, will apply for permits to operate under this new peer-to-peer transportation service category.

In developing these proposals, ARA performed extensive research, reviewing best practices in other jurisdictions and looking at evidence of potential impact to the incumbent stakeholders wherever it is available. As much as possible, we have attempted to make fact-based recommendations. We have also solicited stakeholder feedback, holding at least 8 meetings with taxicab stakeholders, 7 meetings with limousine stakeholders, 3 meetings with Uber, 3 meetings with Lyft, and 1 meeting with a jitney stakeholder. We also presented briefings in a joint meeting of the Quality of Life and Public Safety Committees on two occasions: February 25, 2014 and April 22, 2014.

Revised

21
JUN 28 2014

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 licensee~~driver 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. It shall be unlawful for any permittee, registrant, or licensee~~driver of any vehicle for hire~~ to refuse to transport a passenger at the rates authorized by this chapter~~article~~ or to demand or receive an amount in excess of the rates authorized by this chapter~~article~~. It is an affirmative defense to prosecution under this subsection that the permittee, registrant, or licensee~~driver~~ 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;
- (13) 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
- (14) 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.

Sec. 46-11.1. Fire extinguisher required~~Mobile 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 14th 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 means~~ 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, 2008¹, 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.

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 30th 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.

¹ The City Secretary shall insert the date of passage of this Ordinance.

Sec. 46-21. Identification of vehicles generally.

(a) ~~AN~~o 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) ~~AN~~o 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) ~~AN~~o 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" 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) ~~A~~No 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 so 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) ~~A~~No permittee shall not drive or cause or suffer or allow to be driven and ~~no~~ licensee shall not drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. ~~A~~No permittee shall not drive or cause or suffer or allow to be driven and ~~no~~ 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:

Zone	Daytime Trip—Flat Rate	Nighttime Trip—Flat Rate
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:

Zone	Daytime Trip—Flat Rate	Nighttime Trip—Flat Rate
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 31st 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:

Table 46-1 Taxi Cost Index Factors and Weighting		
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
Total	100.0%	

(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 30th 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 a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. 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 10th 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 30th. 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 30th 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. RESERVED LICENSES

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.~~

~~——(e) 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.~~

~~(ce) 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) ~~ANo~~ licensee shall not drive more than 12 hours in any ~~one~~ consecutive 24 hour period.

(b) ~~ANo 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) ~~ANo~~ 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.~~

~~(e)~~ In addition to the application processing fee provided in subsection ~~(a)~~ 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 a ~~An 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 ~~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 r~~Replacement 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 chapter~~article~~.

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.~~

~~(c)~~ 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 a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies~~carrier authorized or eligible to transact business in Texas.~~ 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 means:

- 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 1st; 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~~ a vehicle that is 25 years old or older; *classic* ~~shall mean~~ a vehicle recognized by the Classic Car Club of America; and *special interest* ~~shall mean~~ 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~~ 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

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. 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 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. 46-208. Maintenance and operation of vehicles; qualifications of licensees.

(a) ~~AN~~ 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 thesuch operator shall not thereafter cause or permit thesuch 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 thesuch fares, the permittee shall file thesuch changes with the director not later than 30 days before the effective date of thesuch 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 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 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 ~~the~~ such 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 license.

~~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 ~~these~~ the 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 ~~permit~~license 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 director~~he 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 as a result of the inspection the director finds aor 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 defectssame 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~~ ~~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.

(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) ~~A~~ No 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. 46-246—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.

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 permitlicense.

(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 a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. 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 permits~~licensees~~.

(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 permitees~~licensees~~ 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" permits~~licenses~~ 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 permitee~~licensee~~ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. 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 means 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.

~~(c)~~ 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.

~~(d)~~ 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 31st 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. ~~A~~No licensee shall not operate a jitney for more than 12 hours in any consecutive 24-hour period and ~~a~~no 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~~ I 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. 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 31st 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. ~~A~~No licensee shall not operate a low-speed shuttle for more than 12 hours in any consecutive 24-hour period

and ~~any~~ 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. 46-457. 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. The notice shall also provide that the applicant is entitled to a hearing on the denial upon requesting a hearing within 15 business days following the date the notice of denial is deposited in the mail. 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. 46-458. 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. 46-459. 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. 46-460. 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. 46-461. 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. 46-461—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 in 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 10th 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 a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, insuring the general public against any loss or damage that may result to any person or property from the operate 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 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.

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.

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 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 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 or 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.
* All references are to the numbered sections of the City's Code of Ordinances unless otherwise specified.	

- 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: Ordinance authorizing the abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for conveyance to the City of a public utility easement in the same location, both located within Lakes of Parkway Section 17, out of the Joel Wheaton Survey, A-80. **Parcels SY14-042, SY14-047, VY14-004, and VY14-005**

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1 of 2

Agenda Item #

22

FROM (Department or other point of origin):**Origination Date****Agenda Date**

Department of Public Works and Engineering

5/29/14

JUN 04 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected: G

Key Map 488T

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

C.M. 2014-0109 (01/29/2014)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for a consideration of \$96,187.00 plus the conveyance to the City of a public utility easement in the same location, both located within Lakes of Parkway Section 17, out of the Joel Wheaton Survey, A-80. **Parcels SY14-042, SY14-047, VY14-004, and VY14-005**

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

By Council Motion 2014-0109, City Council authorized the subject transaction. Thereafter it was determined by the Public Works and Engineering Department that item 3(a) of the motion could be satisfied by adding a deadbolt lock for the exclusive use of the City of Houston to the existing manual gate at the entrance to the cul-de-sac in Colecrest Lane. The transaction was processed accordingly. Harris County Municipal Utility District 529, (Dan Quinlan, President), and Lakes of Parkway Homeowners Association, Inc., (William F. Schwind Jr., President), plan to utilize the subject area as a public utility easement.

Harris County Municipal Utility District 529 and Lakes of Parkway Homeowners Association, Inc., have complied with the motion requirements, have accepted the City's offer, and have rendered payment in full.

Parcel SY14-0426,724-square-feet of right-of-way \$110,946.00
Valued at \$16.50 PSF**Parcel SY14-047**2,706-square-feet of right-of-way \$ 44,649.00
Valued at \$16.50 PSF

Depreciated Value of street improvements: \$ 18,390.00

TOTAL ABANDONMENT**\$173,985.00**

LTS No. 10528

CUIC #20CJS01

REQUIRED AUTHORIZATION**Finance Department****Other Authorization:****Other Authorization:**Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning and Development Services Division

Date:	Subject: Ordinance authorizing the abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for conveyance to the City of a public utility easement in the same location, both located within Lakes of Parkway Section 17, out of the Joel Wheaton Survey, A-80. Parcels SY14-042, SY14-047, VY14-004, and VY14-005	Originator's Initials CS	Page <u>2</u> of <u>2</u>
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In exchange, Harris County Municipal Utility District 529 and Lakes of Parkway Homeowners Association, Inc., will pay:

Cash \$ 96,187.00
Plus convey to the City:

Parcel VY14-004

6,724-square-feet of public utility easement: \$ 55,473.00
Valued at \$8.125 PSF

Parcel VY14-005

2,706-square-feet of public utility easement: \$ 22,325.00
Valued at \$8.125 PSF

TOTAL CASH AND CONVEYANCES

\$173,985.00

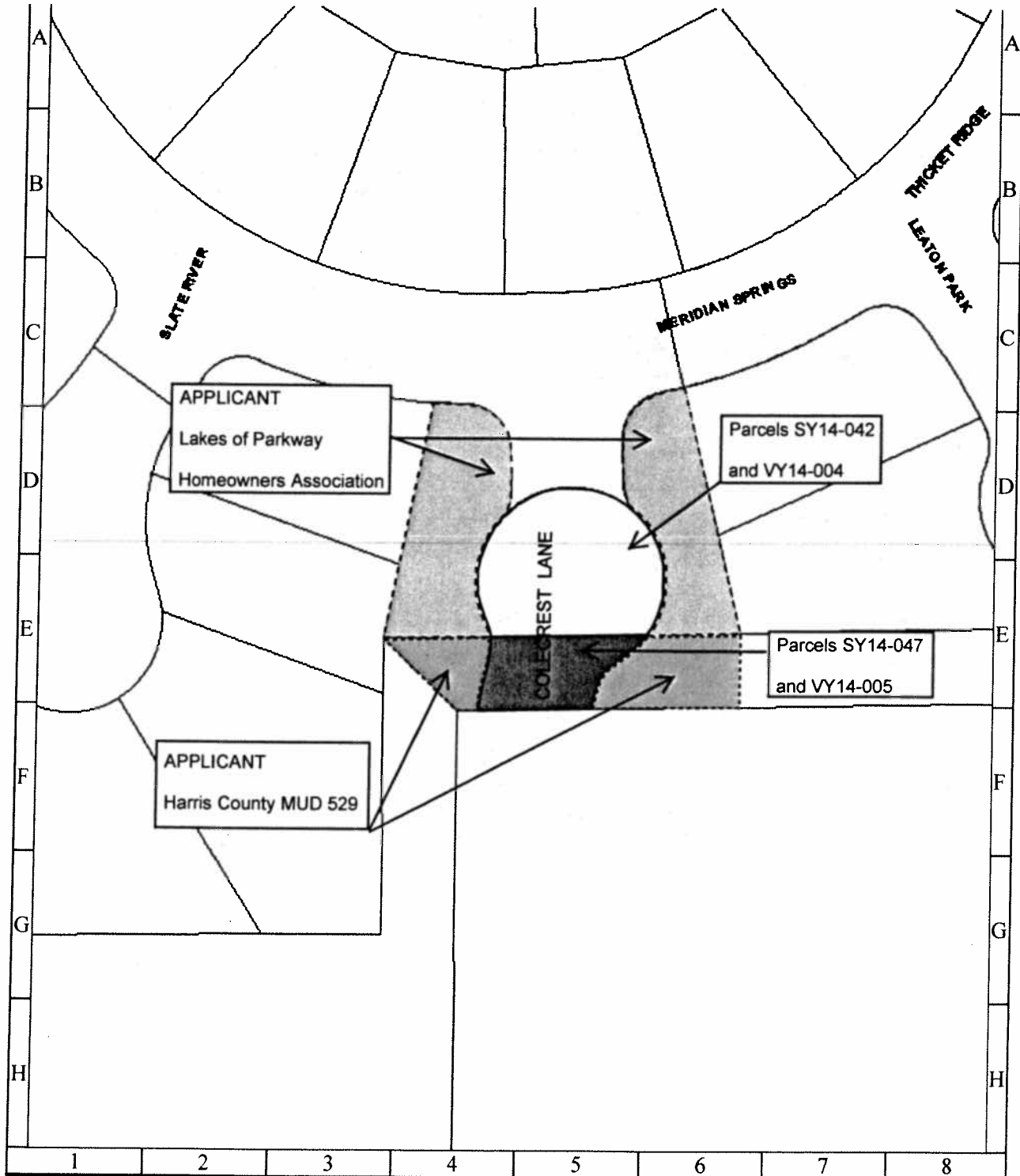
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for a consideration of \$96,187.00 plus the conveyance to the City of a public utility easement in the same location, both located within Lakes of Parkway Section 17, out of the Joel Wheaton Survey, A-80.

DWK:NPC:cs

c: Jun Chang, P.E., D.WRE
Marta Crinejo
Daniel Menendez, P.E.
Patrick Walsh, P.E.
Jeffrey Weatherford, P.E.

PARCEL MAP

Abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for conveyance to the City of a public utility easement in the same location, all located within the Lakes of Parkway Subdivision, Section 17, out of the Joel Wheaton Survey, A-80. Parcels SY14-042, SY14-047, VY14-004, and VY14-005



CITY OF HOUSTON
Department of Public Works and Engineering
1 inch = 25 feet 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.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement (Parking) at 6501 Navigation Blvd. with CenterPoint Energy Resources Corp.		Page 1 of 1	Agenda Item 23
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: Scott Minnix <i>5/20/14</i> <i>Scott Minnix</i>		Council District affected: 1	
For additional information contact: Jacquelyn L. Nisby <i>JN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Approve and authorize Lease Agreement between City of Houston (Landlord) and CenterPoint Energy Resources Corp. (Tenant) for parking at 6501 Navigation Blvd., Houston, Texas.			
Amount and Source Of Funding: Revenue		Finance Budget:	
<p>SPECIFIC EXPLANATION: The General Services Department recommends approval of a Lease Agreement between City of Houston and CenterPoint Energy Resources Corp. (CenterPoint) for 18,000 SF of vacant land under the Navigation Blvd. overpass, across from 6501 Navigation Blvd., to be used by CenterPoint for parking.</p> <p>The proposed Lease Agreement provides for a five-year initial term at a monthly payment of \$540.00 or \$6,480 per year, with three consecutive five-year renewal options at the then current market rental rate. The initial lease term will commence on the date of countersignature by the City Controller.</p> <p>CenterPoint will be responsible for maintenance and utilities, and may, at its sole cost and expense, install security fencing and lighting to the leased premises with the City's prior written consent. The City may terminate this Lease at any time by providing 90 days written notice to CenterPoint. CenterPoint may terminate this Lease at any time by providing six months written notice to the City.</p> <p>The revenue will be directed to the General Fund.</p> <p>SM:HB:JLN:DW:npb</p> <p>xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby</p>			
General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		REQUIRED AUTHORIZATION CUIC ID# 25 DW 3	

5557C8

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CENTERPOINT ENERGY NAVIGATION
133-074

Leased Premises

CENTRAL PARK TO MAGNOLIA PARK
051-280

MACK STREET

TERMINAL STREET

66TH STREET

67TH STREET

AVENUE L

AVENUE K

AVENUE J

AVENUE I

IGLESIA DE FEY POL
133-296

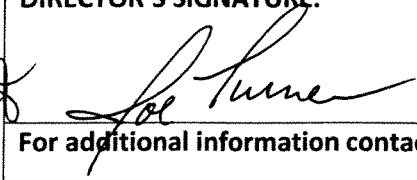
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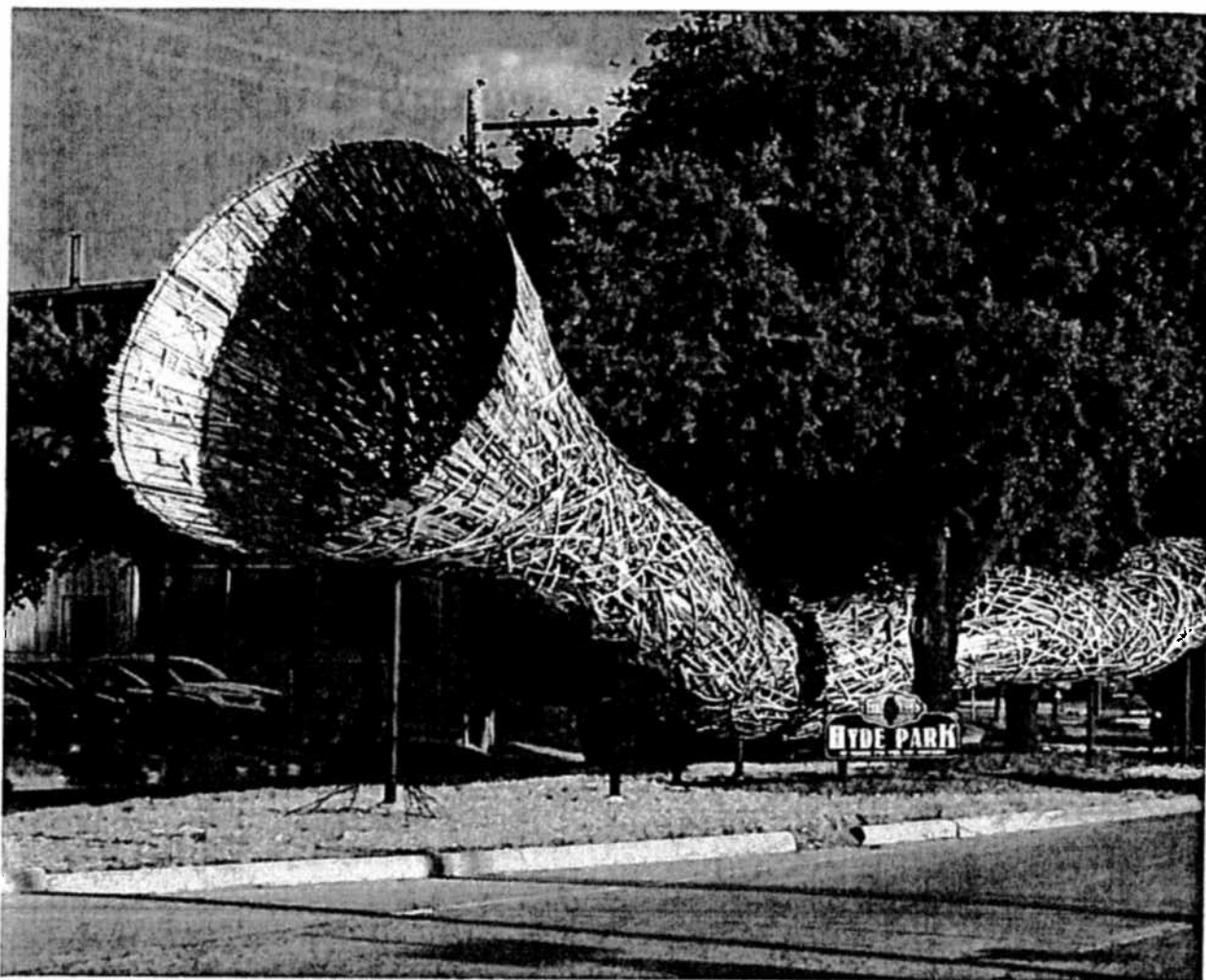
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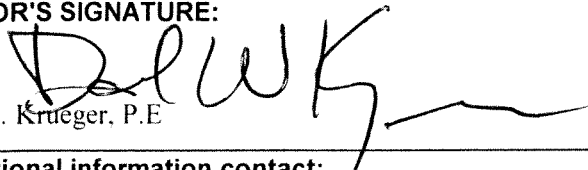
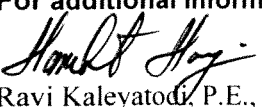
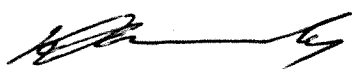
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance accepting "Funnel Tunnel" temporary art installation by Art League Houston in the esplanade of the 1900 Block of Montrose		Category #	Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Houston Parks and Recreation Department		Origination Date: May 19, 2014		Agenda Date: JUN 04 2014
DIRECTOR'S SIGNATURE:  Joe Turner, Director		Council District affected: C		
For additional information contact: Luci Correa 832-395-7057 Minnette Boesel 832-393-1097		Date and identification of prior authorizing Council action: NA		
RECOMMENDATION (Summary): Approve an Ordinance accepting "Funnel Tunnel" temporary artwork installation by Art League of Houston in the esplanade of the 1900 Block of Montrose.				
Amount and Source of Funding: No City Funding			Finance Budget:	
SPECIFIC EXPLANATION: The City's Civic Art Ordinance #2006 – 731 allows for temporary placement of loaned artworks on City property for a period of up to 270 days subject to the approval of the Department Director having jurisdiction over the site or sites. The Houston Parks and Recreation Department (HPARD) and Public Works and Engineering Department approved a temporary art installation permit for Art League Houston's installation of the artwork "Funnel Tunnel" by artist Patrick Renner. The whimsical sculpture constructed of steel and wood that resembles a giant cornucopia approximately 180 feet in length has proven to be a popular landmark for residents and visitors and has served to invigorate Houston's lower Montrose Boulevard and the surrounding neighborhood. Art League Houston funded the installation with grant assistance from the Houston Arts Alliance and is responsible for the maintenance of the artwork, the grounds around the artwork and for any security that may be required. The sculpture and temporary art installation located across the street from the Art League Houston has been in place for approximately 270 days, and now Art League and the community would like to have the artwork in place for an additional 8 months to end January 18, 2015 by which date the installation must be completely removed. Council approval is required to extend the time for the artwork to remain in place. Council approval is recommended.				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	



SUBJECT: Interlocal Agreement with Harris County for Community Youth Development Program		Category	Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Katherine Tipton, Director Department of Neighborhoods		Origination Date: 05/16/2014	Agenda Date JUN 04 2014	
DIRECTOR'S SIGNATURE: 		Council District affected: J		
For additional information contact: Patricia Harrington (832) 393-0897		Date and Identification of prior authorizing Council action: 05/29 2013 2013-0482		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing an interlocal agreement between Harris County and the City of Houston for operation of programming associated with the Gulfton Community Youth Development Program.				
Amount of Funding: \$37,000 Grant Funds		Finance Director:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other				
SPECIFIC EXPLANATION: <p>The 77081 zip code in southwest Houston has been designated by the state as having high rates of referrals of juveniles into the justice system. There are 15 such zip codes throughout Texas. To address this issue the state has allocated funding for prevention services specifically for this area through the Gulfton Community Youth Development (CYD) program. The goal of the Gulfton CYD program is to engage youth early in order to build their resistance skills, redirect early instances of problem behavior, and deter involvement in the court system. Harris County serves as the fiscal agent for the program.</p> <p>This interlocal agreement will provide funds to the Anti-Gang Office for continued operation of the Campo del Sol summer day camp at Burnett Bayland Park. Campo del Sol has been operated by the Anti-Gang Office since the mid-1990's. It is an 8 week program that provides safe, supervised activities for youth aged 7 to 17, Monday through Thursday from 10 am to 4 pm.</p> <p>The camp provides a variety of recreational activities including sports, arts and crafts, and field trips, but it also incorporates prevention components such as presentations on the dangers and consequences of gang involvement and delinquent behavior, and awareness on bullying, truancy, and drug and alcohol use. The funding from the grant award will be used to hire temporary staff to serve as camp counselors and supplies for daily operation.</p>				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

SUBJECT: Amendment to the Interlocal Agreement between the City of Houston and Fort Bend County for the Design and Construction of Fondren Road, S. Post Oak, and Blue Ridge Road; WBS Nos. N-000819-0001-7, N-000820-0001-7 and N-000821-0001-7.		Page 1 of 2	Agenda Item# 26
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/29/14	Agenda Date JUN 04 2014	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: K 3cc		
For additional information contact:  Ravi Kaleyatod, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: Ordinance 2009-0512, 06/10/2009		
RECOMMENDATION: (Summary) Adopt an Ordinance approving and authorizing an amended and restated Interlocal Agreement between the City of Houston and the Fort Bend County.			
Amount and Source of Funding: N/A			
PROJECT NOTICE AND PREVIOUS HISTORY: It was a mutual benefit between the City of Houston (City) and Fort Bend County (County) to design and construct the following three roadway projects: Fondren Road from Hillcroft to FM 2234 (Fondren); S. Post Oak from Beltway 8 to FM 2234 (S. Post Oak), and Blue Ridge Road from south of Rockergate Drive to FM 2234 (Blue Ridge Rd.). These roadway projects were in the City's Capital Improvements Program and provide improved connectivity and capacity along the southern City Limits and Beltway 8. These projects were also in Fort Bend County's 2007 Mobility Bond Projects. Under the Ordinance 2009-0512 passed on June 10, 2009, the City and the County were willing to participate as set forth herein the actual costs including the cost of necessary right-of-way acquisitions, engineering, construction, construction management, construction inspection and testing costs related to these 3 projects. The County would agree to contribute 50% or a maximum of \$5,750,000.00 to the City for these 3 projects. During the design, the City and the County agreed it is not feasible to continue the Fondren project; therefore, it has been replaced with the Hillcroft Avenue and Court Road Extension project to fulfill the mobility improvements desired to serve both the City and the County. Due to limited funding from both parties, the Blue Ridge Rd. project will be removed from this agreement.			
DESCRIPTION/SCOPE: These projects consist of the reconstruction and widening of concrete roadways and bridge spanning, street lighting, storm drain systems, detention pond, signals, and necessary underground utilities.			
LOCATION: S. Post Oak project is located from Beltway 8 to FM 2234, and Hillcroft Avenue and Court Road Extension project is located between the existing toll road ramps from Fondren Road to FM 2234 and along Court Road from Quailynn Road east to the proposed southbound Fort Bend Parkway frontage road. These projects are located in Key Map Grids 570 Z, 571 Y, 610 C and D, and 611 B and C.			
LTS No. 6920		REQUIRED AUTHORIZATION	
Finance Department:		Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Amendment to the Interlocal Agreement between the City of Houston and Fort Bend County for the Design and Construction of Fondren Road, S. Post Oak, and Blue Ridge Road; WBS Nos. N-000819-0001-7, N-000820-0001-7 and N-000821-0001-7.	Originator's Initials TAA <i>Joe</i>	Page <u>2</u> of <u>2</u>
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SCOPE OF AGREEMENT: Under the Amendment, the Fondren and Blue Ridge Rd projects will be replaced by the Hillcroft Avenue and Court Road Extension project. The County will be responsible for the right-of-way acquisition of the Hillcroft Avenue and Court Road Extension project. After July 1, 2015, if the City has not completed the design of these projects, the County will have the rights to terminate this agreement if the County elects to do so.

ACTION RECOMMENDED: It is recommended that the City Council adopt an Ordinance approving and authorizing an Amendment to the Interlocal Agreement between the City of Houston and the Fort Bend County.





Joe *HT* *Joe* *MC* *OW* *RD*
DWK:DRM:RK:TAA:PKC:DW:aw

H:\constr\A-SB-DIV\Interagency\Fort Bend County\RCA and agreements\working file\RCA-20TAA117.doc

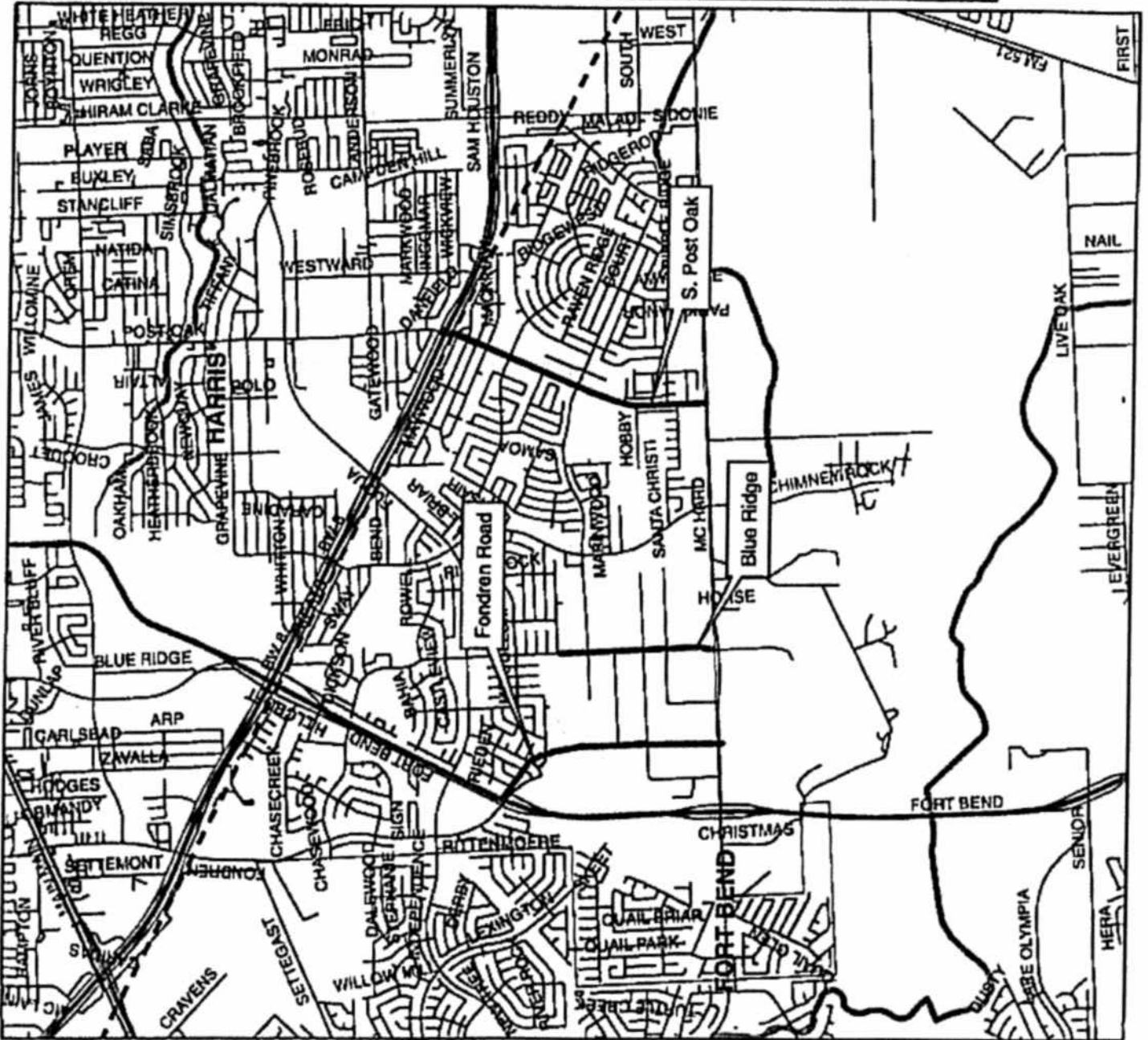
c: File – Fort Bend County Project – Fondren Road, S. Post Oak, and Blue Ridge Road;

Exhibit A Project Locations

Legend

-  Railroad
-  Roads
-  County Line
-  City of Houston

Locational Map



This map represents the best information available to the City.
The City does not warrant its accuracy or completeness.
Field verifications should be performed as necessary.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9742

Subject: Approve an Appropriating Ordinance and Approve a Contract to the Sole Respondent for Operation and Maintenance of Pure Oxygen Generating Plant at 69th Street Wastewater Treatment Facility for PWE Department (WBS No. R-000509-0035-4) S30-T24149

Category #
4

Page 1 of 2

Agenda Item

27

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

May 01, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Joyce Hays Phone: (832) 393-8723

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$7,830,204.00 from the Water and Sewer System Consolidated Construction Fund (Fund 8500) and \$4,485,384.00 from the Water and Sewer System Operating Fund (8300) for a total amount of \$12,315,588.00 and award a contract to Air Products and Chemicals, Inc. for rehabilitation, operation, and maintenance of the pure oxygen plant at 69th street wastewater treatment facility for the Public Works and Engineering Department.

Maximum Contract Amount: \$12,315,588.00

Finance Budget

\$ 4,485,384.00 - Water and Sewer System Operating Fund (8300)

\$ 7,830,204.00 - Water and Sewer System Consolidated Construction Fund (8500)

\$12,315,588.00 - Total

SPECIFIC EXPLANATION:

The Director of Public Works and Engineering Department and the City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$7,830,204.00 from the Water and Sewer System Consolidated Construction Fund (8500) and \$4,485,384.00 from the Water and Sewer System Operating Fund (8300) for a total amount of not to exceed \$12,315,588.00 and award a three-year contract, with two one-year options to Air Products and Chemicals, Inc. on its sole proposal for the rehabilitation, operation and maintenance of the pure oxygen generating plant at the 69th Street Wastewater Treatment Facility for the Public Works and Engineering Department.

The scope of work requires the contractor to provide all labor, supplies, materials, equipment, transportation, and supervision necessary to operate the 69th Street wastewater treatment facility oxygen plant as well as perform preventative and remedial maintenance services to the oxygen plant, and to rehabilitate the existing Cold Box/Train B, and remove and replace Air Compressor C, in which a new compressor will be purchased under a different council action.

The request for proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws and one proposal was received. The Strategic Purchasing Division conducted a thorough search for additional vendors who could perform these services. Those vendors surveyed indicated that they did not have the technology and expertise to produce liquid oxygen and maintain a facility such as the 69th Street Wastewater Treatment Facility.

The evaluation committee consisted of four evaluators from the Public Works and Engineering Department. The proposals were evaluated based upon the following criteria:

- Conformance to the RFP
- Capability of the Firm
- Key Personnel

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA

57

Date: 5/1/2014	Subject: Approve an Appropriating Ordinance and Approve a Contract to the Sole Respondent for Operation and Maintenance of Pure Oxygen Generating Plant at 69th Street Wastewater Treatment Facility for PWE Department (WBS No. R-000509-0035-4) S30-T24149	Originator's Initials RM	Page 2 of 2
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- Project Approach
- Cost
- M/WBE Participation
- Financial Strength

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 does not meet the requirements as a Hire Houston First company because they are not classified as a City and/or Local Business.

M/WBE Subcontracting

This RFP was issued as a goal-oriented contract with a 3% M/WBE participation level. Air Products and Chemicals, Inc. has designated the following company as its certified M/WBE subcontractors:

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Facility Management Solutions, LLC.	Custodial Services	\$114,000.00	.93%
Automation Nation, Inc.	Electrical Contractors	\$269,500.00	2.18%

Buyer: Richard Morris

Estimated Spending Authority			
Department	FY 2014	Out Years	Total
Public Works & Engineering	\$ 100,000.00	\$ 4,385,384.00	\$ 4,485,384.00
CIP Budget Amount	\$ 7,830,204.00	\$ 00.00	\$ 7,830,204.00
WBS NO. R-000509-0035-4			
Total	\$ 7,930,204.00	\$ 4,385,384.00	\$12,315,588.00

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Interlocal Agreement between the City of Houston and the Houston Parks Board LGC for the provision of local matching funds and other costs related to the construction of four bike/ped projects: Mason Park Bridge, University Connection, Hermann Park/Brays Bayou Trail Connector, and Hunting Bayous Gaps

Category #

Page 1 of 1

Agenda Item #
20**FROM (Department or other point of origin):**

Houston Parks and Recreation Department

Origination Date:**Agenda Date**

JUN 04 2014

DIRECTOR'S SIGNATURE:

Joe Turner, Director

Council District(s) affected:

B, D, & I

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

December 5, 2012 Resolution 2012-36

June 26, 2013 Ordinance 2013-635

August 21, 2013 Ordinance 2013-744

RECOMMENDATION: Approve an Ordinance authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board LGC for the provision of local matching funds and other costs related to the construction of four Bicycle/Pedestrian projects: Mason Park Bridge, University Connection, Hermann Park/Brays Bayou Trail Connector, and Hunting Bayous Gaps**Amount and Source of Funding:**

\$6,594,406.00 Federal Transportation Enhancement Program Funds

\$2,736,664.00 Parks Consolidated Construction Fund 4502 (Appropriated by Ordinance 2013-744 and future appropriations)

Finance Budget:**SPECIFIC EXPLANATION:**

On December 5, 2012 City Council approved Resolution 2012-36 authorizing the nomination of six projects for funding consideration in the 2012 Transportation Enhancement Program ("TEP") administered by the Texas Department of Transportation ("TxDOT"). The following four projects (collectively "the TEP Projects") were selected for funding:

1. Mason Park Bike/Ped Bridge
2. University Connection
3. Hunting Bayou Gap
4. Hermann Park Brays Bayou Trail Connectors

On June 26, 2013 City Council approved Ordinance 2013-635 authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board Local Government Corporation, Inc. ("HPLGC") to implement and fund the Bayou Greenways 2020 project ("BG2020"). BG2020 is an integrated system of connected linear parks with walking, running and bicycle trails along the nine major bayous within the City limits, including the TEP Projects. In this agreement, the City of Houston agreed to a Public Commitment of \$100 Million in bond proceeds approved by voters through Proposition B in November 2012. This commitment is based on the understanding that it will be matched with a Private Commitment of \$100 Million in funding secured by HPLGC through private sector donations and other sources.

The proposed new Interlocal Agreement commits HPLGC to fund the TEP Projects design and engineering plans and any necessary land acquisition for the TEP Projects out of the BG2020 Private Commitment. The Interlocal Agreement further allows for the use of BG2020 Public Commitment dollars to fund the local match and any cost overruns for the TEP Projects. Federal funds and construction contracts for the TEP Projects will be administered by TxDOT in accordance with the Advanced Funding Agreements. City Council is concurrently asked by separate Council Actions to approve the Advanced Funding Agreements for the TEP Projects.

Finance Director:

Other Authorization:

Other Authorization

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Mason Park Ped/Bike Bridge Transportation Enhancement Project

Category #

Page 1 of 1

Agenda Item
28A**FROM (Department or other point of origin):**

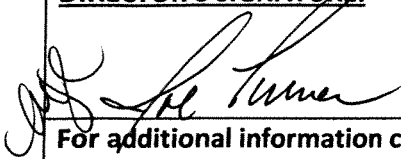
Houston Parks and Recreation Department

Origination Date:

May 20, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Joe Turner, Director

Council District(s) affected:

1

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

December 5, 2012 Resolution 2012-36

June 26, 2013 Ordinance 2013-635

August 21, 2013 Ordinance 2013-744

RECOMMENDATION: Approve an Ordinance authorizing an Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Mason Park Ped/Bike Bridge Transportation Enhancement Project.**Amount and Source of Funding:**

\$3,544,579.00 Federal Transportation Enhancement Program Funds

\$886,145.00 Parks Consolidated Construction Fund 4502 (Appropriated by Ordinance 2013-744 and future appropriations)

Finance Budget:**SPECIFIC EXPLANATION:**

On December 5, 2012 City Council approved Resolution 2012-36 authorizing the nomination of six projects for funding consideration in the 2012 Transportation Enhancement Program ("TEP") administered by the Texas Department of Transportation ("TxDOT"). The Mason Park Ped/Bike Bridge (the "Project") is one of four projects nominated by the City of Houston and selected for funding.

The Project scope consists of construction of a 14 foot wide by 920 foot long shared use path, which includes a 520 foot long pedestrian/bicycle bridge over Brays Bayou and a 400 foot shared use path (200 feet of share use path connecting to each side of the bridge). Construction of the bridge is to provide a safer crossing of Brays Bayou and encourage an environmentally friendly means of alternative transportation.

On June 26, 2013 City Council approved Ordinance 2013-635 authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board Local Government Corporation, Inc. (HPLGC) to implement and fund the Bayou Greenways 2020 project ("BG2020"). BG2020 is an integrated system of connected linear parks with walking, running and bicycle trails along the nine major bayous within the City limits, including this Project. In this agreement, the City of Houston agreed to a Public Commitment of \$100 Million in bond proceeds approved by voters through Proposition B in November 2012. This commitment is based on the understanding that it will be matched with a Private Commitment of \$105 Million in funding secured by HPBLGC through private sector donations and other sources.

City Council is concurrently asked by separate Council Action to approve a new Interlocal Agreement that commits HPBLGC to fund the Project design and engineering plans and any necessary land acquisition for the Project out of the BG2020 Private Commitment. This agreement further allows for the use of BG2020 Public Commitment dollars to fund the required local match and any cost overruns for the TEP Projects. The required local match of \$886,145.00 is 20% of the total estimated construction cost of \$4,430,724.00. The remaining 80% or \$3,544,579.00 will be federally funded through the Transportation Enhancement Program administered by TxDOT in accordance with the Advance Funding Agreement for this Project.

Finance Director:

Other Authorization:

Other Authorization

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the University Connection Transportation Enhancement Project

Category #

Page 1 of 1

Agenda Item
280**FROM (Department or other point of origin):**

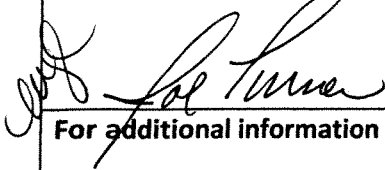
Houston Parks and Recreation Department

Origination Date:

May 20, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Joe Turner, Director

Council District(s) affected:

D

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

December 5, 2012 Resolution 2012-36

June 26, 2013 Ordinance 2013-635

August 21, 2013 Ordinance 2013-744

RECOMMENDATION: Approve an Ordinance authorizing an Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the University Connection Transportation Enhancement Project.**Amount and Source of Funding:**

\$1,844,655.00 Federal Transportation Enhancement Program Funds

\$1,509,263.00 Parks Consolidated Construction Fund 4502 (Appropriated by Ordinance 2013-744 and future appropriations)

Finance Budget:**SPECIFIC EXPLANATION:**

On December 5, 2012 City Council approved Resolution 2012-36 authorizing the nomination of six projects for funding consideration in the 2012 Transportation Enhancement Program ("TEP") administered by the Texas Department of Transportation ("TxDOT"). The University Connection (the "Project") is one of four projects nominated by the City of Houston and selected for funding.

The Project scope consists of construction of a 10 foot wide and approximately 2,220 linear feet long concrete shared use path and a 14 foot wide, 350 ft long bike/pedestrian bridge to provide safer access across Brays Bayou to existing trails connecting to multiple neighborhoods, universities, and two new light rail transit centers.

On June 26, 2013 City Council approved Ordinance 2013-635 authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board Local Government Corporation, Inc. ("HPLGC") to implement and fund the Bayou Greenways 2020 project ("BG2020"). BG2020 is an integrated system of connected linear parks with walking, running and bicycle trails along the nine major bayous within the City limits, including this Project. In this agreement, the City of Houston agreed to a Public Commitment of \$100 Million in bond proceeds approved by voters through Proposition B in November 2012. This commitment is based on the understanding that it will be matched with a Private Commitment of \$105 Million in funding secured by HPBLGC through private sector donations and other sources.

City Council is concurrently asked by separate Council Action to approve a new Interlocal Agreement that commits HPBLGC to fund the Project design and engineering plans and any necessary land acquisition for the Project out of the BG2020 Private Commitment. This agreement, further allows for the use of BG2020 Public Commitment dollars to fund the required local match and any cost overruns for this Project. The local match of \$1,509,263.00 is 45% of the total estimated construction cost of \$3,353,918.00. The remaining 55% or \$1,844,655.00 will be federally funded through the Transportation Enhancement Program administered by TxDOT in accordance with the Advance Funding Agreement for this Project.

Finance Director:

Other Authorization:

Other Authorization

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Hunting Bayou Gaps Transportation Enhancement Project

Category #

Page 1 of 1

Agenda Item
28C**FROM (Department or other point of origin):**
Houston Parks and Recreation Department**Origination Date:**
May 20, 2014**Agenda Date**
JUN 04 2014**DIRECTOR'S SIGNATURE:**


Joe Turner, Director

Council District(s) affected:

B

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

December 5, 2012 Resolution 2012-36

June 26, 2013 Ordinance 2013-635

August 21, 2013 Ordinance 2013-744

RECOMMENDATION: Approve an Ordinance authorizing an Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Hunting Bayou Gaps Transportation Enhancement Project.**Amount and Source of Funding:**

\$607,430.00 Federal Transportation Enhancement Program Funds

\$191,820.00 Parks Consolidated Construction Fund 4502 (Appropriated by Ordinance 2013-744 and future appropriations)

Finance Budget:**SPECIFIC EXPLANATION:**

On December 5, 2012 City Council approved Resolution 2012-36 authorizing the nomination of six projects for funding consideration in the 2012 Transportation Enhancement Program ("TEP") administered by the Texas Department of Transportation ("TxDOT"). The Hunting Bayou Gaps (the "Project") is one of four projects nominated by the City of Houston and selected for funding.

The Project scope consists of construction of approximately 5,000 linear feet of 10 foot wide shared use path. The project fills a gap in an existing off-road shared use path by connecting portions of trails to the west (leading to Mickey Leeland Park) to neighborhoods to the east through Hutcheson Park.

On June 26, 2013 City Council approved Ordinance 2013-635 authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board Local Government Corporation, Inc. ("HPLGC") to implement and fund the Bayou Greenways 2020 project ("BG2020"). BG2020 is an integrated system of connected linear parks with walking, running and bicycle trails along the nine major bayous within the City limits, including this Project. In this agreement, the City of Houston agreed to a Public Commitment of \$100 Million in bond proceeds approved by voters through Proposition B in November 2012. This commitment is based on the understanding that it will be matched with a Private Commitment of \$105 Million in funding secured by HPBLGC through private sector donations and other sources.

City Council is concurrently asked by separate Council Action to approve a new Interlocal Agreement that commits HPBLGC to fund the Project design and engineering plans and any necessary land acquisition for the Project out of the BG2020 Private Commitment. This agreement further allows for the use of BG2020 Public Commitment dollars to fund the required local match and any cost overruns for the Project. The local match of \$191,820.00 is 24% of the total estimated construction cost of \$799,250.00. The remaining 76% or \$607,430.00 will be federally funded through the Transportation Enhancement Program administered by TxDOT in accordance with the Advance Funding Agreement for this Project.

Finance Director:

Other Authorization:

Other Authorization

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Hermann Park/Brays Bayou Trail Connectors Transportation Enhancement Project

Category #

Page 1 of 1

Agenda Item
286

FROM (Department or other point of origin):
Houston Parks and Recreation Department

Origination Date:
May 20, 2014

Agenda Date
JUN 04 2014

DIRECTOR'S SIGNATURE:

Luci Correa

Joe Turner, Director

Council District(s) affected:

D

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:

December 5, 2012 Resolution 2012-36
June 26, 2013 Ordinance 2013-635
August 21, 2013 Ordinance 2013-744

RECOMMENDATION: Approve an Ordinance authorizing an Advance Funding Agreement between the City of Houston and the Texas Department of Transportation for the Hermann Park/Brays Bayou Trail Connectors Transportation Enhancement Project.

Amount and Source of Funding:

\$597,742.00 Federal Transportation Enhancement Program Funds

\$146,036.00 Parks Consolidated Construction Fund 4502 (Appropriated by Ordinance 2013-744 and future appropriations)

Finance Budget:

SPECIFIC EXPLANATION:

On December 5, 2012 City Council approved Resolution 2012-36 authorizing the nomination of six projects for funding consideration in the 2012 Transportation Enhancement Program ("TEP") administered by the Texas Department of Transportation ("TxDOT"). The Hermann Park Brays Bayou Trail Connectors (the "Project") is one of four projects nominated by the City of Houston and selected for funding.

The Project scope consists of the construction of the ten (10) missing trail segments along Brays Bayou between Holcombe Boulevard and Almeda Road, which includes not less than 3,027 feet of a 10 foot wide trail in varying locations including a pedestrian bridge over Harris Gully. The completion of these connectors will provide bikers, walkers, and those with disabilities safer access to transit, employers, neighborhoods, and various downtown destinations by improving connections and offering a more viable alternative mode of transportation.

On June 26, 2013 City Council approved Ordinance 2013-635 authorizing an Interlocal Agreement between the City of Houston and the Houston Parks Board Local Government Corporation, Inc. ("HPLGC") to implement and fund the Bayou Greenways 2020 project ("BG2020"). BG2020 is an integrated system of connected linear parks with walking, running and bicycle trails along the nine major bayous within the City limits, including this Project. In this agreement, the City of Houston agreed to a Public Commitment of \$100 Million in bond proceeds approved by voters through Proposition B in November 2012. This commitment is based on the understanding that it will be matched with a Private Commitment of \$105 Million in funding secured by HPBLGC through private sector donations and other sources.

City Council is concurrently asked by separate Council Action to approve a new Interlocal Agreement that commits HPBLGC to fund the Project design and engineering plans and any necessary land acquisition for the Project out of the BG2020 Private Commitment. This agreement further allows for the use of BG2020 Public Commitment dollars to fund the required local match and any cost overruns for this Project. The required local match of \$146,036.00 is 20% of the total estimated construction cost of \$747,178.00. The remaining 80% or \$597,742.00 will be federally funded through the Transportation Enhancement Program administered by TxDOT in accordance with the Advance Funding Agreement for this Project.

Finance Director:

Other Authorization:

Other Authorization

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Appropriate funds and approve payment to Texas Department of Transportation for project cost overruns on the Hermann Park Trail Improvements and Scottcrest Park Pedestrian Trail projects.

Category #

Page 1 of 1

Agenda Item
29**FROM (Department or other point of origin):**
Houston Parks and Recreation Department**Origination Date:**
April 9, 2014**Agenda Date:** JUN 04 2011
~~MAY 04 2011~~**DIRECTOR'S SIGNATURE:****Council District(s) affected:**

D

For additional information contact:

Luci Correa 832-395-7057

Date and Identification of prior authorizing Council Action:October 20, 2004 Ordinance 2004-1091
December 20, 2006 Ordinance 2006-1255**RECOMMENDATION:** Appropriate funds and approve payment to Texas Department of Transportation for overruns in excess of project cost estimates for the Hermann Park Trail Improvements project and the Scottcrest Park Pedestrian Trail project.**Amount and Source of Funding:****Finance Budget:**

Parks Special Fund (4012)	\$6,540.22
Parks Consolidated Construction Fund (4502)	\$66,179.00
Total	\$72,719.22

SPECIFIC EXPLANATION:

On October 20, 2004, City Council approved Ordinance 2004-1091 authorizing an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for Transportation Enhancement Program (TEP) funds to design and build the Hermann Park Trail Improvements. The total estimated project cost at the time of award was \$2,499,300 of which 80% (\$1,999,440) would be federally funded through the TEP.

On December 20, 2006, City Council approved Ordinance 2006-1255 authorizing an AFA with TxDOT for TEP funds to design and build the Scottcrest Park Pedestrian Trail. The total estimated project cost at the time of award was \$937,500 of which 80% (\$750,000) would be federally funded through the TEP.

In accordance with the terms of the AFAs, the City of Houston paid TxDOT the local share (20%) of the estimated costs associated with the construction of the projects at the time the projects were bid for construction. Also in accordance with the terms of the AFAs, the City of Houston is responsible for any overruns in excess of project cost estimates. Upon completion of the projects the State performed an audit of project costs and found a deficit of \$66,179.00 for the Hermann Park Trail Improvements project and \$6,540.22 for the Scottcrest Park Pedestrian Trail project.

A total payment of \$72,719.22 is due to TxDOT in order to meet the City's funding obligations for the completed projects.

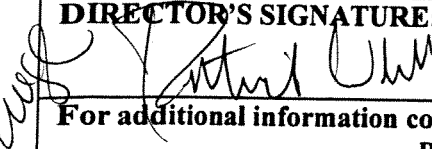

Council approval is recommended.

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1600 block of Buescher Drive, west side; 10900 block of Britt Way Street, north and south sides and 1600 block of Skyview Drive, east and west sides as a Special Minimum Building Line Block		Category #	Page 1 of _____	Agenda Item # 30
FROM (Department or other point of origin): Patrick Walsh, P.E. Interim Director Planning and Development Department		Origination Date January 24, 2014		Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: 		Council District affected: A		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance designating the 1600 block of Buescher Drive, west side; 10900 block of Britt Way Street, north and south sides and 1600 block of Skyview Drive, east and west sides as a Special Minimum Building Line Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 31'-0" special building line.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 42-170 of the Code of Ordinances, the property owner of Lots 29 & 30, Block 1 of the Britt Way Estates Subdivision initiated an application for the designation of a special minimum building line block. The application includes written evidence of support from owners of 56% of the area. Notification was mailed to twenty-five (25) 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. Since no protests were filed, no action was required by the Houston Planning Commission. It is recommended that the City Council adopt an ordinance establishing a 31'-0" Special Minimum Building Line for the block. Attachments: Planning Director's Approval, Special Minimum Building Line Block Application & Petition, Evidence of Support, Map of the Area xc: Marta Crinejo, Agenda Director Anna Russell, City Secretary David M. Feldman, City Attorney Deborah McAbee, Land Use Division, Legal Department				
REQUIRED AUTHORIZATION				
Finance Director: 		Other Authorization:		Other Authorization:

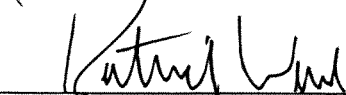
Special Minimum Building Line Block No. 200

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>SMBLB includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1600 block of Buescher Drive, west side; 10900 block of Britt Way Street, north and south sides and 1600 block of Skyview Drive, east and west sides.
X		<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> 72% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 56% of the SMBLB.
X		<i>Establishment of the SMBLB will further the goal of preserving the building line character of the area; and,</i> A minimum building line of 31 ft exists on thirteen (13) properties in the blockface.
X		<i>The proposed SMBLB has a building line character that can be preserved by the establishment of a special 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 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> The subdivision was platted in 1964. The houses mostly originate from the 1960's. The establishment of a 31 ft minimum building line will preserve the building line character of the area.
<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> Thirteen (13) out of eighteen (18) developed properties (representing 72% of the application area) have a building line of at least thirty-one (31) feet.		

The Special Minimum Building Line Block meets the criteria.



Patrick Walsh, P.E.
Interim Director

1/30/14
Date

Properties that Meet the New Minimum Building Line

Subdivision:
Britt Way Estates
Subdivision

File Number:
200

Minimum Building Line:
31 Feet

Properties that meet the 31' minimum building line

Properties less than the 31' minimum building line

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

MF Multi Family
COM Commercial
VAC Vacant
EXC Excluded

Source: City of Houston GIS database,
Harris County Appraisal District 2013
Date: January 2014
Reference: MBL 200

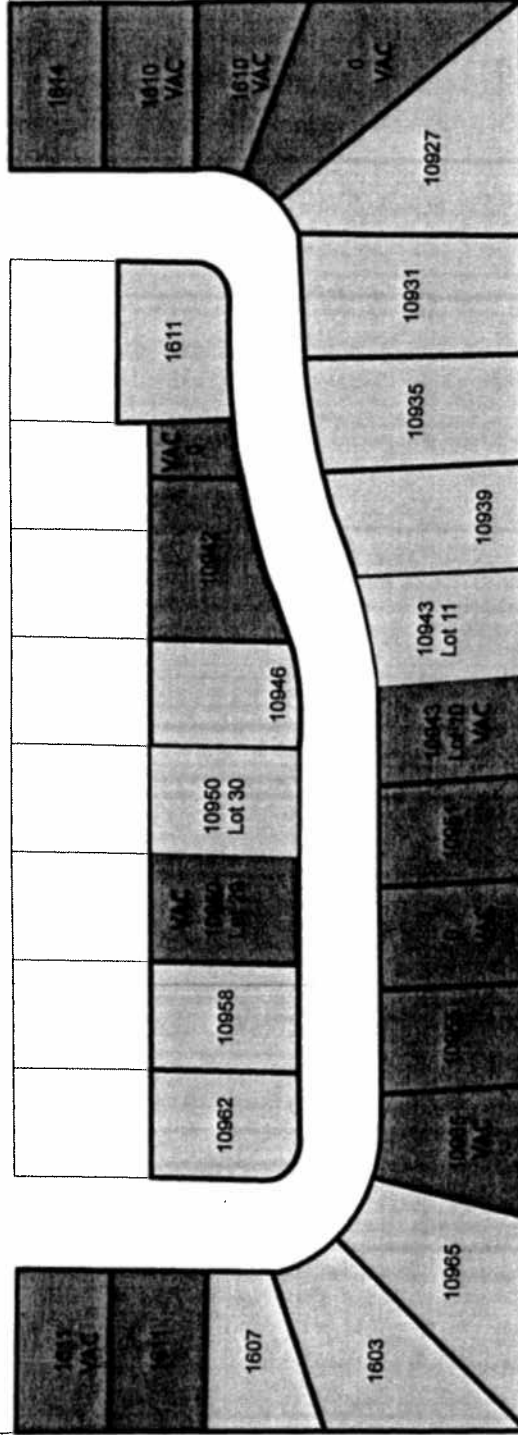
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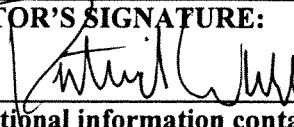
PLANNING &
DEVELOPMENT
DEPARTMENT



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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 4400 block of Busiek Street, West side, between Whitney and Crosstimbers Streets as a Special Minimum Lot Size Block		Category #	Page 1 of ____	Agenda Item # 31
FROM (Department or other point of origin): Patrick Walsh, P.E. Interim Director Planning and Development Department		Origination Date January 10, 2014		Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: 		Council District affected: H		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance designating the 4400 block of Busiek Street, West side, between Whitney and Crosstimbers Streets as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances.				
Amount and Source of Funding:			Finance Budget:	
<p>SPECIFIC EXPLANATION: In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 9 and Tract 8B, Block 1, of the Montalbano Addition 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 65% of the area. Notification was mailed to the eight (8) 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 10,320 square feet.</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>				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

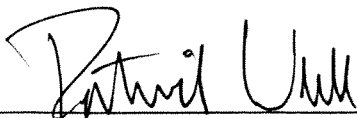
Special Minimum Lot Size Block No. 382

Planning Director's Approval

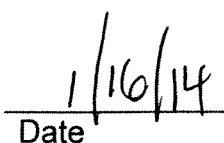
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>SMLSB includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 4400 block of Busiek Street, West side.
X		<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> 81% of the proposed application area is developed with not more than two SFR units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 65% of the SMLSB.
X		<i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 10,320 square feet exists on five (5) lots in the blockface.
X		<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> The subdivision was platted in 1953. The houses originate from the 1950's and 1960's. The establishment of a 10,320 square foot minimum lot size will preserve the lot size character of the area.
<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>		
Five (5) out of eight (8) lots (representing 70% of the application area) are at least 10,320 square feet in size.		

The Special Minimum Lot Size Block meets the criteria.



Patrick Walsh, P.E.
Interim Director




Date


Evidence of Support Special Minimum Lot Size Block


Subdivision:
Montalbano Addition

File Number:
382

Minimum Lot Size:
10,320 Square Feet

 Property owner signed
to support application

 Property owner
protesting application

 Property owner did not
protest and did not sign
in support

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

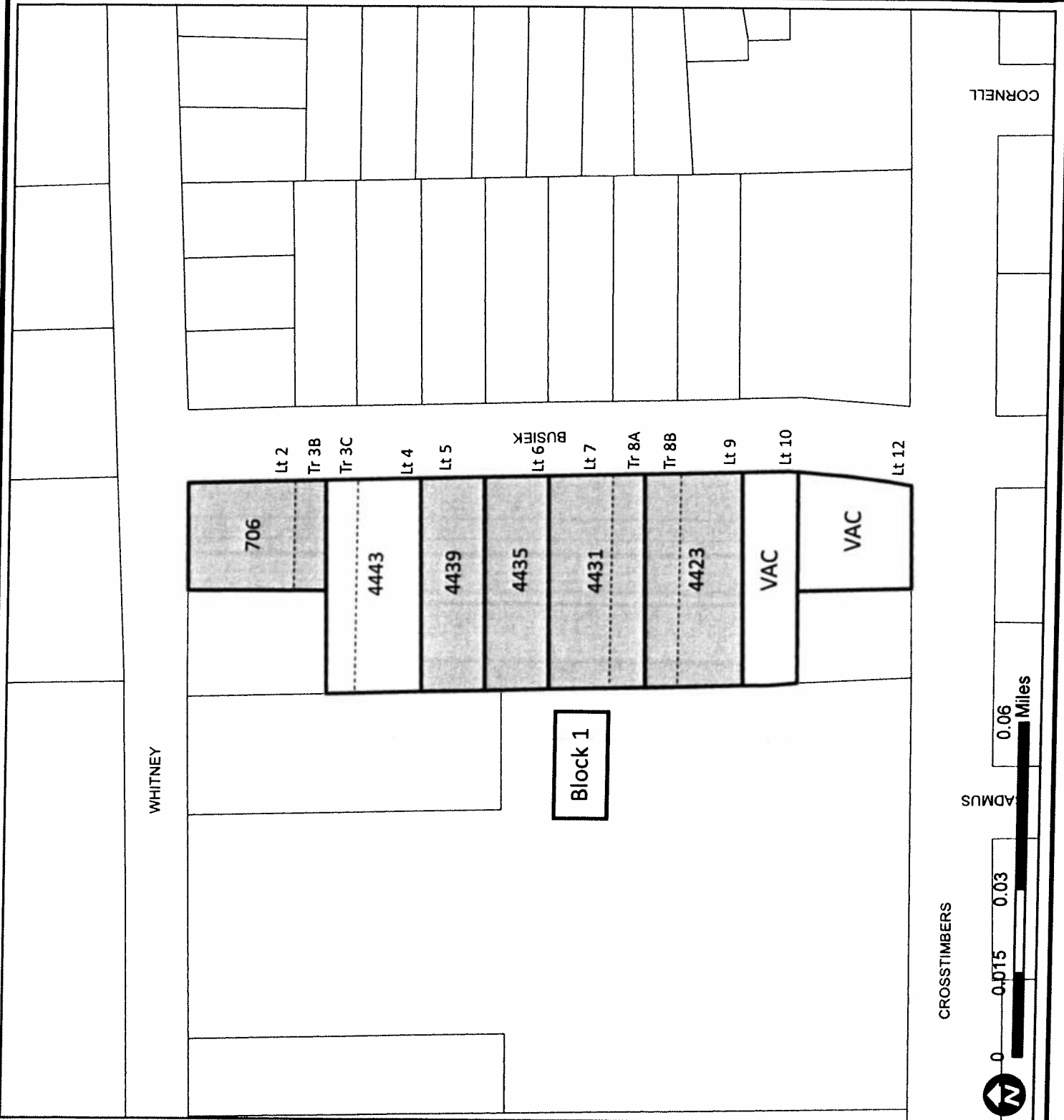
MF Multi Family
COM Commercial
VAC Vacant
EXC Excluded

Source: City of Houston GIS database,
Harris County Appraisal District 2013
Date: January 2014
Reference: MLS 382

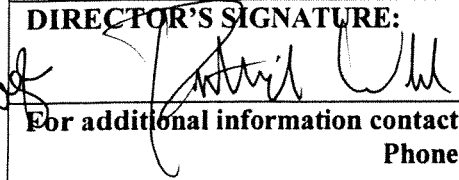
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**PLANNING &
DEVELOPMENT
DEPARTMENT**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1800 block of Missouri Street, north and south sides, between Mandell and Ridgewood Streets as a Special Minimum Lot Size Block		Category #	Page 1 of ____	Agenda Item # 32
FROM (Department or other point of origin): Patrick Walsh, P.E. Director Planning and Development Department		Origination Date March 28, 2014		Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: 		Council District affected: C		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance designating the 1800 block of Missouri Street, north and south sides, between Mandell and Ridgewood Streets as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances.				
Amount and Source of Funding:			Finance Budget:	
<p>SPECIFIC EXPLANATION: In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 5, Block 17, of the Cherryhurst (T/H U/R) and Cherryhurst 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 80% of the area. Notification was mailed to the ten (10) 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>The Planning and Development Department recommends that City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 square feet.</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 Gary Dzierlenga, Land Use Division, Legal Department</p>				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

Special Minimum Lot Size Block No. 360

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>SMLSB includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1800 block of Missouri Street, north and south sides.
X		<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> 77% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 80% of the SMLSB.
X		<i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 5,000 sq ft exists on eight (8) of ten (10) lots in the blockface.
X		<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> The subdivision was platted in 1923. The houses originate from the 1920s. The establishment of a 5,000 sf minimum lot size will preserve the lot size character of the area.
<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> Eight (8) out of ten (10) lots (representing 92% of the application area) are at least 5,000 square feet in size.		

The Special Minimum Lot Size Block meets the criteria.

Marlene L. Gafrick 10/7/13
Marlene L. Gafrick, Director Date



Special Minimum Lot Size
1800 block of Missouri Street
North and South sides, between Mandell and Ridgewood Streets
5,000 Square Feet

 Special Minimum Lot Size Boundary

Source: Harris County Appraisal District
 Date: March 23, 2014
 Reference: MLS360

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**

SUBJECT: Ordinance designating the 1800 block of Wycliffe Drive, East side, between Chatterton Drive and Timberoak Drive as a Special Minimum Building Line Requirement Block	Category #	Page 1 of ____	Agenda Item # 33
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FROM (Department or other point of origin): Patrik Walsh, P.E. Interim Director Planning and Development Department	Origination Date January 23, 2013	Agenda Date JUN 04 2014
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DIRECTOR'S SIGNATURE: 	Council District affected: A
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1800 block of Wycliffe Drive, East side, between Chatterton and Timberoak Drives as a Special Minimum Building Line Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 25' special building line.

Amount and Source of Funding:	Finance Budget:
--------------------------------------	------------------------

SPECIFIC EXPLANATION: In accordance with Section 42-170 of the Code of Ordinances, the property owner of Lot 79, Block F, of the Wrenwood Subdivision initiated an application for the designation of a special building line block. The application includes written evidence of support from the owners of 79% of the area. Notification was mailed to the ten (10) 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. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a 25-foot Special Minimum Building line for the block.

PW:ms

Attachments: Planning Director's Approval, Special Minimum Building Line Application, Evidence of support, Map of the area

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

REQUIRED AUTHORIZATION

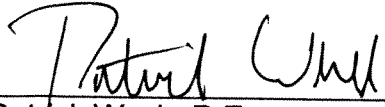
Finance Director:	Other Authorization:	Other Authorization:
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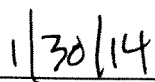
Special Minimum Building Line Block No. 191
Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMBLB includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1800 Block of Wycliffe Drive east side.</p>
X		<p><i>More than 60% of the proposed SMBLB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 79% of the SMBLB.</p>
X		<p><i>Establishment of the SMBLB will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 25 ft exists on ten (10) properties in the blockface.</p>
X		<p><i>The proposed SMBLB has a building line character that can be preserved by the establishment of a special 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 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>The subdivision was platted in 1953. The houses mostly originate from the 1950's. The establishment of a 25 ft minimum building line will preserve the building line character of the area.</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>Ten (10) out of ten (10) developed properties (representing 100% of the application area) have a building line of at least nineteen (25) feet.</p>		

The Special Minimum Building Line Block meets the criteria.


 Patrick Wash, P.E.
 Interim Director


 Date

Properties that Meet the New Minimum Building Line

Subdivision:
Wrenwood & Wrenwood Section 2

File Number:
191

Minimum Building Line:
25 Feet

Properties that meet the 25' minimum building line



Properties less than the 25' minimum building line



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

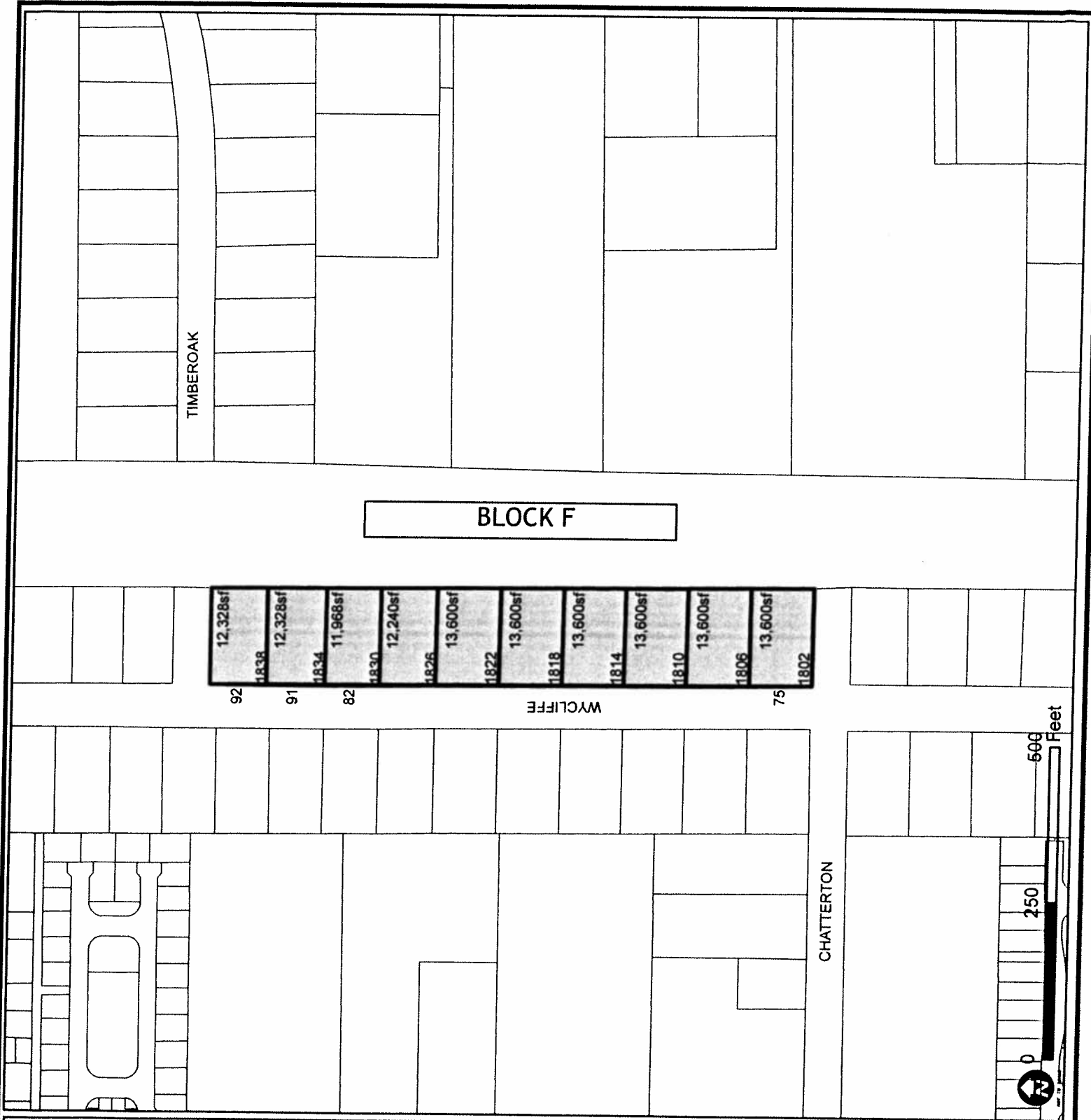
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

Source: City of Houston GIS database,
Harris County Appraisal District 2013
Date: January 2014
Reference: MBL 191

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

SUBJECT: Ordinance designating the 2600 block of Yupon Street, northeast side, between Missouri and California Streets as a Special Minimum Building Line Block	Category #	Page 1 of _____	Agenda Item # 34
--	-------------------	------------------------	-------------------------

FROM (Department or other point of origin):

Patrick Walsh, P.E.

Director

Planning and Development Department

Origination Date

March 28, 2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Council District affected:

C

For additional information contact: Kevin Calfee
Phone: 713.837.7768

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

RECOMMENDATION: (Summary) Approval of an ordinance designating the 2600 block of Yupon Street, northeast side, between Missouri and California Streets as a Special Minimum Building Line Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 24'-0" special building line.

Amount and Source of Funding:

Finance Budget:

SPECIFIC EXPLANATION: In accordance with Section 42-170 of the Code of Ordinances, the property owner of Tracts 1 & 1A, Block 2 and Tract 1A, Block 4 of the Cherryhurst Subdivision initiated an application for the designation of a special minimum building line block. The application includes written evidence of support from owners of 70% of the area. Notification was mailed to four (4) property owners indicating that the special building line requirement area 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.

The Planning and Development Department recommends that City Council adopt an ordinance establishing a 24'-0" Special Building Line for the area.

Attachments: Planning Director's Approval, Special Minimum Building Line Block Application & Petition, Evidence of Support, Map of the Area

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Special Minimum Building Line Block Area No. 178
Planning Director's Approval

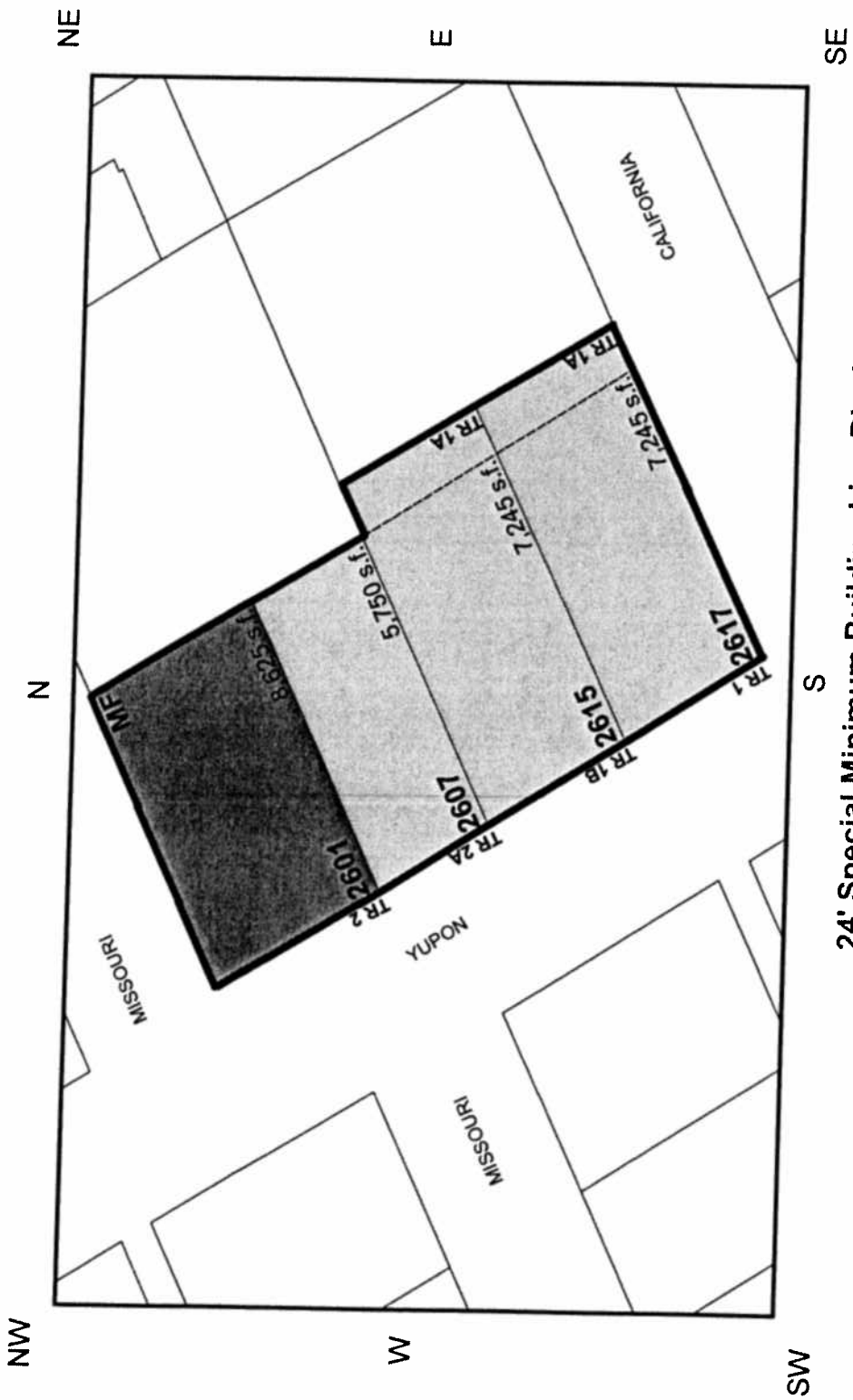
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMBLB includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 2600 block of Yupon Street, northeast side.</p>
X		<p><i>More than 60% of the proposed SMBLB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>70% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 70% of the SMBLB.</p>
X		<p><i>Establishment of the SMBLB will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 24 ft exists on three (3) properties in the blockface.</p>
X		<p><i>The proposed SMBLB has a building line character that can be preserved by the establishment of a special 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 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>The subdivision was platted in 1923. The houses mostly originate from the 1930's. The establishment of a 24 ft minimum building line will preserve the building line character of the area.</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>Three (3) out of four (4) developed properties (representing 75% of the application area) have a building line of at least twenty-four (24) feet.</p>		

The Special Minimum Building Line Block meets the criteria.

 10/7/13
 Marlene L. Gafrick, Director Date

CHERRYHURST SUBDIVISION



24' Special Minimum Building Line Block

MAP/SKETCH



SMBLB No. 178

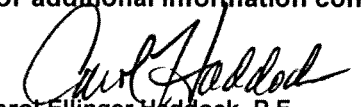
- Properties that meet the 24' Special Minimum Building Line Block
- Properties less than the 24' Special Minimum Building Line Block
- Multi Family
- Commercial
- Vacant
- Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 30.829 acres of land to Fort Bend County Municipal Utility District No. 50 (Key Map No. 525-G)	Page 1 of 1	Agenda Item # 35
---	-----------------------	-------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 04 2014
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: "ETJ" 
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For additional information contact:  Carol Ellinger Haddock, P.E. Senior Assistant Director, PW&E (832) 395-2686	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of three (3) tracts of land totaling 30.829 acres of land to Fort Bend County Municipal Utility District No. 50 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 50 has petitioned the City of Houston for consent to add three (3) tracts of land totaling 30.829 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Beechnut Road, FM 1093, Grand Parkway (SH 99), and Mason Road. The district desires to add three (3) tracts of land totaling 30.829 acres, thus yielding a total of 1,294.611 acres. The district is served by the Fort Bend County Municipal Utility District No. 50 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 50 is Oyster Creek which flows into Flat Bank Creek, then to the Brazos River and finally into Galveston Bay.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

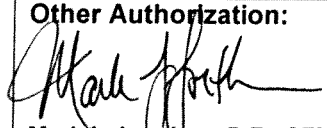
Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

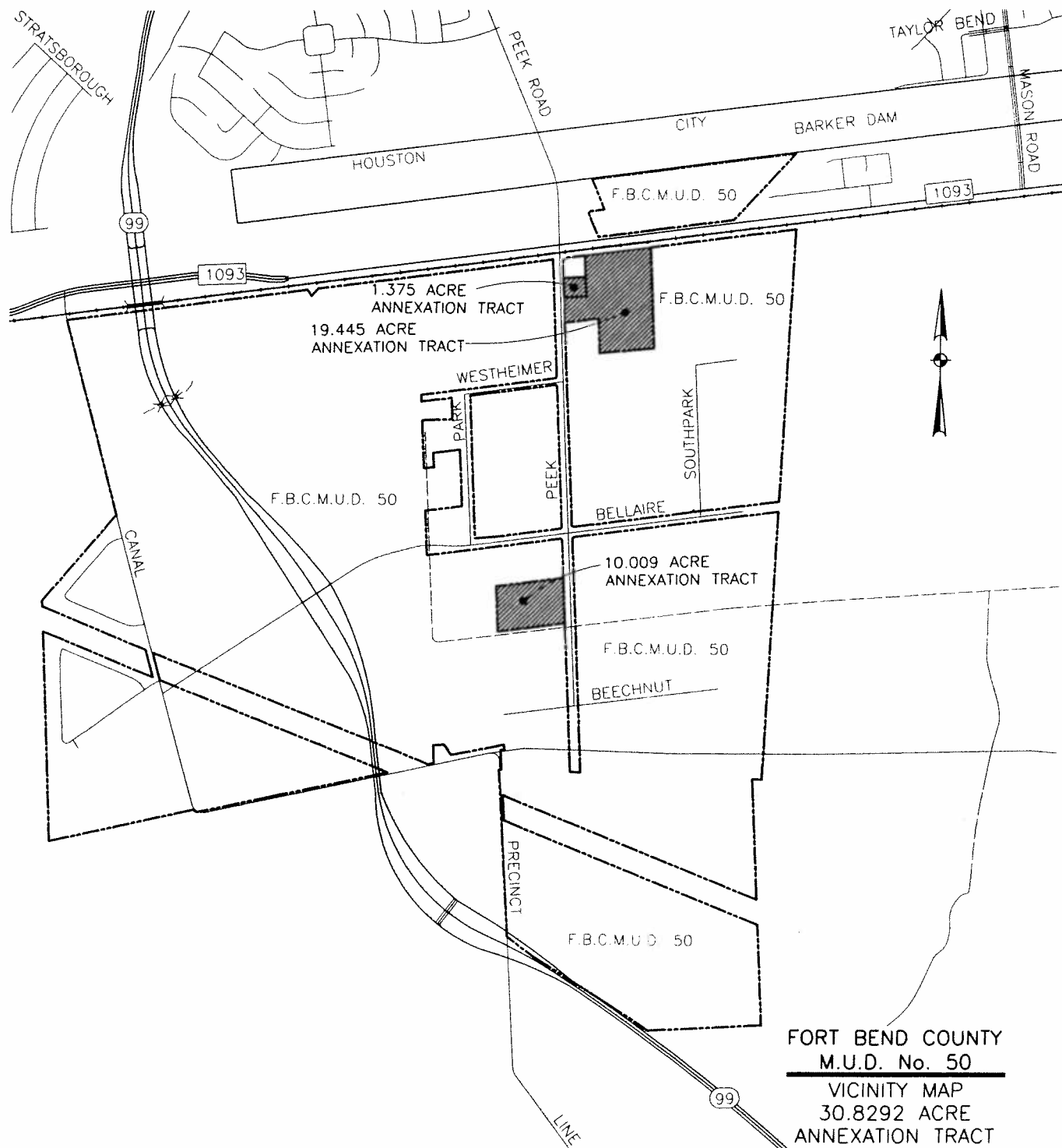
LTS# 10426

REQUIRED AUTHORIZATION

20IPB094

Finance Department	Other Authorization:	Other Authorization:  Mark L. Loetten, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.
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L:\2805_FBCMUD_50\2805-00_DISTRICT\CAD\EXHIBITS\ANNEXTRACTS.DWG MAY 06, 2014--9:02am ANUGENT



FORT BEND COUNTY
M.U.D. No. 50
VICINITY MAP
30.8292 ACRE
ANNEXATION TRACT



16340 Park Ten Place
Suite 350
Houston, Texas 77084
(713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487

DATE: DECEMBER 2013 SCALE: N.T.S.

CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Application is hereby made for consent of the City of Houston to the ☐creation/ ☒addition of 30.829 acres to Fort Bend County MUD No. 50 under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

Attorney: Allen Boone Humphries Robinson LLP

3200 Southwest Freeway, Suite

Address: 2600, Houston, TX

Zip: 77027

Phone: 713-860-6400

Email: doliver@abhr.com

Engineer: R.G. Miller Engineers, Inc.

16340 Park Ten Place, Suite

Address: 350, Houston, TX

Zip: 77084

Phone: 713-461-9600

Email: rwatkins@rgmiller.com

Owner(s): Pacific Peek, Ltd.

21711 FM 1093 Rd., Richmond,

Address: TX

Zip: 77407

Phone: 281-497-6000

(If more than one owner, attach additional page. List all owners of property within the District)

Location

Inside City Limits ☐ Outside City Limits ☒ Name of County: Fort Bend

Survey: George Fields, William Stanley Abstract: 591, 599

Key Map #: 525 G, L

Geographic Location (List only major streets, bayous or creeks):

North of: Beechnut Road

East of: Grand Parkway (SH 99)

South of: FM 1093

West of: Mason Road

Water District Data

Existing Acreage of
District:

1263.782

Existing Acreage

Plus Proposed Land: 1,294.611

Development Breakdown (in Percentage) for tract(s) being considered for consent:

Single Family Residential: _____

Multi-Family
Residential: _____

Commercial: 100%

Industrial: _____

Institutional: _____

Other: _____

20IPB094

CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Wastewater Treatment Plant Information:

Wastewater generated by the District will be served by a:

District Plant ☒

Regional Plant ☐

Wastewater Treatment Plant Name: FBCMUD No. 50 Wastewater Treatment Plant

NPDES/ TPDES Permit No: WQ0013228001 TCEQ Permit No: _____

Existing Permitted Capacity (MGD): 0.70 MGD** Ultimate Capacity (MGD): 0.95 MGD

Size of Treatment Plant Site: 92.8000/2.13 square feet / acres

If Treatment plant is to serve other Districts or properties, as a regional plant, please list all districts served, or to be served by the plant and their allotted capacities below:
(If more than two Districts - attach additional page(s))

Name of District or property owner(s): _____	Capacity Allocation (MGD): _____
--	----------------------------------

Name of District or property owner(s): _____	Capacity Allocation (MGD): _____
--	----------------------------------

Water Treatment Plant Information:

Name of Water Treatment Plant: FBCMUD No. 50 Water Plant No. 1

Water Treatment Plant Address: 22939 Bellaire Blvd.

Water Well Permit Number: 17020

Existing Capacity:	Well(s):	<u>1,500</u>	GPM
	Booster Pump(s):	<u>4,000</u>	GPM
	Tank(s):	<u>0.50</u>	MG
Ultimate Capacity:	Well(s):	<u>1,500</u>	GPM
	Booster Pump(s):	<u>6,500</u>	GPM
	Tank(s):	<u>1.0</u>	MG

20IPBC94

CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Size of Treatment Plant Site: 74,410/1.7082 square feet / acres

Is the District a member of the City of Houston Ground Water Reduction Plan (GRP)?

Yes ☐

No ☒

If yes, please attach 40 year water demand projection

If no, please provide name of the GRP the District is a member of:

North Fort Bend Water Authority

Comments or Additional Information: See attached page for additional owners.

**A permit amendment request has been submitted to TCEQ to increase the permitted Sewage Treatment Plant to 0.95 MGD.

2CIPBC 94

CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

For office use only:

Application Received: 4/1/2014
Application Sent to Committee: _____

Application Accepted as
Complete: _____

Checklist for Completion

- ☐ The attorney for the district signed the application.
- ☐ The rounding of the acreage is consistent throughout the application (i.e. metes and bounds, petition, application, survey, and vicinity map).
- ☐ All documents are scanned electronically including survey and vicinity maps and submitted by e-mail to mudreview@houstontx.gov. The original with original signatures must be delivered to the address below.

Required Attachments

- ☐ Petition to the City of Houston.
- ☐ Exhibit A – Metes and Bounds signed and sealed by a licensed surveyor.
- ☐ Exhibit B – Consent Conditions, either ETJ (2006 version) or in-city. If in-city, exhibit must state that bonds must be approved by the city.
- ☐ Survey Exhibit signed and sealed by a license surveyor.
- ☐ An 8 ½ by 11 inch vicinity map showing the existing boundary of the district, nearby roads identified on application, north arrow, if annexation request highlight the area to be annexed.
- ☐ Letters from adjacent districts and municipalities stating availability of utility services. (Only required for creation petitions and applicable only if there is not an existing regional plant)
- ☐ Certificates of Authority from Lien holders.
- ☐ An Application fee of \$454.96 per each non-contiguous tract requesting consent.

Please submit a complete application with all attachments to:

City of Houston Planning & Development Services Division
Attention: Veronica Osegueda
611 Walker, 18th Floor
Houston, TX 77002

An electronic copy of the entire application, including all attachments, will expedite processing and is encouraged. Please direct any questions regarding consent applications and submissions of the electronic copy to:
mudreview@houstontx.gov

20IPBC94

**City of Houston
Department of Public Works and Engineering
Water District Consent Application Form
Continued**

Owner:
CNS Ventures, LLC
10575 Katy Freeway, Suite 470, Houston, TX 77024

Pi Valley, LLC
5207 Ashmore Park Drive
Katy, Texas 77494

Telephone: 713-444-8063

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 73.8716 acres of land to Fort Bend County Municipal Utility District No. 194 (Key Map No. 525-R, 526-N,S, 526-S)

Page
1 of 1Agenda Item
#

36

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

JUN 04 2014

DIRECTOR'S SIGNATURE

Council District affected:

"ETJ"

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing
Council action:

Carol Ellinger Haddock, P.E.

Senior Assistant Director (832) 395-2686

RECOMMENDATION: (Summary)

The petition for the addition of two (2) tracts of land totaling 73.8716 acres of land to Fort Bend County Municipal Utility District No. 194 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 194 has petitioned the City of Houston for consent to add two (2) tracts of land totaling 73.8716 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Grand Parkway, Beechnut Boulevard, and Mason Road. The district desires to add two (2) tracts of land totaling 73.8716 acres, thus yielding a total of 530.8581 acres. The district is served by a regional wastewater treatment plant, Fort Bend County Municipal Utility District No. 146 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 194 is Oyster Creek which flows into Flat Bank Creek, then to the Brazos River and finally into the Gulf of Mexico.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS # 10693

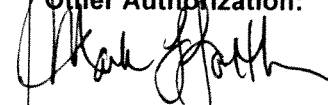
REQUIRED AUTHORIZATION

20IPB099

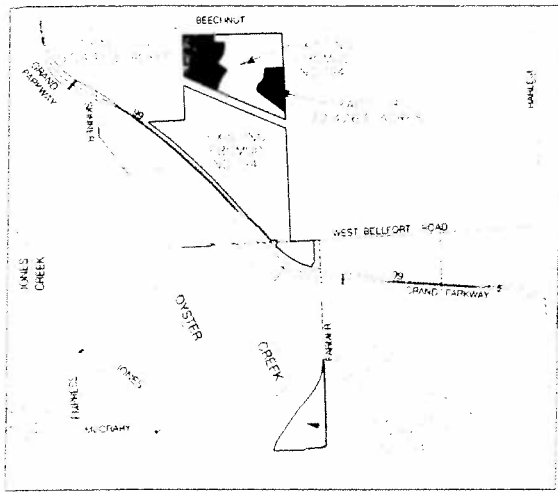
Finance Department

Other Authorization:

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Div.



VICINITY MAP

TRACT "A"
51.4453 ACRES

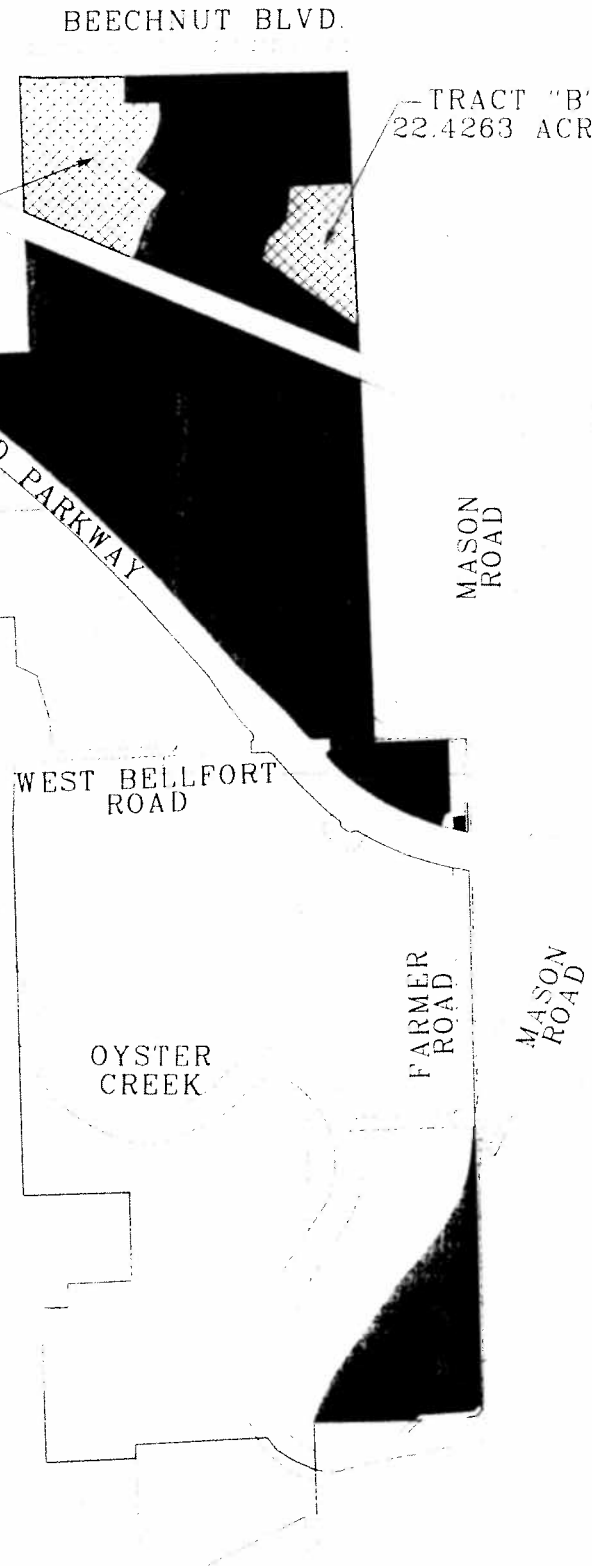
TRACT "B"
22.4263 ACRES



EXISTING MUD 194
456.9865 ACRES



ANNEXATION
73.8716 ACRES



Costello, Inc.

Engineering and Surveying
9990 Richmond Avenue, Suite 450
North Building
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF
FORT BEND COUNTY MUD 194
PROPOSED 73.8716 ACRE
ANNEXATION

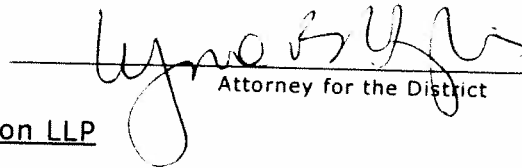


CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 73.8716 acres to Fort Bend County MUD No. 194 under the provisions of Chapters 49 and 50 Texas Water Code.


Attorney for the District

Attorney: Allen Boone Humphries Robinson LLP
3200 Southwest Frwy, Suite

Address: 2600

Zip: 77027

Phone: 713-860-6400

Email: aharrington@abhr.com

Engineer: Costello, Inc.

9990 Richmond Ave., Suite 450

Address: N. Bldg., Houston, TX

Zip: 77042

Phone: 713-783-7788

Email: dshepherd@coseng.com

Owner(s): See attached page

Address: _____

Zip: _____

Phone: _____

(If more than one owner, attach additional page. List all owners of property within the District)

Location

Inside City Limits ☐ Outside City Limits ☒ Name of County: Fort Bend

Survey: I.&G.N. Railroad

Abstract: 353

Key Map #: 525-R, 526-N,S, 526-S

Geographic Location (List only major streets, bayous or creeks):

North of: Grand Parkway

East of: Grand Parkway

South of: Beechnut Blvd.

West of: Mason Road

Water District Data

Existing Acreage of
District:

456.9865

Existing Acreage

Plus Proposed Land: 530.8581

Development Breakdown (in Percentage) for tract(s) being considered for consent:

Single Family Residential:

100%

Multi-Family
Residential:

0%

Commercial: _____

Industrial: _____

Institutional: _____

Other: _____

413#101693

201P099



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Wastewater Treatment Plant Information:

Wastewater generated by the District will be served by a:

District Plant ☐

Regional Plant ☒

Wastewater Treatment Plant Name: Fort Bend County MUD 146 Wastewater Treatment Plant

NPDES/ TPDES Permit No: 14455-001

TCEQ Permit No: _____

Existing Permitted Capacity (MGD): 0.60

Ultimate Capacity (MGD): 1.20

Size of Treatment Plant Site: 6.90 ac square feet / acres

If Treatment plant is to serve other Districts or properties, as a regional plant, please list all districts served, or to be served by the plant and their allotted capacities below:
(If more than two Districts - attach additional page(s))

Name of District or property owner(s):	<u>FBCMUD No. 146</u>	Capacity Allocation (MGD):	<u>0.60</u>
--	-----------------------	----------------------------	-------------

Name of District or property owner(s):	<u>FBCMUD No. 194</u>	Capacity Allocation (MGD):	<u>0.60</u>
--	-----------------------	----------------------------	-------------

Water Treatment Plant Information:

Name of Water Treatment Plant: FBCMUD No. 146 Water Plant 1

Water Treatment Plant Address: 2150 Idle Wind, Richmond, TX 77469

Water Well Permit Number: FBSC Permit No. 17004

Existing Capacity:	Well(s):	<u>1,500</u>	GPM
	Booster Pump(s):	<u>2,700</u>	GPM
	Tank(s):	<u>0.311</u>	MG
Ultimate Capacity:	Well(s):	<u>1,500</u>	GPM
	Booster Pump(s):	<u>4,500</u>	GPM
	Tank(s):	<u>0.55</u>	MG

2011PBC91



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Size of Treatment Plant Site: 2.22 ac square feet / acres

Is the District a member of the City of Houston Ground Water Reduction Plan (GRP)?

Yes ☐

No ☒

If yes, please attach 40 year water demand projection

If no, please provide name of the GRP the District is a member of:

North Fort Bend Water Authority GRP

Comments or Additional Information: FBCMUD No. 194 shares water plant capacity with FBCMUD No. 146. Two plants exist in FBCMUD No. 146 and one plant is under design in FBCMUD No. 194. (See additional page 2)

20110809



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Wastewater Treatment Plant Information:

Wastewater generated by the District will be served by a:

District Plant ☐

Regional Plant ☐

Wastewater Treatment Plant Name: _____

NPDES/ TPDES Permit No: _____

TCEQ Permit No: _____

Existing Permitted Capacity (MGD): _____

Ultimate Capacity (MGD): _____

Size of Treatment Plant Site: _____ square feet / acres

If Treatment plant is to serve other Districts or properties, as a regional plant, please list all districts served, or to be served by the plant and their allotted capacities below:
(If more than two Districts - attach additional page(s))

Name of District or
property owner(s): _____

Capacity Allocation
(MGD): _____

Name of District or
property owner(s): _____

Capacity Allocation
(MGD): _____

Water Treatment Plant Information:

Name of Water Treatment Plant: FBCMUD No. 146 Water Plant 2

Water Treatment Plant Address: 21125 West Bellfort, Richmond, TX 77469

Water Well Permit Number: FBSC Permit No. 17005

Existing Capacity:	Well(s):	<u>350</u>	GPM
	Booster Pump(s):	<u>1,050</u>	GPM
	Tank(s):	<u>0.123</u>	MG
Ultimate Capacity:	Well(s):	<u>350</u>	GPM
	Booster Pump(s):	<u>1,050</u>	GPM
	Tank(s):	<u>0.123</u>	MG

Size of Treatment Plant Site: 0.37 square feet / acres

201FBC99

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of seven (7) tracts of land totaling 30.1554 acres of land to Harris County Municipal Utility District No. 24 (Key Map Nos. 330-C,D)

Page
1 of 1

Agenda Item
#

37

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

JUN 04 2014

DIRECTOR'S SIGNATURE

Council District affected:

"ETJ"


Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing
Council action:


Carol Ellinger Haddock, P.E.

Senior Assistant Director (832) 395-2686

RECOMMENDATION: (Summary)

The petition for the addition of 30.1554 acres of land to Harris County MUD No. 24 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 24 has petitioned the City of Houston for consent to add seven (7) tracts of land totaling 30.1554 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Louetta Road, Spring Cypress Road, Stuebner Airline Road, and Kuykendahl Road. The district desires to add 30.1554 acres, thus yielding a total of 1,106.6681 acres. The district is served by the Harris County Municipal Utility District No. 24 Wastewater Treatment Facility, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 24 is Spring Gully which flows to Theiss Gully then to Cypress Creek then to Spring Creek and then to the San Jacinto River and finally into Lake Houston.

Potable water will be provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS# 10096

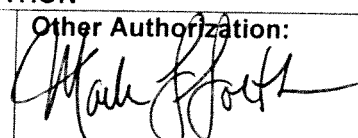
REQUIRED AUTHORIZATION

20IPB089

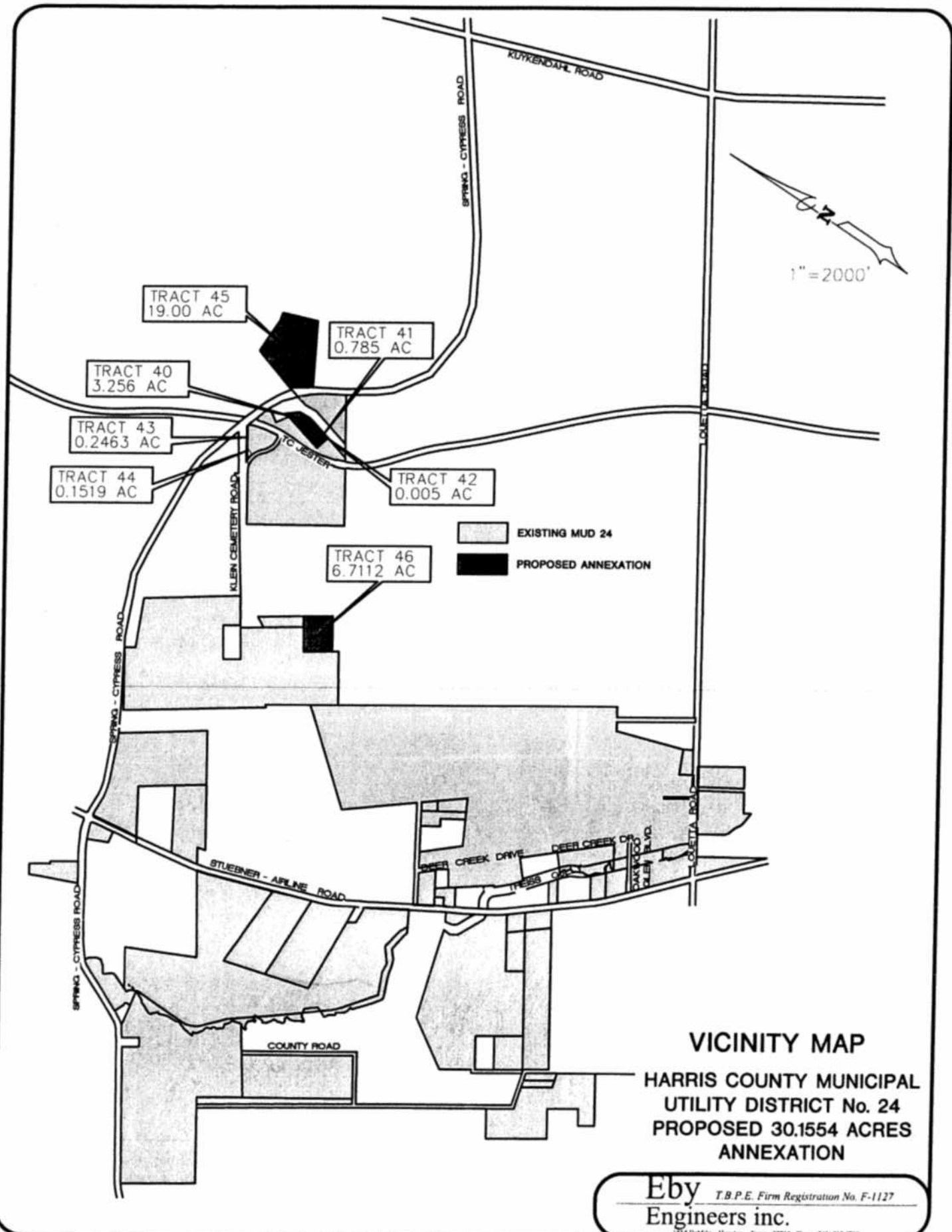
Finance Department

Other Authorization:

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Div.



VICINITY MAP
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT No. 24
PROPOSED 30.1554 ACRES
ANNEXATION

Eby T.B.P.E. Firm Registration No. F-1127
Engineers inc.
1214 DuMelin, Houston, Texas 77018 Phone (713) 957-0798



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Application is hereby made for consent of the City of Houston to the ☐creation/ ☒addition of 30.1554 acres to Harris Co. MUD No. 24 under the provisions of Ch. 49 & 54 Texas Water Code.

Sam Strawn

Attorney for the District

Attorney: Strawn & Richardson, P.C.

6750 W Loop S, Ste 250

Address: Bellaire, TX

Zip: 77401

Phone: 713-864-5466

Email: _____

Engineer: Eby Engineers, Inc.

Address: P.O. Box 926037, Houston, TX

Zip: 77018

Phone: 713-957-0788

Email: _____

Owner(s): See Attached List

Address: _____

Zip: _____

Phone: _____

(If more than one owner, attach additional page. List all owners of property within the District)

Location

Inside City Limits ☐ Outside City Limits ☒ Name of County: Harris

House/Zimmerman/Eckert/

Survey: Strohecker

Abstract: 314/946/861/1051

Key Map #: 330 C, D

Geographic Location (List only major streets, bayous or creeks):

North of: Louetta Road

East of: Stuebner Airline Road

South of: Spring Cypress Road

West of: Kuykendahl Road

Water District Data

Existing Acreage of

District: 1076.5127

Existing Acreage

Plus Proposed Land: 1106.6681

Development Breakdown (in Percentage) for tract(s) being considered for consent:

Single Family Residential: 100

Multi-Family
Residential: _____

Commercial: _____

Industrial: _____

Institutional: _____

Other: _____



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Wastewater Treatment Plant Information:

Wastewater generated by the District will be served by a:

District Plant ☒

Regional Plant ☐

Wastewater Treatment Plant Name: Harris Co MUD 24 Wastewater Treatment Facility

NPDES/ TPDES Permit No: 11988-01

TCEQ Permit No: 11988-01

Existing Permitted Capacity (MGD): 2.0

Ultimate Capacity (MGD): 2.0

Size of Treatment Plant Site: 5.05 square feet / acres

If Treatment plant is to serve other Districts or properties, as a regional plant, please list all districts served, or to be served by the plant and their allotted capacities below:
(If more than two Districts - attach additional page(s))

Name of District or
property owner(s): _____

Capacity Allocation
(MGD): _____

Name of District or
property owner(s): _____

Capacity Allocation
(MGD): _____

Water Treatment Plant Information:

Name of Water Treatment Plant: Harris County MUD 24 Water Plants 1, 2 & 3

Water Treatment Plant Address: 7010 Oakwood Glen Cr/18519 Stuebner Airline 2/3

Water Well Permit Number: 1779/3750/8678

Existing Capacity:	Well(s):	<u>1100/1000/17000</u>	GPM
	Booster Pump(s):	<u>2300/1800/3300</u>	GPM
	Tank(s):	<u>.5/.211/.750</u>	MG
Ultimate Capacity:	Well(s):	<u>1100/1000/1700</u>	GPM
	Booster Pump(s):	<u>2300/1800/3300</u>	GPM
	Tank(s):	<u>.5/.211/.750</u>	MG



CITY OF HOUSTON



Department of Public Works and Engineering Water District Consent Application Form

Size of Treatment Plant Site: .64 ac/1.12 ac/4.2 ac square feet / acres

Is the District a member of the City of Houston Ground Water Reduction Plan (GRP)?

Yes ☐

No ☒

If yes, please attach 40 year water demand projection

If no, please provide name of the GRP the District is a member of:

North Harris County Regional Water Authority

Comments or Additional Information: _____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 2.538 acres of land to Northwest Harris County MUD No. 30 (Key Map Nos. 290-U)

Page
1 of 1

Agenda Item
#

38

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

JUN 04 2014

DIRECTOR'S SIGNATURE

Council District affected:

"ETJ"

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing
Council action:

Carol Ellinger Haddock, P.E.

Senior Assistant Director

(832) 395-2686

RECOMMENDATION: (Summary)

The petition for the addition of 2.538 acres of land to NW Harris County MUD No. 30 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Northwest Harris County Municipal District No. 30 has petitioned the City of Houston for consent to add 2.538 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Spring Cypress Road, Alvin A. Klein Drive, Doerre Road, and T.C. Jester Boulevard. The district desires to add 2.538 acres, thus yielding a total of 822.6920 acres. The district is served by a regional plant, Northwest Harris County Municipal Utility District No. 32 Waste Water Treatment Plant. The other districts served by this plant are Northwest Harris County Municipal Utility District No. 32. The District will provide storm water drainage only. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 30 is Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

Potable water will be provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Patrick Walsh Jun Chang, P.E., D.WRE
Bill Zrioka Deborah McAbee Tim Lincoln, P.E.

LTS# 10075

REQUIRED AUTHORIZATION

20IPB091

Finance Department

Other Authorization:

Other Authorization:

Mark L. Loethen, P.E., CFM, PTOE

Deputy Director

Planning & Development Services Div.



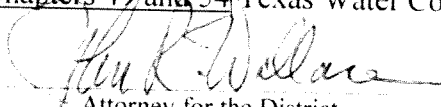
CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 2.538 acres to NW Harris County MUD No. 30 under the provisions of Chapters 49 and 54 Texas Water Code.


Attorney for the District

Attorney: John R. Wallace

Address: 6363 Woodway, Suite 800

Zip: 77057

Phone: 713-739-1060

Engineer: Mr. J.T. (Tom) Matkin, PE

Address: 616 FM 1960 West, Suite 250

Zip: 77090

Phone: 281-350-7027

Owners: David Klein

Address: 6602 Spring Cypress Road

Zip: 77379

Phone: 281-374-9393

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒

Survey Alvin A. Klein Survey

NAME OF COUNTY (S) Harris
Abstract 1745

Geographic Location: List only major streets, bayous or creeks:

North of: Spring Cypress Road

East of: Doerre Road

South of: Alvin A. Klein Drive

West of: TC Jester Boulevard

WATER DISTRICT DATA

Total Acreage of District: 820.1540

Existing Plus Proposed Land 822.6920

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 100

Multi-Family Residential

Commercial X

Industrial

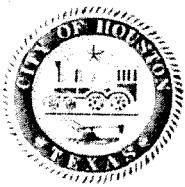
Institutional

Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Northwest Harris County MUD 32 WWTP

NPDES/TPDES Permit No: WQ0013152001

TCEQ Permit No: TX0098647



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.638

Ultimate Capacity (MGD): 0.638

Size of treatment plant site: 0.96817 Acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 0.638

MGD of (Regional Plant).

Name of District: NW Harris County MUD 30

MGD Capacity Allocation 0.294750

or property owner(s)

Name of District: NW Harris County MUD 32

MGD Capacity Allocation 0.388250

Water Treatment Plant Name: Water Supply Plant No. 1

Water Treatment Plant Address: 6244 Pinelakes Boulevard Spring, Texas 77379

Well Permit No: 141374

Existing Capacity:

Well(s): 1,271

GPM

Booster Pump(s): 4,200

GPM

Tank(s): 500,000

MG

Ultimate Capacity:

Well(s): 1,271

GPM

Booster Pump(s): 4,200

GPM

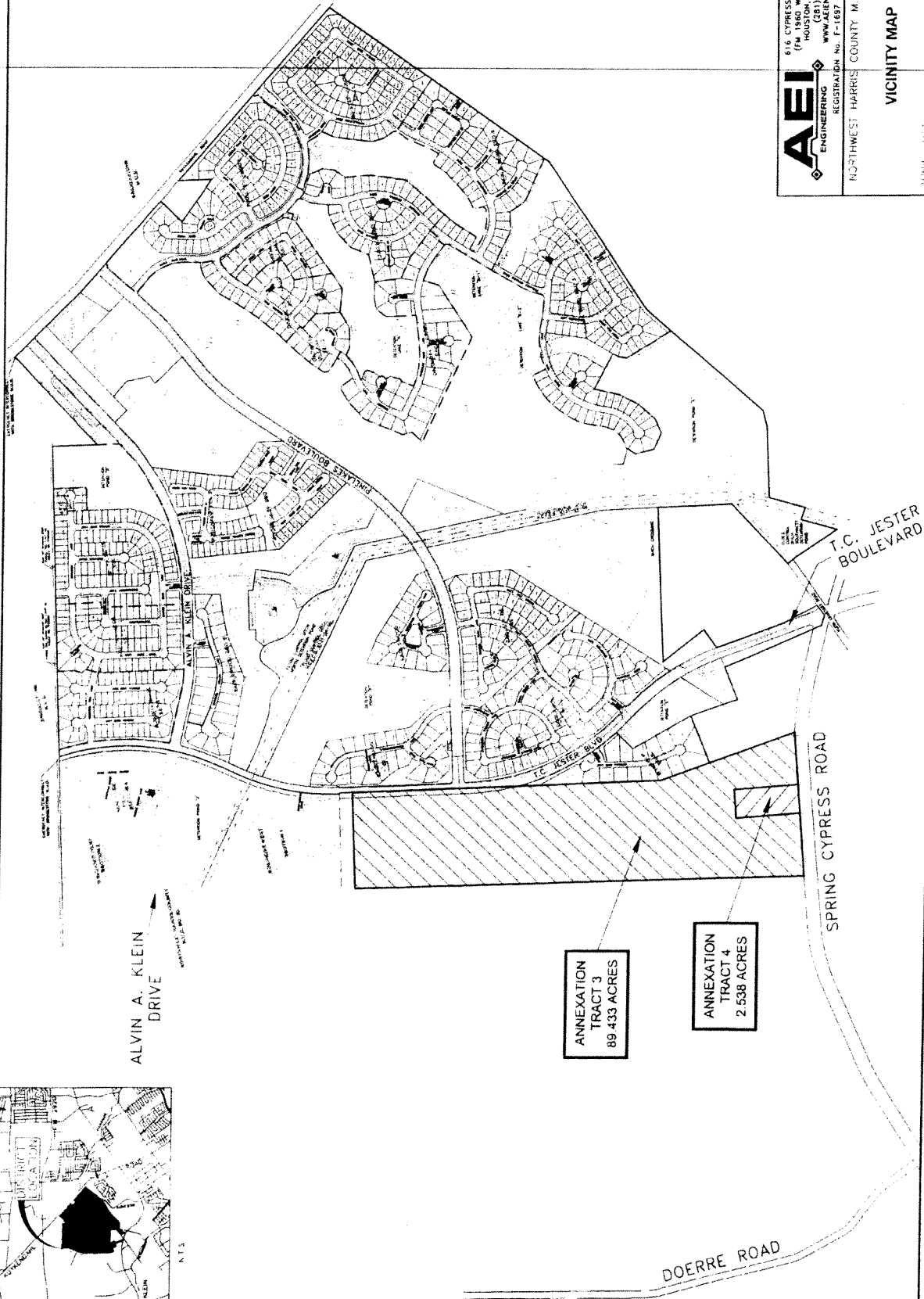
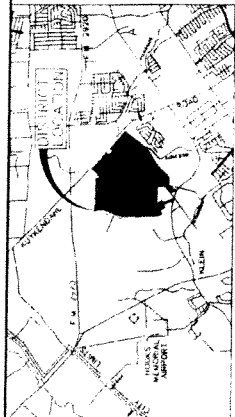
Tank(s): 1,000,000

MG

Size of Treatment Plant Site: 53,378/1.2254

square feet/acres.

Comments or Additional Information: The District is in the process of constructing a 500,000 gallon ground storage tank.



AEI
ENGINEERING
616 CYPRESS CREEK PARKWAY
(FM 1980 WEST), SUITE 250
HOUSTON, TEXAS 77080
TEL: 281.415.1100
WWW.AEIENGINEERING.COM
REGISTRATION No. F-1687

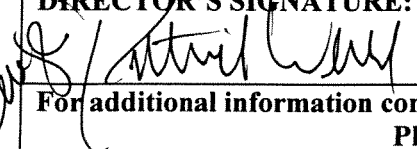
NORTHWEST HARRIS COUNTY M.J.D. No. 30

VICINITY MAP

APRIL 2014

271 069 001

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

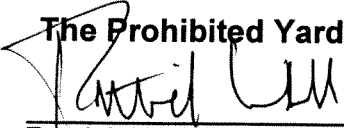
SUBJECT: Ordinance designating all improved single-family residential lots in the Brays Forest Subdivision, Sections 4 R/P, 5 R/P and 6 as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # 39
FROM (Department or other point of origin): Patrick Walsh, P.E. Director Planning and Development Department		Origination Date April 9, 2014		Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: 		Council District affected: F		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Brays Forest Subdivision, Sections 4 R/P, 5 R/P and 6 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
<p>SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Brays Forest Patio Homes Maintenance Fund, Inc. initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Brays Forest Patio Homes Maintenance Fund, Inc. Notification was mailed to 203 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Since no protests were timely filed and the application meets the requirements, the Director is forwarding the application to City Council for consideration.</p> <p>It is recommended that the City Council adopt an ordinance establishing a Prohibited Yard Parking Requirement Area.</p> <p>Attachments: Planning Director's Approval Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use</p> <p>xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C.A. McClelland, HPD Katy Tipton, Director, DON</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

Prohibited Yard Parking Requirement Area No. P140101
Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces.
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 99% of the proposed application area is developed as single-family residential.
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Brays Forest Patio Homes Maintenance Fund, Inc. has signed a letter of support.
X		<i>No valid protests were timely filed;</i> The protest period ended on February 25, 2014 with no protests being timely filed.

The Prohibited Yard Parking Requirement Area meets the criteria.



Patrick Walsh, P.E.
Director







Date



P140101 Brays Forest Patio Homes Maintenance Fund, Inc.

Legend

-  Boundary
-  Parcels
-  Non-Single Family Residential
-  Single Family Residential

Source: Harris County Appraisal District
 Date: January 21, 2014
 Reference: P140101

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.

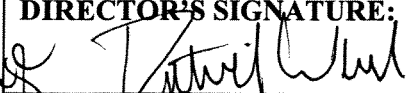


PLANNING & DEVELOPMENT DEPARTMENT

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

SUBJECT: Ordinance designating all improved single-family residential lots in the Pleasantville Subdivision, Sections 2 - 4 & 6 - 8; Pleasant View Subdivision, Sections 1 - 3 and Pleasanton Manor Subdivision, Sections 2 - 4 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # 40
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FROM (Department or other point of origin): Patrick Walsh, P.E. Director Planning and Development Department	Origination Date April 15, 2014	Agenda Date JUN 04 2014
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DIRECTOR'S SIGNATURE: 	Council District affected: B
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Pleasantville Subdivision, Sections 2 - 4 & 6 - 8; Pleasant View Subdivision, Sections 1 - 3 and Pleasanton Manor Subdivision, Sections 2 - 4 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Pleasantville Civic League, Inc. initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Pleasantville Civic League, Inc. Notification was mailed to 1,199 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on March 26, 2014 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:

Decision of the Hearing Official
Prohibited Yard Parking Requirement Area Application
Letter of Support
Map of the proposed requirement area / land use

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Don Cheatham, Senior Assistant City Attorney
Chief C. A. McClelland, HPD
Katye Tipton, Director, DON

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
--------------------------	-----------------------------	-----------------------------

Prohibited Yard Parking Requirement Area No. P131202
Hearing Official's Approval

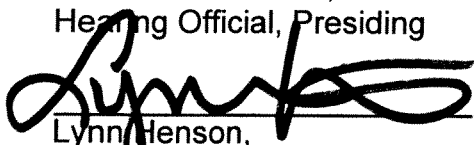
Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces.
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 97% of the proposed application area is developed as single-family residential.
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Pleasantville Civic League, Inc. has signed a letter of support.
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

The Prohibited Yard Parking Requirement Area meets the criteria.

Bala Balachandran,
Hearing Official, Presiding

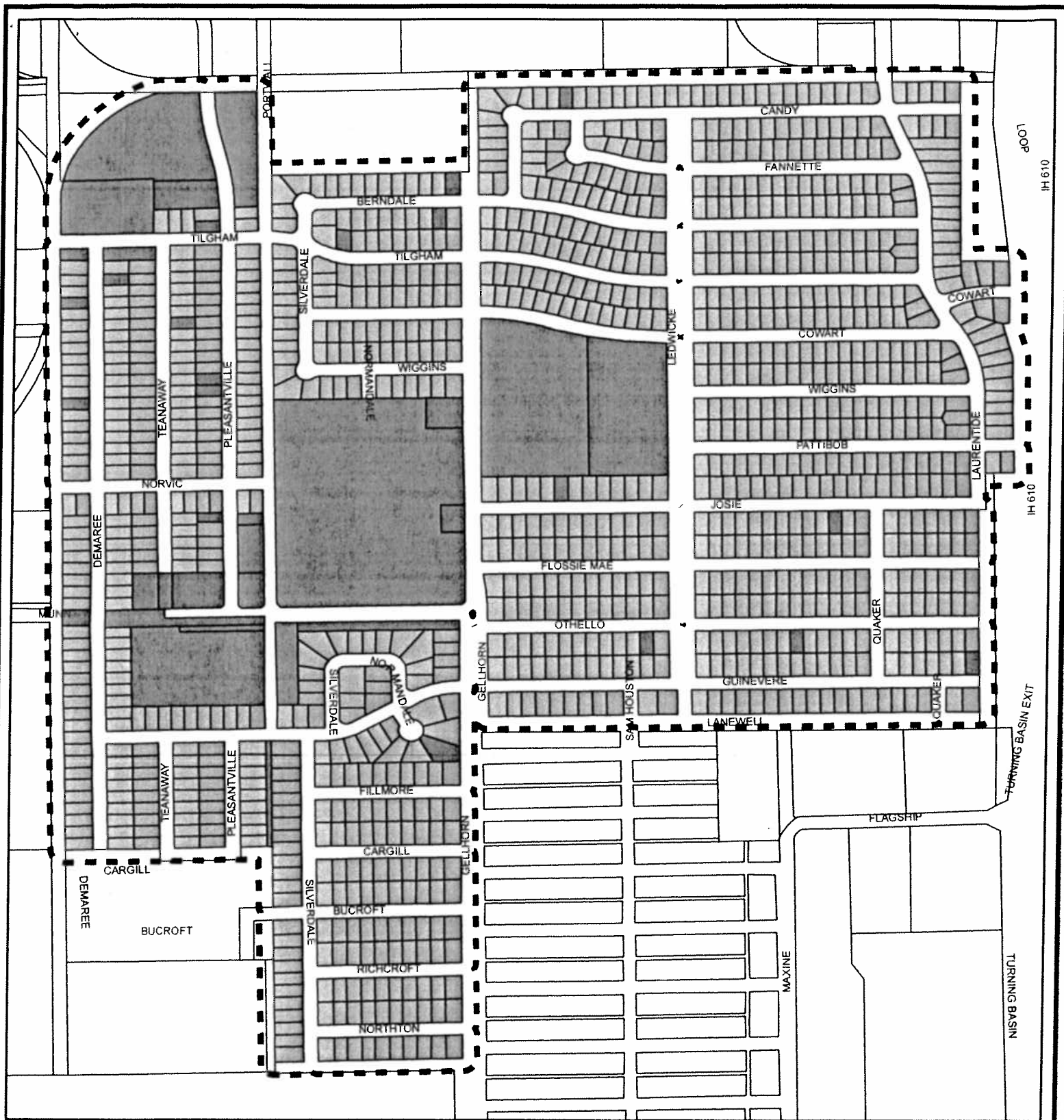
Date



Lynn Henson,
Hearing Official, Presiding





4.8.14

Date



P131202 Pleasantville Civic League, Inc.

Legend

-  Boundary
-  Parcels
-  Non-Single Family Residential
-  Single Family Residential

Source: Harris County Appraisal District
Date: January 8, 2014
Reference: P131202

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

SUBJECT: An ordinance approving the LED Street Light Installation and Tariff Agreement with CenterPoint Energy Houston Electric, LLC within the City of Houston

Page
1 of 2

**Agenda
Item**

41

FROM (Department or other point of origin):
Janice Evans
Chief Policy Officer and Director of Communications

Origination Date
5/19/14

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Council District affected:

All Districts (Citywide program)

For additional information contact:

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

Laura Spanjian, Director, Mayor's Office of Sustainability,
832-393-0849

David Feldman, City Attorney, 832-393-6412

Tina Paez, Director, ARA, 832-393-8500

RECOMMENDATION: Approve the LED Street Light Installation and Tariff Agreement entered into by and between CenterPoint Energy Houston Electric, LLC ("CenterPoint") and the City of Houston, Texas ("City").

Amount and Source of Funding:

No additional funding required

Finance Budget:

SPECIFIC EXPLANATION:

CenterPoint will procure and install light-emitting diode (LED) luminaires and new photoelectric relays for all high pressure sodium, metal halide and mercury vapor street lights within the City for which replacements satisfactory to the City and CenterPoint are commercially available. This replacement project of approximately 165,000 streetlights will reduce the City's streetlight energy usage by approximately 50 percent, save the City approximately \$28 million over the life of the project and reduce the City's municipal greenhouse gas emissions by 5 percent.

The streetlight program will include the following commercially available LED luminaire replacements for existing high pressure sodium, metal halide and mercury vapor street lights:

- All non-decorative 70-100 watt high pressure sodium, metal halide, and mercury vapor lights will be replaced with a cobra 45 watt LED or equivalent
- All non-decorative 150 watt high pressure sodium and 175 watt mercury vapor and metal halide lights will be replaced with a cobra 95 watt LED or equivalent
- All non-decorative 250 watt high pressure sodium and metal halide lights will be replaced with a cobra 115 watt LED or equivalent
- All non-decorative 400 watt metal halide and mercury vapor lights will be replaced with a cobra 180 watt LED or equivalent

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Date	SUBJECT: An ordinance approving the LED Street Light Installation and Tariff Agreement with CenterPoint Energy Houston Electric, LLC within the City of Houston	Originator's Initials LES	Page 2 of 2
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Benefits of LED streetlights:

- Improved nighttime visibility and safety through better color rendering, more uniform lighting distributions and the elimination of many dark areas between poles
- Reduced direct and reflected uplight
- Over 50% energy savings
- 50-75% street lighting maintenance savings

The City and CenterPoint's conversion project will increase the quality of outdoor lighting; increase public safety and health; and reduce Houston's carbon footprint, energy use and greenhouse gas emissions while reducing the City's energy costs.

Costs:

The conversion will commence under rates in the existing street light tariff. While the rates per pole will not change, there is currently no tariff for LED streetlights, so a new tariff is required. If the revenue under the existing tariff is insufficient to cover CenterPoint's capital costs, CenterPoint may request recovery of the capital (including a reasonable return) and expenses associated with the program through either a distribution capital recovery factor application under Public Utility Commission of Texas Substantive Rule 25.243 or other rate proceeding. The City believes the revenue under the current tariff and reduced costs for O & M will offset CenterPoint's increased capital expenses.

Since the rates remain the same, no additional costs are anticipated by the City for the program. Since LED technology reduces energy usage, the City will be reducing its energy costs annually.

In the event that the PUC approves initial rates that are different from those set forth by this agreement, either CenterPoint or the City may terminate this Agreement. CenterPoint and the City acknowledge that the initial rates may be changed in subsequent rate proceedings.

Project Timeline:

The project will begin within three months of the date of final approval of the initial rates and will be complete no later than five years after commencement. The deployment plan for the program will be designed to replace 20% of the existing street lights in year 1, 25% in both years 2 and 3, and 15% in both years 4 and 5. After commencement of the Project, all new streetlights installations within the City will consist of LED luminaires satisfactory to the City and CenterPoint that are commercially available, unless otherwise agreed to in writing by CenterPoint and the City or unless the Project is terminated.

c: Marta Crinejo, Mayor's Office
Jeffrey Weatherford, PWE

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Utility Reimbursement Services Agreement between the City of Houston and CenterPoint Energy Houston Electric, LLC for Buffalo Speedway Paving and Drainage: Holmes Road to West Airport Boulevard
WBS No. N-000784-0001-7

Page
1 of 1

Agenda Item #

420

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

5/29/14

Agenda Date:

JUN 04 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

K 5c

JK

For additional information contact:

Ravi Kaleyatodi, P.E., CPM. Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

An Ordinance approving a Utility Reimbursement Services Agreement between the City of Houston and CenterPoint Energy Houston Electric, LLC and appropriate funds.

Amount and Source of Funding:

Total of \$184,000.00 from Fund 4040 – METRO Projects Construction DDSRF. M.P. 5/19/2014

PROJECT NOTICE/JUSTIFICATION: Buffalo Speedway Paving and Drainage is a major thoroughfare that will improve traffic circulation, mobility and drainage in service area. These improvements will upgrade existing roadway to Major Thoroughfare Freeway Plan (MTFP) standards. The construction of this roadway requires that certain existing utilities be relocated or removed to facilitate the construction of the proposed roadways.

DESCRIPTION/SCOPE: Buffalo Speedway project provides for the right of way acquisition, design and construction of a four lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control, and necessary underground facilities. Along the roadway alignment exist a fiber optic cable that must be relocated to avoid conflict with proposed construction of Buffalo Speedway.

LOCATION: Buffalo Speedway Paving and Drainage project area is generally bound by Holmes Road on the north and West Airport Boulevard on the south. The project is located in Key Map Grids 572B, 572F and 532X.

SCOPE OF THIS AGREEMENT: Under the terms of this agreement, the City of Houston will reimburse the owner's actual cost for the relocation of their fiber optic cable after the work has been completed and the City has audited the final billing from the owner. CenterPoint Energy Houston Electric, LLC has estimated the relocation cost to be \$160,000.00. This estimate has been reviewed and approved by The Public Works and Engineering Department. The City is not obligated to pay any cost in excess of the cost estimate provided by the owner of the fiber optic cable. The Public Works and Engineering Department request the appropriation of \$184,000.00 which includes \$160,000.00 for reimbursement cost and \$24,000.00 for CIP Cost Recovery.

ACTION RECOMMENDED: It is recommended that City Council adopt an Ordinance approving a Utility Reimbursement Services Agreement between the City of Houston and CenterPoint Energy Houston Electric, LLC and appropriate funds.

DWK:DRM:RK:JHK:SMC

H:\design\A-SB-DIV00 - STAFF FOLDERS\campagna 2\Buffalo Speedway-petroleum pipelines\Pipeline RCA's\20SMC59.CEHE.fiber optic.doc
WBS Number N-000784-0001-7, (1 2 DSGN RCA_Utility Agreement)

LTS No. 11218

REQUIRED AUTHORIZATION

CUIC ID # 20SMC59

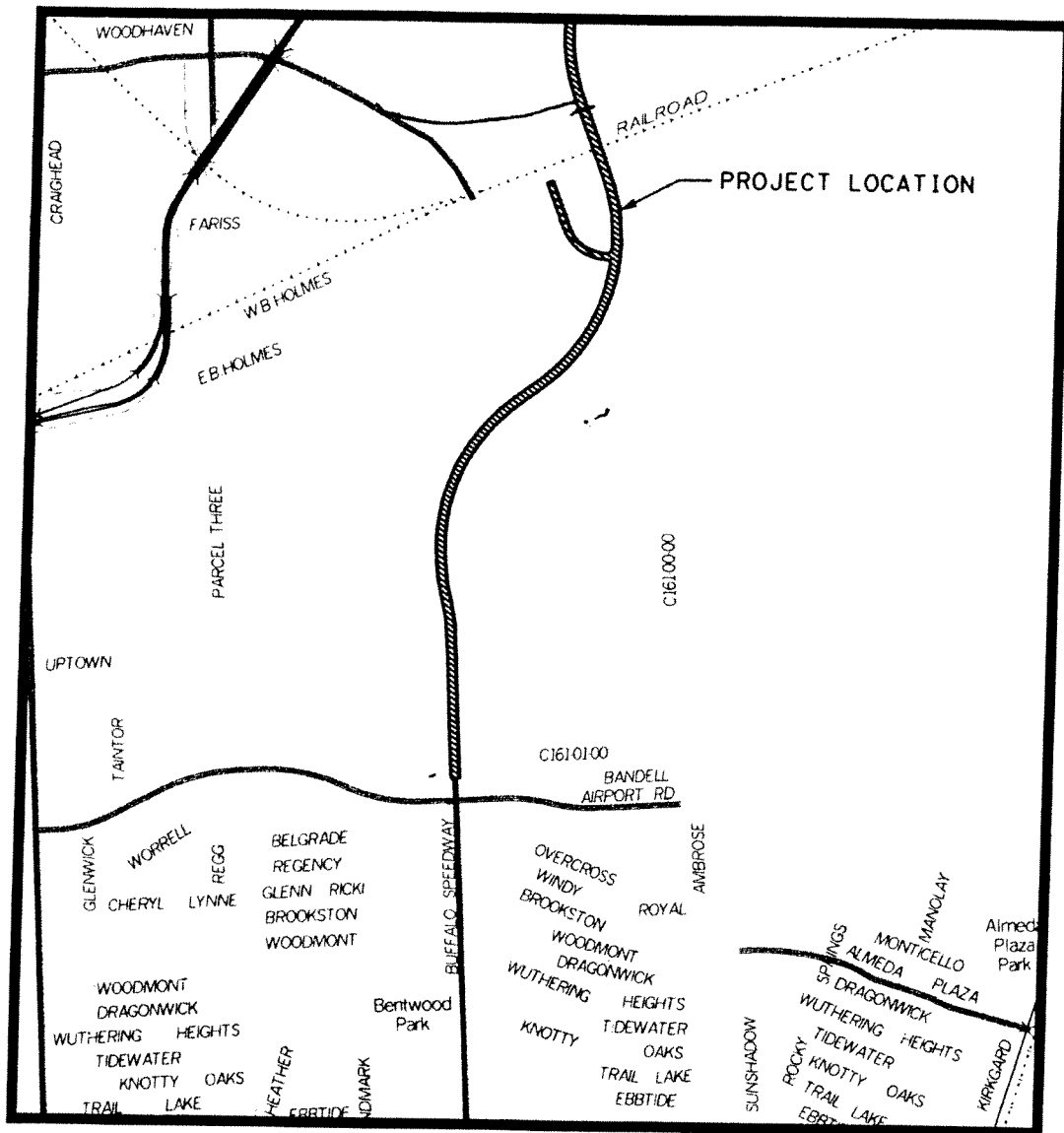
Finance Department:

Other Authorization:


Other Authorization:

Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

EXHIBIT 1



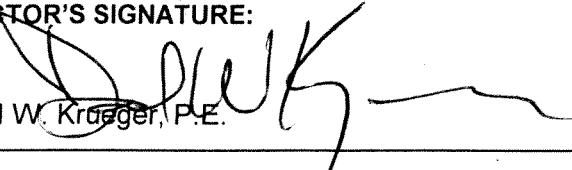
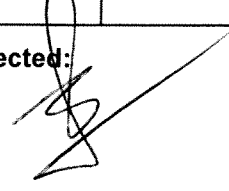
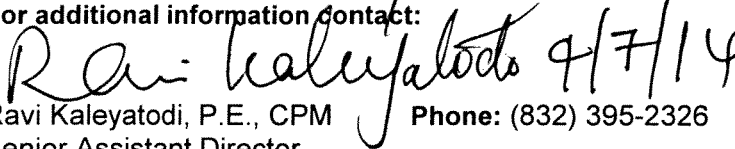
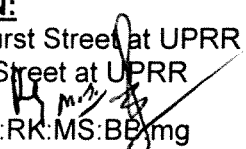
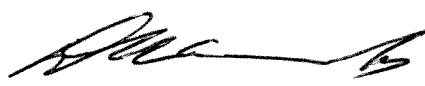
VICINITY MAP

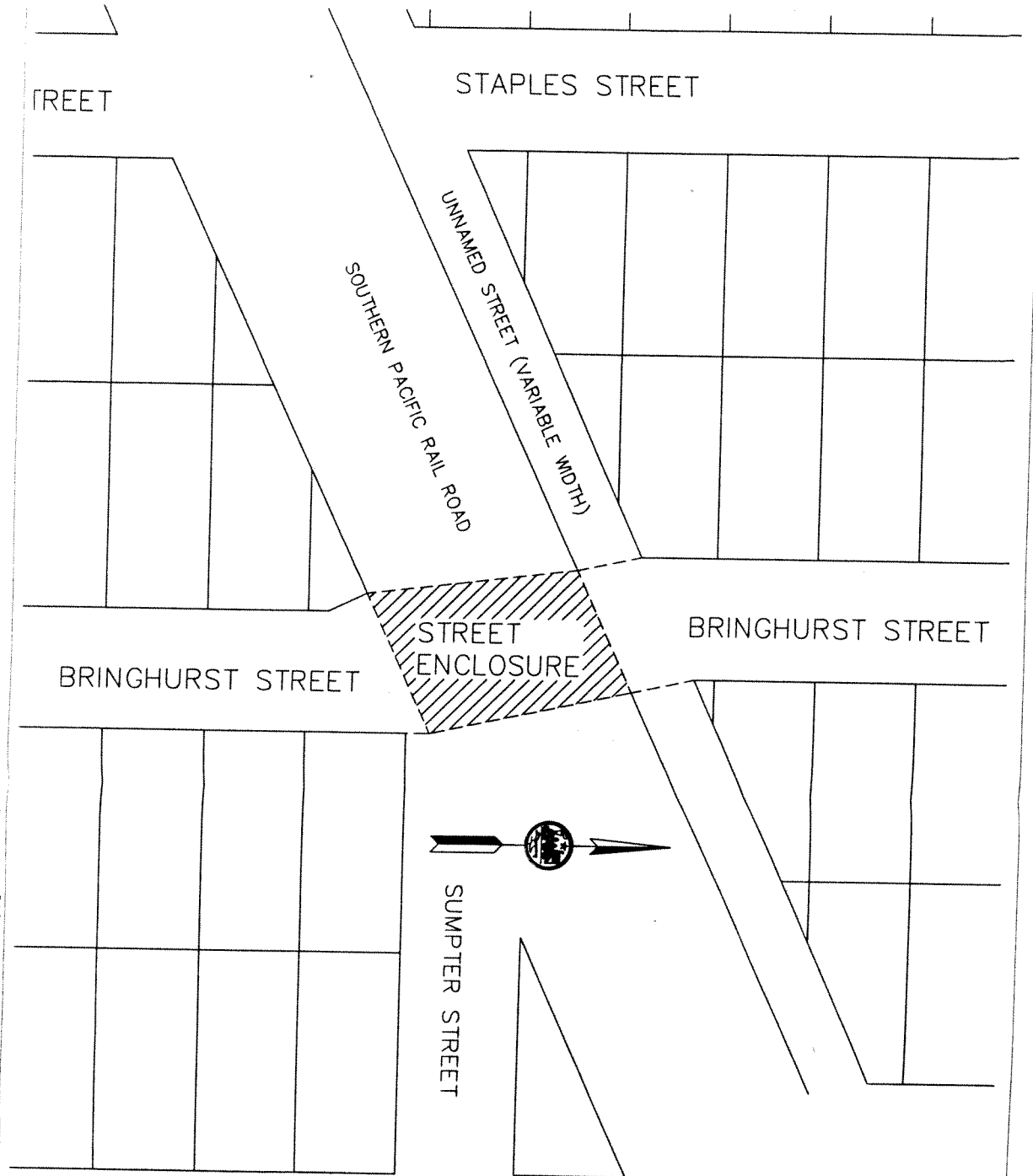
COUNCIL DISTRICT 
KEY MAP NO. 532 X, 572 B,F

**BUFFALO SPEEDWAY EXTENSION
 FROM WEST AIRPORT TO HOLMES ROAD
 WBS NO. N-000784-0001-3 FILE NO. SB9240**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving the closing to vehicular traffic of street railroad crossings at Bringham Street and Hailey Street; approving the installation of roadway ending devices at those crossings to affect such closings; containing various findings and other provisions related to the subject and declaring an emergency. WBS No. N-000420-0045-4		Page 1 of 1	Agenda Item # 43
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date: 5/21/14	Agenda Date: JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.		Council District affected: B 	
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) Approve an Ordinance to allow closure of street railroad crossings to vehicular traffic at Bringham Street and Hailey Street.			
Amount and Source of Funding: No funding required.			
PROJECT NOTICE/JUSTIFICATION: The Public Works and Engineering Department has coordinated with the Union Pacific Railroad Company to close two (2) street railroad crossings to vehicular traffic. The closures are necessary in order to provide a safe crossing over the tracks for the students and pedestrians. A public meeting was held on April 2, 2013. At this meeting, the public was informed of the City's intent to construct a pedestrian bridge at Bringham area and to explain the proposed improvements to the affected railroad crossings. The meeting included a 14 day comment period immediately after to gather input from the affected stakeholders. Per the traffic assessment; minimal negative impact is anticipated in regards to mobility, and positive impact is anticipated in terms of safety. Pedestrians have been crossing the tracks regardless of the train traffic, thus creating a safety hazard. It is hoped that the construction of the bridge across the tracks and installation of the fence on the north side will minimize the potential risk thus providing a relatively safer method of crossing the tracks. Metes and bounds of both streets have been provided by COH surveying. Closure of the streets had been coordinated by Traffic with the Houston Fire, Police and Solid Waste Departments. Public Works and Engineering requests that City Council approve an ordinance authorizing the closure of the following streets. The candidate locations are: LOCATION: 1. Bringham Street at UPRR 2. Hailey Street at UPRR  DWK:DRM:RK:MS:BB:mg H:\design\A-NP-DIV\Bikeway Files\Ben\N-000420-0045-3 Bringham Rehab Bridge\1.0 Design Contract\1.2 RCA\Street Closure RCA\RCA20BB172.doc KEY MAP 494B, DOT#758290G 494B, DOT #758288F ec: File No. (1.2 RCA)			
LTS No. #9619		REQUIRED AUTHORIZATION	
Finance Department		CUIC ID #20BB172	
Other Authorization:		Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	



FILE NAME: W:\F&D Construction\Submittals\Projects\2010\Drawings\Bringhurst



CITY OF HOUSTON
PUBLIC WORKS AND
ENGINEERING DEPARTMENT

EXHIBIT SHOWING PROPOSED
CLOSING OF BRINGHURST STREET
ACROSS THE SOUTHERN PACIFIC
RAIL ROAD FEE STRIP

DATE: _____	
CHIEF SURVEYOR	RIGHT OF WAY SECTION
KEY MAP NO. 494	CWF MAP NO. 545901
PARCEL NO.	
DATE: 01/29/2014	
PREPARED BY: J. R. C.	
DRAWN BY: J. R. C.	
F.B. #	
SCALE: 1"=50'	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving and authorizing a Master License Agreement between CenterPoint Energy and the City of Houston for hike and bike trails within electrical transmission corridors.

Page
1 of 1

Agenda Item #

44

FROM: (Department or other point of origin):
Houston Parks and Recreational Department

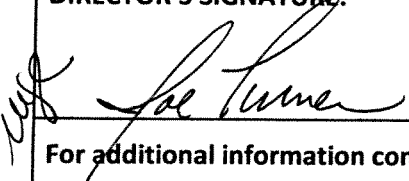
Origination Date:

5/30/14

Agenda Date:

JUN 04 2014

DIRECTOR'S SIGNATURE:



Joe Turner

Council District affected: All

For additional information contact:

Luci Correa 832-395-7057
David Feldman 832-393-6290

Date and identification of prior authorizing Council Action:

Not applicable

RECOMMENDATION (Summary): Adopt an Ordinance approving and authorizing a Master License Agreement between CenterPoint Energy and the City of Houston for hike and bike trails within electrical transmission corridors

Amount and Source of Funding:

\$100,000 Property and Casualty Fund 1004

SPECIFIC EXPLANATION:

CenterPoint Energy Houston Electric, LLC ("CenterPoint") is the fee simple owner, easement holder, or licensee of real property used for or incidental to the transmission and distribution of electric energy and for other purposes (the "Transmission Corridors") throughout the City. In 2013, the Texas State legislature enacted Section 75.0022 of the Texas Civil Practice and Remedies Code which encourages utility companies such as CenterPoint to allow access to the Transmission Corridors for recreational use by the public. The statute allows CenterPoint to open its Transmission Corridors for recreational use without increasing its liability for personal injuries, if it has an agreement with the City allowing public access for recreational use.

The proposed agreement allows the City or its designee to access the Transmission Corridors in order to construct, install, operate and maintain pedestrian and bicycle trails ("hike and bike trails"). The City must submit construction plans and obtain CenterPoint approval prior to construction of any hike and bike trails in their Transmission Corridors. Once constructed the City will maintain the trail as well as mow, de-litter and maintain six feet on both sides of the trail. As part of the agreement, the City agrees to pay defense costs of CenterPoint in any lawsuit alleging injury by a trail user. The legal department does not expect many such lawsuits and believes that costs for them will be minimal.

The first section of trail to be built under this agreement will be a segment of the Brays Bayou trail where it intersects with the Transmission Corridor that crosses University of Houston property. This segment is part of the US DOT Transportation Investment Generating Economic Recovery (TIGER) grant project, *Brays Bayou Path: MLK Blvd/Old Spanish Trail Link*.

The Houston Parks Board ("HPB") will begin fundraising for additional hike and bike trails within the Transmission Corridors particularly where they create North-South connections to the Bayou Greenways which mostly run East-West. Future Council action may be required for agreements with HPB and other funding partners for the construction of additional hike and bike trails in CenterPoint's Transmission Corridors.

REQUIRED AUTHORIZATION



Other Authorization:

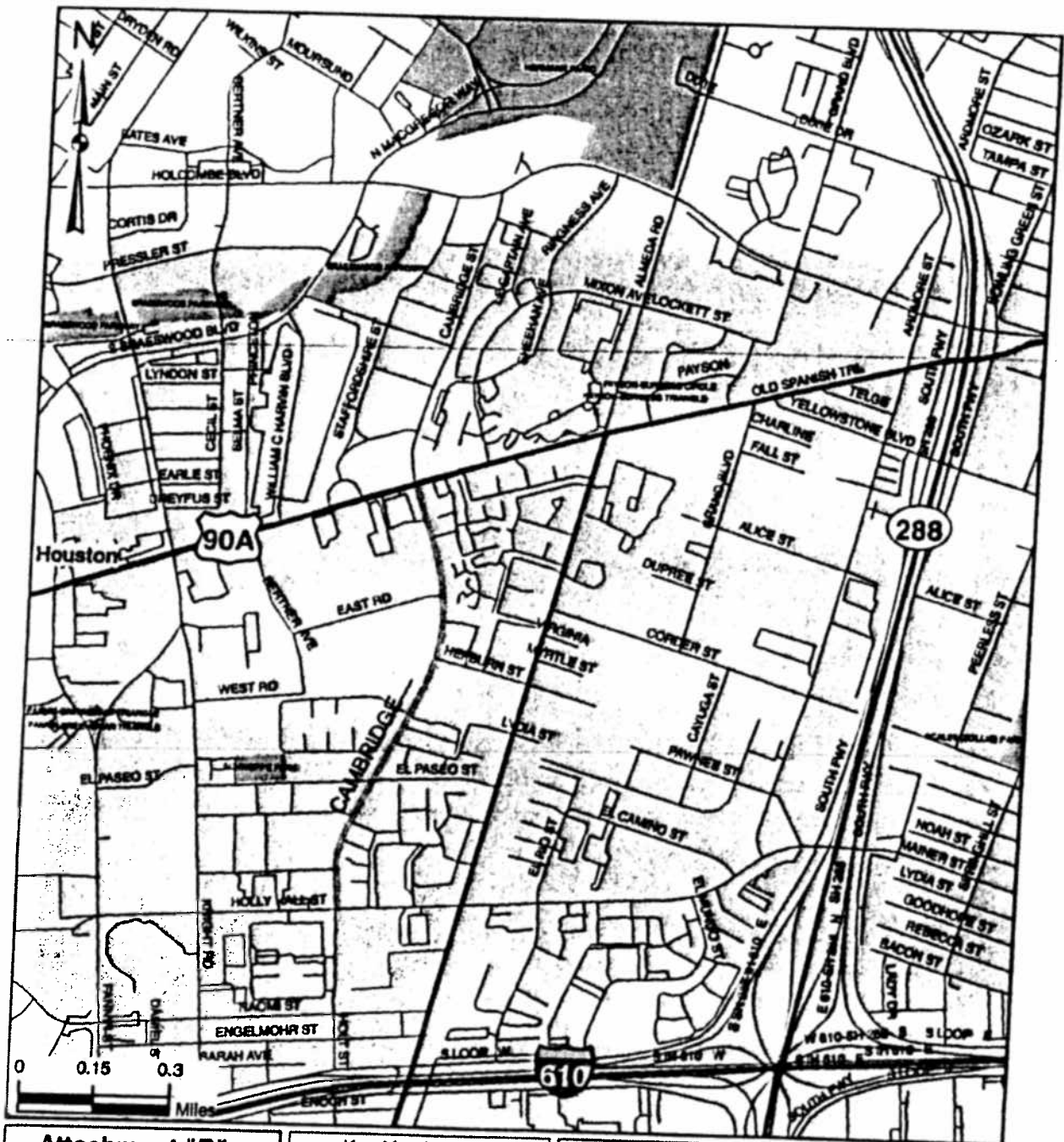
Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment to Local Transportation Project Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Rehabilitation of Cambridge Road from Holly Hall to Old Spanish Trail; WBS No. N-321038-0066-7.		Page 1 of 1	Agenda Item # 45
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.		Council District affected: D <i>SEL</i>	
For additional information contact: <i>for Ravi Kaleyatodi</i> 5/16/14 Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326		Date and identification of prior authorizing Council action: Ordinance 2011-0712, 08/17/2011	
RECOMMENDATION: (Summary) Adopt an Ordinance approving and authorizing an Amendment to an existing Advance Funding Agreement between the City of Houston and Texas Department of Transportation and appropriate funds.			
Amount and Source of Funding: \$8,000.00 from Fund 4040- METRO Projects Construction DDSRF <i>M.P. 5/21/2014</i>			
PROJECT NOTICE/JUSTIFICATION: The Texas Transportation Commission under the Statewide Mobility Program allocated funds for Supplemental Transportation Projects under Minute Order 110266. Under the program Cambridge Road was selected for rehabilitation from Holly Hall to Old Spanish Trail.			
DESCRIPTION/SCOPE: This project will improve the roadway surface which will improve emergency access to the Texas Medical Center.			
LOCATION: The project is roughly bounded by Old Spanish Trail on the North, Fannin on the West, Holly Hall on the South and Almeda on the East. It is located in Key Map Grids 533 J and N.			
PREVIOUS HISTORY AND SCOPE: City Council approved Ordinance No. 2011-0712, on August 17, 2011, which entered into the original Advanced Funding Agreement with TxDOT. Due to time constraints on the original project earmarked funds, the amendment shifts project funding to a Federal funding source that requires a 20% match by the City. Federal funding allocated to this project is \$1,347,213.00. The project is a multi – panel concrete replacement rehabilitation. The City of Houston will be responsible for engineering and construction services, construction management, and 20% of construction costs. The City of Houston will prepare plans and specifications to TxDOT standards, bid, and construct the project. The City will maintain the facilities upon the completion of construction. TxDOT is currently requesting payment of \$8000.00 for plan review costs.			
ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an Amendment to the existing Advance Funding Agreement between the City of Houston and TxDOT and appropriate funds.			
DWK:DRM:RK:TAA <small>H:\constr\A-SB-DIV\Interagency\TxDOT Projects\0912-72-046 Cambridge Street from OST to Holly Hall\Amended Agreement\20TAA120.doc</small> c: File – TxDOT – Cambridge Street from Holly Hall to OST			
LTS No.11004		CUIC ID # 20TAA120	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	



Attachment "B"

CSJ: 0912-72-046

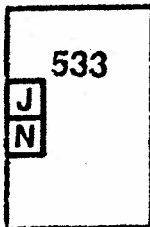
Location:
Cambridge from OST to Holly Hall

Description of Work
Emergency Service Connectors

Harris County

Key Map Location

533



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds
Design/Build Contract
Bartlett Cocke General Contractors, LLC
Fire Station No. 67 Expansion and Renovation
WBS No. C-000180-0001-3

Page

1 of 1

Agenda Item

46

FROM (Department or other point of origin):
General Services Department

Origination Date

5/29/14

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:

Scott Minnix

5/21/14

Scott Minnix

Council District(s) affected:

B

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing Council action:

Ordinance No. 2013-0784; Dated September 4, 2013

RECOMMENDATION: Appropriate additional funds for the project.

Amount and Source of Funding:

\$328,119.00 Fire Consolidated Construction Fund (4500)

Finance Budget:

Previous Funding:

\$155,881.00 Fire Consolidated Construction Fund (4500)

SPECIFIC EXPLANATION: On September 4, 2013, Ordinance No. 2013-0784, City Council awarded a design/build contract to Bartlett Cocke General Contractors, LLC to perform pre-design and schematic design services for the Fire Station No. 67 Expansion and Renovation, which included reviewing the site and existing facility to identify functional requirements and providing a schematic design to determine the scope, budget and schedule of the project. The scope of the project has been determined to be within budgeted funding. Therefore, the General Services Department recommends that City Council appropriate an additional sum of \$322,800.00 to the design/build contract with Bartlett Cocke General Contractors, LLC to complete the design phase, and an additional sum of \$5,319.00 for Civic Art, totaling \$328,119.00 for the project.

PROJECT LOCATION: 1616 West Little York (Key Map 412X)

PROJECT DESCRIPTION: The project will convert the four-bay station into a 'drive-through' station for the apparatus, add support spaces, bring the facility into current code compliance and ADA compliance, add a women's restroom and address deteriorating conditions.

M/WBE INFORMATION: The original contract and this additional appropriation have a 24% M/WBE goal for pre-construction and construction phase services. Upon completion of the pre-construction (design) phase, the contractor will submit the list of proposed certified firms with the issuance of the GMP proposal.

SM:JLN:RAV:CRC:KTH:kth

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Donovan, Minnette Boesel, Morris Scott, Felicia Williams, file

REQUIRED AUTHORIZATION

CUIC ID # 25CONS252

NOT

General Services Department:

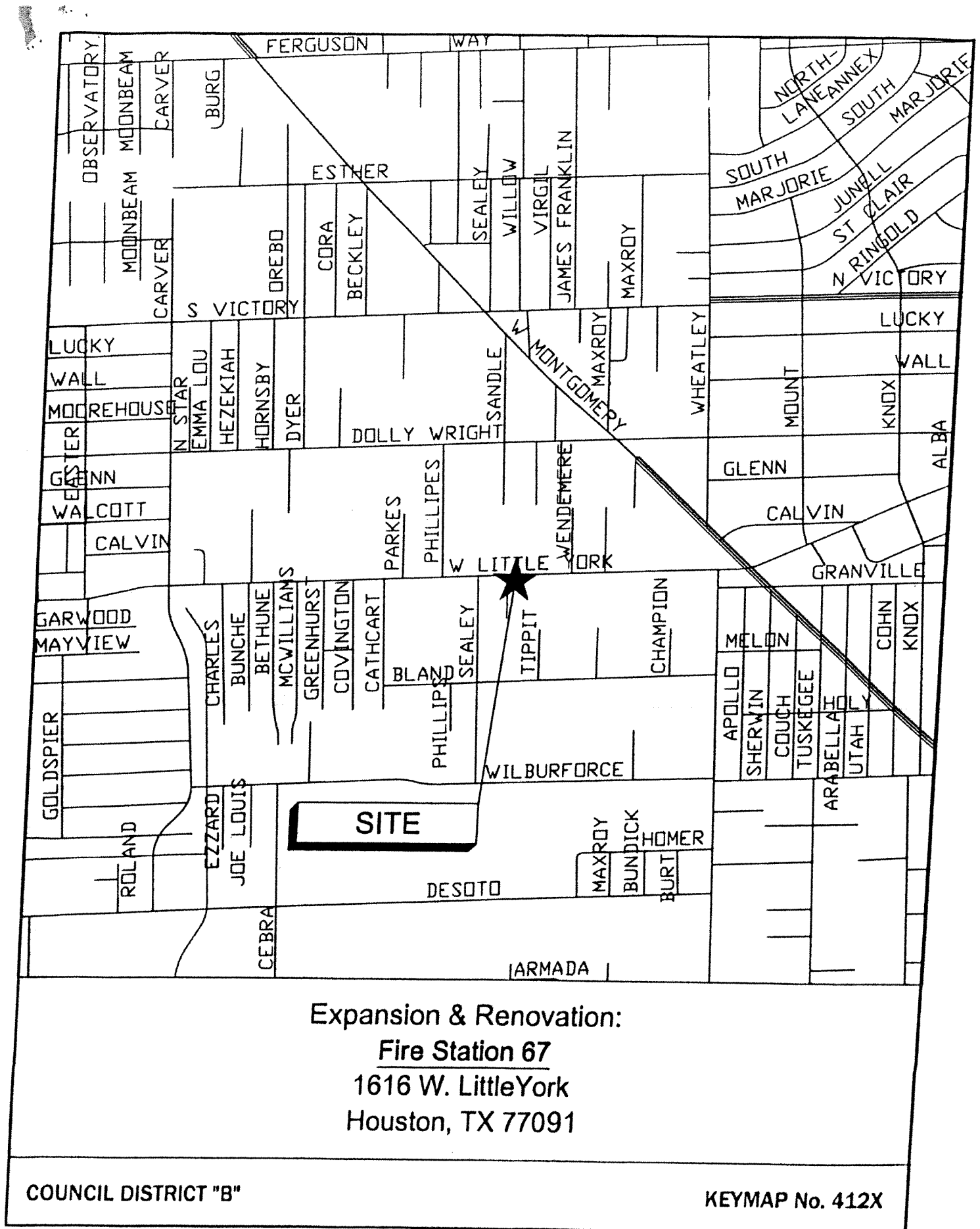
[Signature]

Richard A. Vella
Chief of Design & Construction Division

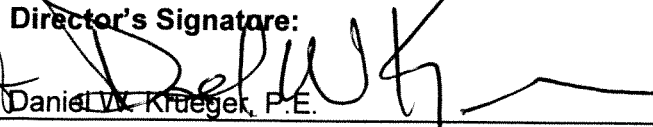

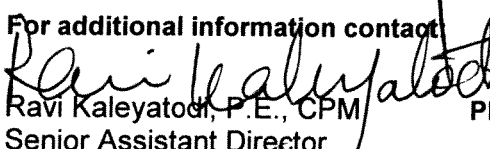
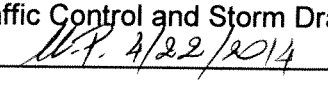
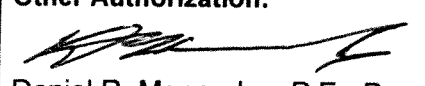
Houston Fire Department:


[Signature]

Terry A. Garrison
Fire Chief



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Engineering Services Contract between the City and SES Horizon Consulting Engineers, Inc. for Little York, Courlandt Meadows and York Meadows Drainage and Paving. WBS No.: M-410004-0001-3.		Page 1 of 2	Agenda Item # 47
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/29/14	Agenda Date JUN 04 2014	
Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: H 		
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director 4/15/14 Phone: (832) 395-2326	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve a Professional Engineering Services Contract with SES Horizon Consulting Engineers, Inc. and appropriate funds.			
Amount and Source of Funding: \$317,000.00 from Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF.  4/22/2014			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Capital Improvement Plan (CIP) and is required to address and reduce the risk of structural flooding. Improvements include modification of street conveyance and sheet flow and provide detention, as needed, for mitigation.			
DESCRIPTION/SCOPE: This project provides for the design of storm drainage improvements, necessary concrete paving, curbs, sidewalks, driveways, and underground utilities. The project will serve the Northside / Northline area.			
LOCATION: The project is generally bound by Meadowyork Street on the west, Northline Drive on the east, Canino Road on the north, and Little York Road on the south. The project is located in Key Map grids 412V and 413S.			
SCOPE OF CONTRACT AND FEE: Under the terms and scope of the Contract, the Consultant will perform Basic and Additional Services, as applicable, for Phase I - Preliminary Design, Phase II - Final Design, and Phase III - Construction Phase Services. This requested appropriation is for Phase I - Preliminary Design Basic and Additional Services. Basic and Additional Services are being funded for Phase I only of this contract. The total Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount of \$136,622.00. The total Additional Services Fee for Phase I, to be paid either as lump sum or on a reimbursable basis, is \$138,978.00. The Additional Services include, but are not limited to surveying, geotechnical investigation, and environmental site assessment. The total cost for Phase I is \$317,000.00 to be appropriated as follows: \$275,600.00 for Contract Services and \$41,400.00 for CIP Cost Recovery.			
LTS No. 9937		CUIC ID #20JTH04	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Professional Engineering Services Contract between the City and SES Horizon Consulting Engineers, Inc. for Little York, Courlandt Meadows and York Meadows Drainage and Paving. WBS No.: M-410004-0001-3.	Originator's Initials 	Page 2 of 2
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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 Consultant provides health benefits to eligible employees in compliance with City policy.

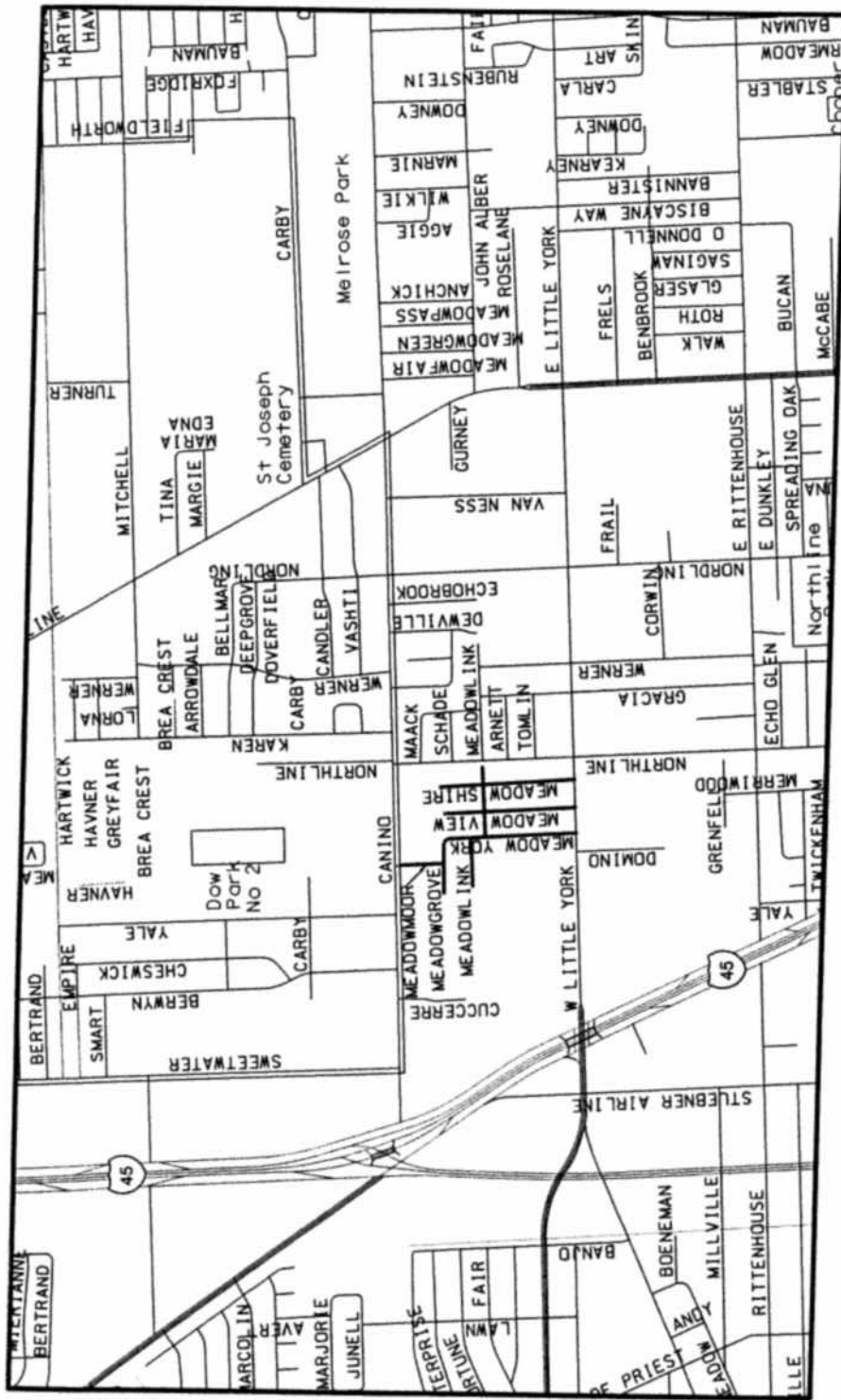
M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. CSF Consulting, L.P.	Engineering Services	\$ 13,000.00	4.72%
2. HVJ Associates, Inc.	Geotechnical and Environmental Services	\$ 14,433.00	5.24%
3. JAG Engineering, Inc.	Surveying Services	\$ 38,713.00	14.05%
TOTAL		\$ 66,146.00	24.01%


DWK:DRM:RK:DPS:MYS:JTH:klw

H:\design\STORM WATER ENGINEERING\SECTION\00 - PROJECTS\Little York (M-410004) - D14_C17\1.0 DESIGN CONTRACT\1.2 RCA\Original RCA\RCA - 20JTH04 - 2014.03.docx

c: File No. M-410004-0001-3 (RCA 1.2)



CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING DEPARTMENT

**LITTLE YORK, COURLANDT MEADOWS AND YORK
MEADOWS DRAINAGE AND PAVING**



SES HORIZON
CONSULTING ENGINEERS, INC.

Civil *Structural* *Transportation*

10901 Southland Freeway, Suite 400 Houston, Texas 77074
(713) 988-5504, Fax (713) 988-1441
www.ses-horizon.com

VICINITY MAP

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Engineering Services Contract between the City and CivilTech Engineering, Inc. for Spring Shadows (North) Drainage and Paving.
WBS No.: M-410005-0001-3.

Page
1 of 2

Agenda Item #

48

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

JUN 04 2014

Director's Signature:

Council District affected:

A

For additional information contact:

Date and identification of prior authorizing Council action:

Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director

Phone: (832) 395-2326

RECOMMENDATION: (Summary)

Approve a Professional Engineering Services Contract with CivilTech Engineering, Inc. and appropriate funds.

Amount and Source of Funding: \$873,500.00 from Fund 4042 - Street & Traffic Control and Storm Drainage
DDSRF.

M.P. 4/30/2014

PROJECT NOTICE/JUSTIFICATION: This project is part of the Capital Improvement Plan (CIP) and is required to address and reduce the risk of structural flooding. Improvements include modification of street conveyance and sheet flow and provide detention, as needed, for mitigation.

DESCRIPTION/SCOPE: This project provides for the design of storm drainage improvements, necessary concrete paving, curbs, sidewalks, driveways, and underground utilities. The project will serve the Spring Branch North area.

LOCATION: The project is generally bound by Gessner Drive on the west, Palo Pinto Drive on the east, Kempwood Drive on the north, and HCFCD Buttermilk Creek on the south. The project is located in Key Map grids 450N and 450P.

SCOPE OF CONTRACT AND FEE: Under the terms and scope of the Contract, the Consultant will perform Basic and Additional Services, as applicable, for Phase I - Preliminary Design, Phase II - Final Design, and Phase III - Construction Phase Services. This requested appropriation is for Phase I - Preliminary Design Basic and Additional Services.

Basic and Additional Services are being funded for Phase I only of this contract.

The total Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount of \$364,025.00.

The total Additional Services Fee for Phase I, to be paid either as lump sum or on a reimbursable basis, is \$395,475.00. The Additional Services include, but are not limited to surveying, geotechnical investigation, and environmental site assessment.

The total cost for Phase I is \$873,500.00 to be appropriated as follows: \$759,500.00 for Contract Services and \$114,000.00 for CIP Cost Recovery.

LTS No. 10961


CUIC ID #20JTH05

Finance Department:

Other Authorization:

Other Authorization:

Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	Subject: Professional Engineering Services Contract between the City and CivilTech Engineering, Inc. for Spring Shadows (North) Drainage and Paving. WBS No.: M-410005-0001-3.	Originator's Initials 	Page 2 of 2
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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 Consultant provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. KUO & Associates, Inc.	Survey Services	\$132,670.00	17.47%
2. Geotech Engineering and Testing	Geotechnical Services	\$ 81,071.00	10.67%
3. Berg-Oliver Associates, Inc.	Environmental Services	\$ 5,500.00	0.72%
4. B&E Reprographics, Inc.	Reproduction Services	\$ 5,000.00	0.66%
TOTAL		\$224,241.00	29.52%


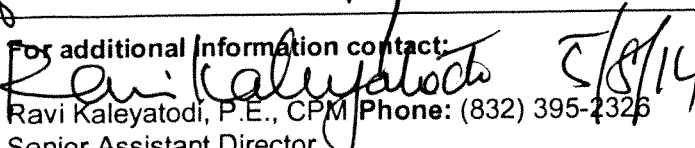
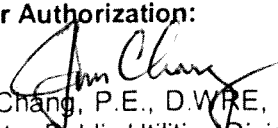
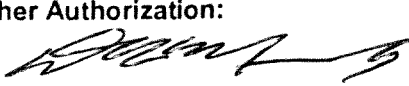

 DWK:DRM:RK:DPS:MYS:JTH:klw

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c: File No. M-410005-0001-3 (RCA 1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Northline Drive Rehabilitation from Parker Road to Canino Street WBS No. N-000696-0001-4; WBS No. R-000500-0171-4; WBS No. S-000500-0171-4		Page 1 of 2	Agenda Item # 49										
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: JUN 04 2014											
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: JK SG H												
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:												
RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.													
Amount and Source of Funding: \$14,412,202.00 Fund 4042-Street & Traffic Control & Storm Drainage DDSRF \$1,979,798.00 Fund 8500-Water and Sewer System Consolidated Construction \$16,392,000.00 Total Cost U.P. 5/15/2014													
PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement Plan (CIP) and is necessary to meet City of Houston design and safety standards, improve traffic mobility and drainage in the service area.													
DESCRIPTION/SCOPE: This project consists of the construction of 5,800 linear feet of undivided four-lane concrete roadway from Parker Road to Canino Street and 1600 linear foot undivided two lane asphalt roadway from Parker Road to Rosamond Street with curbs, sidewalk, street lighting and necessary utilities. This project also includes improvement of storm drainage such as approximately 10,200 linear feet of 4'x9', 5'x8', 4'x8', 3'x6' and 3'x4' underground storm box sewer with 24" storm leads and inlets and two detention ponds.													
The Contract duration for this project is 570 calendar days. This project was designed by Pierce Goodwin Alexander & Linville, Inc.(PGAL)													
LOCATION: The project is generally bounded by Gulf Bank Road on the north, Rosamond Street on the south, Airline Drive on the east and IH45 on the west. The project is located in key map grids 413S, 413W and 453A.													
BIDS: This project was advertised for bidding on February 7, 2014. Bids were received on March 27, 2014. The four (4) bids are as follows:													
<table border="1"> <thead> <tr> <th>Bidder</th> <th>Bid Amount</th> </tr> </thead> <tbody> <tr> <td>1. SER Construction Partners, LLC.</td> <td>\$14,389,093.00</td> </tr> <tr> <td>2. Texas Sterling Construction Co.</td> <td>\$14,594,266.10</td> </tr> <tr> <td>3. Total Contracting Limited</td> <td>\$17,354,439.50</td> </tr> <tr> <td>4. Conrad Construction Co., Ltd</td> <td>\$19,176,237.30</td> </tr> </tbody> </table>		Bidder	Bid Amount	1. SER Construction Partners, LLC.	\$14,389,093.00	2. Texas Sterling Construction Co.	\$14,594,266.10	3. Total Contracting Limited	\$17,354,439.50	4. Conrad Construction Co., Ltd	\$19,176,237.30		
Bidder	Bid Amount												
1. SER Construction Partners, LLC.	\$14,389,093.00												
2. Texas Sterling Construction Co.	\$14,594,266.10												
3. Total Contracting Limited	\$17,354,439.50												
4. Conrad Construction Co., Ltd	\$19,176,237.30												
LTS# 10925		REQUIRED AUTHORIZATION											
Finance Department	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division											

Date	SUBJECT: Contract Award for Northline Drive Rehabilitation from Parker Road to Canino Street WBS No. N-000696-0001-4; WBS No. R-000500-0171-4; WBS No. S-000500-0171-4	Originator's Initials SG SG	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to SER Construction Partners, LLC. with a low bid of \$14,389,093.00 and that Addenda Numbers 1 and 2 are made a part of this Contract.

PROJECT COST: The total cost of this project is \$16,392,000.00 to be appropriated as follows:

• Bid Amount	\$14,389,093.00
• Contingencies	\$719,500.00
• Engineering and Testing Services	\$275,000.00
• CIP Cost Recovery	\$1,008,407.00

Engineering and Testing Services will be provided by Terracon Consultants, 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 of employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE PARTICIPATION:

The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE goal for this project.

<u>MBE Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Reliable Signal & Lighting Solutions, LLC	Traffic Signal Installation	\$488,581.00	3.39%
2. PRV Services, Inc.	Misc. Utilities	\$480,000.00	3.33%
3. Access Data Supply, Inc.	Supplier of Pre Cast Concrete products	\$690,000.00	4.79%
	Total	\$1,658,581.00	11.51%
<u>WBE Name of Firm</u>			
4. H & E Aggregate, L.L.C.	Supplier of Aggregate Products	\$300,000.00	2.08%
5. Deanie Hayes, Inc.	Supplier of Aggregate Products	\$300,000.00	2.08%
6. C&C Traffic Control	Certified Flagging Services	\$100,000.00	0.69%
	Total	\$700,000.00	4.85%
<u>SBE Name of Firm</u>			
7. Technical Assurance, L.L.C.	Bonding Agent	\$129,000.00	0.90%
8. Semarck Landscape Services, Inc.	Tree protection, Sodding Hydro mulch & Misc. Restoration	\$150,000.00	1.04%
9. MVA Construction L.L.C.	Construct Storm Manholes/Inlets	\$110,000.0	0.76%
	Total	\$389,000.00	2.70%

All known right-of-way acquisitions are complete, and right-of-entries required for the project have been acquired.

Handwritten initials: RK, JHK, SG
DWK:DRM:RK:JHK:TC:SG

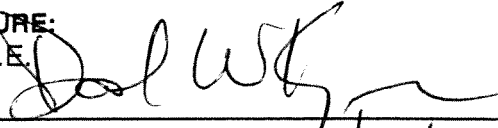
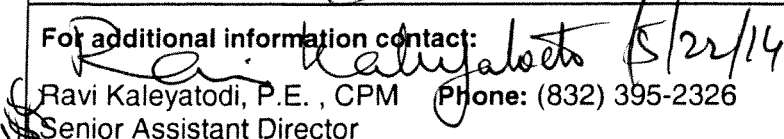
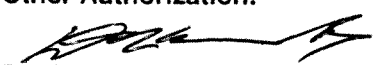


PROJECT LOCATION

VICINITY MAP (NOT TO SCALE)

NORTHLINE DRIVE REHABILITATION FROM PARKER TO CANINO

WBS No. N-000696-0001-4
KEYMAP NO: 413W, S & 453A
COUNCIL DISTRICT H

SUBJECT: Amendment to Professional Engineering Services Contract between the City and Van DeWiele & Vogler, Inc. for Hillcroft Avenue and Court Road Extension WBS No. N-000821-0002-3.		Page 1 of 2	Agenda Item # 50
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/29/14	Agenda Date JUN 04 2014
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. 		Council District affected: 54 JK ^K	
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director		Date and identification of prior authorizing Council action: Ordinance #: 2010-0012 Dated: 01/06/2010	
RECOMMENDATION: (Summary) Approve an Amendment to the Professional Engineering Services Contract with Van DeWiele & Vogler, Inc., and appropriate additional funds.			
Amount and Source of Funding: \$274,237.00 from Fund 4040 – METRO Projects Construction DDSRF. Original (previous) appropriation of \$1,313,354.00 (\$656,677.00 from Street & Bridge Consolidated Construction Fund No. 4506; \$656,677.00 from Contribution for Capital Project Fund No. 4510) <i>M.P. 5/22/2014</i>			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement Project (CIP) and is necessary to meet City of Houston standards as well as improve traffic circulation, mobility, and drainage in the service area.			
DESCRIPTION/SCOPE: This project consists of the design of new concrete roadway for the construction of Hillcroft Avenue and Court Road Extension which includes the Fort Bend Parkway Frontage Roads (northbound and southbound) between the existing toll road ramps (approximately 4,350 linear feet each) and extension of Court Road from Quailynn Road east to proposed southbound Fort Bend Parkway frontage road, with concrete curbs, sidewalks, street lighting, storm sewer system and underground utilities.			
LOCATION: This project is generally bounded by West Fuqua on the north, McHard Road on the south, Blue Ridge Road on the east and Hillcroft Avenue on the west. The project is located in Key Map Grids 570Z, 610C and D.			
PREVIOUS HISTORY AND SCOPE: The original contract with Van DeWiele & Vogler, Inc was approved on January 6, 2010 by Ordinance No. 2010-0012, for the Fondren Road from Hillcroft to McHard Road. The scope of services under the original contract included Phase I–Preliminary Design, Phase II–Final Design, Phase III–Construction and additional services. The Fondren Road project was suspended due to public development of the proposed alignment is not currently feasible; the City has evaluated alternatives to fulfill the mobility improvements desired to serve both Fort Bend County and the City of Houston. Under this Contract, the Consultant has completed the assignments in Phase I – Preliminary Design.			
SCOPE OF AMENDMENT AND FEE: Under the scope of this amendment, the consultant, Van DeWiele & Vogler, Inc. was reassigned for Hillcroft Avenue and Court Road Extension project and will perform Phase I-Preliminary Design, Phase II-Final Design and Phase III-Construction Services and additional Services.			
LTS No. 10341		REQUIRED AUTHORIZATION	
Finance Department:		Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

NOT

28

Date	SUBJECT: Amendment to Professional Engineering Services Contract between the City and Van DeWiele & Vogler, Inc. for Hillcroft Avenue and Court Road Extension; WBS No. N-000821-0002-3	Originator's Initials	Page 2 of 2
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The Basic Services fees are negotiated on a lump sum basis for the amount of \$642,470.00 which includes \$557,470.00 for Phase II and \$85,000.00 for Phase III. The amendment also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis which includes surveying, geotechnical investigation, environmental services, traffic control plans, drainage study, storm water pollution prevention plans. The negotiated maximum fee for total Additional Services appropriation is \$263,641.00. The total negotiated contract services amount for Fort Bend Parkway Frontage Roads and Court Road Extension project is \$906,111.00. The amount remaining from the Fondren Road project is \$667,644.00. Therefore, an additional amount of \$238,467.00 will be needed for Fort Bend Parkway Frontage Roads and Court Road Extension contract services. The total requested appropriation is \$274,237.00 to be appropriated as follows: \$238,467.00 for Contract services and \$35,770.00 for CIP cost recovery.

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.

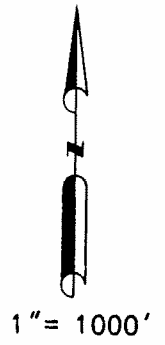
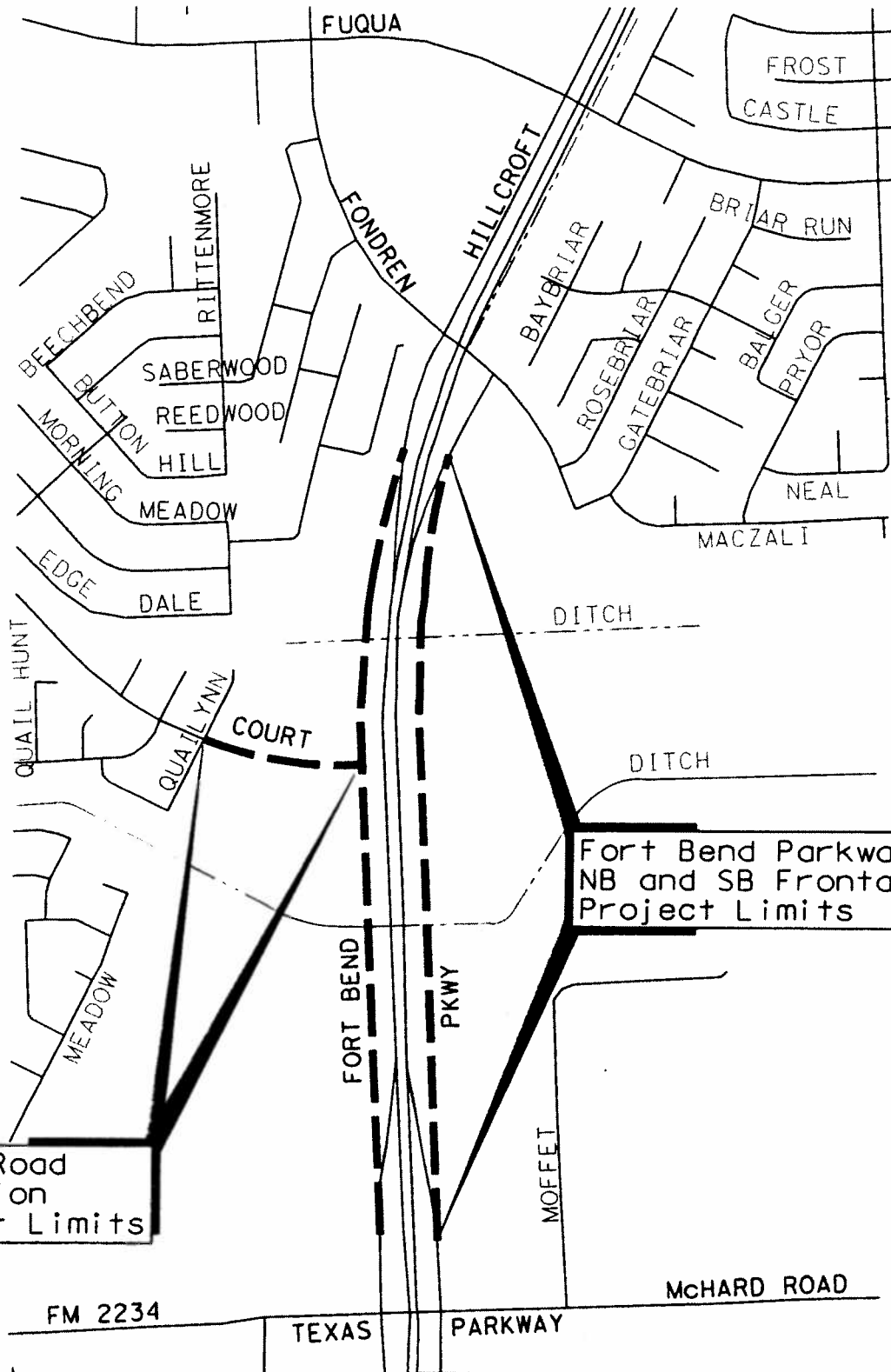
M/WBE INFORMATION: The M/WBE goal for the project is set at 24 %. The original contract amount totals \$1,193,957.00. The consultant has been paid \$526,312.30 (44.08% to date). Of this amount, \$239,551.55 (45.51%) has been paid to MWBE sub-consultants to date. Assuming approval of this amount, the total contract amount will be increased to \$1,432,424.00. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Paid Prior M/WBE Commitment		\$239,551.55	16.72%
Unpaid Prior M/WBE Commitment		\$330,155.04	23.04%
1. GeoSurv, Inc., DBA TSC Surveying	Survey	\$64,185.75	4.48%
2. DAE & Associates, LTD., DBA Geotech Engineering and Testing	Soil Investigation	\$71,952.25	5.02%
3. Berg-Oliver Associates, Inc.	Environmental	\$41,200.00	2.88%
4. CivilTech Engineering, Inc.	Drainage	\$64,162.00	4.48%
5. Charles D. Gooden Consulting Engineers, Inc.	Structure	<u>\$17,709.01</u>	<u>1.24%</u>
TOTAL		\$828,915.60	57.86%

 JK SG
DWK:DRM:RK:JHK:TC:SG

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WBS No. N-000821-0002-3 (1.2 DSGN RCA Contract)



Court Road
Extension
Project Limits

Fort Bend Parkway
NB and SB Frontage Roads
Project Limits

City of Houston / Ft. Bend County

Fort Bend Parkway Frontage Roads
and Court Road Extension
Roadway Improvement Project

KEY MAP
570 Z & 610 C & D

VanDeWiele
& Vogler
Incorporated



2925 Briarpark, Suite 275
Houston, Texas 77042-3778
713/782-0042

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Freedman's Town Brick Streets Restoration Project.
WBS No. N-001315-0001-4, R-000500-0057-4, S-000500-0057-4Page
1 of 2

Agenda Item #

51

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:**Agenda Date:**

JUN 04 2014

Director's Signature:

Daniel W. Krueger, P.E.

Council District affected:

C JK

For additional information contact:Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director

Phone: (832) 395-2326

**Date and identification of prior authorizing
Council action:****RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$5,600,000.00 Total Cost

\$530,080.00 Fund 5430-Federal State Local PWE Pass Through DDSRF

\$2,665,767.00 Fund No. 4040-METRO Project Construction DDSRF M.P.

\$336,071.00 Fund No. 4042- Street & Traffic Control & Storm Drainage DDSRF M.P.

\$2,068,082.00 Fund No. 8500-Water & Sewer System Consolidated Construction M.P. 5/15/2014


PROJECT NOTICE/JUSTIFICATION: This project will replace a street that has been deteriorated beyond economical repair. It will improve traffic circulation, mobility and drainage in the service area. Improvements will upgrade existing roadway to current standards.**DESCRIPTION/SCOPE:** This project consists of the replacement of the water and sanitary sewer lines, restoration of the brick streets, and improve local street drainage on Andrews Street from Heiner Street to Wilson Street and on Wilson Street from Andrews to West Dallas Street in the Freedman's Town area. The Contract duration for this project is 365 calendar days. This project was designed by Jacobs Engineering Group Inc.**LOCATION:** The project is generally bound by West Dallas on the north, West Gray on the south, I-45 on the east, and Montrose on the west. The project is located in Key Map Grid 493-P.**BIDS:** This project was advertised for bidding on February 7, 2014. Bids were received on March 6, 2014. The two (2) bids are as follows:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Conrad Construction Co. LTD	\$4,851,469.50
2.	Total Contracting Limited	\$7,225,546.00

LTS No. 10261

CUIC ID #20MAC74

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

Date	Subject: Contract Award for Freedman's Town Brick Streets Restoration Project. WBS No. N-001315-0001-4, R-000500-0057-4, S-000500-0057-4	Originator's Initials 	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Conrad Construction Co. LTD with a low bid of \$4,851,469.50 and Addenda Numbers 1, 2 and 3 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$5,600,000.00 to be appropriated as follows:

•	Bid Amount	\$4,851,469.50
•	Contingencies	\$242,600.00
•	Engineering and Testing Services	\$150,000.00
•	CIP Cost Recovery	\$355,930.50

Engineering and Testing Services will be provided by Aviles Engineering Corporation 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.

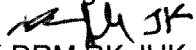
PAY OR PLAY PROGRAM:

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.

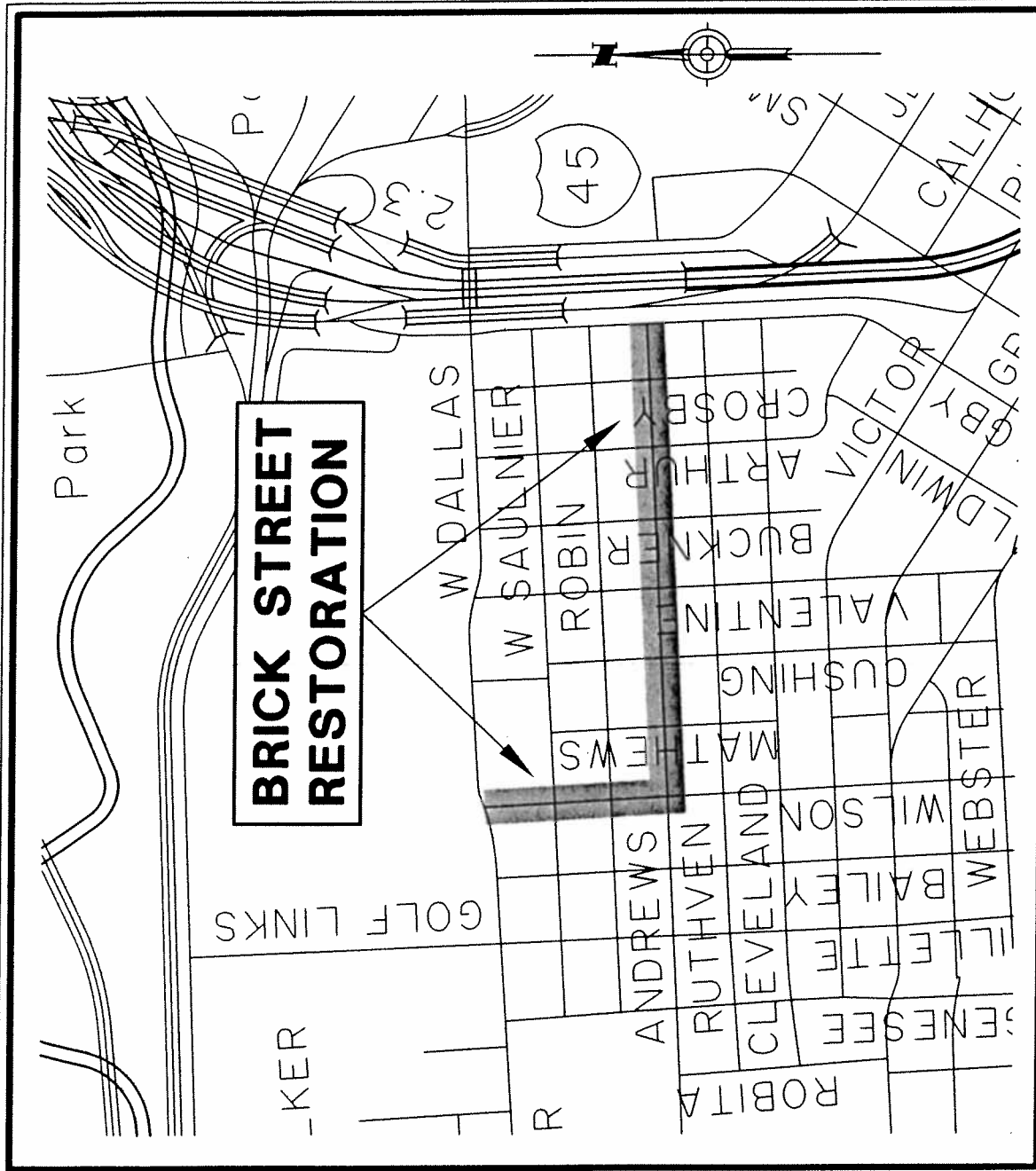
M/WSBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11.7 % DBE goal, for this project.

<u>DBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.Cantu Construction Company	Concrete Construction Services	\$ 75,000.00	1.55%
2.P.A.BerriosTrucking	Dump Truck Hauling Services	\$ 100,000.00	2.06%
3.Jimerson Underground, Inc	Underground Utility Construction	\$ 630,000.00	12.98%
4.Curb Planet, Inc.	Concrete Construction Services	\$ 10,000.00	0.21%
TOTAL		\$ 815,000.00	16.80%

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


DWK:DRM:RK:JHK:SAB:MC

c: File No. WBS No. N-001315-0001-4



VICINITY MAP

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Safe Sidewalk Program, WBS No. N-320610-0113-4

Page
1 of 2

Agenda Item #

52

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

JUN 04 2014

Director's Signature:

Daniel W. Krueger, P.E.

Council District affected:

B, E, F, I

For additional information contact:

Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant DirectorDate and identification of prior authorizing
Council action:**RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$834,000.00 from Fund 4040A - METRO Construction - Other.

M.P. 5/5/2014

PROJECT NOTICE/JUSTIFICATION: This project is part of the continuing effort by the City to construct request-based sidewalks throughout the City of Houston to meet the needs of its residents.**DESCRIPTION/SCOPE:** The project provides for the construction of sidewalk improvements at various locations. The Contract duration for this project is 149 calendar days. This project was designed by Edminster, Hinshaw, Russ and Associates, Inc.**LOCATION:** The project is located in various Key Map Grids.**BIDS:** This project was advertised for bidding on February 21, 2014. Bids were received on March 13, 2014. The four bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. IIU-FEI Safe Sidewalk JV	\$ 717,769.10
2. Tikon Group, Inc.	\$ 879,844.50
3. Metro City Construction, L. P.	\$ 898,219.62
4. GLM Contracting, Inc.	\$1,243,597.00

AWARD: It is recommended that this construction contract be awarded to IIU-FEI Safe Sidewalk JV with a low bid of \$717,769.10.

NDT

LTS No. 10817

REQUIRED AUTHORIZATION

CUIC ID #20SIK59

Finance Department:

Other Authorization:

Other Authorization:

Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Safe Sidewalk Program, WBS No. N-320610-0113-4	Originator's Initials	Page 2 of 2
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PROJECT COST: The total cost of this project is \$834,000.00 to be appropriated as follows:

•	Bid Amount	\$717,769.10
•	Contingencies	\$ 35,888.45
•	Engineering and Testing Services	\$ 30,000.00
•	CIP Cost Recovery	\$ 50,342.45

Engineering and Testing Services will be provided by JRB Engineering, LLC 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WSBE PARTICIPATION: No City M/WSBE participation goal is established for this project as the contract does not exceed the threshold of \$1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances.

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

DWK:DRM:RK:MS:SK:as

ec: File No. N-320610-0113-4

WBS No. N-320610-0113-4
SAFE SIDEWALK PROJECT

Location #	Location Name	Limits	Council District	Key Map Locations	Component / Requestor	ID	Replace or New
1	Aldine Westfield Rd.	@ Cresline St	B	413Z	Thoroughfare	1149	New
2	Lavender St	Pardee St to Hunting Bayou	B	454U	School	1795	New
3	Kingwood Drive	Green Oak Drive to Sorters Rd (Kingwood College)	E	335D, 336A,B	Thoroughfare	999	New
4	Dairyview Lane	Wellington Park Drive to Newbrook Drive	F	528R	School	100151	New
5	Dunvegan Way	Oates Road to Mercury Drive	I	495H, 496E	School	100015	New

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Northeast Water Purification Plant (NEWPP):
Plant Security, Truck Scale and Miscellaneous Improvements.
WBS No. S-000066-0008-4.

Page
1 of 3

Agenda Item #

53

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

JUN 04 2014

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

E

For additional information contact:

Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Reject low bid and second low bidder, return bid bond, award construction contract to the third low bidder and appropriate funds.

Amount and Source of Funding:

\$6,858,500.00 from Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 4/28/2014

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program, and is required to improve operability, maintainability, reliability and to assist the City in meeting existing and proposed requirements of the Surface Water Treatment Rules and Texas Commission on Environmental Quality regulations, and to meet immediate and future water demands.

DESCRIPTION/SCOPE: This project consists of providing construction services associated with the plant entrance security, truck scale, access road and additional parking improvements. The contract duration for this project is 360 calendar days. This project was designed by Kalluri Group, Inc.

LOCATION: The project site is located at 12121 North Sam Houston Parkway East, Key Map Grid 377 W.

BIDS: This project was advertised for bidding on December 20, 2013. Bids were received on January 30, 2014. The five (5) bids are as follows:

Bidder	Bid Amount
1. Jerdon Enterprise, L.P.	\$5,532,532.00 (Not met 'MWSBE program goal')
2. LEM Construction Company, Inc.	\$5,619,210.00 (Not met 'MWSBE program goal')
3. Industrial TX Corp.	\$6,022,884.00
4. Reytec Construction Resources, Inc.	\$6,187,710.00
5. Boyer, Inc.	\$7,239,502.00

LTS # 10679

CUIC ID# 20RS134

NOT

Finance Department

Other Authorization:

Jun Chang
Jun Chang, P.E., D.WRE
Deputy Director
Public Utilities Division

Other Authorization:

Daniel R. Menendez, P.E.
Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Northeast Water Purification Plant (NEWPP): Plant Security, Truck Scale and Miscellaneous Improvements. WBS No. S-000066-0008-4.	Originator's Initials <i>[Signature]</i>	Page 2 of 3
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AWARD: The low bid of \$5,532,532.00 was submitted by Jerdon Enterprise, L.P. The second low bid of \$5,619,210.00 was submitted by LEM Construction Company, Inc. 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 the third low bidder, Industrial TX Corp., who met the established 'MWSBE program goal' with a bid of \$6,022,884.00 and that addendum No. 1 and No. 2 be made a part of this contract.

PROJECT COST: The total cost of this project is \$6,858,500.00 to be appropriated as follows:

•	Bid Amount	\$6,022,884.00
•	Contingencies	\$301,144.20
•	Engineering and Testing Services	\$50,000.00
•	CIP Cost Recovery	\$180,766.80
•	Construction Management	\$303,705.00

Engineering and Testing Services will be provided by QC Laboratories, Inc. under a previously approved contract.


Construction Management Services will be provided by AECOM 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 businesses 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/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 13% 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.	Metals & Fabrication	\$36,000.00	0.60%
2. NY Trucking Company, Inc.	Trucking	\$3,000.00	0.05%
3. Atlantic Petroleum & Mineral Resources, Inc.	Fuel Supplier	\$1,000.00	0.02%
4. Aviles Painting Contractor	Painting	\$10,000.00	0.17%
5. ADG Construction, LLC	Fencing Construction	\$857,943.00	14.24%
6. C & B Rebar Construction, Inc.	Rebar Supplier Installer	\$40,000.00	0.66%
7. Kuita's Landscape Company	Landscape Installation	\$15,000.00	0.25%
8. Environmental Allies, G.P., Inc.	Erosion Control & Silt Fencing	<u>\$47,000.00</u>	<u>0.78%</u>
MBE Subtotal		\$1,009,943.00	16.77%

Date	Subject: Contract Award for Northeast Water Purification Plant (NEWPP): Plant Security, Truck Scale and Miscellaneous Improvements. WBS No. S-000066-0008-4.	Originator's Initials 	Page 3 of 3
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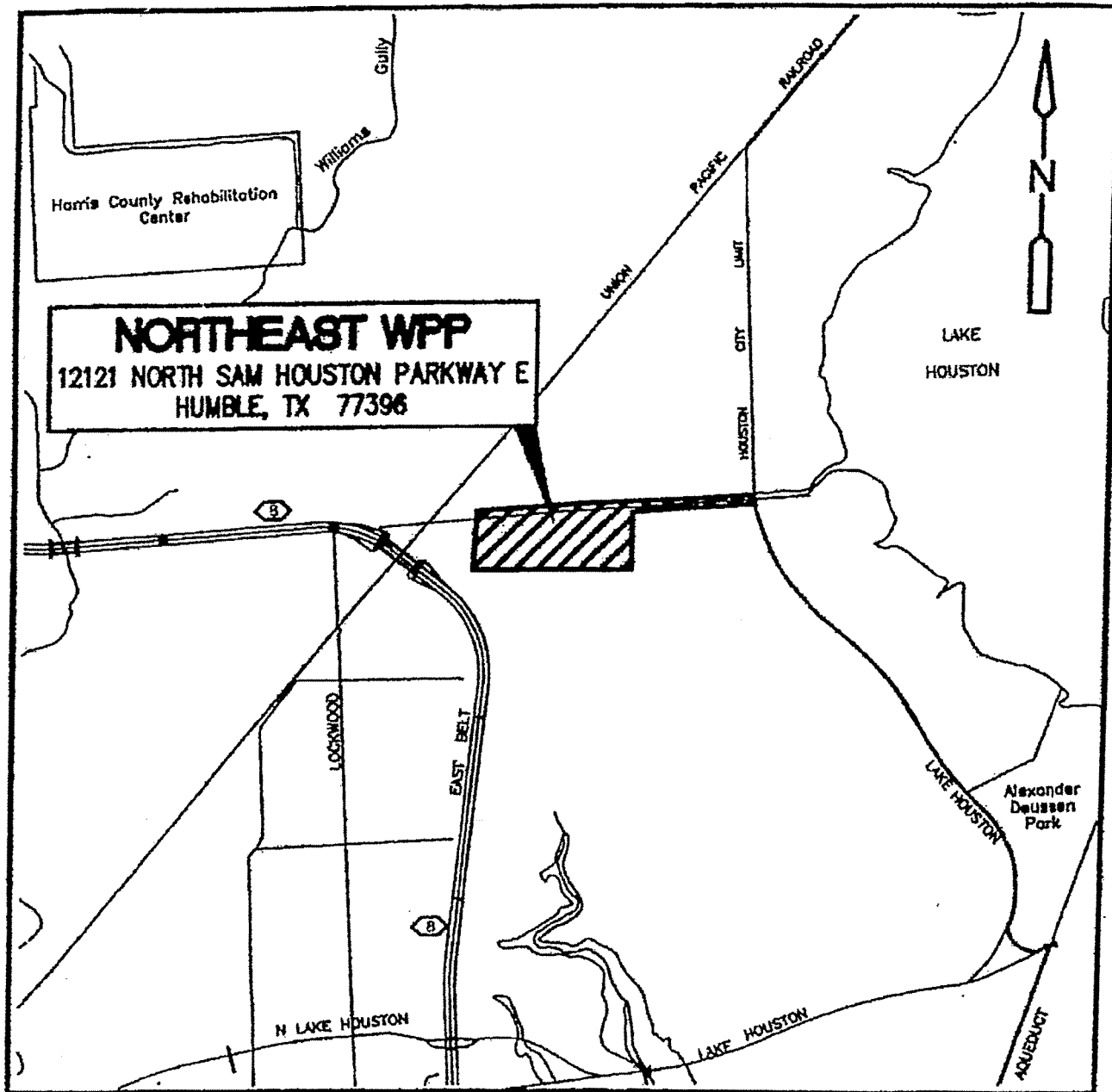
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Deanie Hayes, Inc.	Aggregates, Sand, Fill	\$10,000.00	0.17%
2. Jimerson Underground, Inc.	Underground Construction	<u>\$386,522.00</u>	<u>6.42%</u>
WBE Subtotal		\$396,522.00	6.59%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Conrad Construction Co., LTD.	Concrete Paving	\$1,095,987.50	18.20%
TOTAL		\$2,502,452.50	41.56%

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


DWK:DRM:RK:HH:SD:RS:TT:tt

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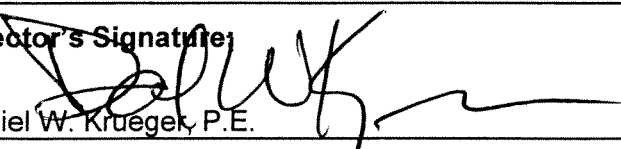
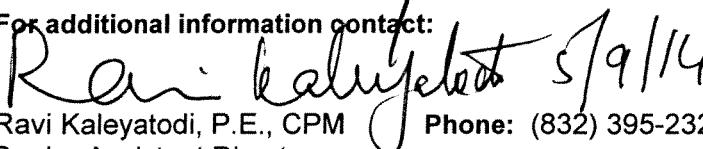
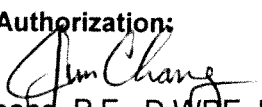
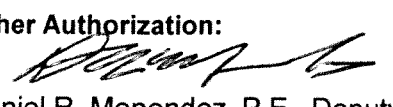
File No. S-000066-0008-3 (3.7)



VICINITY MAP
NOT TO SCALE

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for East Water Purification Plant 60-Inch Raw Water Line Condition Assessment; WBS No. S-000902-0012-4		Page 1 of 2	Agenda Item # 54
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date:	Agenda Date: JUN 04 2014
Director's Signature:  Daniel W. Krueger, P.E.		Council District affected: A-H E	
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.			
Amount and Source of Funding: \$3,357,621.00 Water and Sewer System Consolidated Construction Fund No. 8500 M.P. 5/15/2014			
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Surface Water Transmission Program and is required to improve existing water distribution systems and to meet Harris-Galveston Coastal Subsidence District's Legislative mandate to regulate the withdrawal of groundwater.			
DESCRIPTION/SCOPE: This project consists of assessment and rehabilitation of existing 60-inch raw water line, and related appurtenances along the easements within the City of Houston's water distribution system. The contract duration for this project is 240 calendar days. This project was designed by Lockwood, Andrews, and Newnam, Inc.			
LOCATION: The project is located along the easement from the City of Houston East Water Purification Plant on the north to 400 feet south of Vince Bayou. The project is located in Key Map Grids 496Y and 536C.			
BIDS: This project was advertised for bidding on February 21, 2014. Bids were received on March 27, 2014. The three (3) bids are as follows:			
<u>Bidder</u>		<u>Bid Amount</u>	
1. Huff & Mitchell, Inc.		\$2,840,390.00	
2. Reytex Construction Resources, Inc.		\$2,931,980.00	
3. Boyer, Inc.		\$3,884,742.00	
LTS No. 11194		CUIC ID #20AHH02	
Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for East Water Purification Plant 60-Inch Raw Water Line Condition Assessment WBS No. S-000902-0012-4	Originator's Initials AH-	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Huff & Mitchell, Inc. with a low bid of \$2,840,390.00 and that Addendum Number 1 be made a part of this contract.

PROJECT COST: The total cost of this project is \$3,357,621.00 to be appropriated as follows:

•	Bid Amount	\$2,840,390.00
•	Contingencies	\$142,019.50
•	Engineering and Testing Services	\$75,000.00
•	CIP Cost Recovery	\$85,211.50
•	Construction Management	\$215,000.00

Engineering and Testing Services will be provided by Coastal Testing Laboratories, Inc. under a previously approved contract.

Construction Management Services will be provided by KBR, 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 businesses 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/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 7% MBE goal and 3% WBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Monge Trucking	Material Hauler	\$109,923.09	3.87%
2. Chief Solutions, Inc.	Pipe Cleaner	\$32,096.41	1.13%
3. Briones Construction & Supply, LTD.	Material Supplier	<u>\$56,807.80</u>	<u>2.00%</u>
TOTAL		\$198,827.30	7.00%

<u>WBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. KMA Contractors Services Inc.	Construction Photos	<u>\$85,211.70</u>	<u>3.00%</u>
TOTAL		\$85,211.70	3.00%

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

DWK:DRM:RK:HH:ACM:AHH:ahh

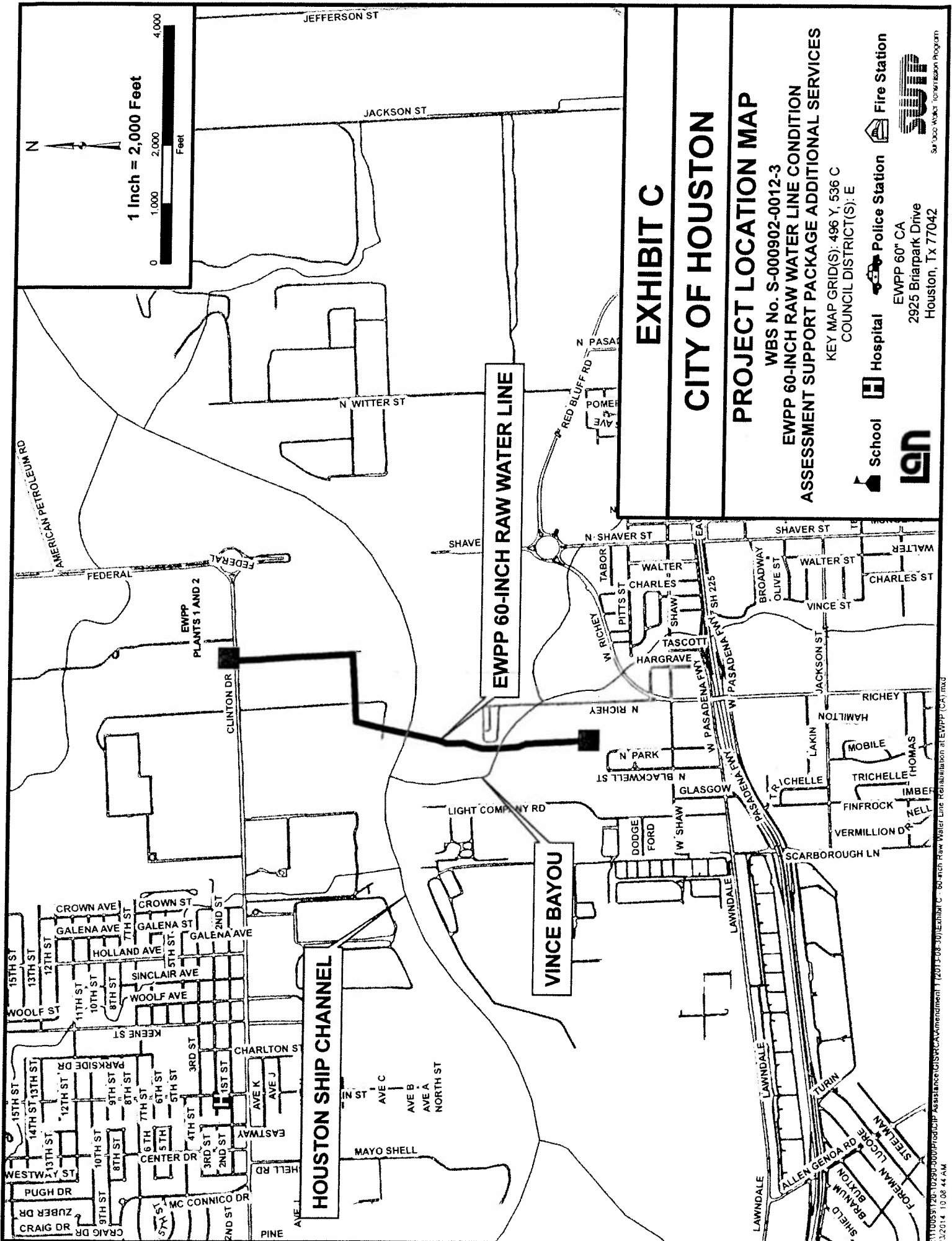


EXHIBIT C

CITY OF HOUSTON

PROJECT LOCATION MAP


WBS No. S-000902-0012-3


EWPP 60-INCH RAW WATER LINE CONDITION


ASSESSMENT SUPPORT PACKAGE ADDITIONAL SERVICES


KEY MAP GRID(S): 496 Y, 536 C

COUNCIL DISTRICT(S): E

 School

 Hospital

 Police Station

 Fire Station


SWP
San Antonio Water System
IGN
2925 Briarpark Drive
Houston, Tx 77042

SUBJECT: Professional Engineering Services Contract between the City and Brown & Gay Engineers, Inc. for Engineering Services associated with the Facilities Improvements at Various Well Sites and Re-Pump Stations. WBS No. S-001000-0044-3.

Page
1 of 2

Agenda Item #

53

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/29/14

Agenda Date

JUN 04 2014

Director's Signature:

Daniel W. Krueger, P.E.

Council District affected:

A, B, E, F, G, J & K

For additional information contact:

Ravi Kaleyatodi, P.E., CPM

Senior Assistant Director

Phone: (832) 895-2326

Date and identification of prior authorizing Council action:**RECOMMENDATION: (Summary)**

An ordinance approving a Professional Engineering Services Contract with Brown & Gay Engineers, Inc., and appropriate funds.

Amount and Source of Funding:

\$2,008,400.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

H.P. 5/9/2014

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's improvements of various groundwater facilities, well sites and Re-Pump stations and is required to meet the Texas Commission on Environmental Quality regulations. Also, this project will improve the operability, maintainability and reliability of the plants.

DESCRIPTION/SCOPE: This project consists of providing professional engineering and related services associated with the evaluation, design and implementation of improvements to the various facilities. The project consists of the following tasks:

- Engineering Support Services for Valve and Piping Rehabilitation/Replacements (Operability of Plant Isolation).
- Engineering Support Services to Rehabilitate/Replace Electrical Switchgear, Motor Control Components, Automatic Transfer Switches & Electrical Generation Support Equipment.

LOCATION:

This project includes 71 facilities at various locations in Council Districts A, B, E, F, G, J & K.


SCOPE OF CONTRACT AND FEE: Under the scope of the contract, the consultant will perform phase I - preliminary design, phase II - final design, phase III - construction phase services and additional services. Basic services fee for phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The basic services fees for phase II and phase III will be negotiated on a lump sum amount after the completion of phase I. The negotiated maximum for phase I basic services is \$535,792.00. The total basic services appropriation is \$1,416,412.00.

LTS No. 10572**CUIC ID #20RS136****Finance Department:****Other Authorization:**

Jun Chang
Jun Chang P.E., D.WRE
Deputy Director
Public Utilities Division

Other Authorization:

Daniel R. Menendez, P.E.
Deputy Director
Engineering and Construction Division

Date	SUBJECT: Professional Engineering Services Contract between the City and Brown & Gay Engineers, Inc. for Engineering Services associated with the Facilities Improvements at Various Well Sites and Re-Pump Stations. WBS No. S-001000-0044-3	Originator's Initials 	Page 2 of 2
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The contract also includes certain additional services to be paid either as lump sum or on a reimbursable basis. The additional services may include environmental site assessment phase I, TRC presentation, surveying, geotechnical investigations, platting, traffic control plans, permits, court house research, storm drainage analysis and reproduction services. The total additional services appropriation is \$330,000.00.

The total cost of this project is \$2,008,400.00 to be appropriated as follows: \$1,746,412.00 for contract services and \$261,988.00 for CIP Cost Recovery.

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 consultant provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Aviles Engineering Corporation	Geotechnical Services	\$50,000.00	2.86%
2. Kalluri Group, Inc.	Engineering Services	<u>\$390,705.00</u>	<u>22.37%</u>
TOTAL		\$440,705.00	25.23%

DWK:DRM:RK:HH:SD:RS:TT:tt

H:\design\A-WS-DIV\WPDATA\RS\S-001000-0044\Professional Services RCA_S-001000-0044-3.doc

c: File:S-001000-0044-3 (1.2)

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA #****SUBJECT:**

Ordinances granting Commercial Solid Waste Operator Franchises

Category #**Page 1 of 1****Agenda Item#**

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FROM: (Department or other point of origin):

Tina Paez, Director

Administration & Regulatory Affairs

Origination Date

5/27/2014

Agenda Date

JUN 04 2014

DIRECTOR'S SIGNATURE:**Council Districts affected:**

ALL

For additional information contact:Juan Olguin *Jo***Phone:** (832) 393- 8528

Naelah Yahya

Phone: (832) 393- 8530**Date and identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchise

Amount of Funding:

REVENUE

FIN Budget:**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other
(Specify)**SPECIFIC EXPLANATION:**

It is recommended that City Council approve ordinances granting Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchise is:

1. Outhouse Boys, LLC

The proposed ordinance grant the Franchise the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION**Finance Director:**

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance approving and authorizing an Agreement for the Collection of Delinquent Ad Valorem Taxes of the City of Houston between the City and Perdue, Brandon, Fielder, Collins & Mott, LLP and Greenberg Traurig, LLP, functioning as a Joint Venture.

Category #

Page 1 of 1

Agenda Item

#

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34

FROM (Department or other point of origin):

David M. Feldman, City Attorney
Legal Department

Origination Date:
May 20, 2014

Agenda Date:

MAY 28 JUN 04 2014

DIRECTOR'S SIGNATURE

[Signature]

Council District(s) affected:
All

For additional information contact: Sameera Mahendru
Phone: 832-393-6315

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) City Council to approve an ordinance authorizing an Agreement for the Collection of Delinquent Ad Valorem Taxes of the City of Houston between the City and Perdue, Brandon, Fielder, Collins & Mott, LLP and Greenberg Traurig, LLP, functioning as a Joint Venture.

Amount of Funding: None

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

Since 1984, the City has been contracting with the law firm now known as Linebarger, Goggan, Blair & Sampson LLP (Linebarger) for the collection of delinquent ad valorem taxes. The 2010 contract, which was amended in 2013 to allow for an extension, will expire on June 30, 2014.

Since the 2010 RFP, the City has been exploring opportunities to expand competition for the collection of delinquent ad valorem taxes. As part of the 2013 RFP process, the evaluation team concluded that a multi-vendor solution would be the optimal model. Two firms responded to both RFPs: **Linebarger** and **Greenberg Traurig/Perdue, Brandon, Fielder, Collins & Mott (GT/Perdue)**.

In May 2013, the City initiated discussions about the multi-vendor option with the above two firms and the Harris County Tax Office (HCTO). HCTO is the entity statutorily obligated to collect taxes for the City. HCTO has been using collection software developed and provided by Linebarger ("the Linebarger Software"). This software was reported to be unsuitable for the multi-vendor option. As a result, the existing Linebarger contract was extended until June 30, 2014, to allow time for software changes that would accommodate multiple vendors.

In January 2014, HCTO entered into a new contract with Linebarger that allows HCTO to request changes to the Linebarger Software. The City advised both firms in March 2014 that it would pursue a multi-vendor solution upon expiration of the Linebarger contract extension. The City Attorney presented contracts to both Linebarger and GT/Perdue. To date, the City has reached agreement with GT/Perdue, but not Linebarger.

The City is submitting the agreement with GT/Perdue to City Council for approval as GT/Perdue needs a transition period to perform collection services under the agreement. A contract with Linebarger will be submitted at a later date after negotiations are finalized, as Linebarger, being the current delinquent tax collection contractor, does not require a transition.

Having developed a viable incremental strategy, the City now desires to pursue the multi-vendor solution by splitting the City collections along taxing jurisdictional lines, such as Independent School Districts (ISDs). To minimize disruption, GT/Perdue will initially collect on a limited number of City accounts that lies within the Humble, Spring Branch and Clear Creek ISDs, which is just a small percentage of the City's delinquent tax roll. To maximize revenue collection and manage risk, the City Attorney may transfer accounts between City's collection contractors during the term of the contract to reward performance, and GT/Perdue will compensate the City for any increased cost to the City or HCTO. GT/Perdue will also provide a \$1 million letter of credit that could be triggered in the case of default, and in addition, it will guarantee the city a minimum collection recovery.

The contract may be terminated for convenience by the City Attorney's upon 60 days prior written notice to the contractor.

There is no appropriation of funds because the City is authorized by the Tax Code Sections 33.07, 33.08, and 33.11 to impose an additional 20% penalty on taxpayers' delinquent tax accounts as funding for the contract. The rationale behind these statutory provisions is that the cost of a delinquent tax program should be borne by the delinquent taxpayers, not by the citizens who pay their taxes on time.

The term of the new contract will be July 1, 2014 until June 30, 2017, with two one-year renewal options exercisable by the City. Like the current contract, the proposed new contract also provides additional services to the City at no additional cost.

Pay or Play Program:

The proposed contract requires compliance with the City's "Pay or Play" ordinance. The contractor provides health benefits to eligible employees in compliance with City Policy.

MWBE Participation

The MWBE participation goal for this contract is 24 percent of the value of the contract The Mayor's Office of Business Opportunity will monitor this award. The contractor intends to fulfill the goal by utilizing the following certified MWBE firms:

KHG Consulting, LLC	10%
ALSM Consulting, LLC	5%
H&D Consulting and Publishing LLC	4%
Elite Change, Inc.	5%

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 10077

Subject: Formal Bids Received for Sale of Scrap Metal Material for Various Departments. S55-L24947

Category #
4

Page 1 of 2

Agenda Item

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance Department

Origination Date

April 29, 2014

Agenda Date

JUN 04 2014

~~MAY 28 2014~~

DIRECTOR'S SIGNATURE

For additional information contact:

David Guernsey
Joyce Hays

Phone: (832) 395-3640

Phone: (832) 393-8723

Council District(s) affected
All

Date and Identification of prior authorizing
Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a revenue contract to Holmes Road Recycling Company, Inc. on its bid in the estimated revenue amount of \$1,669,760.55 for sale of scrap metal material for various departments.

Revenue Contract

Finance Budget

SPECIFIC EXPLANATION:

The Director of Public Works & Engineering and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year revenue contract, with two one-year options, to Holmes Road Recycling Company, Inc. on its high bid in the estimated revenue amount of \$1,669,760.55 based on the current American Metal Market price book for sale of scrap metal material for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract will be used to dispose of scrap metal materials on an as-needed basis.

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

COMPANY

TOTAL AMOUNT

1. Transformers Scrap Metals

\$628,138.53

2. South Post Oak Recycling Center

\$1,165,225.65

3. Holmes Road Recycling Company, Inc.

\$1,669,760.55

The scope of work requires the contractor to provide all facilities, labor, materials, equipment and supervision necessary to transport and dispose of scrap metal materials. The Property Disposal Management Office of the Administration & Regulatory Affairs Department will administer this contract and will coordinate the activities of City departments.

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 some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/29/2014	Subject: Formal Bids Received for Sale of Scrap Metal Material for Various Departments. S55-L24947	Originator's Initials JB	Page 2 of 2
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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.

Buyer: Joseph Badell

Attachment: MWBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity

PWE SERVICE & SUPPLY CONTRACTS

RECEIVED

To: Office of Business Opportunity

Date of Request: 08/01/13

NOV 01 2013

From: Darcia Moon

OBO

Subject: MWBE PARTICIPATION GOAL
REQUEST/WAIVER

I am requesting a waiver of the MWBE Goal: Yes ☒ No ☐ Type of Solicitation: Bid ☐ Proposal ☐

Basis for Request? [Ref. Code Ch15,15-83(c)(1)]

- A ☐ A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy
- B ☐ 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 MBE/SBE/WBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants); or
- C ☐ If application of MBE/SBE/WBE 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
- D ☐ If the possible MBE/SBE/WBE participation level based on MBE, SBE and WBE availability would produce negligible MBE, SBE or WBE participation

I am requesting a new MWBE Goal: Yes ☒ No ☐ 0 %

I am requesting a revision of the MWBE Goal: Yes ☐ No ☐
If requesting a revision, how many solicitations were received: _____

Solicitation Number: TBD Estimated Dollar Amount: REVENUE

Anticipated Advertisement Date: TBD Solicitation Due Date: TBD

Goal on Last Contract: 11% Was Goal Met? Yes ☒ No ☐

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

Name and Intent of this Solicitation:

The contract is for sale of scrap metal materials by the City of Houston (copy of contract is attached)
This is a Revenue contract. Previous contract goal was 11%, which was achieved via office supply vendor, which does not correlate directly to the business.

Reason for Request (Use additional paper if necessary):

This is a revenue generating contract for sale of scrap metal materials. There are no funding requirements on this contract.

Concurrence:

Darcia Moon
Buyer

Mary Williams 8/1/13
Division Manager

PWE SERVICE & SUPPLY CONTRACTS

MMB Assistant Director

[Signature]
8/1/2013

Reconsidered on 12/17/13

[Signature]

Office of Business Opportunity
(For zero percent (0%) MWBE goal)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds to Construction Manager
at Risk Contract
Turner Construction Company
Jungman Neighborhood Library Renovation
WBS No. E-000047-0001-4

Page
1 of 2

Agenda Item

59 #13

FROM (Department or other point of origin):

General Services Department

Origination Date

5/21/14

Agenda Date JUN 04 2014~~MAY 28 2014~~**DIRECTOR'S SIGNATURE:**

Scott Minnix



5.16.14

Council District(s) affected:

G

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

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

Ordinance No. 2013-0669; July 24, 2013

RECOMMENDATION: Appropriate additional funds for construction and authorize the issuance of a purchase order up to \$75,000.00 to A-Rocket Moving and Storage through the Choice Partners Interlocal Contract for books relocation, storage and delivery for the Houston Public Library.

Amount and Source of Funding:

\$6,117,975.00 - Public Library Consolidated Construction Fund (4507)

Finance Budget:**Previous Funding:**

\$20,000.00 - Public Library Consolidated Construction Fund (4507)

SPECIFIC EXPLANATION: On July, 24, 2013, Ordinance No. 2013-0669, City Council awarded a Construction Manager at Risk (CMAR) contract to Turner Construction Company to provide pre-construction and construction phase services for Jungman Neighborhood Library Renovation for the Houston Public Library (HPL), and appropriated \$20,000.00 for pre-construction phase services. The General Services Department recommends that City Council appropriate an additional \$5,629,155.00 to the CMAR contract with Turner Construction Company for construction phase services.

PROJECT LOCATION: 5830 Westheimer (Key Map: 491T)

PROJECT DESCRIPTION: The project will completely renovate the existing 15,409 GSF library building to bring the facility into compliance with all known codes (City of Houston Building Code, Americans with Disabilities Act, Texas Accessibility Standards, etc.), and provide technological improvements. It is envisioned that only the foundation and structure (including roof decking and concrete wall panels) will be reused. Other improvements include new window wall and storefronts; new roof system; new mechanical, electrical and plumbing systems; enhanced electrical power to service a large increase in computer services; new finishes, and re-configuration of spaces. The parking lot, landscaping and irrigation, and site elements will be repaired or replaced as required.

The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 3.0 to obtain certification.

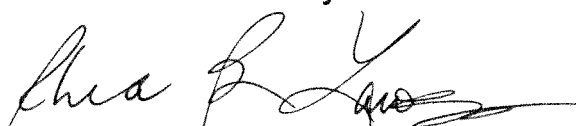
The anticipated contract duration for this project is 365 calendar days. The design consultant is Energy Architecture, Inc.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS241

General Services Department:

Richard A. Vella
Chief of Design & Construction Division

Houston Public Library:

Rhea Brown Lawson, Ph.D.
Director

Date	SUBJECT: Appropriate Additional Funds to Construction Manager at Risk Contract Turner Construction Company Jungman Neighborhood Library Renovation WBS No. E-000047-0001-4	Originator's Initials VTN	Page 2 of 2
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FUNDING SUMMARY: It is recommended that City Council appropriate funds for construction phase services, including additional appropriations of \$40,000.00 for engineering testing services under the existing contract with Fugro Consultants, Inc.; \$50,000.00 for construction inspection services under the existing contract with Infrastructure Associates, Inc., and authorize the issuance of a purchase order up to \$75,000.00 to A-Rocket Moving and Storage through the Choice Partners Interlocal Contract for books relocation, storage and delivery. It is also recommended that City Council appropriate \$230,000.00 to purchase information technology (IT) and miscellaneous equipment for HPL. The IT equipment will be purchased from various vendors through the Texas Department of Information Resources (DIR) Contract, issuing purchase orders of \$50,000 or less.

The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the Guaranteed Maximum Price (GMP) proposal.

\$ 5,361,100.00	Estimated Construction Cost
\$ 268,055.00	5% Contingency (Estimate)
\$ 5,629,155.00	Total Estimated Contract Services
\$ 40,000.00	Engineering Testing
\$ 50,000.00	Inspection Services
\$ 75,000.00	Books Relocation, Storage and Delivery
\$ 200,000.00	IT Equipment
\$ 30,000.00	Miscellaneous Equipment
\$ 93,820.00	Civic Art (1.75%)
\$ 6,117,975.00	Total Funding

CONSTRUCTION GOALS: A 14% MBE goal and 10% SBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

SM:JLN:RAV:VTN:vtm

c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Calvin Curtis, Gabriel Mussio, John Middleton, Minnette Boesel, File