

City of Houston, Texas, Ordinance No. 2015-_____

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO NATIONALLY COMPETITIVELY BID EVENTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the City has and will continue to host nationally competitively bid events that will draw an attendance in excess of 75,000 people into the City; and

WHEREAS, the bids and preliminary plans for these nationally competitively bid events are approved by City Council; and

WHEREAS, in anticipation of the vehicular and pedestrian congestion and other public safety issues associated with nationally competitively bid events, City officials who have familiarity with traffic and public safety issues have similar concerns that the venues in which major events are conducted could become over-congested; and

WHEREAS, the Department of Administration and Regulatory Affairs desires to adjust certain requirements with respect to taxicabs in order to more effectively accommodate the needs of the public during travel periods associated with such events; and

WHEREAS, the City desires to comply with Chapter 25 in approving signage displays for such events; and

WHEREAS, the City desires to ensure transparency and safety with regard to the approval and installment of displays; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS, THAT:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Chapter 25 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article IV to read as follows:

"ARTICLE IV. NATIONALLY COMPETITIVELY BID EVENTS

Sec. 25-151. 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:

Directors means the fire chief, chief of police, and traffic engineer, as well as the directors of the planning and development, administration and regulatory affairs, public works and engineering departments and the director of any city department or other public agency that is acting as the host for a nationally competitively bid event or their designees.

National bid event period means the period commencing at 12:01 a.m. on the fourteenth day prior to commencement of and ending at 11:59 p.m. on the third day after the end of a nationally competitively bid event for which the city has been designated and by action of city council accepted the role of host-city.

Nationally competitively bid event means an event approved by city council and subsequently secured and awarded to the city in its capacity as a host-city through a competitive bid process that requires the provision of city services and is expected to draw 75,000 or more persons to simultaneously congregate in an area of one square mile or less at or near a convention and/or sporting venue within the city.

Safety zone means a zone, zones, or portions thereof as described below, which may be limited upon the request of the event producing entity with the approval of the directors.

- (1) *Central business district zone* means the area within and bounded by the intersection of Congress St. and Dowling St.; then northwest along Congress St. to its intersection with Hutchins St.; then northeast along Hutchins St. to its intersection with Commerce St.; then northwest along Commerce St. to its intersection with Milam St.; then southwest along Milam St. to its intersection with Franklin St.; then northwest along Franklin St. to its intersection with Interstate 45; then southwest and southeast along Interstate 45 to its intersection with Dowling St.; then northeast along Dowling St. to the point of beginning; provided, however, that the following area shall be excluded from the safety zone: Beginning at the intersection of

U.S. 59 and Rusk St.; then northwest along Rusk St. to its intersection with Avenida de las Americas; then southwest along Avenida de las Americas to its intersection with McKinney St.; then northwest along McKinney St. to its intersection with La Branch St.; then southwest along La Branch Street to its intersection with Lamar St.; then southeast along Lamar St. to its intersection with Avenida de las Americas; then northeast along Dallas St. to its intersection at Crawford St.; then southwest along Crawford St. to its intersection at Polk St.; then northwest along Polk St. to its intersection La Branch St.; then southwest along La Branch St. to its intersection Leeland St.; then southeast along Leeland St. to its intersection Jackson St.; then northeast along Jackson St. to its intersection at Polk St.; then along Polk St. to its intersection with U.S. 59; then northeast along U.S. 59 to the point of beginning.

(2) *NRG Park zone* means the area beginning at the intersection of the centerline of 610 South Loop and the centerline of S. Main; thence in a northeasterly direction along the centerline of S. Main to its intersection with Brays Bayou; thence in an easterly direction to its intersection with Almeda; thence in a southerly direction along the centerline of Almeda to its intersection with the 610 South Loop; thence in a westerly direction along the centerline of the 610 South Loop to its intersection with Fannin; thence in a southerly direction along the centerline of Fannin to its intersection with W. Bellfort; thence in a westerly direction along the centerline of W. Bellfort to its intersection with Kirby; thence in a northerly direction along the centerline of Kirby to its intersection with the 610 South Loop; thence in a westerly direction along the 610 South Loop to the beginning point.

(3) *Galleria area zone* means the area included and bounded by the following: 610 West Loop, US 59, Buffalo Bayou, Chimney Rock, specifically, the area beginning at the intersection of the centerline of the 610 West loop and the centerline of the US 59 thence in a southwesterly direction along the centerline of US 59 to its intersection with Chimney rock; thence in a northerly direction along the centerline of Chimney Rock to its intersection with Buffalo Bayou; thence in

an easterly direction along the centerline of Buffalo Bayou to its intersection; thence in a southerly direction along a line that is ¼ mile east of 610 West Loop intersection of US 59.

Tent shall mean a temporary structure covered with fabric or another type of membrane. The term is intended to also include canopies and air-supported, air-inflated, and tensioned membrane structures, as well as conventional tents.

Sec. 25-152. Applicability.

The provisions of this article shall be applicable during a national bid event period.

Sec. 25-153. Safety zones for nationally competitively bid events.

During a national bid event period, it shall be unlawful for any person to erect or cause to be erected or to use or cause to be used any tent within the safety zones other than those sanctioned and authorized by the city and the event producing entity.

Sec. 25-154. Activating a safety zone.

(a) In consultation with the affected directors, the mayor is authorized to activate one or more safety zones, or a portion thereof, in the vicinity of venues utilized for the nationally competitively bid event or of necessary hotel accommodations for the nationally competitively bid event.

(b) When consulting with the mayor regarding activation of a safety zone, the directors shall take into consideration the nature of the event, the numbers of persons and vehicles expected, the street and highway configurations, the condition of and traffic flows expected on the streets, highways, and sidewalks, the location of police and fire stations, hospitals, and other critical facilities, security plans for the event, and other relevant factors.

The MOSE director shall cause the information described in section 25-157(e) of this Code to be published in a newspaper of general circulation at least one time before the national bid event period commences and shall post the notice on the same bulletin board used for open meetings notices.

Sec. 25-155. Temporary taxicab rates for nationally competitively bid events.

(a) During the national bid event period temporary taxicab zones and the rates therefor shall be established using a methodology similar to that utilized to establish IAH and HOU airport flat rates described in section 46-31 of this Code.

(b) Temporary taxicab rates shall be established not more than six months prior to the beginning of the national bid event period and not less than one month before the beginning of the national bid event period.

(c) During the national bid event period, the zone taxicab rates established for certain taxicab trips within, to, and from the designated temporary taxicab zones established above shall be in effect. The affected zones and rates shall be maintained on file in the office of the city secretary and on the ARA website. They shall also be made available for inspection upon request at the office of the city secretary during normal business hours.

(d) Any applicable discount that is provided in section 46-31 of this Code shall be applied to the fare referenced in subsection (c) of this section. The provisions of this section do not excuse the operation of the taxicab's taximeter. For travel governed by this section, the fare shall be the lesser of the meter amount, less any applicable discounts, or the amount specified in this section, less any applicable discounts.

(e) Violation of this section is unlawful, and violations shall be punishable as provided in section 1-6 of this Code.

(f) Temporary signage shall be displayed in the taxicab during the national bid event period informing the customer of the temporary zone rates in effect.

Sec. 25-156. Temporary limousine and charter vehicle permits.

(a) Prior to the commencement of the national bid event period, limousine and charter/sightseeing vehicles with mileage in excess of 100,000 miles may be permitted on a temporary basis provided that the applicant provides proof that the vehicle is currently permitted as a vehicle-for-hire by another governmental entity and meets all other applicable permitting requirements in Chapter 46 of this Code.

(b) Temporary limousine and charter/sightseeing vehicle permits issued pursuant to subsection (a) shall only be valid during the national bid event period.

Sec. 25-157 Temporary outdoor signage or displays for nationally competitively bid events.

(a) Outdoor signage or displays, including, but not limited to, portable signs, flags, streamers, pennants, banners, posters, decorative flags, video screens, balloons, electronic message boards, nighttime projections of messages, inflatables and building wraps installed by the event producing entity shall be permitted within the relevant safety zone described in this Article and upon compliance with all the applicable provisions of this chapter.

(b) Plans for signage or displays referenced in subsection (a) of this section must be submitted to the MOSE for review. The MOSE shall review the plans on an event by event basis in conjunction with the directors for compliance with all applicable national, state, and municipal safety standards as well as the Event Safety Alliance Guidelines created by the Event Safety Alliance, prior to approval and installation. The MOSE director shall notify the event producing entity of the director's determination in writing.

(c) The Event Safety Alliance Guidelines shall be available for public review in the city secretary's office. In the event a proposed signage or display is not discussed in the Event Safety Alliance Guidelines, the MOSE, in conjunction with the other directors, may establish requirements as needed. These requirements shall be maintained in the MOSE director's office for inspection and for purchase at the copy fee provided by law.

(d) Plans for signage or displays referenced in subsection (a) of this section must describe the size, height, setback, illumination, density and spacing type, other dimensions, placement location, and safety requirements of the signage or displays to be installed.

(e) The mayor or her designee shall give notice of the specific criteria for the zone to city council within a reasonable period of time prior to commencement of a national bid event period. MOSE shall publish, promulgate and make available on the city website rules and regulations that provide clear and objective standards to promote health, safety and welfare of the public, which at a minimum shall address:

- (1) Traffic and transportation, including traffic plans and street closures;

- (2) Impermissible and permissible signs and displays, including objective parameters regarding size, height, setback, illumination, density and spacing and the type and location of the displays to be installed and the time of their installation; and
- (3) Relevant safety provisions, including security control plans

The website shall include a schedule for obtaining any requisite licenses or permits.

(f) Upon receipt of the director's decision to deny a plan for signage or displays, the event producing entity may appeal such decision by giving written notice to the city secretary within five business days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by city council, at the next regularly-scheduled council meeting for which it is possible to give lawful prior notice of the matter after the receipt of the directors' decision and the record required by rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the event producing entity. The city council shall consider the appeal under the provisions of rule 12. Upon conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested plan for signage or displays. Such decision shall be final and shall exhaust the event producing entity's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior the date scheduled for the special event, the burden shall be upon the event producing entity to expedite any filings required to request a special city council meeting, which shall be granted if reasonable under the circumstances."

Sec. 25-158 Authority of MOSE.

The MOSE director shall promulgate all forms and adopt regulations consistent with and necessary for the implementation of the provisions of this article. The regulations shall be subject to the approval of the directors. A copy of any regulations so promulgated shall be made available on the city website."

Section 3. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law,

Chapter 551, Texas Government Code and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 5. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the

Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2015.

APPROVED this ____ day of _____, 2015.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Department: _____
DP:asw 12/4/2015 First Assistant City Attorney
Requested by the Honorable Annise D. Parker, Mayor
L.D. File No. 0371500171001

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