AGENDA

CITY OF HOUSTON ▪ CITY COUNCIL
OCTOBER 6 & 7, 2015

MAYOR
ANNISE D. PARKER

CONTROLLER
RONALD C. GREEN

DISTRICT COUNCIL MEMBERS

Brenda Stardig
District A

Jerry Davis
District B

Ellen R. Cohen
District C

Dwight A. Boykins
District D

Dave Martin
District E

Richard Nguyen
District F

Oliver Pennington
District G

Edward Gonzalez
District H

Robert Gallegos
District I

Mike Laster
District J

Larry V. Green
District K

AT-LARGE COUNCIL MEMBERS

Stephen C. Costello
Position 1

David W. Robinson
Position 2

Michael Kubosh
Position 3

C.O. "Brad" Bradford
Position 4

Jack Christie D.C.
Position 5

Marta Crinejo Director - City Council Agenda

Anna Russell City Secretary

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To reserve time to appear before Council call 832-393-1100 or come to the Office of the City Secretary, City Hall Annex, Public Level at least 30 minutes prior to the scheduled public session shown on the agenda.
NOTE: If a translator is required, please advise when reserving time to speak

AGENDA - COUNCIL MEETING Tuesday, October 6, 2015 - 1:30 PM
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL

PRESENTATIONS

2:00 P.M. – INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Laster

ROLL CALL AND ADOPT MINUTES OF PREVIOUS MINUTES

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 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

SP100615

RECESS

RECONVENE

WEDNESDAY - OCTOBER 7, 2015 - 9:00 A. M.

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

HEARINGS

1. **9:00 A.M.** - **PUBLIC HEARING** relating to the Proposed 2015 Tax Rate of $0.601120/$100 of value

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 46

MISCELLANEOUS - NUMBERS 2 and 3

2. CONFIRMATION of the appointment of **GUILLERMO LAMBARRI** to Position

At-Large 1 of the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1, 2018

3. RECOMMENDATION from the Mayor's Office to adopt the Houston Arts and Cultural Plan

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $1,768,700.04 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICE, L.P.** for Water Service Line Replacement - 9.77% under the original contract amount - (WA 10983)

PROPERTY - NUMBER 5

5. RECOMMENDATION from Director General Services Department that City Council declare surplus the following properties:

Parcel	Address	District
Parcel SY16-001A	8000 Bretshire Dr., 77016	**DISTRICT B – DAVIS**
Parcel SY16-001B	8000 Bretshire Dr., 77016	**DISTRICT B – DAVIS**
Parcel H87-1	0 Hillsboro St. @ Freeport St. 77015	**DISTRICT E – MARTIN**
Parcel SY16-008	Caribbean Ln. @ Santa Monica Dr. 77089	**DISTRICT D – BOYKINS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 7

6. ORDINANCE appropriating $249,976.00 out of Equipment Acquisition Consolidated Fund for Purchase of Two Booster Trucks for the Houston Fire Department

7. **CHASTANG ENTERPRISES, INC d/b/a CHASTANG'S BAYOU CITY FORD** for Two Fire Booster Trucks through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Houston Fire Department - $249,976.00 - Equipment Acquisition Consolidated Fund
This item should only be considered after passage of Item 6 above

ORDINANCES - NUMBERS 8 through 46

8. ORDINANCE **AMENDING CHAPTER 46 OF CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to regulation of Vehicles for Hire; modifying licensee appearance requirements; amending regulations that pertain to physician's certificates of medical examination; modifying permit installment payment due dates; amending Transportation Network Company Insurance requirements; declaring certain conduct unlawful and providing penalties

therefore

9. ORDINANCE adding a new **ARTICLE X TO CHAPTER 46 OF CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Provision of Vehicle for Hire Service to Persons with Disabilities, especially those requiring wheelchairs

10. ORDINANCE relating to the issuance of taxicab permits; addressing the allocation method for 205 permits originally intended to be distributed in 2014-2015; delaying the distribution of 180 permits until 2017; distributing 25 permits pursuant to the taxicab permit issuance process

11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Chenevert Street, from Capitol Avenue to Texas Avenue, located within the South Side Buffalo Bayou Addition, out of the J.S. Holman Survey, A-323, Houston, Texas; vacating and abandoning said parcel to City of Houston, the abutting owner - **DISTRICT I - GALLEGOS**

12. ORDINANCE approving submission of grant application to **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for the City's Women, Infant and Children Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Health and Human Services Department to act as the City's representative in the application process; authorizing the Director to accept the grant and expend the grant funds, as awarded, and to apply for and accept any subsequent awards, if any, pertaining to the grant

13. ORDINANCE approving and authorizing contract between the City of Houston and **DEPARTMENT OF STATE HEALTH SERVICES** for Regional and Local Services System / Local Public Health Services (RLSS/LPHS) Grant (DSHS Contract No. 2016-001186-00)

14. ORDINANCE appropriating $6,900,000.00 out of Airport Improvement Fund; approving and authorizing Purchase and Sale Agreement to acquire an Aerospace Engineering Facility and Land adjacent to Ellington Airport from **FIRST BOSTON/TEXAS, L.P. and BOEING BLDG/TEXAS, L.P. - DISTRICT E - MARTIN**

15. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE) - DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**

16. ORDINANCE related to **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** approving the sixth amended Project Plan and Reinvestment Zone Financing Plan for the Zone; authorizing the City Secretary to distribute such plans; extending the duration of the Zone to December 31, 2040 - **DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**

This item should only be considered after passage of Item 15 above

17. ORDINANCE approving the issuance of bonds by **MIDTOWN REDEVELOPMENT AUTHORITY**

This item should only be considered after passage of Items 15 and 16 above

18. ORDINANCE enlarging boundaries of **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)** - **DISTRICT K - GREEN**

19. ORDINANCE approving second amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)**; authorizing the City Secretary to distribute such plans; extending duration of Zone to December 31, 2045 - **DISTRICT K - GREEN**
This item should only be considered after passage of Item 18 above

20. ORDINANCE approving first amendment to agreement for Professional Services, Contract No. C56949, between the City of Houston and **CLARENCE A. WEST**, Attorney At Law; providing a maximum contract amount - $80,000.00 - General Fund

21. ORDINANCE appropriating $3,000,000.00 out of Dangerous Building Consolidated Fund for demolition of dangerous buildings

22. ORDINANCE appropriating $118,000.00 out of Health Special Revenue Fund as an additional appropriation for Contract No. 4600011886 with **GRANICUS INC, Formally known as AMERICAN CADASTRE, LLC** for Vital Statistics Imaging and Retrieval Information System (Approved by Ordinance No. 2013-410) for Houston Health Department

23. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **T2 SYSTEMS CANADA INC** (Contract No. 4600011446, originally approved by Ordinance No. 2012-0096) for Parking Products and Associated Software, Licenses, Installation, and Maintenance Services for Administrative and Regulatory Affairs Department; appropriating $160,990.00 out of Parking Management Operating Fund (Fund 8700) as an additional appropriation for Contract No. 4600011446; appropriating $2,000,000.00 out of Fund 1850 (reimbursable) as an additional appropriation for Contract No. 4600011446

24. ORDINANCE appropriating $2,690,000.00 out of Fire Consolidated Construction Fund and $1,154,230.00 out of Police Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovations for the Houston Fire Department Fire Stations and HVAC Equipment Replacement at the Houston Police Department Training Academy during FY2016 - **DISTRICTS B - DAVIS; C - COHEN; G - PENNINGTON and J - LASTER**

25. ORDINANCE appropriating $427,831.00 out of Reimbursements of Equipment/Projects Fund and $15,000.00 out of Parks Consolidated Construction Fund to Task Order Contracting Program for FY2015 Council District Service Budget Projects for Houston Parks and Recreation Department - **DISTRICTS B - DAVIS; C - COHEN; E - MARTIN; G - PENNINGTON; H - GONZALEZ; I - GALLEGOS and J - LASTER**

26. ORDINANCE appropriating $240,000.00 out of Police Consolidated Construction Fund for Facility Paving Improvements for Houston Police Department - **DISTRICTS A - STARDIG and B - DAVIS**

27. ORDINANCE appropriating $1,000,000.00 out of Parks Consolidated Construction Fund and $147,163.45 out of Parks and Recreation Dedication Fund and $218,000.00 out of Parks Special Fund; awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Hermann Park Japanese Garden; setting a deadline for the proposer's

execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering testing services and contingencies relating to construction of facilities financed by Parks and Recreation Dedication Fund - **DISTRICT D - BOYKINS**

28. ORDINANCE approving and authorizing a development agreement between City of Houston and **MADISON/FOLEY, LLC** for Harris County Municipal Utility District No. 525 - **DISTRICT E - MARTIN**

29. ORDINANCE appropriating $5,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and $15,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** to fund the City of Houston Flood Plain Permit Fees for Westerland, Windfern, Hollister and Calhoun Bridges - **DISTRICTS A - STARDIG; D - BOYKINS and F - NGUYEN**.

30. ORDINANCE approving and authorizing agreement for consent to partial assignment of rights to Groundwater Reduction Plan Agreement between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 231** - **DISTRICTS B - DAVIS and ETJ**

31. ORDINANCE approving and authorizing settlement agreement, mutual release of claims, and amendment to Sanitary Sewer Service Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** (Approved by Ordinance No. 2004-0309)

32. ORDINANCE approving and authorizing first amendment to contract for construction of and receipt of services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **INTERCONTINENTAL CROSSING MUNICIPAL UTILITY DISTRICT** (Approved by Ordinance No. 1986-1824) - **DISTRICT B - DAVIS**

33. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **GENERATION PARK MANAGEMENT DISTRICT** - **DISTRICTS B - DAVIS and ETJ**

34. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Clinton Drive Reconstruction Project (from Port of Houston Gate 8 to IH-610); authorizing the acquisition of fee simple title interest in or easement to seventeen parcels of land required for the project and situated in the John Brown Survey, A-8, in Harris County, Texas, said parcels of land being out of property located along the northerly and southerly lines of Clinton Road in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, appraisal fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of fee simple title interest in or easement to the seventeen parcels of land required for the project - **DISTRICTS B - DAVIS; H - GONZALEZ and I - GALLEGOS**

35. ORDINANCE consenting to addition of 35.096 acres of land into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130** for inclusion in its district

36. ORDINANCE consenting to addition of 17.59 acres of land into **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** for inclusion in its district

37. ORDINANCE appropriating $143,623.00 out of Metro Projects Construction DDSRF as additional appropriation to construction contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for T.C. Jester Reconstruction from Washington Avenue to IH-10 (Approved by Ordinance No. 2014-0620); and as additional funding for CIP Cost Recovery relating to construction of facilities financed by Metro Projects Construction DDSRF - **DISTRICT C - COHEN**

38. ORDINANCE appropriating $585,000.00 out of Metro Projects Construction DDSRF awarding contract to **ISI CONTRACTING, INC** for Work Order Bridge Rehabilitation/Replacement Citywide 2016; setting a deadline for bidder's execution of 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 deadlines; providing funding for engineering and testing, CIP cost recovery and contingencies relating to construction of facilities financed by Metro Projects Construction DDSRF

39. ORDINANCE appropriating $7,601,376.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-In-Place Pipe Methods; 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 deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

40. ORDINANCE appropriating $6,132,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING LTD** for Neighborhood Sewer Systems Improvements – Sunset Blvd., University Blvd. and Westheimer 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 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 - **DISTRICTS C - COHEN and G - PENNINGTON**

41. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 24** and **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in **FORT BEND AND MONTGOMERY COUNTIES**; a proposed strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** and on a proposal to

annex for limited purposes territory located within and in the vicinity of such district in **FORT BEND COUNTY**; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**, **SPRING CREEK UTILITY DISTRICT**, and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Fort Bend, Montgomery, and Harris Counties; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO 142** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO 36** and on proposals for The City of Houston to annex for limited purposes territory within and in the vicinity of such districts in **FORT BEND AND HARRIS COUNTIES**; proposals of the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings - **DISTRICTS A - STARDIG; B - DAVIS; E – MARTIN; F – NGUYEN; K – GREEN and ETJ**

42. ORDINANCE granting to **HOUSTON DUMPSTERS INC, A Georgia Corporation** the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code o f Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

43. ORDINANCE granting to **ICM MARTINEZ INTERPRISES, INC, dba BIN THERE DUMP THAT - HUMBLE, A Texas Corporation** , the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

44. ORDINANCE granting to **KORDIE ENTERPRISES, INC dba BIN THERE DUMP THAT, A Texas Corporation,** the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code Of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

45. ORDINANCE No. 2015-919, passed first reading September 30, 2015
ORDINANCE granting to **ROBERT H. MILLER, JR., dba MILLER & SONS DUMPSTER SERVICE, A Texas Sole Proprietorship** , the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas providing for related terms and conditions - **SECOND READING**

46. ORDINANCE No. 2015-920, passed first reading September 30, 2015
ORDINANCE granting to **SYNAGRO OF TEXAS-CDR, INC., A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas providing for related terms and conditions - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 47 through 49

NON-CONSENT - MISCELLANEOUS

47. SET A PUBLIC HEARING DATE relating to the sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE)** - **DISTRICTS C - COHEN and H - GONZALEZ SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

48. SET A PUBLIC HEARING DATE relating to the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE)** - **DISTRICTS C - COHEN and G - PENNINGTON SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

49. SET A PUBLIC HEARING DATE relating to the third amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST ZONE)** - **DISTRICTS F - NGUYEN and J - LASTER SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

MATTERS HELD - NUMBERS 50 through 54

50. RECOMMENDATION from Director Parks & Recreation Department to adopt the Houston Parks & Recreation Department Parks Master Plan Phase II
TAGGED BY COUNCIL MEMBERS GREEN and LASTER
This was Item 7 on Agenda of September 30, 2015

51. WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:
"Sec. 33-253. Appeal.
(a) The Historic Preservation Appeals Board ("HPAB") is hereby created. The HPAB shall consist of 5 members and shall consist of two former members of the planning commission, two former members of the HAHC, and one citizen representative that has not served on either commission and who owns a historic landmark or contributing structure in a designated historic district designated pursuant to this division. Each member shall have extraordinary knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city. Members of the HPAB shall be appointed by the mayor, subject to confirmation by the city council. Each member shall serve for a term of two years and shall hold over until the member's successor is appointed. A member may be appointed to serve consecutive terms. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HPAB. Three members of the HPAB shall constitute a quorum; however, in the event of vacancies on the HPAB, a

majority of the members of the HPAB shall constitute a quorum. The HPAB shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the HPAB and the mayor's office. The HPAB shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC.

(b) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the HPAB by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate of appropriateness by the HAHC as provided for in section 33-247(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the HPAB of the receipt of a notice of appeal and shall schedule a meeting of the HPAB to consider the appeal.

(c) The HPAB shall consider the appeal within 45 days after a notice of appeal is filed with the director. The HPAB shall consider the application, the findings of the HAHC, written comments from the public, and any evidence presented at the meeting at which the appeal is considered. The HPAB shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. If the HPAB does not make a decision on the appeal within 45 days after a notice of appeal is filed with the director, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.

(e) An applicant aggrieved by a decision of the HPAB may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the HPAB. The decision of the city council shall be final and exhaust the applicant's administrative remedies."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

52. WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:

"Sec. 33-222.1

"(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director shall determine if response forms were returned for more than 50 percent of the tracts within the proposed district and also whether 67 percent of tracts for which response forms were returned indicate support the designation of the district in accordance with the following rules:

(1) If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned response forms in accordance with this section; and

(2) Tracts of publicly owned land, utility easements, and streets that are included within the boundaries of the proposed district shall not be counted toward determining support for or against the designation of an historic district.

(g) If the director is able to make the determination required by subsection (f) of this section, the application will be considered final and the boundaries of the proposed district shall be the boundaries of the proposed historic district. If the director is not able to make this determination, then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries of one or more historic districts containing one or more non-contiguous areas in which response forms were returned from owners of at least 50 percent of the tracts within the proposed district, and where response forms for owners representing 67 percent of the tracts for which response forms were returned indicated support for designation of a proposed historic district. If the director modifies the boundaries, the application shall be considered final, the boundaries of the reduced proposed district shall be the boundaries of the proposed historic districts, and any property excluded from the proposed district shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the proposed district pursuant to this item; or

(2) Determine that the application fails and that no further action will be taken by the HAHC. If an application fails pursuant to this section, the director shall mail notice to the owners of all property within the proposed historic district that the application has failed and that no further action will be taken. Any property within the proposed district is ineligible for inclusion within a historic district for a period of one year from the date of the determination pursuant to this section."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

53. ORDINANCE **AMENDING CHAPTERS 10, 33, AND 44 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

This was Item 16 on Agenda of September 30, 2015

54. MOTION to receive nominations for Position I on the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1,

2018

DELAYED BY MOTION #2015-675, 9/30/2015

This was a portion of Item 57 on Agenda of September 30, 2015

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Pennington 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 POSITIONED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE (HOUSTON CITY CODE 2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date:

SP100615

Agenda Item#:

ATTACHMENTS:

Description	Type
SP100615	Signed Cover sheet

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR – TUESDAY
October 6, 2015 – 2:00 PM

NON-AGENDA

1MIN 1MIN 1MIN

MS. AYANNA McCLOUD – 8906 Ilona Lane – 77025 – 832-713-3727 – Arts and Cultural Plan

2MIN 2IN 2MIN

MS. TERRI DIRADDO – 1200 Smith, Suite 1200 – 77002 – 713-336-2280 – Arts and Cultural Plan

3MIN 3MIN 3MIN

MS. DEBORAH ALLEN – 12000 Martin Luther King, #2059 – 77048 – 713-264-0127 – Do not want filing fee back, just name on ballot

MS. MARY TAYLOR – 1403 Fashion Hill Drive – 77088 - 281-445-0682 – Stuebner Airline Park/Hike and Bike Trail Extension/Joe Turner

MR. BOBBY TAYLOR – P.O. Box 202021 – 77220 – 832-870-7673 – Behavior coward conspiracy using my/other people's children. Why?

MS. ELSIE BLUNT – 5601 Wheatley – 77091 – 713-681-8853 – City Sewage

MR. JOSEPH BALLARD – 6302 Rocky Nook Drive – 77396 – 281-850-0388 – Community Issues

MS. LYNELL GADISON – 7334 Saint Lo Street – 77033 – 713-733-2409 – Wrong address for house repairs from City on September 15th

MR. MARK ANTHONY RODRIGUEZ – 23 Delmar Street – 77011 – 832-816-9673 – Department of Neighborhoods

MR. LAWRENCE BUTLER – 4542 North Rippleridge Drive – 77063 – 281-416-0794 – Issues with Parks Department and Shutdown of City dump

PREVIOUS

1MIN 1MIN 1MIN

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 832-746-1027 – FBI-P/Turner W/S-Turner-GLBT-P/C-nomination W/City Government Conspiracy Assassination-O/Me-C/V-Case

MR. JAMES PARTSCH-GALVAN – 2705 Terry St. – 77009 – 713-528-2607 – I wasn't notified of Jeff Davis High School Meeting

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date: 9/10/2015

MYR ~ 2015 Public Safety Advisory Committee Memo 9-10-15

Agenda Item#: 2.

Summary:

CONFIRMATION of the appointment of **GUILLERMO LAMBARRI** to Position At-Large 1 of the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1, 2018

Background:

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from September 16, 2015, to receive nominations for the Public Safety Advisory Committee, for a three-year staggered term ending July 1, 2018:

Position At-Large 1	Teri LaRose	Nominated by Council Member Costello
Position At-Large 4	Robert Crane	Nominated by Council Member Bradford
Position C	Patricia Ann Nicholls	Nominated by Council Member Cohen
Position F	Sandy Christian Reyes	Nominated by Council Member Hoang
Position I	Johnny Sessums	Nominated by Council Member Rodriguez

JC/jsk

cc: Ms. Marta Crinejo, Agenda Director

ATTACHMENTS:

Description	Type
MYR ~ 2015 Public Safety Advisory Committee Memo 9-10-15	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/30/2015

MYR-Adopt Houston Arts and Cultural Plan

Agenda Item#: 3.

Summary:

RECOMMENDATION from the Mayor's Office to adopt the Houston Arts and Cultural Plan

Background:

The City of Houston is world renowned for its cultural offerings including major companies in all the performing arts, vibrant Museum and Theater Districts, five Cultural Districts designated by the Texas Commission on the arts, the world's largest rodeo and stock show, a large active artist community, small and mid-size organizations with a myriad of artistic expressions, and a wealth of diverse ethnic communities that impart their cultural traditions through artworks, performances and festivals. Arts and cultural offerings help define a city's character and quality of life. They are paramount to attracting and retaining a great workforce and families that want to stay and become civically active in our city. Arts and cultural offerings are essential for growing convention business and tourism.

The Mayor's Office of Cultural Affairs (MOCA) has led a community driven process to develop an Arts and Cultural Plan (the Plan) that will provide strategies to ensure the best investment of the City's funding and programs for the arts and to build on the city's already rich cultural base. The MOCA recommends that Council adopt the Plan which outlines priorities and recommendations for fostering an environment in which art and culture flourish for the sharing and benefit of all residents and visitors. The Plan aligns with the City's General Plan which includes an action to "Maintain a Plan for supporting Arts and Culture."

The first and last Arts and Cultural Plan was done in 1993 by the Cultural Arts Commission of Houston (CACH), which in 2006 was changed to the Houston Arts Alliance. Out of that 1993 plan several advances were made, including the initiation of a Civic Art Ordinance setting aside 1.75% of qualifying CIP projects for civic art. After 22 years and given the extraordinary growth in Houston's cultural communities, it is time to develop a new vision.

Leading a diverse Advisory Committee as co-chairs of this effort were volunteers Philamena Baird and Rick Lowe. Their depth of knowledge in the cultural arena has been invaluable. The Advisory Committee consisted of over 30 members representing artists, large cultural institutions, small to mid-size organizations and representatives of business, hoteliers, educational institutions and many others. Extensive community engagement was utilized to help guide the Plan's development. Professional consultants, Cultural Planning Group (CPG), as well as an experienced local lead consultant, Debbie McNulty were engaged to shepherd the process. The Advisory Committee participated in monthly meetings from December 2014 through September 2015. Residents,

stakeholders, community leaders, City department directors, several town hall meetings, public meetings in Council districts, focus groups, 25 presentations, 100 interviews, over 400 intercept surveys and 7,000 unique visitors to ByYouCity.org participated and/or provided feedback. Three update presentations have been made to City Council's Quality of Life Committee.

The Arts and Cultural Plan has three priorities of "Promote. Enhance. Advance" and includes 27 strategies that can be carried out over the next five to 10 years. Each strategy in the Plan document has an assessment and actions. The Plan is meant to be fluid and can be updated on a regular basis as the arts and cultural communities change or needs are perceived.
Initial recommendations to be worked on in the next year by MOCA include:
- A plan for enhanced oversight of City arts resources in order to quantify return on investment (ROI) by developing enhanced reporting methodology for grants funded to the City's partner organizations through Hotel Occupancy Tax (HOT) revenues dedicated to the arts and other city funded or incentive based programs
- With leadership from the private sector and cultural organization partners, work to build consensus and begin to identify strategies for developing potential new revenue streams to support the arts
- Update the 2006 Civic Art Ordinance to clarify application of the 1.75% set aside for qualifying City construction projects and remove obsolete language
- In partnership with cultural and neighborhood organizations and the Houston Arts Alliance, expand access to arts in neighborhoods with projects similar to the Mini Murals (artist painted control cabinets in District K and B)
- Partner on arts marketing opportunities with the Greater Houston Convention & Visitors Bureau, Houston Arts Alliance and others

_____
Janice Evans
Chief Policy Officer & Director of Communications

Amount of Funding:
No funding necessary.

Contact Information:
Janice Evans
832-393-0800

Minnette Boesel
832-393-1097

ATTACHMENTS:

Description	Type
Arts and Cultural Plan Signed Cover Sheet	Signed Cover sheet
hOUSTON aRTS AND CULTURAL aRTS pLAN	Backup Material
Summary and Recommendation	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/30/2015

MYR-Adopt Houston Arts and Cultural Plan

Agenda Item#: 2.

Summary:
Motion to adopt Houston Arts and Cultural Plan

Background:
The City of Houston is world renowned for its cultural offerings including major companies in all the performing arts, vibrant Museum and Theater Districts, five Cultural Districts designated by the Texas Commission on the arts, the world's largest rodeo and stock show, a large active artist community, small and mid-size organizations with a myriad of artistic expressions, and a wealth of diverse ethnic communities that impart their cultural traditions through artworks, performances and festivals. Arts and cultural offerings help define a city's character and quality of life. They are paramount to attracting and retaining a great workforce and families that want to stay and become civically active in our city. Arts and cultural offerings are essential for growing convention business and tourism.

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- Partner on arts marketing opportunities with the Greater Houston Convention & Visitors Bureau, Houston Arts Alliance and others

Janice Evans
Chief Policy Officer & Director of Communications

Amount of Funding:

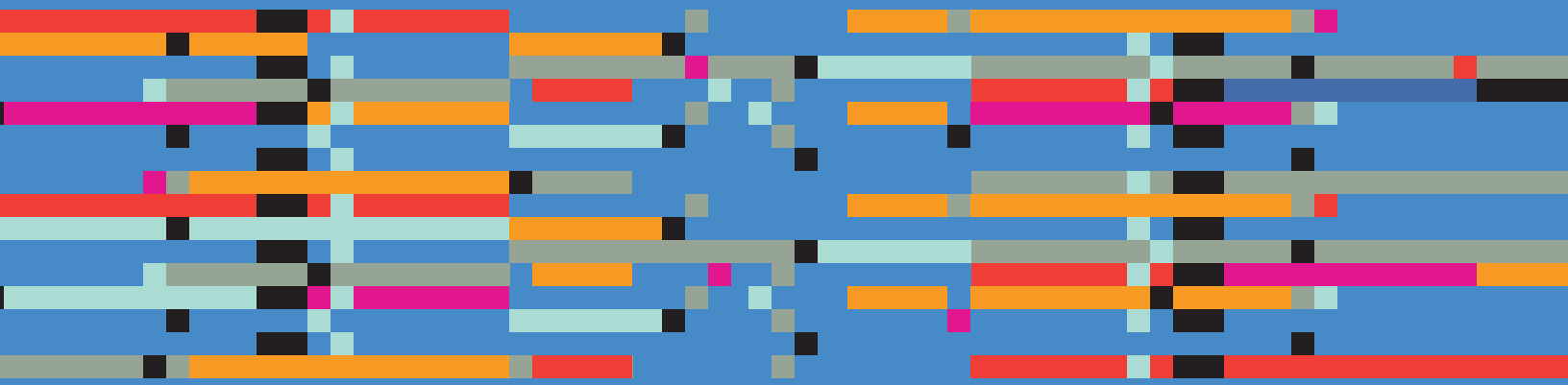
No funding necessary.

Contact Information:

Janice Evans
832-393-0800

Minnette Boesel
832-393-1097

City of Houston **Arts & Cultural Plan**



Mayor's Office of Cultural Affairs

Arts & Cultural Plan

OCTOBER 2015

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Cover Image: *Radiant Fountains*, Dennis Oppenheim, Bush Intercontinental Airport. Photo by: Thomas Behrman.

Families enjoy an evening of food, crafts, and activities at Asia Society's Night Market.
Photo by: Jeff Fantich

Acknowledgments

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City Council

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Jerry Davis
District B

Ellen Cohen
District C

Dwight A. Boykins
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Dave Martin
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Special thanks to
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Melissa Ragsdale Darragh
Social Media Director

Project Row Houses, Community Market crowd.
Photo by: Blair Truesdell

Community Advisory Committee

Thank you to Co-Chairs Philamena Baird and Rick Lowe for leading the Community Advisory Committee and to all of the volunteer members of the committee for their time and many contributions to the Arts and Cultural Plan. Thanks, too, to the hundreds of participants (listed on page 70) that gave input to the Plan and the thousands more who accessed the project online.

Omar Afra
Owner of Free Press Houston, Producer of the Free Press Summer Festival

Keiji Asakura
Principal Designer of Asakura Robinson

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Roland Garcia
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Executive Director, Alliance for Multicultural Community Services

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Art Car Parade, Orange Show Center for Visionary Art.
Photo by: David Sheard

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Arts and Cultural Plan Co-Chair, Founder of Project Row Houses

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David Enrique Ruiz
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Jenni Rebecca Stephenson
Executive Director, Fresh Arts

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Dean, College of Liberal Arts and Behavioral Sciences, Texas Southern University

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Phoebe Tudor
President of the Houston Ballet Foundation, Chair of the Julia Ideson Library Preservation Partners, Chair of the Shepherd Society, Boards of Directors of Hermann Park Conservancy, Rice Design Alliance

Don Woo
President of Mission Constructors, Houston Parks Board, Star of Hope Board of Directors

Fred Zeidman
The Zeidman Group,
Chairman Emeritus United States Holocaust Museum, Washington, D.C., Vice Chancellor Houston Community College System

Gwendolyn Zepeda
First Poet Laureate, City of Houston

Consultants

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Outreach Strategists
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Jessica Craft
Monica Danna Garcia
Lauren Tennet

Minor Design
Graphic Design
Craig Minor
Cheryl Beckett
Suzy Minor
Rebecca Hamrick

Art Car Parade, Orange Show Center for Visionary Art.
Photo by: David Sheard

EXECUTIVE SUMMARY

The vision for the City of Houston Arts and Cultural Plan is to foster an environment in which art and culture flourish for the sharing and benefit of all residents and visitors.

Houston has tremendous artistic and cultural assets, and each year the City of Houston makes important investments in these resources for the benefit of its 2.2 million residents and nearly 15 million annual visitors. With the city expected to grow by more than one million people over the next 20 years, the City's Arts and Cultural Plan identifies community concerns, sets a vision for the future and recommends actions to achieve the City's long-term priorities. The Plan was developed by looking at local data and relevant research as well as by listening to community residents, artists, arts and cultural groups, an Advisory Committee, City (City of Houston) staff, elected officials, leaders and experts. Over just six months, hundreds of individuals contributed to the Plan through meetings, interviews and events, and thousands more accessed the project online.

PLAN VISION

The vision for the City of Houston Arts and Cultural Plan is to foster an environment in which art and culture flourish for the sharing and benefit of all residents and visitors.

This vision is based on Houston's many past accomplishments in expanding its cultural life and on its leading position as the single most ethnically diverse major metropolitan area in the country. The vision embraces change and reflects the evolving role of culture in the community.

A WORLD CITY

Houston's strengths are abundant—it is a dynamic, open, welcoming city, rediscovering urban life and discovering the importance of its public realm, soon to have the nation's largest system of recreational trails, rich and diverse in its food and cultures, plentiful and excellent in its arts, and a global economic center racing into the future. But Houston has emerged as something more—a true world city, linked by both commerce and culture to countless places around the world.

"Preservons la Creation" AKA *"The Biggest Mural in Houston,"* Artist: Sebastien "Mr. D" Boileau, Project Manager: UP Art Studio.
Photo by: Aisha Kahn

Houston already has brand strength in energy, space, medicine and petrochemicals. It is one of the best places in the world for the arts and its cultural assets represent a strategic opportunity for Houston's civic identity.

Houston has abundant success in arts and culture on which to build. Houston's internationally-renowned cultural institutions drive a growing creative economy. The city is home to the first and largest art car parade in the world, the largest rodeo in the world and one of the world's largest and most respected international photographic events, FotoFest. Houston is anchored by leading museums and performing arts organizations. It has the highest-attended youth museum for its size in the country, the largest "always free" proscenium outdoor theatre program in country and the most Cultural Districts in the state– five – designated by the Texas Commission on the Arts. The First Ward has the highest concentration of artist studios in Texas—second in the nation after Hollywood.

The city's magnificent skyline is made up of award-winning architecture, landmarks and historic buildings. Houston has originated groundbreaking faith, place-based and literature organizations that fuse art with human rights, community development and education. Locally created exhibitions and productions tour the country routinely, shining a spotlight on the city's artistic excellence. Houston is one of a few U.S. cities with resident companies in symphony, opera, drama and ballet, and more than 500 organizations are devoted to the arts, science and history in the Houston area. Each year these groups have more than 9 million visits by adults and children.

In the city and county, nonprofit arts and culture are a significant industry, annually offering thousands of programs, projects and activities to residents and visitors. The nonprofit arts and culture sector generates $977.7 million in total economic activity. This spending—$414.6 million by nonprofit arts and culture organizations and an additional $563.1 million in event-related spending by their audiences—supports 29,118 full-time equivalent jobs, generates $702.9 million in household income to local residents, and delivers $130.4 million in local and state government revenue. [1]

A 2015 update to the "Creative Economy of Houston" study has shown that Houston has a total demand of $25.6 billion from the local Creative Industry (10-county region) of which $10.5 billion is produced and sold locally. This data reflects a total employment of about 114,000 workers in Creative Industries. The demand for more investment in the Creative Industry Economy has increased by over $5 billion in the past 4 years since this study was first conducted. [2]

Many local arts and cultural organizations of all disciplines and sizes are responding to Houston's growth and its transforming community. From the commissioning of new works about the immigrant experience to featuring non-Anglo artists and those cultivated from folk and spiritual traditions, all residents can increasingly find themselves in the creative products of Houston's arts and culture sector. Much is being done in the way of affordability, and on any given day, there are multiple opportunities to take in excellent free, discounted and pay-what-you-can activities.

---

[1] Americans for the Arts, Arts & Economic Prosperity IV, 2012, http://houstonartsalliance.com/research/aepsiv/

[2] Houston Arts Alliance, University of Houston, Greater Houston Partnership & EMSI, and funded in part by the City of Houston, The Creative Economy of Houston 2, 2015, http://houstonartsalliance.com/research/creativeeconomy/.

[3] Broadly defined, sustainable development is a systems approach to growth and development and to manage natural, produced, and social capital for the welfare of their own and future generations. The three-pillar model of economic, environmental and social equity has been expanded by some authors to include a fourth pillar of culture. James, Paul; with Magee, Liam; Scerri, Andy; Steger, Manfred B. (2015). Urban Sustainability in Theory and Practice: Circles of Sustainability. London: Routledge.

Art Recycling Trucks, *Green Dream*, Pablo Gimenez-Zapiolo.
Photo by: Marc Newsome

Art Parking Meters, *Urban-Over-Growth-Summer* Troy Stanley. Photo by: Marc Newsome

Art Parking Meters, xxxxxxx
Photo by: xxxxxxxx

BUILDING ON A STRONG FOUNDATION

Cultural vitality is among the four pillars [3] of sustainability, as are economic prosperity, social equity and environmental responsibility. As such, cultural planning inevitably draws out issues and concerns that intersect with these areas. Barbara Jordan, the great Texas legislator and orator, best expressed the transformative persuasion of the arts in public policy—*The arts, instead of quaking along the periphery of our policy concerns, must push boldly into the core of policy. The arts are a response to our individuality and our nature and help to shape our identity. The arts are not a frill and should not be treated as such. They have the potential to become the driving force for healing division and divisiveness.*

Houston has seen amazing growth in the rich and varied cultural communities of the world making the city their home. However, isolation of ethnic groups exists in Houston, as it does in other growing multi-culturally rich cities, and leadership and decision-making is not yet as inclusive as it will need to become. A well-established body of research has shown that cultural participation correlates positively with civic participation and in developing social capital. Places found to have higher levels of community attachment were also found to have higher levels of Gross Domestic Product (GDP) growth.

Houston falls short—as large American cities tend to do—of achieving deep equality of opportunity. A decreasing middle class mean fewer citizens being able to afford participation in typical forms of cultural enrichment such as ticketed performances, tuition-based enrichment and arts education programs as well as opportunities requiring transportation that may prove too expensive.

In the cultural sector, revenue is highly concentrated among Houston's largest institutions, with median revenue among nonprofit organizations in the local sector far below what is found in comparable regions. Houston also has a lower density of artists than comparable regions and is underserved by local creative businesses (residents import almost half of the creative goods they use). [4] Like a growing number of Houstonians, housing availability and affordability is a principal concern for artists and creative workers, as is work space for creative businesses. **Equity was raised in every meeting about the Plan, from a need for more fairness in how the City allocates its cultural investments, to residents' ability to access Houston's cultural sector.**

Another important aspect is the indisputable role that arts education plays on student achievement, college entry, talent development, cultural understanding, compassion and civic participation. There are currently 18 independent school districts serving the city limits. Recent data collection from the area's largest school district, Houston ISD (HISD), found tremendous gaps in quality, consistency and access related to arts education and that seven percent of schools serving grades K – 8 reported that their students received a single field trip in third grade.[5] **The need for systemic increased arts education is paramount.** While Houston's cultural landscape includes strong institution dedicated to improving arts education in the schools and organization working to expand access to the arts and arts education through discrete projects and a new arts asses pilot with HISD has been initiated, too many students are being left out.

Arts and culture is central to enhancing both quality of life and quality of place, and cultural vitality flourishes where there is opportunity and broad participation. Creative, vibrant and

---

[4] Houston Arts Alliance, University of Houston, Greater Houston Partnership & EMSI, The Creative Economy of Houston, 2015, http://houstonartsalliance.com/research/creativeeconomy/

[5] Fine Arts Education in HISD, October 16, 2014, Daniel Gohl, Chief Academic Officer, Houston Independent School District, Arts Access Initiative 2014 – Young Audiences of Houston. https://www.google.com/url?sa=t&rct=-j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCUQFjAAa-hUKEwiTspXO3OrHAhXL0YAKHZmKA3o&url=http%3A%2F%2Fwww.houstonisd.org%2Fsite%2Fhandlers%2Ffiledownload.ashx%3Fmoduleinstanceid%3D109240%26dataid%3D122497%26FileName%

En Masse, University of Houston Spirit of Houston Cougar Marching Band.
Photo by: David Brown

strong cities are attractive to investors in industry, business and tourism, and in turn, generate employment opportunities, expand the tax-base and generally add to the real wealth of the community.

OPPORTUNITY AND IDENTITY

Houstonians love their city, its rich history, its belief in what's possible and its desire to reach for more. It is this grand sense of optimism that has fueled its growth and put Houston on the map in multiple arenas including science, medicine, industry and the arts. The Plan's community engagement process revealed a shared identity of Houston being a land of opportunity, new ideas and a "town of big chances".

There is reason to be cautious about how this identity, as a city overflowing with opportunity, is contributing to "attention blindness" to the reality of inequality—which can lead to community division, and too many residents disconnected from the opportunity to thrive. Houstonians understand the importance of arts and cultural resources for themselves, their children, their communities and their heritage. People are asking for more affordable cultural experiences, opportunities to participate in the arts where they live and more arts education in the schools. Strong cultural policies ensure fair treatment in allocating public resources and integrate arts and culture across all facets of government planning and decision making.

If Houston can push past its attention blindness to inequality and begin to create new opportunities for its most neglected citizens, it will set a new standard. It is not an accident that many of the immigrants and people who moved for the money but stayed for the place all agreed that they saw themselves as Houstonians first. **Among the wide variety of people engaged in the planning process, a sentiment surfaced that the city holds up more promise than Texas and even the nation.**

THE PLAN

The Arts and Cultural Plan leverages the City's unique position in the local cultural ecosystem to respond to current circumstances with 27 recommendations that represent the City's long-term priorities. To advance Houston as a worldwide cultural destination and opportunity center, the Plan suggests strategies to promote Houston's exceptional collection of globally significant museums, performing arts institutions and creative talent, as well as the cultural organizations that comprise Houston's "world" communities. The Plan is part of an integrated, place-based approach in building a vision and strategy to realize the value and potential of local cultural assets. The recommendations are organized under three priorities:

- **PROMOTE ENGAGEMENT IN QUALITY ARTS AND CULTURAL PROGRAMMING**
- **ENHANCE THE SUPPORT SYSTEM FOR THE CITY'S DEEP CULTURAL ASSETS**
- **ADVANCE STRATEGIES TO STRENGTHEN THE LOCAL CREATIVE ECONOMY**

MOST IMPORTANTLY, THE ARTS AND CULTURAL PLAN IS DESIGNED SO MORE RESIDENTS AND VISITORS CAN FULLY BENEFIT FROM HOUSTON'S ARTS AND CULTURAL VITALITY.

KEY POINTS ABOUT THE RECOMMENDATIONS

The Plan recommends ensuring a fair and equitable process for arts and culture grant applicants.

It proposes that arts and culture become a central theme in the City's destination marketing, as well as promotion of Houston's cultural assets to residents.

ART/LIFE Bert Long, Looscan Neighborhood Library.
Photo by: Beryl Striewski

The Plan builds on partnerships and aligns resources linking the City with its community partners.

It identifies opportunities to strengthen relationships with anchor cultural institutions, increase sustainability in the sector and it identifies a pathway to build support for new revenue.

It affirms the importance of quality arts education in public schools and neighborhoods and offers tools to expand the Civic Art Program to more communities.

It calls for elevating the standing of arts and culture within the City organization, greater oversight of public investments and for ongoing public input in City arts and culture goals.

The City's leadership can ensure that visitors have every opportunity to enjoy Houston's cultural vitality and that every resident has an opportunity to lead a creative and expressive life.

COMMUNITY ENGAGEMENT SUMMARY

The Arts and Cultural Plan process has had broad community input from residents, stakeholders, community leaders, City department directors and City office leaders through: **two** Town Hall meetings, **three** Quality of Life Committee meetings, **six** public meetings, **six** focus groups, **nine** Community Advisory Committee meetings, **25** presentations, **100** interviews, **429** intercept surveys and more than **7,000** unique visitors to ByYouCity.org.

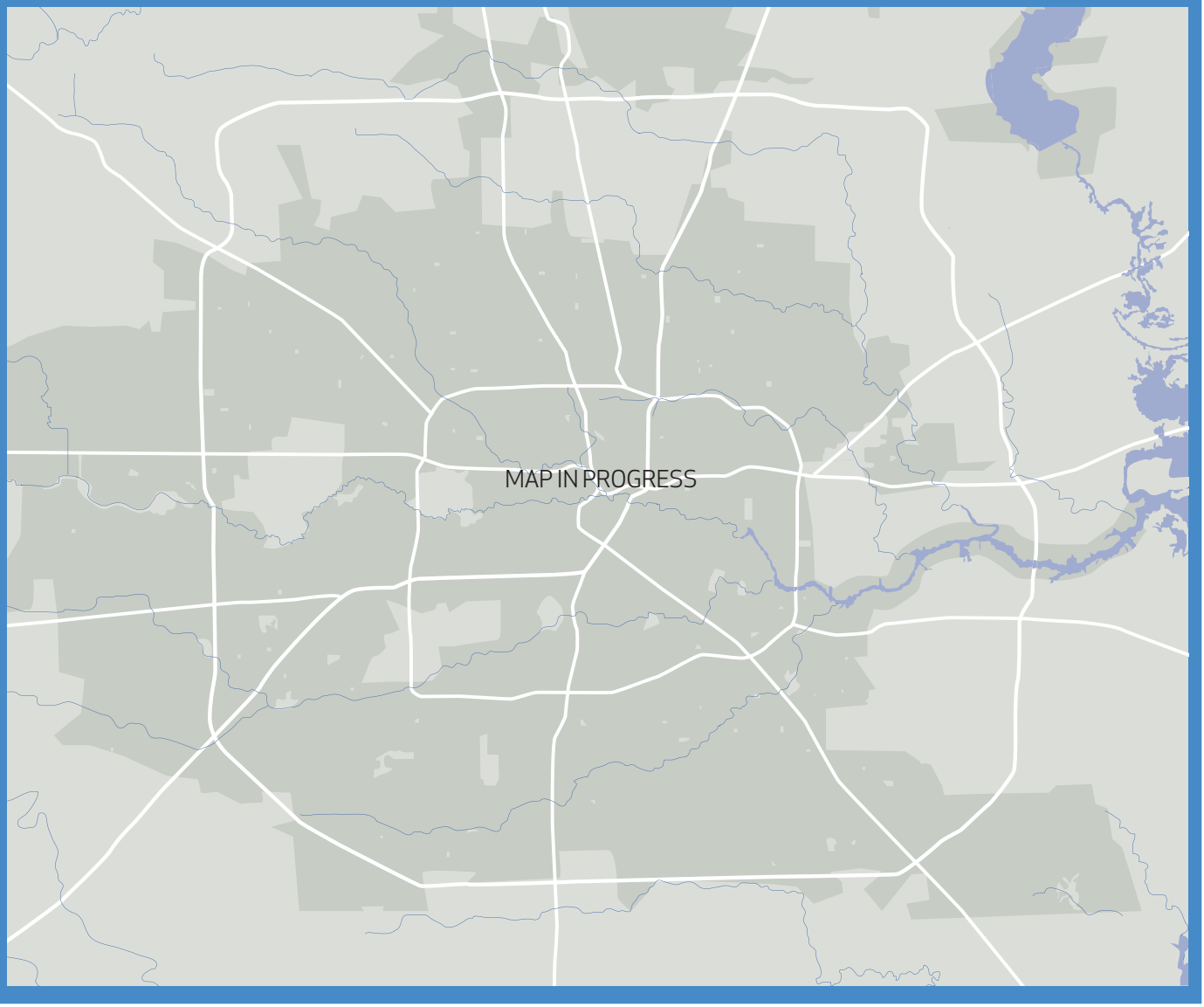
Public meetings were held throughout the city at: Charlton Park Community Center, the Ensemble Theatre, Fifth Ward Multi-Service Center, Sharpstown Community Center, Sunnyside Multi-Service Center, Third Ward Multi-Service Center, Metropolitan Multi-Service Center, White Oak Conference Center. A complete public engagement report and participant list are available in the Plan's Appendix.

The Arts and Cultural Plan has been developed concurrently with the creation of the City's first General Plan. **The General Plan identifies culture as a principal area of the City's policy focus.** It identifies core strategies to achieve community goals in alignment with the Arts and Cultural Plan.

Showbiz Cinemas Kingwood Ribbon Cutting Event.
Photo by: Jessica Beeemer

PUBLIC MEETINGS AND PRESENTATIONS

- PUBLIC MEETING LOCATIONS
- EVENTS WHERE PLAN INFORMATION WAS PRESENTED



DETAILED INFORMATION LOCATED IN APPENDIX, PAGE 77

CITY OF HOUSTON ARTS AND CULTURAL PLAN PRIORITIES AND RECOMMENDATIONS

PROMOTE	ENHANCE	ADVANCE
ENGAGEMENT IN QUALITY ARTS AND CULTURAL PROGRAMMING.	THE SUPPORT SYSTEM FOR THE CITY'S DEEP CULTURAL ASSETS.	STRATEGIES TO STRENGTHEN THE LOCAL CREATIVE ECONOMY.
Develop strategies to deliver arts and culture programs, arts education and public art into neighborhoods.	Elevate arts and culture as a priority in the City structure and ensure the efficient and effective use of City resources.	Nurture the development of artists and creative talent.
Update the Civic Art ordinance and include some aspects of horizontal construction to include more areas of the City for Civic Art.	Join efforts to augment Hotel Occupancy Tax funding for arts and culture with a new dedicated revenue source.	Support and strengthen relationships with anchor arts and cultural institutions as key economic and community drivers.
Leverage Houston's "world city" image, international arts venues and diverse cultural offerings in destination marketing with the Greater Houston Convention and Visitors Bureau and other partners.	Seek federal, state and other grants and funding opportunities available to municipalities.	Highlight and develop cultural arts initiatives that celebrate Houston's diverse artists, cultures and communities.
Develop a program of neighborhood-based cultural tourism with the Greater Houston Convention and Visitors Bureau and other partners.	Centralize Civic Art oversight in the Office of Cultural Affairs.	Advocate for systemic access to quality arts and culture education in Houston's public schools.
Implement a comprehensive City Arts and Cultural Policy to provide guidance for City initiatives and departments.	Provide increased oversight, transparency and accountability in the allocation of City arts and culture grants.	Encourage and partner with area change to universities, corporations, businesses and institutions to elevate and enhance arts and culture.
Assess options to expand awareness of cultural offerings via smart phones and by enhancing/replacing ArtsHound.com.	Set goals for City arts and culture grants utilizing Hotel Occupancy Tax funds and ensure a fair and equitable process for applicants.	Advance efforts for regional arts and cultural planning.
Monitor Plan indicators, evaluate contract performance and review local research surveys and reports.	Create a common process for application and reporting for all City arts and culture grants in consultation with stakeholders.	Research creating a purchasing cooperative for goods and services needed by local artists and nonprofits.
Continue to convene the arts and cultural constituencies and other stakeholders around critical cultural policy issues.	Increase the funding available for small, emerging, culturally focused and ethnic organizations and artists.	Support State funding for area Cultural Districts designated by the Texas Commission on the Arts.
	Augment capacity building programs for Houston's arts and cultural organizations to reinforce sustainability.	Develop a public art master plan to guide the future development of the Civic Arts Program.
The Arts and Cultural Plan process has had broad community input from residents, stakeholders, community leaders, City department directors and City office leaders through: Two Town Hall meetings, three Quality of Life Committee meetings, six public meetings, six focus groups, nine Community Advisory Committee meetings, 25 presentations, 100 interviews, 429 intercept surveys and more than 7,000 unique visitors to ByYouCity.org participated in online topics.		Utilize Economic Development partnerships to implement existing and new tools for artists and creative consumers.

Fifth Ward Jam, Dan Havel and Dean Ruck, Lyons Avenue.
Photo by: Debra Ham

INTRODUCTION

Most cities have a fairly stable but vague consensus about their "character of place." They sort of know themselves to be slow or fast, affluent or impoverished, adventurous or timid, innovative or reluctant to change. Mostly people coast along day-to-day without worrying too much about what makes their place distinctive. There are exceptions, of course—places that are unusually narcissistic or have developed a reputation for being different and perhaps more colorful than other places. And from time to time cities get nervous about whether they are attractive enough, lovable enough, to get along in a competitive world. They may set out to prove, to themselves and others, that they have what it takes to attract business, or workers, or tourists, or retirees.

Houston is going through significant changes right now and is trying to manage those processes. In 2015, the City is developing a General Plan, and along with it this Arts and Cultural Plan, and as part of that process is developing a "statement of place," an assessment of the sense of place in Houston. In part, this allows the City's plans to proceed with confidence that they are right for Houston and not cookie-cutter plans from some other place. This is the result of that work.

There are different meanings for the terms "arts" and "culture" and their meanings often change depending on the contexts. The Houston Arts and Cultural Plan adopts an expansive, inclusive definition of arts and culture. It includes a range of cultural sectors: high or fine arts and literary arts, as well as ethnic, film and commercial arts and historic preservation; a range of visual and performing artists, craftspeople, designers, arts educators and cultural practitioners; and a range of cultural events: performances, exhibitions, festivals and celebrations.

"**Culture**" is most often defined in anthropological terms.[6] It is a broad definition of culture, and is defined as any form of human expression. Culture is also defined as traditions, historical resources, community heritage, and practices and forms of expression that are valued, practiced, and preserved by a community. Culture comes alive through creativity, whether participating as an audience member, maker, creator, patron or consumer. **And, importantly, culture is vibrant when public spaces are vibrant and full of the life of a community. Culture shapes how we view the world and is integrated into all aspects of daily life.**

Arts and culture are among a community's most powerful assets. They distinguish each community and allow residents to better understand and celebrate the uniqueness of their lives. As the "Smart Cities"[7] movement illustrates, arts and culture are a competitive tool, strengthening many elements of civic life, including the economy, workforce development, education, youth development, neighborhood development, redevelopment projects, sustainability and cultural equity. An increasing body of research documents how thoughtful cultural policy is essential to civic health. Cultural planning is a primary tool for organizing the best use of this critical asset.

[6] A standard textbook definition is: The system of shared beliefs, values, customs, behaviours, and artifacts that the members of society use to cope with their world and with one another, and that are transmitted from generation to generation through learning. (Bates and Plog, "Cultural Anthropology," McGraw Hill,1990)

[7] On April 7, 2015 the Urban Sustainability Directors Network (USDN) released an in-depth guide "Getting Smart About Smart Cities" for North American cities. The report begins by recognizing that there is currently no universally accepted definition of a smart city; approaches vary as widely as the culture, priorities and cities themselves." That report includes seven different definitions collected from around the world, including one from the Smart Cities Council that states, "A smart city uses information and communications technology (ICT) to enhance its livability, workability and sustainability." (Smart City Readiness Guide, 2013).

Funnel Tunnel, Patrick Renner.
Photo by: Pablo Gimenez-Zapiola

Caption Photo by:

HOUSTON: THE PLACE

"We shall not cease from exploration, and the end of all our exploring, will be to arrive where we started, and know the place for the first time." — T.S. Eliot, Poet

When an attempt is made to describe, somewhat extensively, the distinctive qualities of a place, assuming the attempt is at least somewhat successful, a further question immediately arises: "Yes, but so what?" In this sort of an inquiry it would be surprising if big hidden truths were discovered. There may be a few surprises. But the big question is, when you understand the character of a place, what difference does it make? Is it useful? Is it valuable? There are at least two important answers to those questions, one rather lofty and theoretical and the other more common and familiar.

"Place" can be examined using sociologist Manuel Castells' Space of Flows and Space of Places metrics.[8] The Space of Flows describes the informational inputs and outputs (financial transactions, digital connectivity, economic data, demographics etc.). The Space of Places includes the characteristics of a city, town or other similarly designated area that create its cultural and social identity. These characteristics are often influenced by the Flows. As is true for all cities, understanding the context for cultural planning in Houston requires an understanding of this landscape of Flows and Places - the first are the facts and the second are the feelings. Both make up the context of a city and inform the work of cultural planning.

The theoretical answer to what difference character of place makes: it anchors identity, and confers unique value. The more familiar and common answer is that people come to love places, and character of place is what they fall in love with. Character of place consists of the qualities of a place that make it distinctive, and form the basis for people's "feelingful" relationship with the place. People form bonds of affection with a place, and develop lasting attachments to it, based on those qualities. To succeed, places need financial capital, access to money. They need human capital, especially young,

[8] Castells, Manuel. "Space of Flows, Space of Places: Materials for a Theory of Urbanism in the Information Age". In: New Urbanism and Beyond: Designing Cities for the Future. Tigran Haas (ed.). New York, NY: Rizzoli, 2008. pp. 314-321.

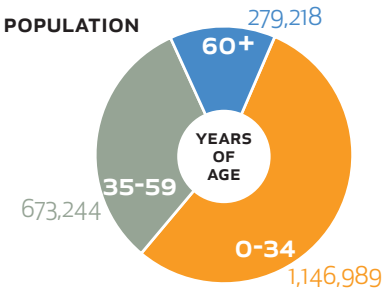
Gilbert and Sullivan Society of Houston.
Photo by: Monica Kressman

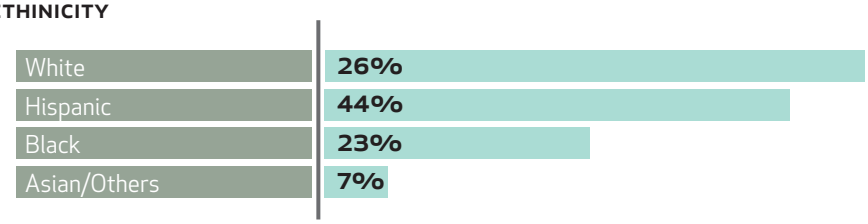
educated people. And they need social capital, the value (economic and social) of people's interactions. Additionally, shared love of place is perhaps the strongest form of social capital. It is the glue that holds a place together. People who share love of a place will invest their time, energy, and resources in that place.

Character of place affects every aspect of civic life and every enterprise. A business well suited to one city might fail immediately in another—for lack of a supply chain, or a marketplace, or because of deep-seated attitudes that undermine its mission. The Knight Foundation did several projects in cities under the rubric of "the soul of the community." The Soul of the Community Study, a project of Gallup and the John S. and James L. Knight Foundation, explored how residents feel about their communities. The three-year study in 26 communities focused on the emotional side of the connection between residents and their communities, examining factors correlated with loyalty to and passionate feelings about a place. They found a positive correlation between residents' attachment to a community and

POPULATION AND ETHNICITY

People of Hispanic origin may be of any race. "Asian/Others" includes American Indians, Native Hawaiian and Pacific Islander categories.





New data released in January 2015 from the Migration Policy Institute finds the undocumented immigrant population in Texas is not growing or declining. The population has remained stable in recent years and more than half of the state's undocumented immigrants have lived in Texas for more than ten years. Harris County has an estimated 24 percent of Texas's undocumented population or about 400,000 people.[9] The large population of immigrants and new Americans as well as the broad range of ages and accompanying generational differences all have significant implications for cultural planning particularly as it relates to the role and types of nonprofit arts and culture organizations, individual artists, and cultural services that reflect and support the multi-ethnic communities that reside there.

More than 100 languages are spoken in the city. It has one of the youngest populations in the nation partly due to an influx of immigrants into Texas. Of the estimated 2.239 million people residing in Houston, the majority are under the age of 60 and of that majority, the majority are under the age of 35.

[9] Migration Policy Institute, MPI Releases Detailed Data Profiles of Unauthorized Immigrants and Estimates of Deferred Action Populations for Top U.S. Counties, January 15, 2015, http://migrationpolicy.org/news/mpi-releases-detailed-county-profiles-unauthorized-immigrants-and-estimates-deferred-action. The tool, with profiles at the national, state and county level, can be accessed at: www.migrationpolicy.org/programs/data-hub/unauthorized-immigrant-population-profiles.

Houston Metropolitan Dance Company.
Photo by: Ben Doyle, Runaway Productions, LLC

economic health. In cities as in relationships between people, character becomes a more urgent concern when stressed by change. What is transient and what is fundamental? What will be gained or lost in any given change?

Cities are highly competitive and in this age, the competition is for people; as employees, visitors, retirees, and residents. The stronger the sense of identity, the stronger the distinctiveness of place, and the stronger the development of enhancements, which are linked to identity, the more desirable a place will be. **Right now, in a time of rapid change, Houston is in a virtual frenzy of self-discovery and self-development. That's what this work is about, and why it matters.**

Prosperity Opportunity & Their Limits

Cities compete to attract people, and for a long time the competition was mostly about jobs. People went where there was a thriving economy, because that was where the work was. For Houston, work opportunity has lasted longer than it did for most other cities. For most of its history, Houston grew like a weed, fed by prosperity. There were usually plenty of jobs, and the barriers to entry for businesses were low. Seemingly endless land made affordable housing possible, and there was room for every kind of neighborhood. If developers can solve a problem by expanding onto new land, they will, and the city kept spreading, sprawling. Novelist (and well-known Houston creative writing teacher) George Williams described Houston post World War II:

"Houston, that fabulous city, growing explosively—with skyscrapers shooting up like rockets, industrial areas rolling out from it like smoke, wide patches of ugly residential sections dropping like shattered fragments all about its perimeter, great mansions glowing within like flameflowers, and people, people hurling themselves through it."

Many people came to Houston because there were jobs and opportunity, intending, as some wryly remarked, to make their first million and move on, but the city captured them. Houston, with a census-estimated 2014 population of 2.239 million people is the most populous city in Texas, and the fourth most populous city in the United States. Houston is the largest city in the southern United States (675 square miles), the seat of Harris County, and fifth-most populated metropolitan area in the United States. **Over the last 30 years, Houston has become the single most ethnically diverse major metropolitan area in the entire country.**

Part of a fast-moving trend locals call the population inversion, has already made Houston a majority minority city. The legacy of sprawl in Houston means that the various ethnic communities remain fairly isolated in geographical enclaves, with restaurants and other food experiences offering the principal form of cultural connection. The cultural diversity and richness, however, is astonishing.

One of the most often remarked signs of opportunity in Houston, reported during planning focus groups, is that "you can easily get to influential people. You can have a cup of coffee and a conversation with just about anyone. In Houston there are not six degrees of separation, there are two, at most."

Houston makes things happen, without limit. The latest Houston slogan, for business attraction, is "The City With No Limits." One focus group participant demurred, *"I disagree,"* he said. *"I hear constantly that 'you can't do that in Houston.'"* He was working on public sector issues, and referring to public initiatives. Houston's confident *"we can do it"* swagger is very much about private initiatives. Like most prosperous places, Houston has indulged in conspicuous consumption, but Houston has also exhibited conspicuous philanthropy. Thus, Houston became famous for its iconic skyscrapers, but also for its world-class arts institutions. Government action and spending are not so enthusiastically embraced, which means that Houston does not see as clearly nor perform as well around issues that are usually carried out by government.

Prosperity and opportunity are more than accidental qualities to Houston; they are matters of self-image, of identity.

Houston SLAB Parade + Family Festival.
Photo by: Marc Newsome

Some young artists, playing off Austin's playful slogan, *"Keep Austin Weird,"* suggested that Houston adopt *"Keep Houston Rich."*

Prosperity is rarely or never uniformly shared, and Houston's immigrant communities do not consist only of affluent people. Houston enjoys low unemployment—5.5%--but some neighborhoods have 30% unemployment and underemployment, as well. Houston has famously been called a "classless" city, but the truth is Houston is developing what could become a permanent underclass; its poverty somewhat ameliorated by social programs, but without real opportunity.

When a self-perception (such as Houston's self-image of prosperity and opportunity) is sufficiently strong, it can be accompanied by what neuroscientists call attention blindness, an actual brain process in which beliefs and focus make other things hard to see. Issues of equity and fairness will continue to be important and neglected until Houston overcomes attention blindness concerning this issue.

Rushing Into The Future

In Houston during this process of exploring qualities of place, one statement kept recurring: "Houston is the fourth-largest city in the United States, and will soon be the second-largest." What happened to third place? 'Don't you have to be third before you can be second?'

After Los Angeles overtook Chicago in 1990 to become the second-largest American city, Los Angeles continued to grow modestly and Chicago lost population. Meanwhile, Houston

WAGES AND INCOME AND SOCIAL CAPITAL

Data from the Center for Houston's Future's Community Indicators reports show that there is vast disparity in income whether examined in terms of class (low, middle, upper) gender or race. Some of Houston's economic realities, particularly as they relate to income shifts from one class to the next, reflect national trends in that there are growing extremes between low income and upper income households, both in terms of increasing numbers. In addition, the middle class is decreasing in size nationally as well as in Houston.

When taken together 74% of Houston's households with annual incomes more than $100k are White or Asian. While 54% of the city's Hispanic and African-American households have incomes under $25k annually.

Houston also showed lower than average wages when compared across the country's major metropolitan areas, which the report noted was balanced by a comparatively lower cost of living. However, costs are rising in Houston, and the average housing plus transportation cost for a typical household is now 46 percent of income."[10] **Over time, as young multicultural artists and arts supporters reach adulthood they will want to develop an arts and cultural community that reflects their cultural influences and values.** Creating the space for this growth to occur beyond and beside the traditional cultural institutions will enable better responsiveness to Houston's general population.

Furthermore, the even larger portion of the city's population under the age of 35 means a need for programs that encourage young audiences, speak to the creative and cultural needs of young people and support K-12 arts education.

Houston has above average economic mobility (ability to move out of lower income brackets), which indicates there are more opportunities for communities to become less segregated and for better income equality. Both of these factors can lead to a better-educated population, an increase in social capital (e.g. civic participation) and more stable families. However, any potential for greater social capital for Houston families at lower income levels will require an increase in per capita spending on education.

[10] The statistic is modeled for the Regional Typical Household. Income: $57,712 Commuters: 1.29 Household Size: 2.90 (Houston-The Woodlands-Sugar Land, TX). Source: The Center for Neighborhood Technology's Housing and Transportation (H+T®) Affordability Index, http://htaindex.cnt.org/)

Houston SLAB Parade + Family Festival.
Photo by: Marc Newsome

METdance Company.
Photo by: Ben Doyle

grew an astonishing 32% in the same 20 years, between the census of 1990 and that of 2010. If those trends continue it can be projected that Houston will pass Chicago in population and even overtake Los Angeles. So the jump from fourth-largest to second-largest is a rational projection, even though it brushes Chicago aside as irrelevant. The leap of imagination is a sign of Houston's cockiness, its can-do attitude. But it is also a sign of Houston's impatient rush into the future. Once the trend is clear, Houston makes the leap and embraces the future.

A relentless future orientation has always marked Houston's attitude. Little time has been spent looking back, and nostalgia—very important in many cities—is strikingly absent in Houston. In an era when cities are discovering the need for sustainability, Houston continues to subsidize sprawl (with ever larger loops of freeways, and suburban infrastructure) and to gobble up land.

As David Crossley of *Houston Tomorrow* summed it up, "In any struggle between the past and the future, the future wins."

Houston is dynamic: long-established elements of its character are in process, in tension with counterforces. The city that worships individualism has one of the largest artists' collectives in the country, with some 250 artists in renovated warehouse spaces elegantly named Winter Street, Spring Street, Silver Street and Summer Street, which in 2014 was designated, by the Texas Commission on the Arts, as the Washington Avenue Arts District. This area of the First Ward is expecting to grow to 400 artist spaces in the near future.

The city that embraced the automobile completely originated the first and world's largest "art car" parade, full of what Lisa Gray, columnist, *Houston Chronicle*, describes as "barely recognizable" as cars, so decorated are they. Function gives way to art, the unique replacing the universal. The concrete jungle is restoring its long-neglected bayous, with bike paths and walking paths that bring a new connective tissue to the city. The spread-out city is evidencing an appetite for connection.

SPRAWL BY THE NUMBERS:

- The geographic area of the City of Houston is larger than all of these cities combined: Miami, Cleveland, Denver, St. Louis, Boston, Baltimore, San Francisco, Pittsburgh, Washington, DC.
- Houston has enough streets laid end-to-end to make 18 trips across Texas on I-10 (16,000 lane miles)-This number does not include Federal or State highways or toll roads. It also has enough bikeways and sidewalks miles to run the Houston Marathon more than 25 times (1,200 miles).
- Houston maintains more lane miles of city streets than there are lane-miles of Interstate Highway in the entire State of Texas.
- The City produces and distributes enough water to fill more than 100 Astrodomes each month (more than 146 billion gallons).
- Add up all the lane-miles, drainage systems, water lines and wastewater lines that need to be maintained by the City and you have a distance that will take you nearly 1/6th of the way to the moon.

HUNGER FOR CONNECTION

In a networked society, connection provides value, and in any community, connection provides social capital. Before the oil price crash of 1986, Houston did not have to market itself the way most cities do. Basically, the market for oil and gas, and the amount of federal money flowing into military technology and space exploration, drove a healthy job market, and the jobs attracted the people a growing city needs. Then, all of a sudden, it was time for a hard reckoning.

Quality of life (and thus attractiveness to talent) became a critical issue. That was the first sign of the changes that are now reshaping the city—and its attitude.

If an outsider knows one thing about Houston, it is proba-

Houston Youth Symphony.
Photo by: David A. Brown

bly that it is the city with no zoning—and chances are they think that means no rules, no constraints on building. But actually Houston has plenty of rules, mostly embedded in the building codes, and far from creating a "do-what-you-wanna" environment many feel the codes stack the deck in favor of suburban styles of development. And now that the western edge of growth has moved past the city boundaries, it is Harris County rules (or the rules of jurisdictions within Harris County) that govern new development out there—and those rules, again, favor sprawl and hinder urban development patterns. Which is why it is so significant that against the odds, counterforces are developing in Houston.

The adaptive use of existing buildings, dramatically energized by the conversion of the old Rice Hotel into residences, runs counter to Houston's reputation for neglect of the past. A revised Historic Preservation Ordinance has led to the local designation of 22 historic districts and several hundred "Landmarks" and "Protected Landmarks".

For many years Houston had little investment in the public realm, the spaces where people mingle and share amenities, but that too is changing. On the balance, the weight is still on the side of spread and sprawl, and many of those centrifugal forces have been codified and institutionalized through the political process as well as by shared values. There is still little investment in the public realm—in many neighborhoods there are not even sidewalks but counterforces are developing, and they will grow stronger with time.

A lot of Millennials and some Baby Boomers are choosing a more urban lifestyle—in walkable neighborhoods with third places (neither work nor home) like coffee shops and casual restaurants as close as possible to food stores and drug stores. That change in preference is so well-known and so important that out at the suburban edge, developments are being built that have some of the qualities of urbanity.

Nevertheless there is a return to downtown and to urbanized neighborhoods. A city is a theater of competing interests, and right now in the process of change the attitudes of the public are outpacing the political process that could bring them to realization.

The Kinder Institute for Urban Research at Rice University, its current work largely shaped by researcher Stephen Klineberg, is putting a factual foundation on the conversation about Houston's present and future. In the next two decades the county is expected to grow by one million and the region by nearly three million. In a recent interview on *NPR's Here and Now* program, Klineberg said, "It's still an Anglo world. But everybody knows that there's an absolute inevitability to this gestation. I tell people no force in the world is going to stop Houston or Texas or America from becoming more Latino, more African-American, more Asian, and less Anglo. Nothing in the world can stop that. So the only question our generation has been given is how do we make this work, how do we ensure that this ethnic diversity becomes the tremendous asset it can be."

Some think the exposure of Enron as a fraudulent scheme changed Houston deeply. If all that money, and the magnificent Cesar Pelli high rise it had created, was just an illusion—if money was not real—what was real? Whether that, in fact, contributed to Houston's new zeal for research, the fact is few academic demographers have ever enjoyed the close connection to an audience, and the influence, that Klineberg has attained. And in a businesslike focus on this research, Houston is finding the commonalities to create an even stronger future. Houston is in a virtual frenzy of self-discovery.

HOUSTON IS REAL

Houston is real in this specific sense: Houstonians, on the whole, have an honest awareness of their city's qualities, including the ones everyone dislikes—and they have little patience with attempts to gloss over those faults. And yet despite those considerable faults, they are enthusiastic in their love of Houston.

The chamber-of-commerce-sunny-days attitude that

Houston, Can You Hear Me, Hana Hillerova, Hobby Airport.
Photo courtesy of: Houston Arts Alliance

Mercury, The Orchestra Redefined.
Photo by: Simon Gentry

manages to hold sway in many cities gets little traction among citizens in Houston. A few years ago a creative local agency, Ttweak, developed on its own initiative a campaign themed "Houston is worth it." The campaign described various "afflictions" which bedevil Houston, including its summer heat and humidity, and affirmed that living in Houston had so many rewards that those problems did not really matter—they were facts; they were there, but so what? The campaign made Houstonians directly involved in promoting the city very nervous, and it was never adopted by any official agency, but even many of those people privately found it funny and compelling, and it led to a book which has since been revised and republished. It is not so unusual for a parody of a city's character to catch on for a while and get some notoriety, but the ttweak campaign was not a parody; it was a whole-hearted affirmation of Houston's value, delivered with refreshing honesty and humor. Creating it was an expression of genuine love for Houston.

Houstonians care about their city—almost obsessively so. Every focus group in this process turned into a real social encounter, with people passionately talking about Houston. In every case, when the session ended, people stayed around for at least half an hour, exchanging business cards and continuing the conversation. Houston has a hunger to understand Houston and make it better.

HOUSTON IS A TRUE WORLD CITY

An international city, is a city where a major part of commerce, and perhaps culture, comes from other countries. Miami and Los Angeles are international cities, and Houston has long been in that category. Global cities do business with so many other countries that "international" is an understatement. Houston is clearly a global city, the world capital of oil and gas extraction, whose port is a point of connection with just about anywhere. Most ports are accidents of geography; Houston's port was created by Houston—there is no good reason why it would have happened naturally. So, too, for airport connections like the direct flights (e.g. from Houston to Lagos which took a considerable effort to secure). It was not luck nor was it a fortunate location that made Houston a global city: it was Houston.

A quick visit to New Chinatown, Indiatown (also called the Mahatma Ghandi District) and Koreatown will establish Houston's credentials as a world city. Houston has the largest population of Nigerians in the US. There are chapels, mosques, temples and at least one Buddhist center. There is a health clinic on Bellaire Drive that services more than 100 language communities. The director of the clinic says the first 50 languages are the hard part; after that the needs and resources tend to find you. Partly because its sprawling expansion gives them plenty of room, national and ethnic groups tend to congregate in Houston, and to retain their cultural identity. It is a near certainly that there are a multitude of artists in Houston's ethnic communities, but there was little evidence in the focus groups that they are seen as a potential source of energy and connection to the larger community.

In the mid-to-late 1980's, when Houston's economy was in the tank, local Chinese businessmen spread the word in China that there were bargains to be had in land and buildings in Houston. The resulting investment put a floor under the real estate market, and since then the importance of Chinese investment in Houston has only grown. Wiu Li, a prominent businessman in the International District (part of New Chinatown) publishes Chinese language newspapers in eight US cities; his headquarters are in Houston. There are five Chinese community banks in Houston, and Wiu Li organized one of them.

CONCLUSION

Houston falls short—as American cities tend to do—of achieving deep equality of opportunity. But if, as Houston overcomes attention blindness to inequality and begins to create new opportunities for its most neglected citizens, it will set a new standard. It is not an accident that many of the immigrants and people who "moved for the money but stayed for the place" all

Jia Zhong.
Photo by: Jia Zhong

- Among US seaports, the Port of Houston has ranked first in foreign tonnage for 16 consecutive years as of 2011, first in import tonnage for 21 consecutive years, and second in total tonnage for 20 consecutive years.
- In 2011, the Houston/Galveston customs district ranked as the third largest district by dollar value with more than $268.0 billion in imports and exports, behind New York City and Los Angeles and ahead of Detroit.

But Houston has emerged as something more—a true world city, a place linked by both commerce and culture to a whole lot of other places around the world—including financial capitals.

- Houston has 18 sister-city relationships promoting business opportunities across five continents: Africa (1), Asia (7), Australia (1), Europe (7), and the Americas (2).
- Foreign governments have established more than 90 consular offices in metropolitan Houston, ranking Houston third behind NYC & LA.
- The Houston-Galveston Customs District handled $268.0 billion trade in 2011, ranking it as the third busiest district behind NYC ($388.2 billion) and LA ($387.2 billion).
- Houston Intercontinental Airport is ranked as the seventh largest US mainland gateway airport for international passengers and for total passenger traffic.
- A center for international finance, Houston leads the Southwest with 20 foreign banks from 10 nations. The Houston operations of these banks account for 12 of Texas' 15 foreign bank representative offices, and seven of Texas' nine foreign bank agencies.

agreed that they saw themselves as Houstonians first. Houston, potentially more than any other city in the country, has the necessary wherewithal to address inequality, and it is hard to imagine an accomplishment greater and more worthy of a great city.

Houston and its can-do attitude can begin to model the kinds of opportunities which will help the city become a true classless society: health and mental health programs, collaborative work initiatives that give people what they need, business structures and opportunities that can provide living wages, and more. Houston can truly become a model for what a world city can be, adding economic justice to its advantages at just the moment when income inequality is becoming the major issue of our time. Houston became a powerhouse through business enterprises, which moved fast, developed markets, grew financial capacity, recruited good people. In the world of business, however, the processes of joint ventures, collaborative problem solving, breaking down silos, virtual corporations and venture capital are all models for how to make the corporate structures more nimble, quicker, and, therefore, more competitive. These are the same new skills Houston needs to employ in the development of the place.

Houston is a dynamic, open, welcoming city, rediscovering urban life and discovering the importance of its public realm, soon to have the nation's largest system of recreational trails, rich and diverse in its food and cultures, plentiful and excellent in its arts, and a global economic center racing into the future we all will share eventually.

Perhaps the most important lesson learned through this series of community and online engagement conversations was that Houstonians want more – their passion, vision and inspiration is parallel only to the diversity of possibilities that can be realized when the arts and audiences come together.

COMMUNITY ENGAGEMENT FINDINGS

Across cultural and economic lines, survey and community conversations indicated that Houstonians appreciate the city's robust programmatic offerings– from the large anchor cultural institutions to celebrations in local neighborhood festivals.

A significant component of the Houston Arts and Cultural Plan is effective public engagement. The engagement process informs the development of the Plan, and ongoing public engagement will help refine the core themes of the Plan to develop strategies that represent Houston's community needs and aspirations. The discovery process in Houston includes the following initiatives:

- Stakeholder[11] Interviews
- Focus Groups
- Town hall discussion forums
- City Council District Community meetings
- Community intercept surveys
- Online sharing of Information with interactive discussion
- City Council and Advisory Committee updates and input
- Other community outreach and research

Public participation in the arts is as critical for the continuation of cultural institutions as it is for continuing the community's cultural traditions. Inquiry to gain a better understanding of the level and frequency of attendance in arts and cultural activities indicated that despite perceptions of income being the major barrier to arts participation, this is not, in fact, always the determining factor in Houston. A full range of variables affect audience participation levels, and high on that list for Houston residents is personal interest and motivation. **Across cultural and economic lines, survey and community conversations indicated that Houstonians appreciate the city's robust programmatic offerings – from the large anchor cultural institutions to celebrations in local neighborhood festivals.**

[11] Stakeholders are individuals who represent the community as a result of their position, involvement, interest, or identity in the community. The stakeholders of a community generally represent a cross section of the community.

Media Archaeology Texas, Luke Savisky, Aurora Picture Show.
Photo by: Camilo Gonzalez

SUCCESS OF HOUSTON'S LEGACY ORGANIZATIONS

This inquiry also revealed the success and commitment of a number of the larger organizations' focused efforts to broaden their reach in serving the Houston community which has been visible and thoughtfully implemented. Conversations with educators, individual artists, neighborhood residents and youth service organizations pointed to long-standing partnerships between cultural institutions, community which has been visible service providers, schools and culturally specific arts organizations. These collaborations have built useful model program initiatives that are valued by participants and are making positive and meaningful contributions to children and their families throughout the city. For example, the Houston Grand Opera's *HGOco* has a far-reaching plan that has helped identify new talent, develop innovative programming, and established opera as an accessible art form relating to the ethnically diverse population of Houston.

Likewise, within the museum community, the Children's Museum of Houston has established aggressive efforts that serve a high volume of children and their families from neighborhoods and communities across the city. The institution has mastered the art of "outreach" – in fact, it is fair to say that their audiences represent the demographics of the city well, in both age and economic status. Their role as a partner in the classroom is equally as effective as the experiences created for visitors to the museum.

These programs, like the spectrum of educational and outreach programs offered by the Museum of Fine Arts, Houston (MFAH), are effective because they encourage inquiry and stimulate curiosity. Evidence of the MFAH's continued expansion of family programming over the past decade is not only visible in its visitor numbers, but in the education department's programs that respond to in-school learning and to the engaging activities that can be accessed in its Learning Center. Of particular note and importance are the professional learning programs that allow practicing artists and aspiring curators to be in residence at the Museum and the Glassell School of Art as interns or fellows. These career building opportunities allow not only the Museum's collections to be used as a research hub, but go a long way toward bringing new voices and perspectives to artists and to the field of museum operations.

These examples are only a few of the many ways that the city's legacy institutions are able to leverage funding to help grow and stabilize the cultural system. Relevant programming, connecting with new audiences, and participating as a viable partner with the academic community were found to be important and recognize the shared values of leaders and staff within the larger institutions. Their role in stimulating pathways for children, their families and an emerging corps of artists voices are just as valuable as the animated stages of the Miller Outdoor Theatre, and the cultural memories that are protected and presented at the Buffalo Soldiers Museum, the Asia Society Texas Center, the Holocaust Museum Houston and the many other cultural institutions that Houston has developed and now shares with the world.

How, why and where people choose to engage in the arts in Houston were central areas of discovery in this planning process. **Perhaps the most important lesson learned through this series of community and online engagement conversations was that Houstonians want more – their passion, vision and inspiration is parallel only to the diversity of possibilities that can be realized when the arts and audiences come together.**

TOPLINE PRIORITIES

The topline priorities defined throughout the community engagement process are summarized as:

- Houston arts should respect and reflect the diversity of the community
- Connecting cultures and communities through the arts
- Public funding and program equity for arts organizations and artists in the Houston community
- Increased public programs/funding options

Mildred's Umbrella Theatre Company.
Photo by: VP Arizpe

- Increased arts education programming
- Expanded arts opportunities for youth
- Arts and cultural opportunities available in neighborhoods and communities throughout Houston
- An emphasis on the connection between arts, culture and community development
- Walkable/bike-able/attractive/accessible communities with great public art
- Affordable work/live space for artists and cultural groups
- Protecting the heritage of Houston (historic preservation)
- Initiatives promoting awareness of arts and cultural activities locally and globally

KEY FINDINGS FROM COMMUNITY ENGAGEMENT

Making Houston a better place

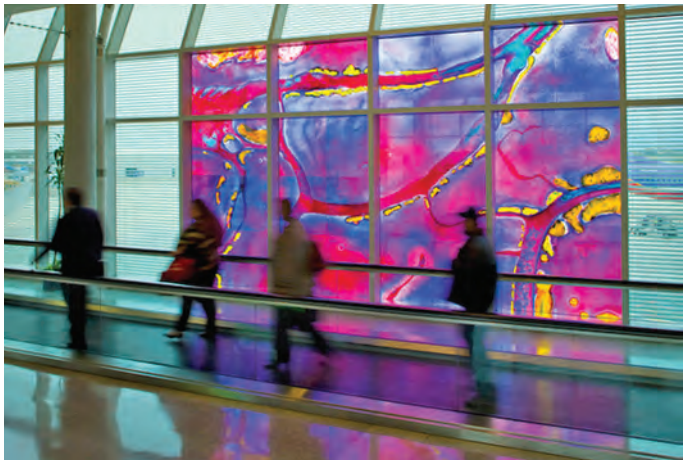
- Desire for more public art in open/green spaces in neighborhoods.
- Desire for more arts programs and services in the neighborhoods. While citizens expressed appreciation for the downtown/inner city cultural institutions, many asked for programming closer to where they live.
- Advancement of the city's international status toward recognition as a global cultural destination.
- Arts education is a priority. For Houston to continue to thrive, it must find a way to provide children with equal access to the arts.

Celebrating diversity of peoples; and increasing support for artists

- Houstonians maintain active memory of family and cultural traditions unique to their ethnic, heritage and religious communities. Celebrating those traditions remains an important aspect of civic life and plays a role in engaging in arts and cultural activities. Folk art traditions are cited as being highly important.
- Strong desire for an increase in spaces where "art happens". [Examples: art in parks and open public spaces; planned neighborhood spaces; churches and schools; pop-up galleries, formal museums and theater venues; and reclaimed historic spaces adapted for contemporary uses].
- Organizations representing culturally specific populations should receive increased recognition and support from the city.
- Community interest in promoting the work of local artists and for the development of targeted jobs to promote cultural tourism.
- Legacy cultural institutions are important assets to the greater Houston area and are appreciated for the status they bring to the city and the leveraging power they have for all cultural programs and organizations.

Review funding systems

- Desire to see an increase in public funding for programs that appeal to and reflect the residents and diversity of the Houston community.
- Existing perception that the HOT tax distribution system is designed to exclude artists and organizations that contribute to the appeal of Houston to a robust and diverse tourism industry.
- Significant lack of public dollars to fund neighborhood-based arts activities.
- Need for increasing opportunities and awareness of opportunities for artists to sustain reasonable livelihoods.
- Desire for more funding for increased arts programs across the city, specifically for children and young people (both during in-school and out-of-school time).



Over Houston, Gordon Huether, Hobby Airport.
Photo by: Misha Bruk

Art Recycling Trucks, *Patterns of Consumption*, CORE Design Studio.
Photo by: Marc Newsome

Access to information about how decisions are made

- People want better and multiple ways to access information about arts and cultural activities in Houston and in their neighborhoods.
- Transportation and admission costs are considerations (for some families).
- Proximity and/or transportation access to cultural facilities and programs is a critical factor in determining participation.
- The large geography of Houston is a barrier for many in accessing arts opportunities.

TOWN HALL SUMMARY

The work to gather input from a series of community meetings and individual stakeholder conversations was a critical first step in community engagement. Bringing that input back to the broader group of community stakeholders for feedback was seen as essential to crafting legitimate and effective recommendations for the plan. Two well-attended Town Hall meetings were held during this process, the first gathering had only one goal; allow the community at large to respond to the set of themes that emerged from the five regional meetings; individual interviews and lines of inquiry that were set forth by the Advisory Committee.

More than 250 residents actively participated in this conversation, organized to share information openly and readily engaged people in meaningful interaction, ultimately, framing recommendations in the final plan. The planning team presented the themes and central ideas that emerged from the community meetings which included: artists, leaders, arts organizations, arts patrons, members of the media, elected officials and, of course, residents who were interested in making sure that their community's perspectives were heard.

The six central findings were:

- Equity in the distribution of City arts funding support
- Sustainability of Houston's mid-tier organizations
- Enhancing arts programs and services in neighborhoods
- Development of cultural facilities
- Enhancing the Civic Arts Program
- Restructuring of Mayor's Office of Cultural Affairs

Presenting the findings was only one part of this dynamic conversation. The conversation was facilitated in a manner that allowed a range of interests and perspectives to work together in randomly assembled groups. The group's participants were able to discuss the themes from their own perspective while building group consensus on the views brought forth from previous interviews and public meetings.

At the end of a lively discussion – the groups heard from each other, finding limited disagreement around the larger ideas, and strong opinions for addressing each of the points. Some of the questions raised included:

- Could a system really exist that would guarantee equity?
- How would an Office of Cultural Affairs that is lodged within government avoid more bureaucracy and be more effective?
- What is the proper balance of support among legacy institutions, individual artists and small/mid-size organizations?

Other points raised by the assembly focused on how to tackle issues of power and trust, and how outcome-related goals would level the playing field for all arts service providers— large and small.

The results of the highly participatory Town Hall meeting challenged the consultant team and the Arts and Cultural Plan Advisory Committee to consider the diversity of participant needs, ideas and concerns in further conceptualizing responses.

Navigation Esplanade.
Photo by: Laurie Perez

Over Houston, Gordon Huether, Hobby Airport.
Photo by: Misha Bruk

PREVIOUS COMMUNITY CULTURAL PLANNING EFFORTS

1993 Arts Plan: Artworks: A Cultural Arts Plan for the Houston/ Harris County Region

Houston's previous cultural arts plan was a community planning effort that was initiated by the local arts agency, then known as the Cultural Arts Council of Houston, in 1990. The plan was developed over more than two-years with hundreds of task force members and thousands of hours of community meetings. The effort culminated in the 1993 *Artworks* plan and *Artworks, Volume II*—a 500-page supporting document containing research and findings and the reports of nine task force committees.

Excerpt from the *Artworks* introduction…."In 1991, Houston's mayor and Harris County's judge recognized the potential value of the region's arts infrastructure and the challenges facing the arts. Joining with the Cultural Arts Council of Houston (CACH), the nonprofit agency charged with encouraging the arts and entrusted with allocating public funds to artists and arts organizations, they launched a community-driven, long-range planning process designed to create "a shared vision of the cultural future of Houston and Harris County."

Artworks included some 21 recommendations in seven policy areas with 63 proposed actions ranging from the very broad—"Improve safety around arts events" to more specific "legislate 1.75% addition to City/County capital improvement funds for public art." Without baseline data or success measures, the broad nature of many of the actions makes it impossible to definitively say if they were achieved or not, however, many of the themes expressed in the recommendations also arose in community meetings for this plan, which might suggest there is still be work to be done in some areas.

Excerpts from the Artworks recommendations:

"Increase appreciation of the arts and participation in them by young audiences and their families through arts experiences in schools and other settings."

"Preserve historically significant places and structures through public policy, appropriate legislation and concerted action."

"Stimulate cultural activity at the neighborhood level, to involve artists in neighborhood projects and to facilitate cultural exchange among different areas and constituencies."

"Stimulate development of multicultural/minority arts, artists and organizations so that they reach their potential as major artistic forces and as partners with mainstream institutions."

"Develop city, county, state and federal funding for the arts and culture of Houston/Harris County to a level commensurate with that of other major cities in the United States."

A significant accomplishment of the plan was to advance a regional perspective with the addition of Harris County to form the Cultural Arts Council of Houston/ Harris County. As a result, Harris County began investing $75,000 annually in the agency for arts and cultural programs outside of the City of Houston. This investment continued until 2007.

In 1999 the City of Houston adopted the Civic Art Ordinance, dedicating 1.75% of Capital Improvement Programs (CIP) design and construction projects to art. The Cultural Arts Council of Houston/Harris County was contracted to assist with administration of program under multiple professional services contracts.

In 2006, the Cultural Arts Council of Houston/Harris County reorganized and was renamed Houston Arts Alliance to continue as the city's local arts agency. To help reduce duplication of effort in the City's arts and culture transactions, functions previously conducted by the Municipal Arts Commission, the Cultural Arts Council of Houston/Harris County and the Conservation Committee were transferred to new contracts with the Houston Arts Alliance. The majority of Houston Arts Alliance funding is derived through contracts with the City of Houston, with the intent to leverage the public investment with private funds to expand the impact of the agency on behalf of the city.

Pachikadi and His Flying Friends, Elaine Bradford.
Photo by: Debra Ham

Visitors explore Rienzi, the MFAH house museum for European decorative arts and paintings.
Photo courtesy: Museum of Fine Arts, Houston.

IDEA GENERATION SUMMARY

Issue #1

Equity in the distribution of City arts support

- Increase and identify new additional revenue streams
- Call for equitable distribution of funds to all eligible arts organizations
- Improved review and reporting process
- Education about process and transparency
- Differing views about HAA performance and role in the grantmaking process

Issue #2

Sustainability of Houston's mid-tier organizations

- Improve board development programs
- How are the organizational tiers defined?
- Support for use of media enhancements, partnerships, and collaborations
- Marketing and technical assistance programs (with improved delivery and access)
- Financial records education and assistance
- A full analysis of organizations, crossovers, redundancies and possible merger recommendations

Issue #3

Enhancing arts programs and services in the neighborhoods

- Engage management districts, school districts and parks to support arts programs and services
- A celebration of neighborhoods is important to Houston
- Utilize City libraries, parks, community centers and neighborhood organizations to leverage arts education programs and initiatives
- Programs that include art mobiles/free options for kids
- Artshound.com is not as well-known as it could be. A comprehensive app is needed
- Create funding program/opportunities for smaller community-based organizations

Issue #4

Development of cultural facilities

- Need for live/work spaces for artists
- Increased need for shared space for artists and organizations
- Adaptive reuse of empty facilities
- Review of economic development tools to enhance development of live/work/organization spaces

Issue #5

Enhancing the Civic Arts Program

- More public knowledge about the Civic Arts Program is needed
- Include private development for potential civic art set aside funds
- Divided views of it being transferred to one City agency, mostly due to lack of understanding about the program

Issue #6

Restructuring the Office of Cultural Affairs (OCA)

- Enhance coordination across City departments
- Good support for a OCA with suggestions for developing a grassroots campaign for support
- Will require political will to implement
- Elevate the importance of OCA within City government

Geometric Mouse, Scale X, Claes Oldenburg, Houston Central Library.
Photo by: Radu Barbuceanu

EXISTING STRATEGIES

ARTS AND CULTURAL INVESTMENTS

The City has a number of resources and tools it currently uses to invest in arts and culture. These tools range from use of Hotel Occupancy Tax (HOT) revenue to economic development incentives like Chapter 380 agreements under the Texas local government code. Tools also include maintenance and stewardship of some of Houston's performing arts spaces such as Wortham Center, Jones Hall, Talento Bilingue de Houston and Miller Outdoor Theatre. The City commissions public art through the 1.75 percent Capital Improvement Program (CIP) set-aside in City vertical construction. It supports community festivals in both services and financial support.

There are a number of community concerns, which these strategies need to address.

- Availability, awareness, and access to the arts (including affordability)
- Integrating the arts into all aspects of Houston culture
- Civic art programming and public art
- Retaining artists and professionals in the community
- Connecting with and including all groups in the City's arts and cultural life
- Building codes refinement allow for more live/work/organization space
- Funding structures for arts organizations
- Support systems – for artists, live, work, socialize, collaborate
- Historic preservation
- Need for comprehensive cultural asset map
- Incentives for place making and development
- More opportunities for arts education in and outside of the schools
- Enhanced collaboration among the arts organizations and institutions
- Global and local marketing and promotions/media coverage of arts and culture

CITY OF HOUSTON ARTS AND CULTURAL INVESTMENTS AND FUNDING SOURCES

	CITY DEPARTMENT, DIVISION, OFFICE OR RELATED LOCAL GOVERNMENT CORPORATION	Hotel Occupancy Tax (Arts)	Hotel Occupancy Tax (Other)	Civic Art Ordinance	Special Revenue/Enterprise	Economic Development Prog.[1]	General Fund	State/Federal Grant	Sponsorships/ Private
PROGRAMS	**Finance Department/Mayors Office of Cultural Affairs**								
	Houston Arts Alliance - *grants*	•							
	Miller Theatre Advisory Board, Inc - *grants*	•							
	Theater District Improvement, Inc - *grants*	•							
	Museum District Association - *grants*	•							
	Library Department - exhibitions, lectures, events						•		
	Parks & Recreation Department - HCDE/after school						•		
	Department of Neighborhoods - Mayor's arts scholarships							•	
	Mayor's Office of Cultural Affairs - cultural contracts and policy, community prgrams	•							•
	Mayor's Office of Special Events - civic celebrations	•			•				•
PUBLIC ART	**General Services Department**								
	Combined Utility (water and sewer)			•					
	Fire Department			•					
	Health & Human Services Department			•					
	Library Department			•					
	Parks & Recreation Department			•					
	Parking Management				•				
	Police			•					
	Public Works & Engineering			•					
	Economic Development Division								
	Midtown					•			
	Main Street Corridor					•			
	Greater Third Ward Neighborhood Project					•			
	Sawyer Park					•			
	Market Square Park/Downtown					•			
	Upper Kirby					•			
	Palm Center					•			
	Mayor's Office partnership with SPARK Program							•	•
	Houston Airport System			•					
	Houston First Corporation			•					
FACILITIES	**Houston First Corporation**								
	Talento Bilingue de Houston		•						
	Wortham Theater Center		•						
	Jones Hall		•						
	Sunset Coffee Building		•						
	Miller Outdoor Theatre		•						
	Hobby Center		•						
	Public Spaces		•						
	Economic Development Division								
	Asia Society Texas Center					•			
	Buffalo Soldiers National Museum					•		•	
	Deluxe Theater					•			
	Jones Plaza					•			
	Midtown Arts and Theater Center (MATCH)		•			•			
	Houston Museum of African American Culture					•			
	Museum of Fine Arts, Houston - street abandonment					•			
	Midtown Baldwin Park - performance stage					•			
	Jones Plaza- concept/design					•			
	Emancipation Park - community center/park renovation					•			
	Fourth Ward- Freedman's Town					•			
	Old Sixth Ward Historic District					•			
	Historic Facade Grants, i.e. Alley Theatre, Julia Ideson Library Bldg.					•			
	Historic Site Tax Exception					•			
	Parks & Recreation Dept. numerous historic structures						•		
PROMOTION	Houston First Corporation/Greater Houston Convention & Visitors Bureau		•						

1 Economic Development Programs Include: Tax Increment Reinvestment Zones (TIRZs), Chapter 380 Agreements, Enterprise Zones, Historic Site Tax Exemption, Street Abandonment, Utility Agreements.

Radiant Fountains, Dennis Oppenheim, Bush Intercontinental Airport.
Photo by: Thomas Behrman

HOTEL OCCUPANCY TAX (HOT) DEDICATED TO THE ARTS

The City channels the bulk of its HOT financial support for arts and culture through a series of nonprofit organizations under contract. The contractors are the Houston Arts Alliance, the Museum District Association, Theater District Improvement, and Miller Theatre Advisory Board. Those contracts are currently five-year, calendar year, agreements and are in the second year of that duration (2015).

Each municipality electing to utilize hotel tax revenue determines its own preferences within the allowable uses established in the statute. The statute allows for a broad range of arts activities as one of several allowable uses to promote tourism and the convention industry. There is no statutory formula for determining the level of impact an event must have to satisfy the requirement to directly promote tourism and hotel and convention activity. It is the responsibility of the municipality to decide if an activity is eligible under the statute.

The contracted HOT funds dedicated to the arts amounted to $15.7 Million (calendar year 2014) and are administered by the Finance Department with assistance from the Mayor's Office of Cultural Affairs. In 2014, the funds were distributed as follows:

- Houston Arts Alliance (39.5%)
- City Initiatives (2.5%) *Administered through Houston Arts Alliance with final approval by the Mayor*
- The Museum District (18%)
- The Theatre District (24%)
- Miller Theatre Advisory Board (16%)

Other Uses:

- Mayor's Office of Cultural Affairs
- Mayor's Office of Special Events (permits, parades, festivals, civic celebrations)

CIVIC ART PROGRAM

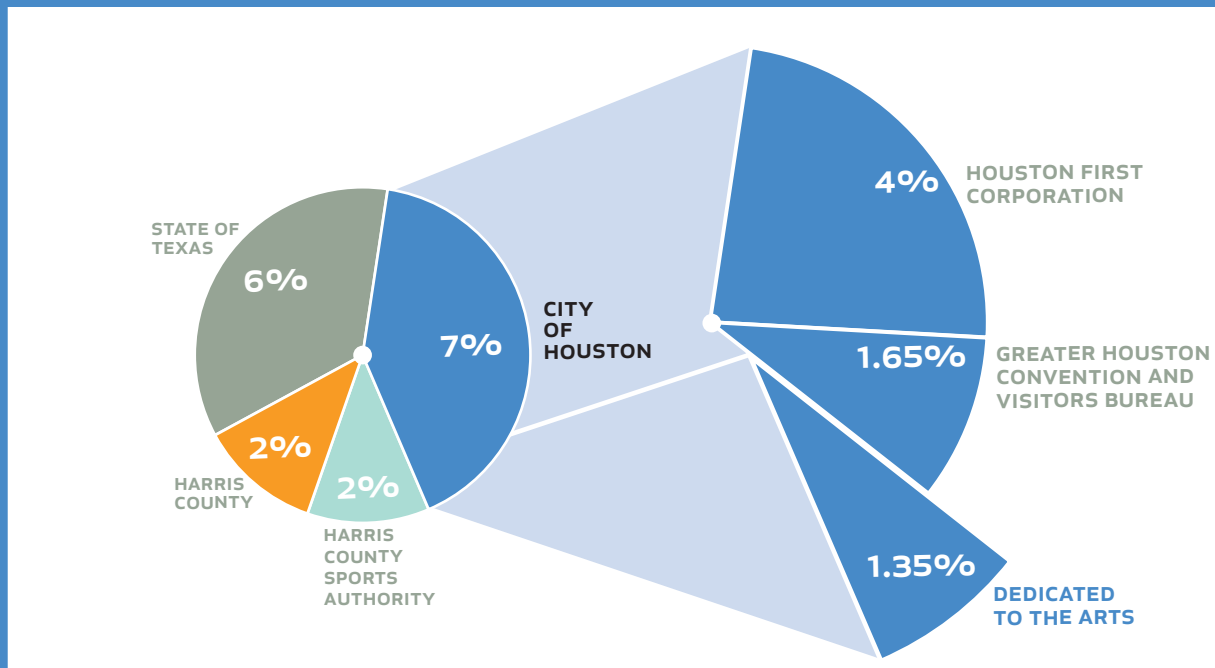
City Council established the Houston Civic Art Program in December 1999. The City's Civic Art Ordinance allocates 1.75 percent of design and construction costs on qualifying City Capital Improvement Plan (CIP) projects. The Capital Improvement Plan is a five-year plan, updated annually, addressing the infrastructure needs of the City of Houston. The Civic Art Ordinance allocation applies to capital projects that are vertical construction and have budgets in excess of $500,000. It excludes paving projects, street resurfacing, runways, parking lots, signal and traffic control, underground projects, demolition projects, environmental assessment or remediation projects, projects for the rehabilitation or replacement of a single-building system (e.g. roofing only). Civic Art funds are highly regulated. Funds appropriated for Civic Art purposes are for distinct portions of the CIP, including Public Improvements (Fire, Library, Parks, Police, Health and General Government), Houston Airport System, and Water and Sewer Department. Any amount appropriated from bonds, debt issuance or other legally restricted funding sources must be kept separate and spent in accordance with the applicable legal restrictions related to the funding source and/or City Department.

The current level of Civic Art activity is:

- Civic Art Funds from all departments and enterprise funds such as Houston Airport System have a balance as of June 2015 of approximately $5 M for future civic art commissions, conservation works and projects.
- Current civic art, conservation works and projects underway and managed by the Houston Arts Alliance by contracts with the City number about 20 for all departments and enterprise funds and total approximately $3 M. This total does not include artworks commissioned by private entities and managed by Houston Arts Alliance such as Southwest Airlines for theirconcourse at Hobby Airport or commissions by LGCs such as Houston First.

Synchronicity of Color, Margo Sawyer.
Photo by:

HOUSTON HOTEL OCCUPANCY TAX
Local Tax Rate 17%



Civic Art Projects include paintings, murals, prints, drawings, photographs, videos, films, decorations, stained glass, statues, sculptures, monuments, fountains, arches, or other structures of permanent character located on City property. Civic Art funds may also be used to restore existing art. Civic Art projects are generated through the Capital Improvement Plan by nearly every City department, typically as part of the construction of new facilities and major expansion. The Houston Airport System (HAS) maintains internal staff for its Civic Art projects. General Services Department (GSD) also has staff in administration of the Civic Arts Program on behalf of numerous City Departments. There are currently multiple contracts with Houston Arts Alliance for services to administer the Civic Art Program with Houston Airport System (HAS), General Services Dept. (GSD) and Houston First, LGC. The Mayor's Office of Cultural Affairs provides significant coordination with City departments, the Finance Department and Houston Arts Alliance.

Project Row Houses, Community Market crowd.
Photo by: Blair Truesdell

MFAH Mixed Media attendees browse *For a New World to Come: Experiments in Japanese Art and Photography, 1968–1979.* Photo courtesy: Museum of Fine Arts, Houston.

The allowable uses of the HOT tax proceeds are governed by the State of Texas Tax Code, Title 3 Local Taxation Subtitle D, Local Hotel Occupancy Taxes Chapter 351, Municipal Hotel Occupancy Taxes. It provides:

Sec. 351.101. USE OF TAX REVENUE

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:
(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or
(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates.

A school group learns about Baron Gérard's painting *Portrait of Louise-Antoinette-Scholastique Guéhéneuc, Madame la Maréchale Lannes, Duchesse de Montebello, with Her Children.* Photo courtesy: Museum of Fine Arts, Houston

Monks from Drepung Losling Monastery in India create a sand mandala at Asia Society Texas Center.
Photo by: Joel Luks

ADDITIONAL CITY ARTS AND CULTURE SUPPORT

Venue Management (under contract to Houston First, LGC)

- Administered by interlocal agreement including: Jones Hall, Wortham Center, Talento Bilingue de Houston, Miller Outdoor Theatre, Theater District Parking, Sunset Coffee Building, Hilton Americas, George R. Brown Convention Center and numerous open spaces including Jones Plaza and Baker Green.

Historic Preservation Ordinance

- Administered through the Planning and Development Department and the Houston Archaeological & Historical Commission, a volunteer body appointed by the Mayor and Council.
- The ordinance was updated in 2010 to create permanent protections for historic structures in designated districts and to establish a new process for creating an historic district. Additional ordinance updates were made in 2015.

Economic Development

- Administered through the Mayor's Office of Economic Development.
- Includes: Chapter 380 Agreements, Enterprise Zones, Tax Increment Reinvestment Zones (TIRZs) and Historic Site Tax Exemption.

School Park Program (SPARK)

- Administered by SPARK (nonprofit) out of the Mayor's Office.
- The City provides office space and staff support and the nonprofit partners with school districts for use of federal grants for design and equipment and raises private funds for art enhancements in school playgrounds.

Mayor's Office of Special Events (MOSE)

- Permits festivals, parades, marathons and other civic celebrations.
- Organizes major cultural events including July 4th Freedom Fest and Thanksgiving Day Parade.
- Provides set up and staging for City Press announcements and events.

Community-Generated Initiatives, nominated by the Mayor

- National Endowment for the Arts "Our Town" grants, the Bloomberg Philanthropies Public Art Challenge and nominations for Cultural District Designations to the Texas Commission on the Arts (Houston currently has 5 Cultural Districts).

Houston Public Library

- Extensive collection of art, documents and artifacts. Develops public programs and curates exhibitions. Manages Houston Metropolitan Research Center (HMRC), one of the largest archival repositories in the state and Clayton Genealogical Library, one of the largest in the country.
- Oversees Houston's African American Library at the Gregory School and the historic Julia Ideson Library building, Houston's oldest (1926) existing library housing the HMRC and that was fully restored and expanded in a public/private partnership by the Julia Ideson Preservation Partners, a non-profit.

Take Off, Paul Kittelson & Carter Ernst.
Photo by: Beryl Striewski

PUBLIC FUNDING FOR THE ARTS

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

"The arts and the humanities belong to all the people of the United States"

The 1965 National Foundation for Arts and Humanities Act represents the consummate statement regarding the important role of government (federal, local and regional) in supporting access to the arts for every American. It is perhaps the most important "passion-filled" bureaucratic document ever adopted by Congress; yet, it is porous enough for both the public and private sectors to collaboratively realize this national aspiration. In the 50 years since the passing of this Act, the country has seen the development of a wealth of traditions and institutions that together create a national cultural system dependent on thoughtful policy making, philanthropy, government supported infrastructure and local agencies created within the unique contexts of local, county or state administration.

Two highly important sections of the Act that call upon federal support are mandates for local governance structures. They are powerful reminders as we constantly review and establish public policies for supporting arts and culture.

"The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups."

"The practice of art and the study of the humanities require constant dedication and devotion. While no government can call a great artist or scholar into existence, it is necessary and appropriate for the federal imagination, and inquiry but also the material conditions facilitating the release of this creative talent."

These transformational themes do not specify how governmental systems might facilitate support for arts and cultural experiences for the public, but rather suggests that the arts

The Catastrophic Theatre.
Photo by: The Catastrophic Theatre

and creativity form an integral part of our daily lives and present a fascinating juxtaposition of tradition and contemporary cultural expression.

Houston is almost two decades shy of celebrating its bicentennial anniversary. Having been shaped by its entrepreneurial history, its current roster of arts and cultural resources underscore the inevitability that social and cultural change are key agents for fostering the city's vibrancy and growth. **In so many examples, it is clear that Houston has seen that arts and commerce as being inextricably linked – as citizen and corporate leaders continue to highlight the city's cultural assets in developing an integrated vision for the future.**

"Everywhere you look in Houston, you see fingerprints of business. This includes downtown, the Medical Center, the universities and colleges, NASA, the Galleria, Greenway Plaza, entertainment and sports facilities, airports, churches and schools. As business and industry were challenged to perform at their highest, the entire community has benefited exponentially. In the minds of innovators and those who have followed, we care, we achieve and we look for ways to get better at what we do." Hank Moore: Houston Legends: History and Heritage of Dynamic Global Capitol (2015)

Aligned with the rapid changes in cultural industries across the country, Houston's diverse cultural and creative communities contribute greatly to the city's economic and social development. **Over the next 10 years, the integration of culture and technology will see the emergence of new cultural products to fill the gaps within the already strong cultural organizations and institutions of the 20th century**. Houston's desire to maintain and grow as a global cultural market place will require increased public and private sector investment to strengthen the existing infrastructure that undergirds the city's cultural resources, to stabilize institutions that reflect the city's diverse cultural expression and to build new platforms for stimulating participation in the arts and creativity.

Professional artists thrive in enabling environments. Young people see the arts and creativity as fertile soil for making their expression visible, and cultural institutions benefit from having engaged audiences that support new and traditional art forms. **Cultural participation is a basic civic right, and a foundational ingredient in building and supporting prosperous cultural industries.**

LOCAL GOVERNMENT STRUCTURE FOR CULTURAL PROGRAMMING

How do the City of Houston and the private sector capitalize on the city's legacy of "growing and collaborating" to protect and nurture its creative communities? What does public/private balance in funding look like for the 21st century Houston?

The two most commonly endorsed models of supporting the arts among the largest US cities are:

1) A traditional structure of providing arts and cultural services is through a department of cultural affairs within City government. The leadership of such a department typically reports to the Mayor and City Council with the advice of an appointed commission or arts committee. This model is designed to provide arts and cultural experiences focusing on excellence and access, as well as launching and maintaining initiatives that respond to civic goals and community needs.

This model has a centralized approach and is funded almost exclusively by public dollars, allowing for citizen participation in the oversight of funds distribution, facility planning, policy review and special initiatives that often respond to the emergence of new voices and new arts organizations. Staffed by City employees, this model focuses on systems that lend themselves to broad public and community engagement. Often viewed as contractors, arts and cultural organizations are held to high standards of accountability and are not considered grantees, but rather contractors providing a specific set of services to the public. This system's structure tends to lessen the potential for favoritism, elitism or entitlement.

2) The second most common model, the facilitator model,

Trail Riders, Southwestern Trail Ride Association, Houston Livestock Show and Rodeo Kickoff. Photo by: Pin Lim

is realized when the local government contracts with a single external entity to distribute public dollars and solicit private sector contributions to provide arts and cultural programs to the general public. Staffed by professional arts administrators, other areas of expertise are often included such as professional fundraisers, event planners and marketing teams. The governance structure for this model is typically a nonprofit structure as determined by the IRS, with a private board of directors acting as guardians of the public trust.

Houston's current model is most closely aligned with the facilitator model. Houston Arts Alliance provides the functional services of a local arts agency and the City also contracts with the Houston Museum District Association, Miller Theatre Advisory Board, Inc. and Theater District Improvement, Inc. Houston First Corporation, a local government corporation, manages City-owned cultural facilities.

FUNDING MODELS FOR THE FUTURE

Inclusive cultural planning processes conducted within the past 10 years are revealing a new wave of creator or "maker-based" organizations that feature more entrepreneurial methods of working, calling for both the previously described models of providing support to artists and a range of emerging governance structures that go beyond the traditional charitable organization, 501(c)(3) model. Arts councils and alliances are expanding their capacities to more effectively serve the interests of changing populations. Arts funding agencies are also being asked to consider the shifting disciplinary boundaries for new artist practices being created for new audiences who use technology to make decisions and choices about participating in an artistic experience.

Intercept Survey 1

Attention to these new audiences requires greater stability for existing organizations as they look to keep pace with a new generation of donors and patrons. Responding to these new audiences, both the systems model and the facilitator model of arts support agencies will mean bringing artists and communities together with new patrons, academic institutions schools, health and wellness providers and with the sciences as collaborators in creativity.

Considerations for Houston Model

Considerations for Houston in determining the most assertive and responsive funding model should be based on the following recent input:

- Changes within the arts community and the community as a whole
- Public attitudes about current funding structures
- Changes in how arts organizations are held accountable for use of public dollars
- Houston residents who feel isolated from significant City arts and cultural resources
- Limitations in current funding source(s)

While the scope and variety of services and programs that nonprofit local arts agencies provide in a seemingly nimble way, they are often more narrow in scope than the agency embedded within local government. A contract agency is not in a position to speak for the City (by providing municipal leadership or endorsement for a national grant application of a city-wide initiative), to respond to needs for services that are not in the contract, or to represent the needs of the community at the policy and decision making level of the City. On many parallel tracks, the agencies seem to be very similar in scope, but there are several additional responsibilities that a City has:

Within City government, directors of Cultural Affairs Offices collaborate with and leverage City resources outside of arts funding to address citywide goals, i.e., public safety, recreation, health and human services, literacy, elderly and youth services and facility management to provide more efficiencies in delivering public services.

Tolerance, Juame Plensa.
Photo by:

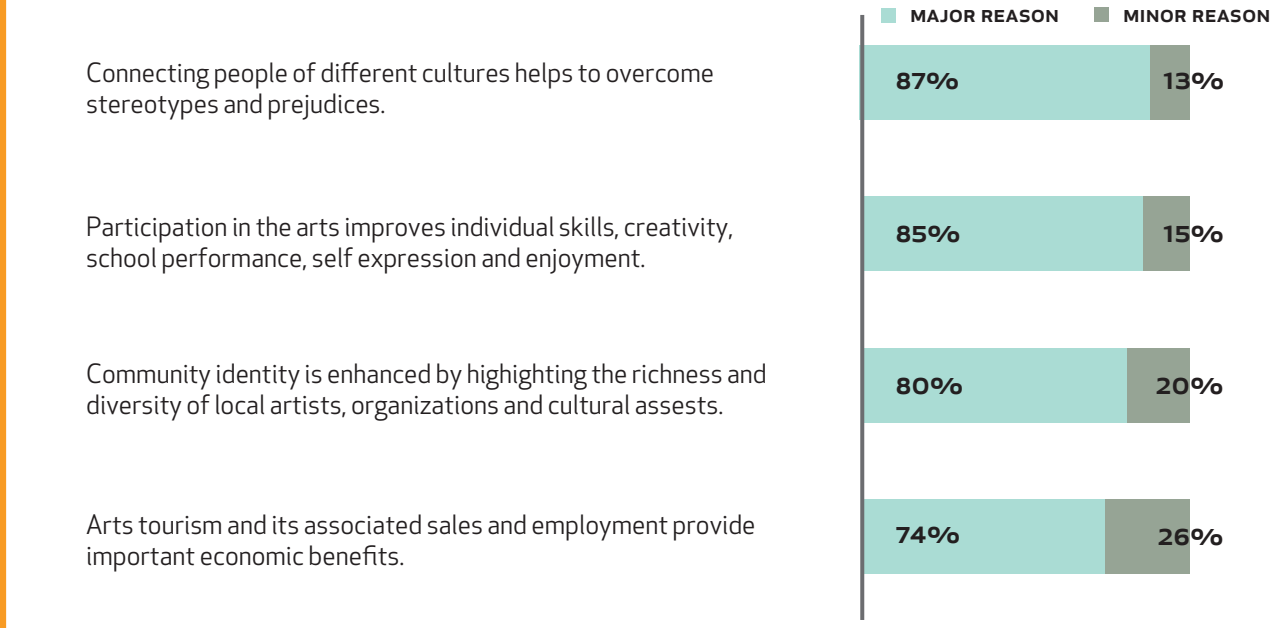
Radiant Fountains, Dennis Oppenheim.
Photo by: Thomas Behrman

City Cultural Affairs Offices partner with City Council district leadership to design specific and inclusive services that respond to urgent and long-term community development strategies. Delivery of these services is based on City ordinances and policies that identify specific measures of intent for public benefit

City Cultural Affairs Offices have a mandate to actively promote citizen engagement in the arts and have as their central goal to increase awareness of and participation in cultural events and relevant activities.

City Cultural Affairs Offices provide centralized personnel, capacity-building and management assistance initiatives as measures for protecting the public's investment in cultural services. They provide grants or contracted services to artists and cultural organizations with a high level of transparency and accountability, ensuring that integrity in the awarding of cultural contracts is maintained.

Please indicate for each of the following statement whether it is a major reason, a minor reason or not a reason at all for why cities should encourage participation in arts and cultural activities?



Transported + Renewed, *Silos I.*
Photo by: Forest Photo, Pin Lim

PRIORITIES AND RECOMMENDATIONS

PROMOTE

ENGAGEMENT IN QUALITY ARTS AND CULTURAL PROGRAMMING.

Recommendation 1

Develop strategies to deliver arts and culture programs, arts education and public art into neighborhoods.

Assessment:

One of the consistent themes that emerged from the community meetings in the City Council districts was the desire for more arts programs and services in neighborhoods. While residents expressed appreciation for the downtown/inner city cultural institutions, many asked for programming closer to where they live. They cited various barriers – economic, geographic and cultural – that made it difficult for them to attend programs in the downtown institutions. They want programs that are affordable and nearby, and that relate to their cultural backgrounds and experience. They are asking for free or low cost, family-oriented programs in proximity to where they live.

There are a variety of ways in which a Neighborhood Arts Program can be implemented. Houston Grand Opera, the Folklife & Traditional Arts Program at Houston Arts Alliance and the Houston Livestock Show and Rodeo have been cited by many as having a major commitment to connecting with Houston's neighborhoods on a grass roots level. Programs through organization such as Multicultural Education and Counseling through the Arts, Project Row Houses and Voices Breaking Boundaries could be used as examples for replication in more neighborhoods. The City's Department of Neighborhoods (DON), Parks Department and Houston Public Library could also be helpful

in this effort. The following are the types of neighborhood arts strategies that have been implemented in other cities:

- In San Francisco, the City supports and funds community murals and small-scale artistic interventions in neighborhoods.
- In Dallas, the City developed a "catalog" of performing, literary and visual artists and arts groups available for activities in neighborhoods. Community groups can select a program for their neighborhood, often supplying matching funds.
- In San Jose, CA the Office of Cultural Affairs provides both funding and support services for small neighborhood and ethnic celebrations.
- In Salt Lake City, they developed a program of temporary public art projects for various locations around the city.

It will be important to address the need to support organizations and initiatives that can provide low/no cost arts and culture opportunities where people live (in neighborhoods that may be outside the downtown/inner city cultural hub) and that families can participate in together.

Recommendation 2

Update the Civic Art Ordinance and include some aspects of horizontal construction to include more areas of the City for Civic Art.

Assessment:

The authorizing Civic Art Ordinance applies to qualifying vertical CIP construction projects. Horizontal improvements like major roadways and parks do not qualify for the allocation. Current bonding requirements mean that the Civic Art monies generated must only be spent on property administered by the department generating the art allocation. Civic Art funds from various departments cannot be aggregated. Further, there is obsolete language in the ordinance and a need for clarification about the application of the allocation. It would be an advantage for the community if the Civic Art funds could be consolidated or "pooled" and spent where the art would have the highest impact. In addition, many City capital projects are administered through external entities, such as management districts, TIRZs and LGCs, which also do not in the current Civic Art Ordinance qualify for a Civic Art allocation. Making some horizontal construction projects like parks and major roadways eligible for a Civic Art allocation would give many more areas of the city opportunities for public art. The Parks and Recreation Department needs funding to help defray conservation costs of its dozens of outdoor artworks. In addition, if a "pooling" provision were enacted, there would be even greater flexibility in delivering much sought after public art projects in more communities.

Recommendation 3

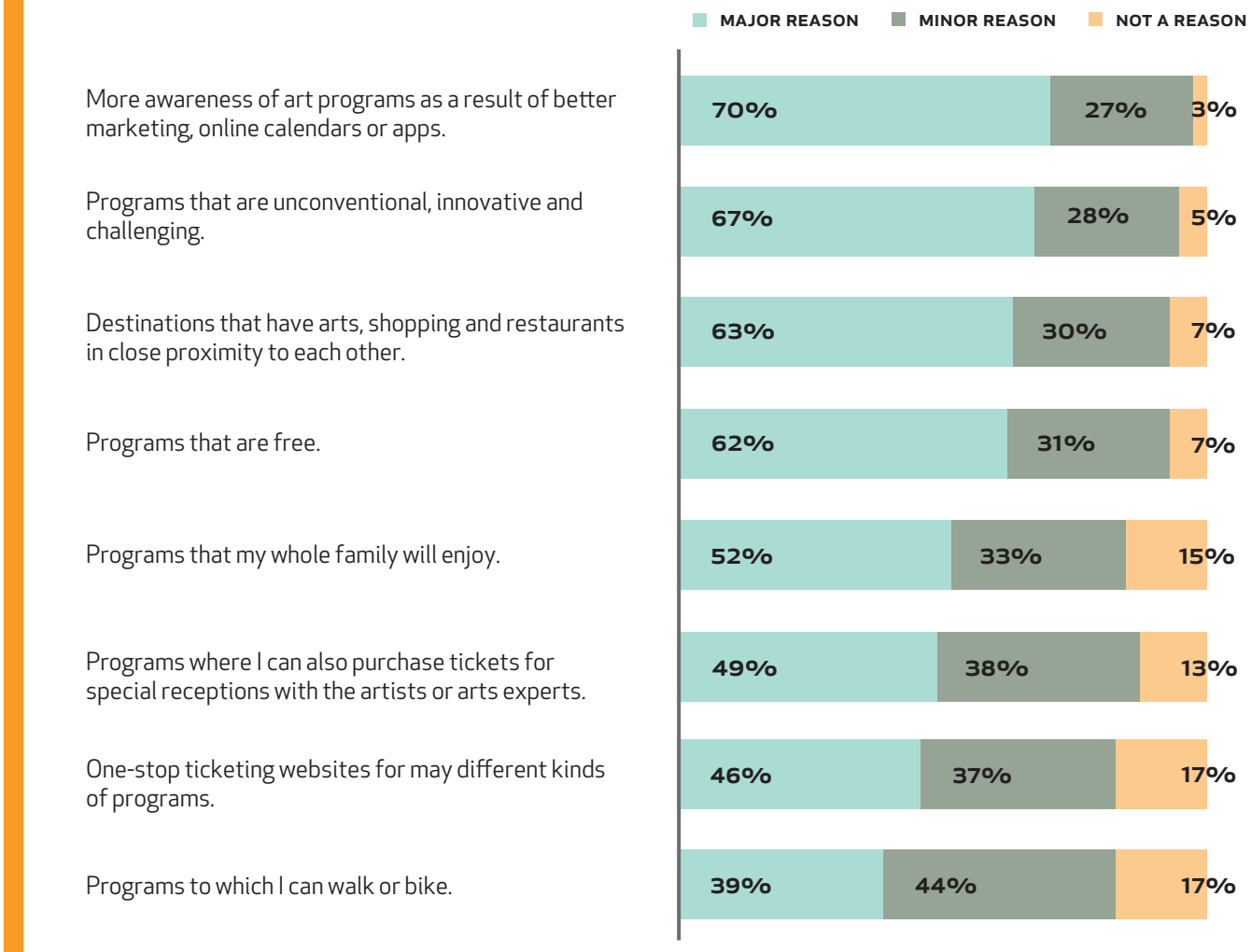
Leverage Houston's "world city" image, international arts venues and diverse cultural offerings in destination marketing with the Greater Houston Convention and Visitor's Bureau (GHCVB) and other partners.

Assessment:

Houston has an amazing collection of national and international legacy cultural organizations that, coupled with the unique collection of world cultures and traditions, has great potential to become attractive to cultural tourists. However, these trea-

Guests practice tai'chi in Asia Society's Water Garden Terrace.
Photo by: Jeff Fantich

Is each of these a major reason, a minor reason or not a reason at all that would encourage you to participate in more arts and cultural activities than you do now?



Transported + Renewed, *Silos I*.
Photo by: Loriana Espinel

sures are not fully capitalized on. These cultural assets should become major elements in the destination marketing of the city.

There might be a temptation for those actively involved in promoting Houston to go straight to the task of branding and marketing the city, and in fact understanding character of place can contribute to those efforts. Usually, effective marketing (when it is conducted through advertising in paid media) must necessarily simplify somewhat the appeal of a place to a handful of its best qualities.

Most branding also simplifies things down to a slogan focused on a few leading qualities. (There is an exception, when a place abandons trying to describe itself in a slogan and instead creates what we call an "empty vessel." The brand says little in itself, but can be connected to an endless series of particulars when it is used. The famously effective "Pure Michigan" campaign is the best example. The words "Pure Michigan" have little meaning alone, but can be filled with meaning by association with particular places and their qualities. A study by Michigan State verified that for most of the state the *Pure Michigan* campaign was effective not only for tourism but for economic development and social capital, but in Detroit, where there were entrenched negative opinions, it was not as effective.)

A good way to dispel entrenched negative opinions is to collect stories, rich in verisimilitude and use them in digital media of all kinds within and outside the market. This will be most successful when the images and narratives are linked so that over time they convey a new understanding. The richer and more existential the picture these materials communicate, the more they leverage the city's assets and harness them to present a living sense of the city's personality. By layering internal and external communications, rich in detail and character of place, it becomes possible to face and acknowledge problems without an overall negative result. In that way, fully communicating character of place can overcome attention blindness (focusing on one thing not seeing others), and enable Houston—or any city—to address its problems.

A subtler, but very powerful, effect of communicating about a place in richly detailed stories which do not simplify character is that it allows the audience to perceive patterns for themselves, to experience the "aha moment" of insight, which is the most exciting brain function. The human brain is a pattern recognition system, and is deeply gratified when it sees large patterns and how they are replicated in small details.

Recommendation 4

Develop a program of neighborhood-based cultural tourism with the GHCVB and other partners.

Assessment:

Houston's cultural diversity adds tremendous vibrancy to the city. It is replete with neighborhoods rich in every kind of food, celebration, language and creative tradition; however, the character and multitude of Houston's neighborhoods is not widely known outside of the city. Now that travel industry websites are providing more localized data, there are new opportunities to shine a light on the city's cultural assets and connect visitors with Houston in new ways, and at the same time build connection among residents.

A full 28 percent of Houston's residents are foreign born. Los Angeles is higher, but its population is not as diverse in national origins. The United States has 13 percent of its residents foreign-born, a number that has not been seen since the 1920's. That's why Houstonians describe their city as representing the future of the American city: other places will, as time passes, get more like Houston. In the meantime, Houston, always on the move has become a true world city.

An opportunity offers itself for Houston to more fully integrate its ethnic communities into both its economy and its culture by engaging cultural centers like the Chinese Community Center, the Arab American Cultural & Community Center and the India Cultural Center..

A docent leads a gallery tour in the Audrey Jones Beck Building.
Photo courtesy: Museum of Fine Arts, Houston

Convening cultural destination and districts' leaders can generate innovative marketing opportunities and collaborative promotions. A successful neighborhood-based cultural program will require coordination and effective joint marketing to organize the packaging of destinations, events and programs in order to create satisfying and complete visitor experiences. The City, working with the GHCVB, should assist local neighborhood groups to develop in promoting their programs and activities. This assistance can take the form of financial support as well as technical advisement and assistance.

Recommendation 5

Implement a comprehensive City Arts and Cultural policy to provide guidance for City initiatives and departments.

Another strategy to advance strong support for arts and culture within the city organization as a priority would be for the City to develop a citywide Arts and Cultural policy that articulates the role of the arts across all City functions and programs. Cultural policies are most often made by governments, from school boards to Congress and the White House, but also by many other institutions in the private sector, from corporations to community organizations. Policies provide guideposts for those making decisions and taking actions which affect cultural life. Public policy making is a continuous process that has many feedback loops. Verification and evaluation are essential to the functioning of this system. [12]

In the United States, local governments have implemented cultural policies, integrating them into the overall policy-making process. Dallas created such a policy more than 30 years ago and it continues to provide direction for arts and cultural development. Accordingly, it has been updated periodically as conditions change, and continues to be instrumental in guiding the growth of the arts there.

Integrating "Culture" into the City's first General Plan is a good first step.

Recommendation 6

Assess options to expand awareness of cultural offerings via smart phones and by updating/replacing ArtsHound.com.

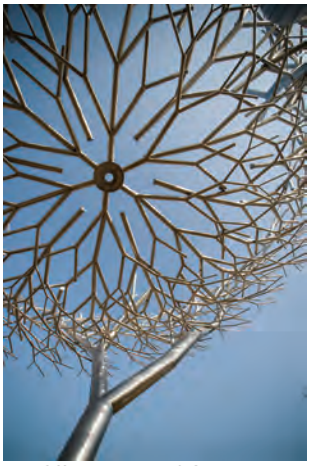
Assessment:

Very few cities have been successful in creating a comprehensive vehicle for disseminating information about arts events, activities and programs, despite repeated attempts to do so. While ArtsHound.com, overseen by the Houston Arts Alliance, has many of the elements of such an arts information source, survey responses suggest there is low awareness of the site. Development of an app or apps would help intensify marking cultural initiatives. Rebranding might also help attract more users.

Artshound.com uses the Artsopolis platform, a comprehensive arts and event marketing website that is used in many cities. Good examples are the "Philly Fun Guide" (www.phillyfunguide.com), and the CNY Arts Calendar (http://gotocnyarts.org). Partnerships are formed with the existing arts calendars; these websites become the primary "backbone" of information in their regions. Some serve as the event database for local/regional newspapers for instance, as well as tourism and visitors bureaus. Also, these platforms extend far beyond advertising ticketed arts events. They take a broad view of "arts and culture," extending to commercial, community, educational, amateur and even sports activities. They can also provide listings for space rentals.

[12] Thei, Geurts; Be Informed (2010). "Public Policy: The 21st Century Perspective"

Transported + Renewed, East End Ramble.
Photo by: Loriana Espinel



Take Off, Paul Kittelson & Carter Ernst.
Photo by: Beryl Striewski

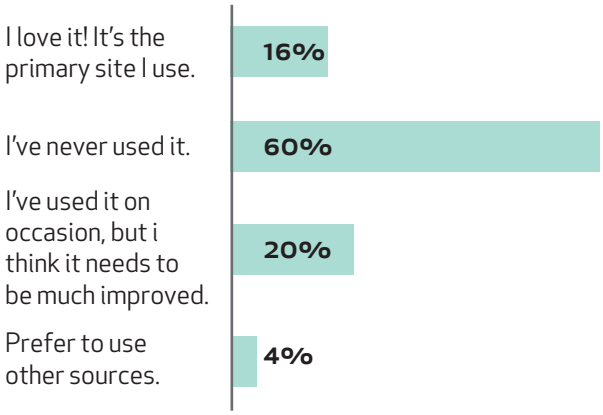
Recommendation 7

Monitor Plan indicators, evaluate contract performance and review local research surveys and reports.

Assessment:

Indicators are critical to assessing progress toward established goals. An indicator is a sign that shows the existence, state or condition of something. It is a specific, observable and measurable characteristic that can be used to monitor change over time. Sets of indicators, such as economic indicators (like inflation, GDP, employment), group statistical values that, taken together, give an indication of the health of the economy. Indicators represent the key values of a program or operation.

Artshound.com offers the largest database for arts and cultural events in the greater Houston area, along with additional listings of classes and workshops, jobs, auditions, organizations, venues, public art, and individual artists. Which of these best describes your experience with Artshound.com?



Adages like "you get what you measure," and "we measure what we treasure," emphasize the importance of selecting the right indicators for a given endeavor. Effectively selected, integrated and monitored, indicators are a powerful tool for leaders and decision makers to set priorities, understand and communicate performance and, when needed, can help present a rationale for course correction. The initial indicators presented for the City's Arts and Cultural Plan were identified as best aligned with the Plan's recommendations. Some or all will be utilized as implementation of the Plan progresses. As study and research of the field and economies continues at the local and national level, new and different indicators will likely be identified as important to monitor, as well.

Recommendation 8

Continue to convene the arts and cultural constituencies and other stakeholders around critical cultural policy issues.

Assessment:

Throughout the community engagement process, it was remarked by a large number of residents and stakeholders, that being invited to convene around important cultural issues was a highly rewarding experience. In addition, one of the most important roles the City can play in the local cultural ecosystem is to use its convening power to bring together arts and cultural stakeholders, other cultural constituencies, educational institutions, regional partners and the residents of Houston to have conversations about issues critical to the arts and cultural development of the city and the region. Strategy, programs, tools and relationships can all be improved when community input is sought and understanding is fostered. Periodically reviewing community priorities, sharing progress toward City goals and refining practices is an important cycle for a continuous improvement process.

Transported + Renewed, AFloat!
Photo by: Marc Newsome

ENHANCE

THE SUPPORT SYSTEM FOR THE CITY'S DEEP CULTURAL ASSETS.

Recommendation 9

Elevate arts and culture as a priority in the City structure and ensure the efficient and effective use of City Resources.

Assessment:

Houston is almost unique among the largest cities in the nation in the absence of a full scale Department or Office of Cultural Affairs. Of the 10 largest cities by population, only Houston and Philadelphia do not manage city arts grants, programs, and services within an Office or Department of Cultural Affairs.

This has been attributed to the historically strong private sector support of the arts and perhaps local views about the role of City government. In a recent example, to guide conversations about possible budget cuts for the current fiscal year, Houston's City Council drafted a (nonbinding) definition of the city's core services as "public safety, water and wastewater, streets and drainage and solid waste management." This excludes significant areas, including parks, libraries, the arts and cultural services, as well as environmental and economic sustainability.

Up to this point, the City of Houston's cultural role has largely been identified by its funding through the Hotel Occupancy Tax (HOT) dedicated to the arts and the Civic Art Program. Many areas of cultural development – community and neighborhood arts, technical assistance, arts education and life-long arts learning, arts in social services and public safety, economic development, among others – have received little or not enough attention from the City's arts program. The City has a strong track record executing big events. Several focus group participants observed Houston does "big" really well and wanted the City to work on "going small" to offer more activities throughout the community. Houston has a great opportunity to augment an existing big event with a city-wide arts and cultural component or creating a new iconic city-wide event that focuses on communities.

The City of Houston has traditionally outsourced its transactional arts functions – grants and Civic Art – to local nonprofit agencies. This cost-effective approach can be more effective with improved oversight by an Office of Cultural Affairs elevated in the City structure as a priority. The current structure makes it difficult for the arts to have an effective voice within City government. It has also kept the City from fully capitalizing on the many ways arts and cultural activities are embedded within the City organization or adding value to major City initiatives and priorities.

At a very minimum, the following City entities are involved in arts and culture:

- Department of Neighborhoods – arts scholarships
- Economic Development Division – 380 Agreements, Right-of-way abandonment, historic tax exemptions, other development agreements
- General Services Department – civic art for several departments (Police, Fire, Library, etc.)
- Houston Airport System – civic art
- Houston First/GHCVB – destination marketing and cultural facilities management, civic art
- Library Department – exhibits, civic art, cultural programs, arts education programs
- Mayor's Office of Cultural Affairs – oversees, among other duties, with Finance Department contracts with Houston Arts Alliance, Houston's Museum and Theater districts and Miller Theatre Advisory Board

Transported + Renewed, AFoot! Spirit of Houston Marching Band.
Photo by: Maricela Varela

Transported + Renewed, *Silos I.*
Photo by: Marc Newsome

- Office of Special Events – neighborhood festivals, parades and other cultural events
- Parking Management Division – civic art
- Parks and Recreation Department – civic art, arts education programs
- Planning and Development Department – historic preservation
- Public Works Department – civic art
- Tax Increment Reinvestment Zones (TIRZ) – programming, facilities, public art

The current structure of contracting with nonprofit agencies presents certain limitations. The contract for services approach defines and establishes the range of arts programs, services and activities undertaken by the contractors. While contract amendment is technically possible, it is not the most nimble or responsive tool to employ when a new opportunity or need may arise. There is limited opportunity with the current position of the Office of Cultural Affairs to develop new programs that respond to community need.

There are several ways the City's organizational structure could be adjusted with existing administrative resources to elevate arts and culture as a main concern of the City and better leverage the impact of the City's arts and cultural investments

Successfully implementing the recommendations of the Plan will be significantly enhanced with a strengthened Office of Cultural Affairs. In particular, the Office should provide greater oversight of the City's arts and cultural investments and **provide more support to departments undertaking arts and culture projects.** For example, a number of capital projects are funded through the city's many management districts and TIRZs and public work by these entities has been increasing. The Office of Cultural Affairs can help City staff and agency representatives understand how best to realize an artwork or program as part of their project.

Another recommendation is to give the top executive position a title commensurate with the responsibilities and what is typically seen in the field. The top executive of the Office of Cultural Affairs is the City's primary lead on cultural policy and advises the Mayor and other high level City officials. Houston uses a title of "Mayor's Assistant for Cultural Affairs." While this has been effective working within the City structure, it creates confusion outside the City, particularly with people outside the region and foreign peers and dignitaries, but also with the local community. The customary title in the United States is Director of Cultural Affairs. An equivalent within the City of Houston structure could also be Chief Cultural Affairs Officer.

Every year, on June 21, more than 700 cities around the world participate in the Fête de la Musique -- a decentralized live music celebration of free concerts for everyone throughout the city, in all kinds of places, even the most unusual ones (streets, public parks, bars, restaurants, museums, hospitals, etc). Amateur and professional musicians are encouraged to perform in the streets, under the slogan "Faites de la musique" ("make music", a homophone of Fête de la Musique). Those public and private organizers show through this joint event their desire to foster the visibility of the current artistic realities of their countries and to enhance cultural exchanges.

A school group learns about J. M. W. Turner's painting, *Sheerness as Seen from the Nore*. Photo courtesy: Museum of Fine Arts, Houston

Caption Photo by:

Recommendation 10

Join efforts to augment Hotel Occupancy Tax funding for arts and culture with a new dedicated revenue source.

Assessment:

The availability and method of allocation of Houston's HOT grants for the arts has been the focus of considerable discussion during this planning effort. Some organizations contend that the distribution of HOT funds is allocating too much money to the 18 legacy organizations and too little to the 200+ other mostly smaller and mid-sized organizations. This, they say, is coupled with the other organizations having considerably less capacity to garner private underwriting. The legacy organizations counter that their need is just as great, that they serve considerably more residents and that they attract visitors to Houston, as the HOT tax legislation mandates.

These arguments overlook a central point. It is not that one group or the other gets too much or too little of the available funds. The issue is that the available arts funding is inadequate to support the very large and active arts ecosystem in Houston. The benchmarking survey comparing Houston to other cities arts funding and programming clearly indicates that Houston is low in its per capita grants spending on artists and cultural organizations. The cohort of nine cities, including Houston, range from a high of $36.34 per capita (Denver) to a low of $7.27 per capita (Houston). The average of the eight study cities is $20.72 per capita.

Before an effort to identify a new dedicated revenue source can gain support, understanding about the impact of current investments and confidence in the fund allocation processes must be established. The current allocation system has been criticized for a number of reasons, primarily based on the exemption of select nonprofit originations from the competitive grants application process and the variables set by each of the City's contractors in distributing HOT funds. While those variables are effective in meeting the goals, scope of services agreed to between the contractor and the City, and greatly enhance audience participation levels, multiple grant-making and reporting structures make it difficult to aggregate data related to public benefit.

A key element in advocating for increasing arts funding is the ability to make data driven arguments that indicate public response and public benefit. In fact, this lack of consistent data collection becomes an obstacle and raises unsettling questions by policy makers that could be more easily answered when fund distribution among a group of grantees is transparent, consistent and based on a uniform set of deliverables.

The Center for Houston's Future "Arts and Cultural Heritage Community Indicators Report: 2014" notes a finding from the organization *Grantmakers in the Arts* that the total public funding for the arts by federal, state, and local governments has increased by 15.6 percent over the past 21 years. While this trend has generally been reflected in the funding for state and local organizations, the flows "[correspond] to the economic recessions of the early 2000s and the more recent, longer and deeper recession." Thus, in the case of Houston, the funding for arts and cultural organizations has remained rather steady in comparison to its competitor regions, displaying an increasingly influential and supported sector of the region's economy.[13] Despite the impressive gains made by the Houston region's arts and cultural organizations, the future of public funding of the arts remains unpredictable. As *Grantmakers in the Arts* asserts, "Lower funding by the NEA and federal cuts may lead to a more challenging fiscal climate for many services, including the arts. Establishing steady sources of funding and support for the arts may influence the opportunities for the growth

[13] Ryan Stubbs, "Public Funding for the Arts: 2013 Update," Grantmakers in the Arts: Supporting a Creative America, 2013, http://www.giarts.org/article/public-funding-arts-2013-update

Trojan Bear, Jim Love.
Photo by: Beryl Striewski

Transported + Renewed, David Lee Garza y Los Musicales.
Photo by: Forest Photo, Pin Lim

COMPARISON OF CITY GRANT FUNDING TO ARTISTS AND ORGANIZATIONS (DOES NOT INCLUDE CIP ART)

PREPARED BY The Cultural Planning Group

CITY	PER CAPITA FUNDING	HOTEL OCCUPANCY TAX (HOT)	GENERAL FUND	VOTER APPROVED FUNDING	DEDICATED CORPORATE FUNDING
Denver	$ 36.34			●	
Seattle/King County	$ 34.05			●	
St. Louis	$ 27.30			●	
Charlotte	$ 19.46		●		●
San Francisco	$ 16.57	●	●		
Dallas	$ 11.27		●		
Austin	$ 11.11	●			
San Antonio	$ 9.66	●	●		
Houston	$ 7.27	●			
Average (of cohart)	$ 19.77				

The per capita funding comparison reflects the investment, in the form of grants and service contracts, by each city/region. The City of Houston and the other cities listed provide additional funding in the form of cultural facilities development and operation, civic/public art, marketing, etc. The per capita funding amount does not include these additional investments.

and success of Houston's nonprofit arts organizations and the numerous artists who depend on them."

The path to achieving a new dedicated revenue stream to support arts and culture will not be an easy one. It will require effective advocacy on the part of a unified arts community, speaking with one voice. Whatever approach is taken, it will be necessary to convince the elected leadership of the City, the Council and the Mayor or other municipalities, that this is necessary and important. Depending upon the source of the new revenues, it may require authorization from the state legislature. Depending upon what they may authorize, the issue may need to be submitted to the voters. In the cities where this has happened, a campaign often lasting several years has been mounted. Usually, these campaigns are led, by necessity, by the major cultural institutions that have the leadership and resources to mount the campaign.

Caption Photo by:

The following are funding mechanisms that have been implemented in other cities:

Examples of cities that have implemented a new dedicated tax-based revenue stream to support arts and cultural development include Denver, St. Louis, Salt Lake City and Cleveland. Denver first instituted a 7-county Cultural and Scientific Funding District in the late 1980s. It is funded by a 1/10th of one-cent addition to the sales tax. When the state legislature authorized the local municipalities to submit it to the voters, it passed by a narrow plurality. When the tax was reauthorized by the voters ten years later, it passed by a more than 2/3rds majority. It currently raised $44 million annually. Salt Lake City adopted a similar sales tax called the ZAP (Zoo Arts Parks) that raises $13 million annually. When it was reauthorized by the voters, more than 77% of the voters approved. St. Louis City and St. Louis County adopted its Zoo and Museum District tax in 1972. It raises $70 million annually through a small augmentation of property taxes. Since its inception, it has generated more than $1.6 billion in support for the museum institutions. Cleveland adopted a 30 cents per pack cigarette tax to support the arts. It currently generates $15 to $20 Million to fund arts and cultural organizations and programs in Cleveland and Cuyahoga County.

Recommendation 11

Seek federal, state and other grants and funding opportunities available to municipalities.

Whenever possible, the City should actively pursue resource development intended for municipalities to support cultural activities, particularly, when local cultural organizations themselves are not eligible to receive such funding, when the City can serve as an umbrella for a number of organizations, or when City participation can enhance the chances of receiving such support.

Recommendation 12

Centralize Civic Art oversight in the Office of Cultural Affairs.

Assessment:

The structure of the City's Civic Art Program has been successful in placing art in certain areas of the city. However, it has also been limited in several ways. The management of the program is diffused among multiple City departments and vendor contracts with Houston Arts Alliance. City department practices and approaches to contracting and program management are inconsistent, necessitating significant coordination time. Department directors also have the unusual responsibility of making the final approval for acceptance of new work of art. Most cities charge arts and cultural experts with this duty and do not require department heads to validate an artwork in this manner.

The current structure of the Civic Art Program has also limited the number of times artists have been engaged at the beginning of a project. One of the best ways to maximize an art budget in a capital project is to bring the artist into the project at the beginning, during program development and schematic design. When an artist has sufficient time to learn about the project and the people that will be using the facility, they are best able to develop ideas most meaningful to the project context. It also means that artwork can be integrated into the underlying capital project more cost effectively. Many artists are contracted for the City's program well into the project design process, often making it either costly or impossible to integrate their best ideas into the project.

Vector HH.
Photo by: Artist Luca Buvoli

Vaquero by Luis Jiménez.
Photo by: Beryl Striewski

The nature of administering a public art program is that it is a program that cuts across many departmental lines and in Houston this means external agencies as well. Centralizing program oversight within the Office of Cultural Affairs would better support the many entities involved to realize successful projects.

A centralized final approval process in the Office of Cultural Affairs for all civic art projects should be implemented and would be a first step.

Recommendation 13

Provide increased oversight, transparency and accountability in the allocation of City arts and culture grants.

Assessment:

The City's arts and culture grants are currently funded through a portion of the Hotel Occupancy Tax (HOT) dedicated to the arts. Perceptions about a lack of fairness and equity in the City's current allocation process have and fostered an oppositional relationship between the (mostly large) legacy institutions and the small and mid-sized organizations and artists. The City's multiparty vendor contract to redistribute HOT funds has some inconsistency in program administration practices among the different contractors and few impact reporting metrics.

There is no current standard for aggregate reporting of the City's annual investment in arts and culture grants.

Providing direct funding support to artists and arts and cultural organizations is one of the quintessential functions of any City cultural affairs program. It is the strongest manifestation of a city's commitment to the arts. Public funding of the arts is not merely about granting money to arts groups. It is about providing quality of life programs and services to its residents and visitors. It is advantageous that artists and arts groups receive support along the way, but the ultimate beneficiaries are the city's residents and visitors.

Before the City, working with arts stakeholders, can proceed with an effort to create a new dedicated revenue source for arts and cultural development, it must be able to clearly and effectively communicate the impact of current funding. Increased oversight of the City's arts grants and other activities is essential to advance policies that are well-informed and best suited to local community goals.

Recommendation 14

Set goals for City arts and culture grants utilizing Hotel Occupancy Tax funds and ensure a fair and equitable process for applicants.

Assessment:

The allowable uses of the HOT tax proceeds are governed by the State of Texas Tax Code. The City sets the policy and program objectives that supports its goals. Because each municipality electing to utilize hotel tax revenue determines its own preferences within the allowable uses established in the statute, guidelines vary from city to city, and there is some confusion about how the funds can be used locally.

Representatives of many small and mid-sized cultural organizations feel that funds are not equitably distributed because a select number of organizations do not have to apply to receive funding. Eighteen, mostly large, organizations receive, by line item, 42 percent of the contracted HOT funding, while approximately 220 smaller organizations must apply and compete for City HOT grants administered through the Houston Arts Alliance.

The smaller groups also argue that the organizations with the least capacity of access private funding should get a

Caption Photo by:

greater share. The larger institutions argue that they need the HOT dollars even though they represent a smaller portion of their budgets. They also note that they can also demonstrate that they actually drive tourist visitorship to the city as called for by the HOT statute. By examining Houston's current funding of the arts through state and county reports, the public, and private philanthropy, a view of each source's roles in developing Houston's nationally acclaimed arts-and-culture scene begins to emerge, as well as where more attention is needed.

It is true that there is an imbalance in the success of small and mid-sized organizations in competing for private contributions. According to the 2014 "Arts and Cultural Heritage Community Indicators Report" by the Center for Houston's Future: "Although Houston's cultural nonprofits experienced substantial growth in program revenues, contributions, and expenditures from 2000- 2010, the data presented here demonstrate how those increases have been concentrated in the hands of only a few organizations. Nearly 88 percent of the increased revenue from contributions went to just 27 organizations in the Houston region (5 percent of the total 532 cultural organizations in 2010). The only other region considered with a higher level of concentration in this measure is Dallas." This can also be seen in the median revenue of Houston's nonprofit arts and cultural organizations—it is among the lowest of comparable cities.

The HOT statute allows for a broad range of arts activities as one of several allowable uses to promote tourism and the convention industry. There is no statutory formula for determining the level of impact an event must have to satisfy the requirement to directly promote tourism and hotel and convention activity. It is the responsibility of the municipality to decide if an activity is eligible under the statute. By clarifying its goals for the community through its HOT grants, the City can correct a good deal of misunderstanding surrounding the funds and the related programs.

Recommendation 15

Create a common process for application and reporting for all City arts and culture grants in consultation with stakeholders.

Assessment:

The current application and allocation process creates silos with differing standards and duplication of effort. Set funding percentages allocated to four nonprofit contractors have not been evaluated in almost 20 years. The original rationale for the percentages was not discovered in the planning process and has no basis related to the current context. A big point of contention in the cultural community is the fact that a select few organizations (some large and some smaller) do not apply or go through any sort of review process to receive City arts funding. The City's reliance on a funding formula and the way it is administered has likely disadvantaged a number of organizations over the years and has certainly exacerbated perceptions of inequity.

The nuances of large institutions versus smaller organizations, museums versus performing arts facilities, etc., all have distinct management and programming structures that can be articulated in setting the context of the organization's role as a part of the grant-seeking pool. The adherence to a template that asks a set of "common" monetary and non-monetary benefits and services requires the individual grantee and the cultural sector organization to consistently document and evaluate programming, levels of public participation and leveraged resources, and leads to an avoidance of doubt regarding the effective use of arts funding.

There is another important reason for considering an alternative approach to allocating or distributing public dollars.

What Time Is It? Jo Ann Fleischhauer.
Photo by: Tommy Gregory

Voices of the Spirit V.
Photo by: March Newsome

All grant-making systems, public and private, at some point must consider the political contexts of perception and compliance. Responding to an expanding set of grantees requires tough decisions that allow for new voices, changes in perspectives and diverse interests to utilize public funding to advance the development of emerging voices and small and mid-size institutions. This line of thinking also allows for funding to be designated that can address foundation-building efforts. For example, leadership development, support for the creation of new organizations, commissioning of new work and initiatives that increase audiences. In all cases, compliance and uniform reporting systems informs the public of the return on its investment in arts and cultural activities.

The current grant review process focuses primarily on the needs and aspirations of the cultural institutions themselves. Perhaps, better criteria for determining grant allocations would be the needs and aspirations of the residents of Houston. While it is important and beneficial that Houston's arts groups are supported by the City, any allocation of public dollars should recognize that the residents are, and should be, the ultimate beneficiaries.

These possibilities are critical responses that can address and eliminate perceptions of exclusivity, and lead to a civic stance where inclusion is the larger goal and diversity is a normalized outcome. The cultural field has evolved in the intervening years and research and tools that did not exist when the City initiated its arts grants, are now available to inform policy development and decision-making. A first step to greater equity and transparency is for the City to update its arts granting process to clearly articulate funding purpose and program goals, and implement an application and reporting process for all of its arts grants. The City should undertake, in a thoughtful and deliberate way, implementation of a new grants process that is based on a clear and defined rationale and is able to respond to changing conditions in the community.

Recommendation 16

Increase the funding available for small, emerging, culturally focused and ethnic organizations and artists.

Assessment:

Houston is fortunate to have a rich ecosystem of large, mid-sized and small cultural organizations. This ecosystem has seen considerable growth in recent years, particularly small and emerging organizations. According to the "Arts and Cultural Heritage Community Indicators Report 2014" published by the Center for Houston's Future: "The Houston region offers fertile ground for ambitious innovators. **More than 40 percent of the arts and cultural organizations here did not exist before the year 2000.** These new organizations struggle with funding, particularly compared to other parts of the nation. Nationally, close to a third of cultural organizations are new (founded since 2000), and bring in less than one fifth of the revenue. In the Houston region, these new outfits account for 40 percent of our arts and cultural institutions, yet account for only 10 percent of the region's total revenue accrued within the sector." The Office of Cultural Affairs can help align these programs and resources in partnership with the GHCVB and/or the Mayor's Office of Special Events

The City of Houston should establish a service-oriented response to ensuring the advancement of small, emerging neighborhood-based organizations and honor their purpose, goals and non-traditional governance structures. Many organizations in this category present successful projects once or twice a year. Their key needs are related to logistics, accommodating audiences and event planning. (i.e. festivals, neighborhood celebrations and cultural expositions etc.). Other organizations fitting these descriptions might operate year round, have public service at the center of their mission statements, and

City Ballet of Houston, Daniella.
Photo by: Whitney Moseley

also provide programs that respond to a community's desire to preserve cultural traditions.

Many of these organizations don't consider themselves "arts" organizations, yet they contribute greatly to the multilingual, and multinational profile of Houston. These organizations would benefit from an umbrella agency or program that had the flexibility to secure funding, award small grants, and also facilitate compliance requirements for use of public spaces. Such an umbrella organization or program could also: allocate funding for projects, develop a festival guide for use in audience building or simply providing access to a roster of artists to support exhibition design and installation, sound equipment and engineers, etc. (http://www.culturela.org/events/Festivals/festivalguides/festivals15/2015-Festival-Guide-web.pdf).

Houstonians often tout the fact that the city is a "world city" – one of the most diverse cities in America. More than 100 languages are spoken in Houston and there are enclaves scattered throughout the city with concentrations of persons with scores of nationalities. These immigrants from around the world bring with them the arts and cultural traditions from their home countries. In many instances, they are forming nonprofit entities to promote their culture and traditions. Again, according to the "Arts and Cultural Heritage Community Indicator Report, 2014": "In 2011, IRS filings show 556 arts and cultural nonprofit organizations in Houston (region). Performing arts groups and "arts and culture" organizations (dealing with cultural and ethnic awareness, folk arts, arts education, arts and humanities councils, and community celebrations) comprise the two largest subsets of this sum, accounting for 34 percent and 19 percent, respectively, of the total figure. The region has witnessed relatively sustained increases in its number of nonprofit arts and cultural organizations. From 2000 to 2011, the quantity of these organizations increased by 68 percent overall and outpaced the rate of population growth (28 percent) over the same period. Together, this amounts to a 27.8 percent level of growth in the per capita number of cultural organizations. In relation to the population, the region advanced from having 7.00 arts and cultural organizations per 100,000 residents in 2000 to 8.94 arts and cultural organizations per 100,000 by 2010."

Many major and established arts organizations in the region have a substantial commitment to ethnic diversity in offerings and outreach, and these populations represent a large share of arts and cultural audiences in the region. The graph below shows the growing number of arts establishments classified as "Cultural and Ethnic Awareness Organizations" in the Houston region, as well as their accessibility to certain populations. For a city that is both growing and diversifying rapidly, an increase in the number of cultural organizations serving the population would provide a solid base for fostering a more robust arts and culture scene. On the other hand, with a higher number of organizations, constraints on development, such as insufficient and/or fragmented funding, can occur. This could result in a lack of sustainability in projects and programs, as well as a potential lack of coordination among organizations.

These cultural groups struggle financially and organizationally. In some communities, the cultural affairs agency has recognized the needs of these organizations and have set up special program that set aside special funding to nurture them. Dallas and San Francisco are two cities that have programs focused on nurturing traditional and culturally focused organizations.

Recommendation 17

Augment capacity building programs for Houston's arts and cultural organizations to reinforce sustainability.

Assessment:

Arts and cultural organizations need more than financial assistance to be sustained and grow. They need to be able to develop their organizational capacities on an ongoing basis.

Round 42, guest curator Sally Frater (left) in Nicole Miller's installation *Death of a School*.
Photo by: Bridget Fernandes

COMMENTS REGARDING THE RECOGNITION OF THE ISLAMIC COMMUNITY IN THE HOUSTON METROPOLITAN AREA

Meeting with Dr. Khawaja and Sama Azimuddin dispelled several commonly held assumptions about the immigrant community in Houston and confirmed that impactful cultural preservation activities, like the Islamic Festival, are being successfully organized and presented locally. The Islamic Festival held in 2014 attracted more than 4,000 participants –artists, young people, curious patrons and members of several Islamic communities from the Houston metroplex.

The venue for the event was a local high school auditorium; marketing was managed by a modest volunteer team relying mostly on word of mouth; funding to organize the logistics of preparing the exhibitions was primarily provided by the organizers with some support offered by members of the umbrella group; and high school students played the critical role of docents and interpreters.

The Islamic Festival embodies the true meaning of the word "festival" – a celebration. The event organizers worked through a long list of enabling constraints to produce an event that by any measure was a success:

- High attendance despite no public or foundation funding-in fact, no clear understanding of eligibility to submit funding requests to any organized government agency or private arts funding agency;
- Audience diversity was achieved by a very organic process that indicated that people are attracted to an event that exhibits high quality work, is open and inviting and where they feel welcome;
- Financial patronage is certainly important to the typical nonprofit arts organization, but equally valuable this case is the work ethic and commitment of volunteers to sharing the unique heritage and expression of a community;
- Despite assumptions that might exist around a community, faith or traditions that is less understood by the larger community, people are persistently proud to share their culture;
- New arts engagement in the Houston metropolitan region that can be captured, promoted and recognized as a cultural tourism asset.

Houston ranks in the top 10 cities in the country with the highest Islamic population. Often overlooked, this community represents a successful community of professionals active in the medical, real estate, scientific and technology industries. This community of "immigrants" perhaps represents an important growing base of philanthropists that are also patrons of the larger arts community, have an interest in public education and civic life.

This event is only one of the many, many community organized activities in Houston that fall outside of the "traditional" roster of arts events. Yet, these festivals cumulatively attract as many or more residents and visitors as other more widely recognized cultural organizations. Likewise, they fall outside of the typical list of grant seekers who regularly receive funding from local arts funding structures.

The one important take away from this interview is that the Islamic Arts Festival organizers are committed to developing the festival. The resources they require are more informational and collaborative than funding.

The interview identified several areas that would be helpful:[14]

- Support for logistical assistance
- Support with Exhibition design
- Assistance in promoting the event to larger Houston resident and visitor audiences
- Understanding of how to access city services related to event planning; and
- Steps that might be taken to ultimately relocate their event into a more visible venue in the city.

[14] Currently, the City does not provide these functions directly or indirectly through its Arts Contractors. Dr. Azimuddin is a highly regarded Houston physician with a passion for advancing cultural expression. The event is organized solely by a volunteer committee. The Islamic Society of Greater Houston serves as an umbrella 501(c) 3. See the link below to further highlight the structure of the Festival. https://www.youtube.com/watch?v=5KMRHfBgygA&authuser=0

Caption Photo by:

Technical assistance in the forms of marketing and audience development, private sector fundraising, financial management, board recruitment and leadership development, artistic advancement, and staff professional development are urgently needed by many small and mid-sized cultural groups, if they are to survive and even thrive. There are some such technical development programs already available through the Houston Arts Alliance, the Mid-America Arts Alliance and Fresh Arts.

The City must be willing to invest in the long-term sustainability of emerging and culturally specific organizations. A cursory review of current programs suggest a need to augment staffing with skills and specialization in working with non-traditional community based and culturally specific organizations, and dedicated resources such as an operating support fund (not attached to programming) to allow organizations to focus on recruitment, attraction and retention of professional staff.

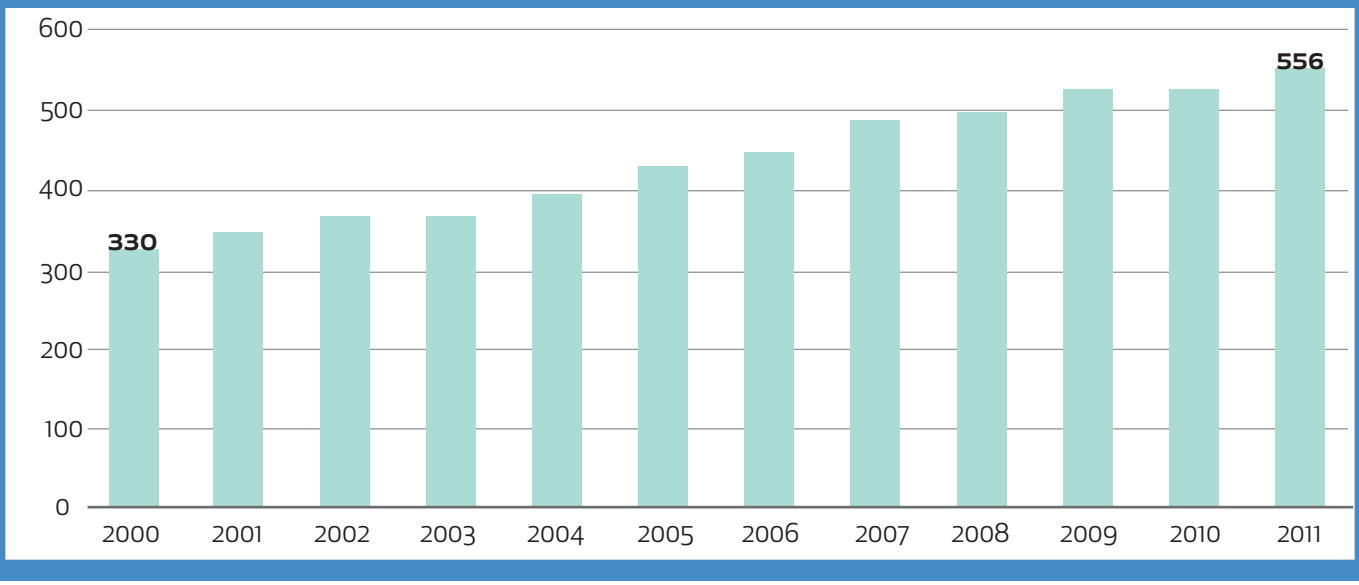
Two effective models may be:

An Arts Management Institute, similar to the Arts Incubator Program Houston Arts Alliance has, that is both a learning lab and a funding stream for a cohort of organizations that work/learn together for a three-year period to strengthen specific advancement goals. During this three- year period, the organizations are allowed to continue to apply for program support grants, and can access sustainability funding. This funding increases each year based on a matching fund challenge approach in building their budget to support the addition of new personnel and structural operations. The Institute takes on a new cohort of organizations every two years.

An Enhanced Arts Incubator Program – (similar to Dallas' Sammons Center for the Arts), operated in a repurposed City building. A number of small arts organizations share all the back office resources, rehearsal and performance spaces,

GROWTH IN THE NUMBER OF ARTS AND CULTURE ORGANIZATIONS IN THE HOUSTON REGION

Source: Center for Houston's Future, Arts and Cultural Heritage Community Indicators Report (2014)



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meeting rooms, and participate in scheduled management training courses facilitated by experts from larger cultural organizations. The Center is funded partially by the City and its nonprofit board of directors secures additional funding to augment the City's contribution. Groups are selected with an understanding that they will eventually relocate to a more permanent space over a designated period of time. This is an area where the City can collaborate with the Houston Arts Alliance.

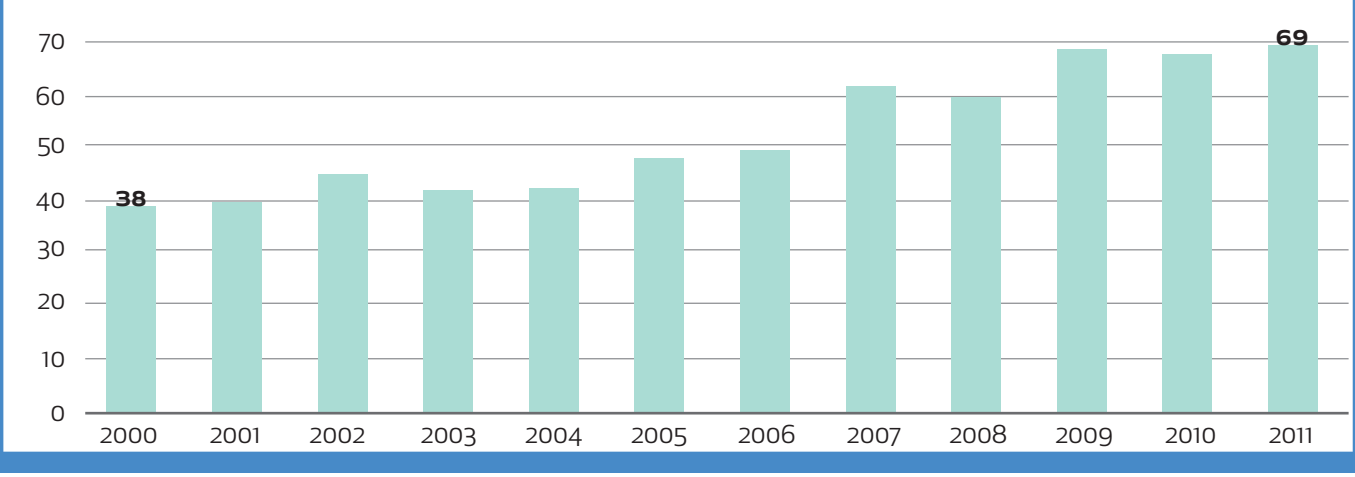
One important, but often overlooked, area of technical assistance is programs that assist struggling organizations to reorganize, merge, transition leadership, or even gracefully go out of business. These should be elements in any technical assistance program. **Likewise, the program should also allow for shared facilities and services.** Not every small arts group needs its own high-speed copier, receptionist or financial manager. Co-located office spaces and facilities can also be a powerful incentive to collaboration among small and mid-sized cultural groups. The City is already assisting with Midtown Arts and Theater Centers Houston (MATCH) and Deluxe Theater to be operated by Texas Southern University and Fifth Ward Community Redevelopment Corporation.

Technical assistance and capacity-building programs could best be administered under service contracts with the Houston Arts Alliance (to augment its existing technical assistance and incubator programs) and other partners who can more easily manage small grants and projects.

Houston has a tier of about 15 to 20 mid-sized arts and cultural organizations. These organizations are generally of long standing in the community. These groups tend to operate close to the margin and are struggling - organizationally and financially. They lack the capacities, staff and funding to sustain themselves, but do not have significant access to private sector funding. Attempts have been made to enhance their capacities through technical assistance without great success since the resources have not been available to enable the organizations to take full advantage of the technical assistance

GROWTH IN CULTURALLY FOCUSED NONPROFITS IN THE HOUSTON REGION

Source: Center for Houston's Future, Arts and Cultural Heritage Community Indicators Report (2014)



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they have been provided. A program to sustain these legacy organizations (for those groups that choose to participate) should have three elements: 1) a deep assessment of organizational capacities and needs; 2) direct, individualized technical assistance to bolster their capacities in specific areas of need; and 3) augmented funding for a reasonable period of time for the organizations to establish those new capacities into their operations. This is the best means of helping these legacy organizations to survive.

The City should establish an organization initiative that creates an environment where its 15-20 mid-sized arts organizations not only survive, but also thrive. In concert with institutions and partners like the University of Houston's MA in Arts Leadership program, United Way of Greater Houston, Houston Arts Alliance and Mid-America Arts Alliance, the City could leverage its own resources by launching an initiative that works with leaders of specific organizations to: strengthen their core "business" model, invest staff development and design strategies for increasing their potential for earned revenue as a sustainability strategy. Many of these organizations represent the same ethnically specific or discipline specific organizations that have hit a ceiling in terms of their abilities to attract new donors, trustees, staff and expertise. This kind of initiative can stimulate new investments, attract new donors and continue to strengthen the programs and services offered by target organizations to tourists and residents, and scores of young people who aspire to develop careers within the multi-disciplinary fields of arts and culture. A specific fund would be established to provide a full range of leadership and organizational building necessary to secure this initiative.

ADVANCE

STRATEGIES TO STRENGTHEN THE LOCAL CREATIVE ECONOMY.

Recommendation 18

Nurture the development of artists and creative talent.

Assessment:

A large, community-organized Town Hall meeting of artists was held during the planning process. Among the many issues discussed at the forum, affordable housing/ live-work space rose to the top of local artists' concerns. At one time in the not-too-distant past, Houston was an affordable city – artists and cultural organizations could find reasonably priced spaces to work, perform, rehearse and exhibit. The rising cost of real estate and rental has begun to change in ways that make workspaces and venues unaffordable. Houston has a remarkable number of working artists in need of live-work and studio space. It also has a large collection of performing and exhibiting organizations in need of venues, both presenting and rehearsal spaces. Action is needed if artists and small and mid-sized arts organizations are going to be able to stay in Houston. These artists and cultural groups contribute substantially to the vibrancy of Houston's life.

Houston, perhaps even more than most cities, has an employee/employer economy. Artists, designers and craftsmen are more likely to belong to the subset of the creative class who regard themselves as independent workers, self-employed and building their own future. That's important because one of the great freedoms accorded by the digital economy is the ability to choose where you live and work independently of

Caption Photo by:

where a particular employer is located. As Houston's reputation for enabling and supporting such independent work grows, it will become more attractive to creative workers—because even those who come to a city for a particular job want the option of going independent if they choose. **A study of cultural facilities and space needs for organizations and artists in Houston would provide a strategic tool to inform local economic development priorities.**

Many artists and creative workers, and in particular, Millennials, are attracted to urbanity. They like the kind of active, amenity-rich neighborhoods that tend to cluster nearer to the center of cities, and they like the bike paths and green connective spaces that are being created in Houston. Many young artists are already enthusiastic evangelists for those changes, but their energy is not being used most effectively because no one is engaging with them in relation to those causes and values. It is a huge missed opportunity. Urbanity needs the public realm. It needs amenities such as live/work spaces, and third places: all the physical and social components, which aid connections. If Houston can deploy more affordable live-work studio spaces, a program to make artist communities models for what can be done immediately to foster connection and maximize sustainability, it would go a long way to retaining and attracting artists and creative workers.

Recommendation 19

Support and strengthen relationships with anchor arts and cultural institutions as key economic and community drivers.

Assessment:

Anchor institutions are nonprofit institutions that once established tend not to move location. These may be performing or visual arts, universities, hospitals, sports facilities, and other cultural facilities or churches. Anchor institutions are economic engines for cities and regions. They typically have significant real estate holdings, are large employers, purchasers of significant goods, magnets for complementary businesses and developers of human capital. The place-based nature of anchor institutions makes them important partners in city building. *"Anchor institutions are enterprises, typically nonprofits, that are firmly rooted in their locales. Because they are 'sticky capital' (unlike for-profit companies that may relocate for a variety of reasons), anchors have, at least in principle, an economic self-interest in helping ensure that the communities in which they are based are safe, vibrant, and healthy."*[15] Strengthening these institutions is important to ensuring successful urban strategies.

For an institution to survive, it must adapt to its environment and in Houston, where the community is growing and changing rapidly, the City can help its cultural institutions not only adapt, but respond to these changes in ways that sustain the organizations and make Houston a better place. The City's economic development tools offer one set of strategies. It can utilize the City's real estate holdings and right-of-way authority to facilitate the expansion and development of cultural facilities.

On a programmatic level, cities have worked strategically with anchor institutions to expand awareness and access to institutions through common branding, use of "culture cards" and coordinated programs. The Seattle Office of Cultural Affairs organized an art exhibition and forum about mental illness, bringing together city, county, nonprofit and business groups in dialog about an important issue facing their community. The Los Angeles Cultural Affairs Department received a grant from

[15] Tedd Howard, "How Communities can make the most of their Anchor Initiations," Governing the States and Localities, January 9, 2014, http://www.governing.com/gov-institute/voices/col-communities-local-government-anchor-institutions-democracy-collaborative-dashboard.html

Attendees at the Museum's annual College Night view the Arts of Asia galleries.
Photo courtesy: Museum of Fine Arts, Houston

the National Endowment for the Arts to partner arts groups with homeless housing shelters and social service groups to provide quality arts programming. The New York City Office of Cultural Affairs used the City's new municipal ID card to offer a one-year free membership to major cultural institutions. These are just a few examples of how the City can strengthen its relationship with Houston's anchor cultural institutions much beyond the current arts and culture grants.

Recommendation 20

Highlight and develop cultural arts initiatives that celebrate Houston's diverse artists, cultures and communities.

Houston has many enclaves of historic assets and cultures from around the world that have great potential to support visitorship by both tourists and local residents. Targeted tourism development can support the City's efforts to redevelop neighborhoods and support the creation of lively arts and cultural districts. Holistic city planning inclusive of policy-making neighborhood development, and tourism development can achieve these goals. Partnering with the Planning & Development Department and the Department of Neighborhoods (DON) could be a focus.

The role of artists of the Millennial generation—those born between roughly the early 1980's and the early two thousands, could be richer and more impactful than it is. The city and its arts programs engage with artists chiefly as grant applicants, but conversations with young artists found a deep alignment of their values with trends that the city is pursuing and encouraging, including historic preservation. Young artists tend to be idealistic. They are willing to invest their time in behalf of causes they believe in. They could be the field troops for historic preservation—and the values they commit to now will be with most of them for the rest of their lives. Millennial artists could lead a generational shift in attitude toward respecting and preserving Houston's past. The artists from focus groups and meetings said they never talk to anyone else. There is little visible outreach from the historic preservation community to young artists, but they are a huge potential source of support—particularly since their influence will only grow with time.

Millennials also represent the most ethnically varied cohort in American history and engage across racial and ethnic boundaries more than any other generation. Artists say no one talks to them except about the next grant cycle. Engaging young artists in a dialogue to develop new socially relevant grant programs and programs to identify and promote the city's cultural depth would likely bring about much more interest in grants and opportunities for artists. The key is that in a city as large as Houston, there needs to be more cross-pollination, more conscious cultivation of connections among people, more shared interest, and that will bring more success.

Recommendation 21

Advocate for systemic access to quality arts and culture education in Houston's public schools.

Assessment:

Texas requires public elementary and middle schools to provide instruction in art, music and theater at each grade level, covering curriculum standards called the Texas Essential Knowledge and Skills. High Schools must cover two of the four areas: art, music, theater and dance. Districts can decide how to meet the mandates. A general third-grade teacher, for example, could cover the fine arts standards.

Many of the area's large districts guarantee that every ele-

Caption Photo by:

mentary school has one art teacher and one music teacher and that every secondary school offers an array of fine arts classes. The Houston Independent School District (HISD), the state's largest district, where most children come from lower income families, makes no such promises. Young Audiences of Houston surveyed HISD elementary and middle schools and found that about 30 percent did not have at least one full-time certified fine arts teacher last school year.

In an Edutopia article, author Fran Smith summarized the importance of arts education.

> *"Art does not solve problems, but makes us aware of their existence," sculptor Magdalena Abakanowicz has said. Arts education, on the other hand, does solve problems. Years of research show that it's closely linked to almost everything that we as a nation say we want for our children and demand from our schools: academic achievement, social and emotional development, civic engagement, and equitable opportunity.*
>
> *Involvement in the arts is associated with gains in math, reading, cognitive ability, critical thinking, and verbal skill. Arts learning can also improve motivation, concentration, confidence, and teamwork. A 2005 report by the Rand Corporation about the visual arts argues that the intrinsic pleasures and stimulation of the art experience do more than sweeten an individual's life. According to the report, they "can connect people more deeply to the world and open them to new ways of seeing," creating the foundation to forge social bonds and community cohesion. And strong arts programming in schools helps close a gap that has left many a child behind. From Mozart for Babies and tutus for toddlers to family trips to the museum, the children of affluent, aspiring parents generally get exposed to the arts whether or not public schools provide them. Low-income children, however, often do not." Smith adds the compelling words from Eric Cooper, president and founder of the Nation Urban Alliance for Effective Education "Arts education enables those children from a financially challenged background to have a more level playing field with children who have had those enrichment experiences."*

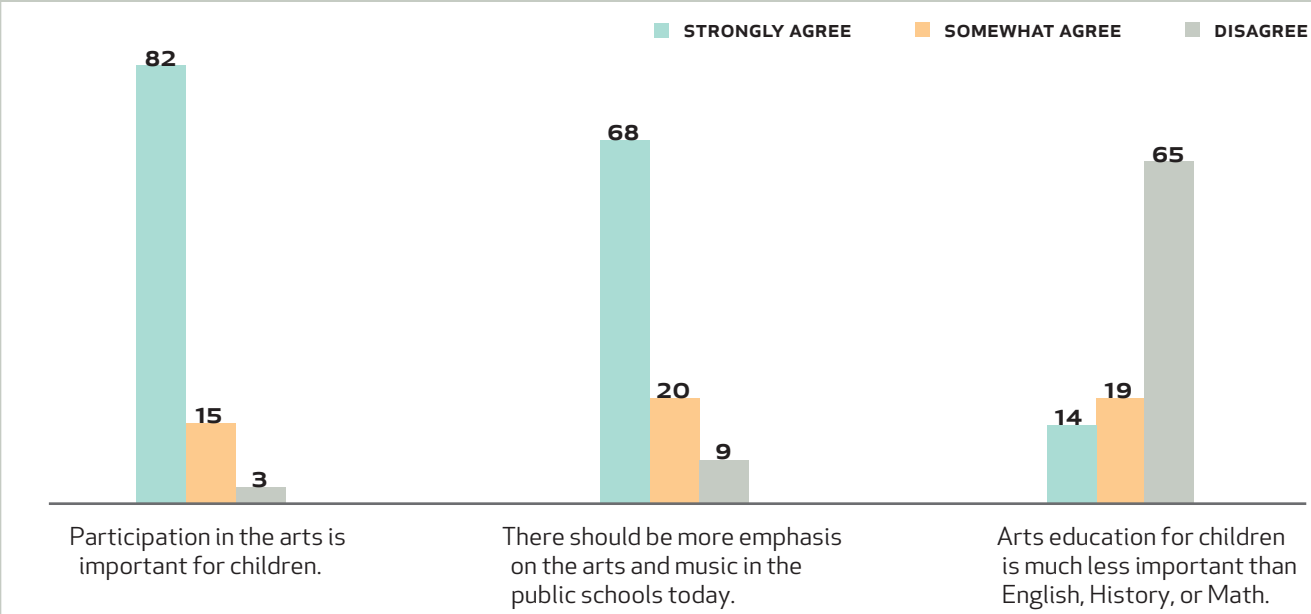
Today's school children represent the audiences of the future. If Houston's arts and cultural institutions are to enjoy robust citizen participation and attendance in the future, it is essential that Houston's children are exposed to the arts as children. According to the Kinder Institute for Urban Research "The Houston Arts Survey: Participation, Perceptions and Prospects" report, "Having been involved with the arts as a child is an important predictor of arts participation in later life. This relationship has been emphasized in several national studies, and it is fully corroborated by the results of the Houston research. Attending live performances in the arts, listening to music or watching cultural videos at home, and personal involvement with the arts through performing, writing or creating – all were strongly correlated with childhood exposure."

While arts education is not a primary responsibility of the City of Houston, the City can play a significant role in advocating for a strong emphasis on the arts as part of the basic education of Houston's school children and by supporting the important work of nonprofits like Young Audiences of Houston. **Art education programs can also be geographically dispersed by utilizing City facilities such as parks, libraries and community multi-service centers.** The City can also highlight successful arts education activities of its major cultural institutions, most of which do outreach to schoolchildren. [16]

[16] http://www.edutopia.org/arts-music-curriculum-child-development

IMPORTANCE OF ARTS EDUCATION IN THE PUBLIC SCHOOLS

Source: Kinder Institute for Urban Research, The Houston Arts Survey: Participation, Perceptions and Prospects (2012)



Recommendation 22

Encourage and partner with area universities , corporations, businesses and institutions to elevate and enhance arts and culture.

Urban universities, medical centers and other anchor institutions are important because they make strong contributions to the economic bases of their host communities and beyond. Their knowledge "products" take many forms: education, research, and commercial applications. They provide their cities with tangible benefits, such as high employment, improved landholdings, and capital attraction and expenditure. They offer intangible advantages through participation in civic affairs, as well as the prestige lent by their location in a given city. They also tend to be highly multicultural in their staffing and customers. Houston's universities and the Medical Center offer tremendous opportunity to engage many more people in the arts and culture and enhance Houston's identity. Already universities and hospitals have invested in rich cultural programming and most are in the process of process of expanding. The center for Performing Arts Medicine at Houston Methodist Hospital has become a model for arts and wellness including concerts, arts and music therapy.

Clear Lake Area Chamber of Commerce's Epicurean Evening 2015.
Photo by: Lauren Laake

Texas Medical Center is the world's largest life sciences destination. With 106,000 employees, 50,000 life science students, and thousands of volunteers and patient visits, more than 160,000 people from all over the world visit Texas Medical Center each day.

Businesses and corporations represent an important partnership opportunity for arts and cultural development. A recent study by the Strategic Counsel examined the motivations for business investment in various charitable categories. The study concluded that *"[f]or businesses, the public's extensive engagement with the arts and the various forms this takes provides a series of opportunities to reach consumers in new and different ways."* The study found a high amount of business contributions to health, social service and educational efforts and suggests an approach for the arts to consider in developing effective appeals to the business sector, *"The implication here is that there is an opportunity to develop a set of SROI [social return on investment] measures and that these measures could include a number of the areas that have been found to be important to both the public and to businesses as reasons for supporting the arts. This list would include: the benefits the arts provide in enhancing well-being and health; the contribution art makes to creating vibrant communities; the potential of art to assist disadvantaged youth; and, finally, the role of art in enhancing the emotional and intellectual development of children."*[17]

Local leaders increasingly understand the critical importance of anchor institutions within their own cities' economic development strategies. In some instances, a mutually beneficial dynamic evolves between an anchor institution and its community, creating economically sustainable commercial corridors, vibrant streets, and dense, diverse neighborhoods. Plenty of great college towns across America showcase this productive interplay. But in many other cases, especially in underserved urban areas, institutional and civic leadership must be more entrepreneurial, actively championing projects, programs, and policies to achieve these outcomes.

Recommendation 23

Advance efforts for regional arts and cultural planning.

Assessment:

This planning effort has been most directly involved with examining and defining the role of Houston's City government in arts and cultural development. In that sense, it is a CITY cultural plan. With a large and growing number of residents outside the City boundary, a regional community planning effort is needed. The City has a pivotal role to play in such an effort and can begin laying the groundwork with its peer municipalities in the surrounding region. The City has also gained experience from its planning process and built a base of engaged residents concerned with arts and cultural life, which it can use to help support a much deeper engagement with the residents, workers and visitors of the Houston region. Typically, such a planning effort involves many partner agencies and municipalities and for a region the size of Houston, it would take at least 24 months to complete.

In a city as large as Houston, with its myriad arts and cultural resources, just keeping track of them can be a challenge. Several cities, including Philadelphia, New Orleans and Washington DC, have developed an inventory and resource map to give a full picture of the arts and cultural assets of their city. These tools vary in their scope and complexity – they can range from simple tools that locate arts resources geographically to complex GIS systems that allow multiple overlays that allow for correlating data. For instance, in Washington DC, it is possible to overlay the Metro transit map onto the locations of the city's

[17] Building the Case for Business Support of the Arts: A Study Commissioned by Business for the Arts, February 2015, The Strategic Counsel, http://www.businessforthearts.org/wp-content/uploads/2015/04/Business-Support-for-the-Arts-%E2%80%93-Making-the-Case.pdf

Lone Star Flight Museum at Ellington Airport, Fall 2014 Press Event.
Photo by: Evan Austin

monuments. Or, a user can correlate the city's artist live-work spaces with the City's economic investment zones.

The kinds of information that is typically included on these art resource maps include:

- Arts and cultural institutions
- Historic sites
- Public art and monuments
- Artist live-work and maker spaces
- Locations of major festivals, special events and celebration
- Locations of City-funded arts and cultural events and programs
- Arts and cultural venues
- City transportation system
- City Council districts
- Economic investment zones
- Creative economy businesses
- Arts, cultural and historic districts
- City growth areas

These tools become extremely useful for a variety of users: for the local arts agencies to determine the distribution of its grants into target neighborhoods, for City planners to locate artist concentrations with an eye to developing cultural districts, for university researchers, for non-arts institutions trying to find creative resources nearby, for visitors trying to locate arts and cultural attractions, for parents to find arts opportunities for their children, and so on. Houston's General Plan (Plan Houston) is developing a tool along these lines and including cultural assets would help build awareness of local resources among a wide range of potential users.

An additional recommendation is for the GHCVB to build a digital library of content about Houston, in audio, video, photography and print, with stories and images. Every file should identify its origin, who owns it and how it can be used, and it should be tagged for subjects. This will be, over time, invaluable and would provide significant content for the resource inventory and map.

Recommendation 24

Research creating a purchasing cooperative for goods and services needed by local artists and arts nonprofits.

Assessment:

It has been proposed that the City form a purchasing collective to acquire bulk goods and services on behalf of local artist and cultural organizations. Cooperative procurement has been proven to reduce administrative and product costs, increase efficiencies and stretch shrinking budgets during difficult times. Cooperative procurement aggregates the purchasing power of multiple entities in order to entice the vendor community to offer deeper discounts on goods and services. If it can be established, it could provide real benefits to hundreds of local nonprofits, with minimal outlay on the part of the City. It would require some staffing and storage facilities, but these could be contracted out and even paid through membership fees of collective members.

Recommendation 25

Support State funding for area Cultural Districts designated by the Texas Commission on the Arts.

Assessment:

Another tool for engaging audiences and aligning Houston's

Caption for the BBP new headquarters.

identity with arts and culture is the State's Cultural District program. As authorized by H.B. 2208 of the 79th Legislature, the Texas Commission on the Arts (TCA) can designate cultural districts in cities across Texas. Cultural districts are special zones that harness the power of cultural resources to stimulate economic development and community revitalization. These districts can become focal points for generating businesses, attracting tourists, stimulating cultural development and fostering civic pride. The TCA, Texas Cultural Trust and Texans for the Arts collaborated to create tools and indicators to measure the success of cultural districts. Now that funding is becoming available to complement the designations, Houston's districts will want to monitor their performance and the City can help districts track key metrics and be more competitive for grant funding opportunities.

Recommendation 26

Develop a public art master plan to guide the future development of the Civic Art Program.

Assessment:

The Civic Art Program was created 16 years ago. Changing conditions, the potential of an updated Civic Art Ordinance and the benefit of lengthy experience managing this program suggest that a fresh overall look at the program would be beneficial. A useful tool employed in many cities is development of a public art master plan. The Houston Arts Alliance has begun such an analysis, with the General Services Department, for multiple City departments. Areas that are typically considered in the creation of a public art master plan include:

- Incentives for public art in private development
- Geographic distribution of public art around the city
- Creation of a temporary public art program
- Creation of an "on-call" artist program to work with various City departments
- Strategies to develop sufficient funding to commission major iconic artworks
- Professional development for artists wishing to participate in public art
- Reexamination of program policies and guidelines
- Assessment of the existing collection, for condition and appropriateness of siting and retention in the collection
- Other issues that might arise in the planning process

Recommendation 27

Utilize economic development partnerships to implement existing and new tools for artists and creative businesses.

Assessment:

The City's Economic Development Division can utilize the City's real estate holdings and right-of-way authority to facilitate the expansion and development of cultural facilities and affordable live / work spaces for artists. The Museum of Fine Arts, Houston, for example, recently benefited from a right-of-way abandonment by the City for expansion of the Museum Campus. Valued in excess of $1,000,000, the City provided key support for the growth of the region's largest museum. The City can also facilitate cultural facility development through what are commonly called 380 Agreements – a reference to chapter 380 of the Texas Local Government Code. This chapter authorizes Texas municipalities to provide assistance for promotion and encouragement of economic development. In these types of agreements a developer commits to investing money to construct and operate a business that will create jobs and economic activity and as an example, the City can support the

NASA Shuttle Carrier Aircraft Move to Space Center Houston for Independence Plaza Exhibit. Photo by: Lauren Laake

project by reimbursing the developer with a portion of City's sales and/or mixed beverage tax revenue over some number of years. The City partnered with the pending Midtown Arts and Theater Center Houston (MATCH) with such an agreement.

The City has other tools at its disposal including real estate holdings in the form of land and facilities and additional incentives it can employ to help attract more artists to the city and grow the number of creative businesses based in Houston. The City can also foster partnerships to advance economic development of the creative industries.

CONCLUSION

The 27 recommendations in the Arts and Cultural Plan were developed by identifying what matters to people and communities through a public engagement process and by examining existing public input gathered from recent surveys, reports, and a wealth of existing research. The recommendations support the City's vision and priorities for arts and cultural development by leveraging the City's unique position in the local cultural ecosystem. The Arts and Cultural Plan aims to make the arts and cultural vitality synonymous with Houston's identity.

Many of the recommendations will be implemented by the City and the Office of Cultural Affairs. There are also recommendations that require further dialogue and consensus building before implementation can begin. One specific recommendation calls for ongoing convening of the community around important cultural policy issues. **The intention is for the Arts and Cultural Plan to be the beginning of conversations and not the end.**

Appendix

Caption Photo by:

PARTICIPANTS

No effort as big as this is undertaken without contributions from a lot of people. It is with tremendous gratitude we thank the hundreds of participants who contributed time, advice, opinions, guidance and expertise during the planning process. The challenge with assembling a list like this is that some people will be inadvertently left off, and for that we apologize. Thank you as well to the thousands more who contributed through social media or by extending a planning conversation to your organization or event.

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MAJOR GRANT PROGRAMS

HOUSTON'S IDENTITY MATRIX

PROSPERITY /OPPORTUNITY/THEIR LIMITS

HOUSTON = PROSPERITY, KNOWN FOR OPPORTUNITY
PEOPLE CAME FOR A JOB
HISTORICALLY AFFORDABLE HOUSING
LOW BARRIER FOR ENTRY INTO BUSINESS
OPEN SOCIETY, CAN HAVE COFFEE WITH ANYONE
2 DEGREES OF SEPARATION
AFFLUENT NEW IMMIGRANTS
SUCCESSFUL IMMIGRANT COMMUNITIES
UNDER SUPPORTED MULTI-GENERATIONAL AFRICAN AMERICAN AND LATINO COMMUNITIES
PLENTY OF JOBS, 5.5% UNEMPLOYMENT, 30% UNEMPLOYMENT IN SOME AFRICAN AMERICAN NEIGHBORHOODS
LOW TAXES, NO ZONING
VIBRANCY, SELF-RELIANCE, ENTREPRENEURSHIP
BLUE COLLAR, WHITE COLLAR TOWN
"KEEP HOUSTON RICH"
WEALTH AND PHILANTHROPY
ALL OF US WANT TO GIVE BACK
IMMIGRANTS EMBRACE NEW IMMIGRANTS AND REFUGEE POPULATIONS
QUALITY EDUCATION NEEDED TO BRING HOUSTON'S CHILDREN INTO PROSPEROUS FUTURE
THE MENIL COLLECTION, THE DE MENIL INFLUENCE
CONSPICUOUS CONSUMPTION, CONSPICUOUS PHILANTHROPY
CAN DO SPIRIT
LAND, LAND, LAND
GREAT BUILDINGS: ICONIC SKYSCRAPERS, RESIDENTIAL ARCHITECTURE AMONG THE MIX
"HOUSTON IS PURE POTENTIAL"

AN EMERGING WORLD CITY

"HOUSTON" THE FIRST WORD SPOKEN ON THE MOON
IMMIGRANTS QUICKLY BECOME HOUSTONIANS
PORT—WORLDWIDE CONNECTIONS
THE LARGEST MEDICAL COMPLEX IN THE WORLD
OVER 100 LANGUAGE COMMUNITES, NEW CHINATOWN, KOREATOWN, MAHATMA GHANDI DISTRICT, ETC.
NEW YORK AND TORONTO, EXAMPLES OF WORLD CITIES
GLOBAL CITY = BUSINESS ONLY, WORLD CITY = CULTURE AND BUSINESS
INTERNATIONAL CLASS ARTS INSTITUTIONS
CHAPELS, MOSQUES, TEMPLES, BUDDHIST CENTER, ETC.
NASA, NEW SPACE PORT
OIL AND GAS WORLD CAPITOL
28% FOREIGN BORN
NOT A "MELTING POT"
GLOBAL BUSINESS REACH
FIVE SUCCESSFUL CHINESE BANKS
WITH A COMMUNITY FOCUS
ORGANIC MIXING OF CULTURES, SLOW, SOME DEMAND FOR FASTER PROCESS
MAJOR UNIVERSITIES, RESEARCH FACILITIES

RUSHING INTO THE FUTURE

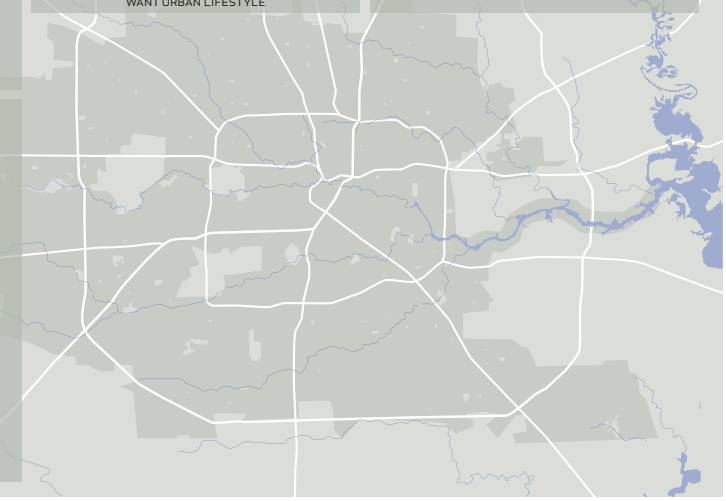
EXPAND, EXPAND, EXPAND
INSIDE THE LOOP, OUTSIDE THE LOOP, BELTWAY, ALL THE WAY AROUND THE RING
"HOUSTON IS THE FOURTH-LARGEST CITY, SOON TO BE SECOND LARGEST
"IN THE STRUGGLE BETWEEN THE PAST AND THE FUTURE, THE FUTURE WINS."
LITTLE PROTECTION FOR HISTORIC PLACES, BULLDOZE THE PAST
CHOKING ON ITS OWN GROWTH, SUBSIDIZED SPRAWL, CARS AND UGLY EVERYWHERE, IT HURTS
UNSUSTAINABLE PRACTICES
GENTRIFICATION
COUNTERFORCE: THE ROLE OF THE ARTIST AS COMMENTATOR
COUNTERFORCE: THE SPEED OF CHANGE CREATES NOSTALGIA FOR STABILITY AND SLOWER PACE

SEEKING CONNECTION

IN A NETWORKED SOCIETY, CONNECTION PROVIDES VALUE
HOUSTON IS ALL SPREAD OUT, DESIRE FOR MORE CONNECTION
NEW ATTITUDES IN THE LAST FIVE YEARS; CHANGING DEMOGRAPHICS
POPULATION INVERSION
HOUSTONIANS DESIRE CHANGE, PUBLIC POLICY LAGS
TURNING POINTS: MINUTE MAID PARK, BAYOU GREENWAY, DISCOVERY GREEN
KINDER INSTITUTE
STEPHEN KLINEBERG RESEARCH PERMITS
DATA-GROUNDED EXCHANGES
"WE CAN'T FLY BY THE SEAT OF OUR PANTS ANYMORE."
REPLANTING MEMORIAL PARK, THE GARDEN AT HERMANN PARK
GROWING DEMAND FOR CONNECTIONS TO THE PAST, RENOVATE EMANCIPATION PARK
BOOMERS AND MILLENNIALS WANT URBAN LIFESTYLE

HOUSTON IS REAL

HOUSTON NEVER HAD TO DISPLAY ITSELF; SERVED REAL MARKETS
IN THE 80'S QUALITY OF LIFE BECAME A BUSINESS ISSUE: ATTRACT YOUNG TALENT
LACKING POSITIVE SPACE, PUBLIC REALM
TUNNEL SYSTEM ERODES PUBLIC REALM, BUT PRACTICAL
HOUSTONIANS HAVE A REALISTIC SENSE OF THE CITY
PEOPLE IN HOUSTON WALK ON THE GROUND
LOVE OF THE CITY IS NOT BASED ON PIETIES
THE TTWEAK CAMPAIGN "HOUSTON IS WORTH IT"
PROUD DEFIANCE
FU HOUSTON'S AWESOM
PRACTICAL. HAS RESOURCES. VISION CAN BE REALIZED
HOUSTONIANS LOVE HOUSTON (SOCIAL CAPITAL)



Caption Photo by:

ARTS AND CULTURAL PLAN POTENTIAL INDICATORS

An indicator is a sign that shows the existence, state or condition of something. It is a specific, observable and measurable characteristic that can be used to monitor change over time. Sets of indicators, such as economic indicators (like inflation, GDP, employment), group statistical values that, taken together, give an indication of the health of the economy. Indicators are critical to assessing progress toward established goals. Indicators also represent the key values of a program or operation. Effectively selected, integrated and monitored, indicators are a powerful tool for leaders and decision makers to set priorities, understand and communicate performance and, when needed, can help present a rationale for course correction. Many cultural indicators have been identified and routinely tracked by Americans for the Arts, the Cultural Data Project and the National Center for Arts Research and are relatively low cost to monitor. Other indicators may take more effort and cost to develop and collect. It will be important to consider the cost-benefit of data collection and monitoring going forward. The following is a sampling of potential indicators identified for the Arts and Cultural Plan.

Access to cultural destinations: This indicator provides a measure of vibrant activity/urban centers and access to arts and culture. The indicator identifies the percentage of dwelling units within a convenient distance of a cultural destination, measured for the City of Houston.

Arts and cultural events participation: This indicator provides a measure of cultural and entertainment opportunities. The indicator identifies the total number of attendees participating in indoor and outdoor arts, cultural and recreational events such as festivals, concerts, theater performances and fitness or athletic events. This indicator is measured for the greater Houston area.

Attendance at arts and cultural programs by out-of-town visitors: this indicator will show the extent of cultural tourism generated or supported by local cultural organizations.

Average amount of grants to cultural organizations: This indicator measures the sufficiency of City support for cultural organizations. Calculations should be made separately for small, mid-sized and large institutions.

Average attendance per square foot of visual arts exhibition space: This indicator will provide a common measure of the patronage of museums and other visual arts institutions. The City should be prepared to provide a counting system for these organizations.

Change in the number of cultural nonprofits: This indicator provides a measure of the number and financial health of nonprofits. This can be reported as the change in the number of nonprofit establishments by sector, shown as a percentage gain or loss. This measure can include new nonprofits and additional locations of current nonprofits.

Consumer spending on the arts: This indicator provides a measure of consumer spending on the arts. The indicator identifies the dollar amounts spent on arts and cultural events such as museum tickets, theater, ballet and symphony tickets purchased per capita, measured for the greater Houston area.

Density of cultural amenities: This indicator provides a measure of cultural districts within urban centers and throughout the city and access to cultural educational and amenities. While the definition of cultural amenities is flexible, examples of cultural amenities and organizations could include cultural and ethnic awareness organizations, performing arts, museums, fairs, arts, culture, and theater, multidisciplinary and other venues.

Geographic distribution of public art projects: This indicator measures the access of Houston residents to public art projects within their neighborhoods.

Growth in employment in City's cultural grantees: This indicator also is suggestive of the organizational health of the sector and a function of sustainability.

Median expenditures of cultural organizations: This indicator measures the outflow of capital in the community.

Median net cash flow of cultural organizations: This indicator measures liquid assets and the ability to pay debts, reinvest in the organization and pay expenses and solvency.

Median revenue of cultural organizations: This indicator measures the disbursement of capital among cultural organizations.

Number of arts-related business: This indicator uses standard industrial classification codes to measure the density of creative industries businesses.

Number of arts-related jobs: This indicator uses standard industrial classification codes to measure the density of creative industries employment by nonprofit and for-profit businesses.

Number of cultural grants awarded: This indicator measures the access of Houston arts and cultural organizations to City funding support and the ratio of applications to grants.

Number of cultural volunteers: this indicator shows another dimension of community involvement in the cultural sector and the donated time and talent leveraged to benefit the community.

Caption Photo by:

Number of local and regional artists receiving Civic Art commissions: This indicator will measure the degree to which the Civic Art program is serving artists in the region.

Number of members and subscribers: This indicator shows the level of repeat attendees to visual and performing organizations.

Number of OCA convenings around cultural issues: This measure will indicate the degree to which OCA is providing policy leadership in the cultural sector.

Number of staff at the Office of Cultural Affairs: This indicator shows the growth in the agency staff to serve the arts and cultural sector.

Number of technical assistance and capacity-building services available to cultural organizations: This indicator measures the availability of services that can provide organizational and financial stability for cultural grantees.

On-site versus off-site attendance of cultural organizations programs: This indicator will measure the degree to which cultural organizations are providing services in the community away from their main facility.

Overall level of City funding available to artists and cultural organizations: This indicator will assess whether City cultural funding is keeping pace with the needs of cultural organizations and artists.

Percent of capacity in performing arts organizations that is paid attendance: This indicator will measure the degree to which performing arts groups are able to generate earned income. This can also be viewed as a percent of subscribers and season ticket holders.

Public, corporate and philanthropic expenditures on art: This indicator provides a measure of investment in arts and culture. The indicator identifies the annual amount of funds spent on art. Arts and culture are seen as essential assets to local economic development, as many businesses and residents look to these amenities when making location decisions.

Ratio of earned to contributed revenues in cultural grantees: This indicator will show the degree to which cultural organizations are able to generate private contributions. This measure should be segmented among small, mid-sized and large institutions.

Resident satisfaction with the quality and availability of cultural programs: This indicator should measure overall satisfaction, as well as satisfaction with services available in their community or neighborhood.

Satisfaction of culturally diverse residents with the quality and availability of programs relevant to their cultural backgrounds: This indicator will determine the degree to which arts and cultural programs are available to meet the needs of all of the city's diverse residents.

Satisfaction with the sources and quality of information about local cultural offerings: This indicator will indicate the degree to which residents and visitors are receiving timely information on arts and cultural programs.

Utilization by the public of free admission to cultural organizations and free performances: This indicator will demonstrate the degree to which arts groups are providing services to the community.

Visits by school children to arts and culture venues: This indicator measures the degree to which cultural organizations are being accessed by school children.

PUBLIC MEETINGS AND PRESENTATIONS

CHART IN PROGRESS

Event Name	Location	Date
Kick Off Event	The Ensemble Theatre, 3535 Main St, Houston, TX 77002	11/10/14
Community Conversation	Fifth Ward Multi Service Center, 4014 Market Street, Houston, TX 77020	2/9/15
Community Conversation	Sunnyside Multi-Service Center, 9314 Cullen Boulevard, Houston, TX 77033	2/10/15
Community Conversation	Charlton Community Center, 8200 Park Place Blvd., Houston, TX 77017	2/17/15
Community Conversation	White Oak Conference Center, 7603 Antoine Dr., Houston, TX 77088	2/18/15
Community Conversation	Sharpstown Community Center, 6600 Harbor Town Drive, Houston, TX 77036	2/19/15
Town Hall	Metropolitan Multi-Service Center, 1475 West Gray St., Houston, TX 77019	3/25/15
Artist Town Hall	Third Ward Multi Service Center 3611 Ennis Street Houston, TX 77004	3/24/15
Artist Organized Town Hall	El Dorado Ballroom, 2310 Elgin St, Houston, TX 77004	5/2/15
Focus Groups	The Gregory School, 1300 Victor Street, Houston, TX 77019	1/20/15
District A CIP	Spring Woods High School 2045 Gessner Houston, TX 77080	2/16/15
District B CIP	Kashmere Multi-Service Center 4802 Lockwood Houston, TX 77026	2/23/15
District C CIP	The Metropolitan Multi-Service Center 1475 W. Gray Houston, TX 77019	3/4/15
District D CIP	Cullen Middle School 6900 Scott Houston, TX 77021	2/11/15
District E CIP	Kingwood Community Center 4102 Rustic Woods Dr. Houston, TX 77345	2/19/15
District E CIP	University of Houston- Clear Lake 2700 Bay Area Blvd. Houston, TX 77058	3/3/15
District F CIP	Hastings Night Grade Center 6750 Cook Road Houston, TX 77072	3/2/15
District G CIP	Stratford High School 14555 Fern Road Houston, TX 77079	2/18/15
District H CIP	Booker T. Washington High School 119 E. 39th St. Houston, TX 77018	2/24/15
District I CIP	The E.B. Cape Center 4501 Leeland St. Houston, TX 77023	2/26/15
District J CIP	6600 Harbor Town Dr. Houston, TX 77036	2/25/15
District K CIP	Fountain of Praise Church 13950 Hillcroft Houston, TX 77085	3/5/15
Houston Texas Tattoo Extravaganza	Hyatt Regency Houston, 1200 Louisiana St, Houston, TX 77002	3/6/15
Annual Crawfish Festival in the Heights	411 W. 20th St, Houston, TX 77008	3/7/15
City Hall Farmer's Market	City Hall, 901 Bagby St, Houston, TX 77002	3/11/15
11th Annual Texas Salsa Congress	Westin Oaks Hotel, 5011 Westheimer Rd, Houston, TX 77056	3/13/15
Houston Livestock Show + Rodeo	NRG Park, 8400 Kirby Dr, Houston, TX 77054	3/15/15
Houston Livestock Show + Rodeo	NRG Park, 8400 Kirby Dr, Houston, TX 77054	3/22/15
Houston Children's Festival	Downtown Houston, Houston, TX 77002	3/29/15
Hermann Park Kite Festival	Hermann Park, 6001 Fannin St, Houston, TX 77030	3/29/15
Bayou City Art Festival	Memorial Park, 6501 Memorial Dr., Houston, TX 77007	3/29/15
Houston Press' 13th Annual Menu of Menus Extravaganza	Silver Street Station, 1500 Silver Street, Houston, TX 77007	3/31/15
Sabor del Northside Festival	Castillo Park, 1145 Quitman St, Houston, TX 77009	4/11/15
Houston Dynamo Game	BBVA Compass Stadium, 2200 Texas Ave, Houston, TX 77003	4/11/15
Rice Village Flea	Rice Village, 2526 Rice Blvd, Houston, TX 77005	4/12/15

Mayor's Office of Cultural Affairs

Arts & Cultural Plan

THE VISION FOR THE CITY OF HOUSTON ARTS AND CULTURAL PLAN IS TO CREATE AN ENABLING ENVIRONMENT IN WHICH ART AND CULTURE FLOURISH FOR THE SHARING AND BENEFIT OF ALL RESIDENTS AND VISITORS.

PROMOTE ENHANCE ADVANCE

HOUSTON MINI MURAL BY ANAT RONEN; PROJECT BY: UP ART STUDIO, MORRIS
PHOTO: MALAKOFF PHOTOGRAPHY

The Arts And Cultural Plan has been developed in coordination with the city's first General Plan. **Culture** is one of the important goal areas in the General Plan. Twelve "core strategies" identify the city priorities necessary to achieve the community vision and goals in the plan. Culture is aligned with the core strategy *Celebrate What's Uniquely Houston.*

Houston has tremendous artistic and cultural assets and each year the City of Houston makes important investments in these resources for the benefit of its 2.2 million residents and nearly 15 million annual visitors. With the city expected to grow by more than one million people over the next 20 years, the Arts and Cultural Plan embraces change and reflects the evolving role of culture in the community.

Houston is a true world city, linked by both commerce and culture to countless places around the world. It is now the single most ethnically diverse major metropolitan area in the entire country. Houston already has brand strength in energy, space, medicine and petrochemicals. It is one of the best places in the world for the arts and its cultural assets represent a strategic opportunity for Houston's civic identity.

The Arts and Cultural Plan was developed by looking at local data, research and by listening to community residents, artists, arts and cultural groups, a community advisory committee, City staff and elected officials, civic leaders and experts. Over just six months, hundreds of individuals contributed to the Plan through meetings, interviews and events, and thousands more accessed the project online.

The Plan identifies community concerns, sets a vision for the future and establishes three key priority actions.

PRIORITIES:

PROMOTE
ENGAGEMENT IN QUALITY ARTS AND CULTURAL PROGRAMMING

ENHANCE
THE SUPPORT SYSTEM FOR THE CITY'S DEEP CULTURAL ASSETS

ADVANCE
STRATEGIES TO STRENGTHEN THE LOCAL CREATIVE ECONOMY

The Plan includes 27 recommendations to advance the City's long-term priorities and identifies cultural indicators the City can monitor to assess change and progress over time.

MOST IMPORTANTLY, THE ARTS AND CULTURAL PLAN IS DESIGNED SO MORE RESIDENTS AND VISITORS CAN FULLY BENEFIT FROM HOUSTON'S ARTS AND CULTURAL VITALITY.

CITY OF HOUSTON ARTS AND CULTURAL PLAN PRIORITIES AND RECOMMENDATIONS

PROMOTE	ENHANCE	ADVANCE
ENGAGEMENT IN QUALITY ARTS AND CULTURAL PROGRAMMING.	THE SUPPORT SYSTEM FOR THE CITY'S DEEP CULTURAL ASSETS.	STRATEGIES TO STRENGTHEN THE LOCAL CREATIVE ECONOMY.
Develop strategies to deliver arts and culture programs, arts education and public art into neighborhoods.	Elevate arts and culture as a priority in the City structure and ensure the efficient and effective use of City resources.	Nurture the development of artists and creative talent.
Update the Civic Art ordinance and include some aspects of horizontal construction to include more areas of the City for Civic Art.	Join efforts to augment Hotel Occupancy Tax funding for arts and culture with a new dedicated revenue source.	Support and strengthen relationships with anchor arts and cultural institutions as key economic and community drivers.
Leverage Houston's "world city" image, international arts venues and diverse cultural offerings in destination marketing with the Greater Houston Convention and Visitors Bureau and other partners.	Seek federal, state and other grants and funding opportunities available to municipalities.	Highlight and develop cultural arts initiatives that celebrate Houston's diverse artists, cultures and communities.
Develop a program of neighborhood-based cultural tourism with the Greater Houston Convention and Visitors Bureau and other partners.	Centralize Civic Art oversight in the Office of Cultural Affairs.	Advocate for systemic access to quality arts and culture education in Houston's public schools.
Implement a comprehensive City Arts and Cultural Policy to provide guidance for City initiatives and departments.	Provide increased oversight, transparency and accountability in the allocation of City arts and culture grants.	Encourage and partner with area change to universities, corporations, businesses and institutions to elevate and enhance arts and culture.
Assess options to expand awareness of cultural offerings via smart phones and by enhancing/replacing ArtsHound.com.	Set goals for City arts and culture grants utilizing Hotel Occupancy Tax funds and ensure a fair and equitable process for applicants.	Advance efforts for regional arts and cultural planning.
Monitor Plan indicators, evaluate contract performance and review local research surveys and reports.	Create a common process for application and reporting for all City arts and culture grants in consultation with stakeholders.	Research creating a purchasing cooperative for goods and services needed by local artists and nonprofits.
Continue to convene the arts and cultural constituencies and other stakeholders around critical cultural policy issues.	Increase the funding available for small, emerging, culturally focused and ethnic organizations and artists.	Support State funding for area Cultural Districts designated by the Texas Commission on the Arts.
	Augment capacity building programs for Houston's arts and cultural organizations to reinforce sustainability.	Develop a public art master plan to guide the future development of the Civic Arts Program.
		Utilize Economic Development partnerships to implement existing and new tools for artists and creative consumers.

The Arts and Cultural Plan process has had broad community input from residents, stakeholders, community leaders, City department directors and City office leaders through: Two Town Hall meetings, three Quality of Life Committee meetings, six public meetings, six focus groups, nine Community Advisory Committee meetings, 25 presentations, 100 interviews, 429 intercept surveys and more than 7,000 unique visitors to ByYouCity.org participated in online topics.

www.houstontx.gov/culturalaffairs

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/1/2015

20YWF68 A/W Reliance Construction Service, L.P.

Agenda Item#: 4.

Summary:

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $1,768,700.04 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICE, L.P.** for Water Service Line Replacement - 9.77% under the original contract amount - (WA 10983)

Background:

SUBJECT: Accept Work for Water Service Line Replacement, Reliance Construction Service, L.P., WBS No. S-000035-0141-4.

RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of $1,768,700.04 or 9.77% under the original contract amount, accept the work, and authorize final payment.

PROJECT NOTICE/JUSTIFICATION: This project consisted of removal of existing water service lines constructed of plastic, ¾ to 2 inch diameter, and installation of new copper service lines of the same size throughout the City.

DESCRIPTION/SCOPE: This project provided for the replacement of plastic service lines with new copper service lines and ancillary work. The project was awarded to Reliance Construction Service, L.P. with an original contract amount of $1,960,159.99. The Notice to Proceed date was 01/23/2012 and the contract duration for this project was 730 calendar days.

LOCATION: The work performed under the contract included all locations within all Council Districts.

CONTRACT COMPLETION AND COST: The Contractor, Reliance Construction Service, L.P., has completed the work under the contract. The Project was completed with an additional 90 days by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities is $1,768,700.04 a decrease of $191,459.95 or 9.77% under the original contract amount.

M/WSBE PARTICIPATION: The MWSBE goal for this project was 20%. According to Office of Business Opportunity, the actual participation was 12.32%. The contractor was rated "Unsatisfactory".

Prior Council Action:

Ordinance #2011-0949, dated 11/09/2011

Amount of Funding:

No additional funding is required. Original appropriation of $2,118,168.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

Contact Information:

Yvonne W. Forrest
Senior Assistant Director
Phone: (832) 395-2847

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Backup Material
PCA Ordinance 2011-0949	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
Council District Table 1	Backup Material
Council District Table 2	Backup Material
Council District Table 3	Backup Material
Council District Table 4	Backup Material
Council District Table 5	Backup Material
Council District Table 6	Backup Material
OBO 1	Backup Material
OBO 2	Backup Material
OBO 3	Backup Material
OBO 4	Backup Material
OBO 5	Backup Material

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

SUBJECT: Accept Work for Water Service Line Replacement, WBS No. S-000035-0141-4	**Category**	**Page** 1 of 1	**Agenda Item #**
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**	
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** All		
For additional information contact: Yvonne W. Forrest Senior Assistant Director **Phone:** (832) 395-2847	**Date and identification of prior authorizing Council action:** Ordinance No. 2011-949, dated 11/09/2011		

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of $1,768,700.04 or 9.77% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding is required. Original appropriation of $2,118,168.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 8/31/2015

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project consisted of removal of existing water service lines constructed of plastic, ¾ to 2 inch diameter, and installation of new copper service lines of the same size throughout the City.

DESCRIPTION/SCOPE: This project provided for the replacement of plastic service lines with new copper service lines and ancillary work. The project was awarded to Reliance Construction Service, L.P. with an original contract amount of $1,960,159.99. The Notice to Proceed date was 01/23/2012 and the contract duration for this project was 730 calendar days.

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M/WSBE PARTICIPATION: The MWSBE goal for this project was 20%. According to Office of Business Opportunity, the actual participation was 12.32%. The contractor was rated "Unsatisfactory".

DAR:JC:YWF:SA:SM:ebm

File No. WA10983 **CUIC ID# 20YWF68**

Finance Department:	**Other Authorization:**	**Other Authorization:**
		Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division

3-00

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, District D, District E
Item Creation Date: 9/9/2015

25DW9 - Declaration of Surplus Parcels

Agenda Item#: 5.

Summary:

RECOMMENDATION from Director General Services Department that City Council declare surplus the following properties:

Parcel	Address	District
Parcel SY16-001A	8000 Bretshire Dr., 77016	**DISTRICT B – DAVIS**
Parcel SY16-001B	8000 Bretshire Dr., 77016	**DISTRICT B – DAVIS**
Parcel H87-1	0 Hillsboro St. @ Freeport St. 77015	**DISTRICT E – MARTIN**
Parcel SY16-008	Caribbean Ln. @ Santa Monica Dr. 77089	**DISTRICT D – BOYKINS**

Background:

The Department of Public Works and Engineering (PWE) and the Houston Fire Department (HFD) have declared Parcels **SY16-001A**, **SY16-001B**, **H87-1**, and **SY16-008**, as described in the attached Exhibit "A", surplus to its needs.

All City departments with land needs have been canvassed and have indicated no interest in the properties. The properties may now be considered surplus to the City's needs and available for sale. The department directors of PWE and HFD concur with this recommendation.

Therefore, the General Services Department recommends that City Council:

Declare the following parcels surplus, as fully described in the attached Exhibit "A"; subject to the City's billboard restrictions, all easements, all public utilities and the applicable covenants, conditions and restrictions.

Parcel	Address	Council District
SY16-001A	8000 Bretshire Dr., 77016	B
SY16-001B	8000 Bretshire Dr., 77016	B
H87-1	0 Hillsboro St. @ Freeport St., 77015	E
SY16-008	Caribbean Ln @, Santa Monica Dr., 77089	D

Contact Information:

Jacquelyn L. Nisby, Esq., 832-393-8023

ATTACHMENTS:

Description	Type
25DW9 - Declaration of Surplus Parcels RCA & Exhibit	Signed Cover sheet

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

SUBJECT: Declare surplus of various City of Houston properties.		**Page** 1 of 1	**Agenda Item**
FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**	
DIRECTOR'S SIGNATURE: Scott Minnix 9-10-15	**Council Districts affected:** B, D, E		
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**		

RECOMMENDATION: Declare surplus of various City of Houston properties.

Amount and Source Of Funding: N/A	**Finance Budget:**

SPECIFIC EXPLANATION: The Department of Public Works and Engineering (PWE) and the Houston Fire Department (HFD) have declared **Parcels SY16-001A, SY16-001B, H87-1, and SY16-008**, as described in the attached Exhibit "A", surplus to its needs. All City departments with land needs have been canvassed and have indicated no interest in the properties. The properties may now be considered surplus to the City's needs and available for sale. The department directors of PWE and HFD concur with this recommendation.

Therefore, the General Services Department recommends that City Council:

Declare the following parcels surplus, as fully described in the attached Exhibit "A"; subject to the City's billboard restrictions, all easements, all public utilities and the applicable covenants, conditions and restrictions:

Parcel	Address	Council District
SY16-001A	8000 Bretshire Dr., 77016	B
SY16-001B	8000 Bretshire Dr., 77016	B
H87-1	0 Hillsboro St. @ Freeport St., 77015	E
SY16-008	Caribbean Ln @, Santa Monica Dr., 77089	D

SM:HB:JLN:DW:npb
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby and Andrew F. Icken

REQUIRED AUTHORIZATION CUIC ID# 25 DW 9

General Services Department: Humberto Bautista, P.E. Assistant Director		

F &A 011.A Rev. 3/940

EXHIBIT A

Parcel SY16-001A
Address: 8000 Bretshire Dr.
Key Map: 454
Council District: B
Approx. Size: 13.5 acres
HCAD Acct. #: 044-002-000-0175

Parcel SY16-001B
Address: 8000 Bretshire Dr.
Key Map: 454
Council District: B
Approx. Size: 3.0 acres
HCAD Acct. #: 044-002-000-0175

Parcel H87-1
Address: 0 Hillsboro St. @ Freeport St.
Key Map: 497
Council District: E
Approx. Size: 42,506 SF
HCAD Acct. #: 065-072-028-0017

Parcel SY16-008
Address: Caribbean Ln. @ Santa Monica Dr.
Key Map: 576
Council District: D
Approx. Size: 1.28 acres
HCAD Acct. #: 045-041-000-0040

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 8/10/2015

E25470-H Appropriation -ORDINANCE

Agenda Item#: 6.

Summary:

ORDINANCE appropriating $249,976.00 out of Equipment Acquisition Consolidated Fund for Purchase of Two Booster Trucks for the Houston Fire Department

Background:

Subject: S38-E25470-H - Approve an Appropriation Ordinance

The Director of Fleet Management Department and the City purchasing Agent recommend the City Council approve an ordinance authorizing the appropriation of **$249,976.00** out of the Equipment Acquisition Consolidated Fund (1800) for the purchase of two 14,000-lb. GVWR cab & chassis and two booster skid bodies for the Houston Fire Department.

_____

_____

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

$249,976.00 - Equipment Acquisition Consolidated Fund (1800)

Contact Information:

Vic Ayers	FMD	832-393-6901
Desiree Heath	SPD	832-396-8742
Lena Farris	SPD	832-393-8729

ATTACHMENTS:

Description	Type
RCA#E25470	Signed Cover sheet
Signed-RCA#E25470	Signed Cover sheet
Ordinance E25470-H	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL

Item Creation Date: 8/10/2015

E25470-H Appropriation -ORDINANCE

Agenda Item#:

Background:
Subject: S38-E25470-H - Approve an Appropriation Ordinance

The Director of Fleet Management Department and the City purchasing Agent recommend the City Council approve an ordinance authorizing the appropriation of **$249,976.00** out of the Equipment Acquisition Consolidated Fund (1800) for the purchase of two 14,000-lb. GVWR cab & chassis and two booster skid bodies for the Houston Fire Department.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:
$249,976.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

Contact Information:

Vic Ayers	FMD	832-393-6901
Desiree Heath	SPD	832-396-8742
Lena Farris	SPD	832-393-8729

ATTACHMENTS:

Description	Type
Ordinance E25470-H	Backup Material

Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the ordinance set out below that:

( ) Funds have been encumbered out of funds previously appropriated for such purpose.

( ) Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.

( ) Funds will be available out of current or general revenue prior to the maturity of any such obligation.

( ) No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.

( ) The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.

( ) A certificate with respect to the money required for the expenditure or expenditure specified below is attached hereto and incorporated hereby by this reference.

( ) Other - Grant Funds Available

Date: _____, 20___ City Controller of the City of Houston, Texas

FUND REF: AMOUNT: ENCUMB. NO.:

City of Houston, Texas Ordinance No. _____

AN ORDINANCE APPROPRIATING THE SUM OF $249,976.00 OUT OF THE EQUIPMENT ACQUISITION CONSOLIDATED FUND FOR THE PURCHASE OF TWO BOOSTER TRUCKS FOR THE HOUSTON FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. The City Council appropriates the sum of money set out in the title of this Ordinance, out of the funds set out in such title for the purpose set out in such title.

Section 2. 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 such 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 _____, 20_____.

APPROVED this _____ day of _____, 20_____.

_____
Mayor of the City of Houston, Texas

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

_____
City Secretary

Prepared by: Lena Farris
Finance Department.

(Contact: Lena Farris)
(Phone: 832.393.8729)

This Ordinance and/or Contract have been reviewed as to form by the undersigned legal assistant and has been found to meet established Legal Department criteria. The Legal Department has not reviewed the content of these documents.

_____ Date

_____ Legal Assistant

(Basic Form GMS110M

CERTIFICATE OF CITY CONTROLLER

I, Ronald C. Green, City Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, with respect to the sum of **$249,976.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

> To the extent that the **$249,976.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such anticipated funds have not already been appropriated for any other purpose. Such sum will be received as a cash draw(s) to the City of Houston pursuant to the General Obligation Commercial Paper Program, Series E, Ordinance No. 2002-1122.

_____

City Controller

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 8/10/2015

E25470-H.1 Purchase of Two Fire Booster Truck-MOTION

Agenda Item#: 7.

Summary:

CHASTANG ENTERPRISES, INC d/b/a CHASTANG'S BAYOU CITY FORD for Two Fire Booster Trucks through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Houston Fire Department - $249,976.00 - Equipment Acquisition Consolidated Fund

This item should only be considered after passage of Item 6 above

Background:

Subject: S38-E25470-H - Approve the purchase of two fire booster trucks through the Houston-Galveston Area Council (H-GAC) in the total amount of $249,976.00 for the Houston Fire Department.

Specific Explanation:

The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve the purchase of two 14,000-lb Gross Vehicle Weight Rating (GVWR) cab & chassis and two booster skid bodies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC) in the total amount of **$249,976.00** for the Houston Fire Department and that authorization be given to issue a purchase order to the H-GAC contractor, **Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford**. These fire booster trucks will be used to combat brush/wildfire incidents and transport water rescue resources throughout the City of Houston.

This purchase consists of two 14,000-lb. GVWR cab & chassis and two booster skid bodies. The booster skid bodies are equipped with a 300 gallon water tank and booster reels. The fire booster trucks (units) will come with warranties of three years/36,000 miles bumper to bumper; five years/60,000 miles on the powertrain; and five years/100,000 miles on the diesel engines. These new units will meet the EPA's current emission standards for trucks with diesel engines.

Hire Houston First:

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

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

$249,976.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

Contact Information:

Vic Ayers	FMD	832-393-6901
Desiree Heath	SPD	832-393-8742
Lena Farris	SPD	832-393-8729

ATTACHMENTS:

Description	Type
RCA#E25470-H.1 Chastang's	Signed Cover sheet
Signed RCA#E25470-H.1 Chastang's	Signed Cover sheet
Ordinance E25470-H Unsigned	Backup Material
OBO Documents E25470-H	Backup Material
Form A E25470-H	Backup Material
Form B E25470-H	Backup Material
Delinquent Tax Report E25470-H	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL

Item Creation Date: 8/10/2015

E25470-H.1 Purchase of Two Fire Booster Truck-MOTION

Agenda Item#:

Background:

Subject: S38-E25470-H - Approve the purchase of two fire booster trucks through the Houston-Galveston Area Council (H-GAC) in the total amount of $249,976.00 for the Houston Fire Department.

Specific Explanation:
The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve the purchase of two 14,000-lb Gross Vehicle Weight Rating (GVWR) cab & chassis and two booster skid bodies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC) in the total amount of **$249,976.00** for the Houston Fire Department and that authorization be given to issue a purchase order to the H-GAC contractor, **Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford**. These fire booster trucks will be used to combat brush/wildfire incidents and transport water rescue resources throughout the City of Houston.

This purchase consists of two 14,000-lb. GVWR cab & chassis and two booster skid bodies. The booster skid bodies are equipped with a 300 gallon water tank and booster reels. The fire booster trucks (units) will come with warranties of three years/36,000 miles bumper to bumper; five years/60,000 miles on the powertrain; and five years/100,000 miles on the diesel engines. These new units will meet the EPA's current emission standards for trucks with diesel engines.

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

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

$249,976.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

Contact Information:

Vic Ayers	FMD	832-393-6901
Desiree Heath	SPD	832-393-8742
Lena Farris	SPD	832-393-8729

ATTACHMENTS:

Description	Type
Ordinance E25470-H Unsigned	Backup Material
OBO Documents E25470-H	Backup Material
Form A E25470-H	Backup Material
Form B E25470-H	Backup Material
Delinquent Tax Report E25470-H	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL

Item Creation Date: 8/10/2015

E25470-H.1 Purchase of Two Fire Booster Truck-MOTION

Agenda Item#:

Background:
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Specific Explanation:
The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve the purchase of two 14,000-lb Gross Vehicle Weight Rating (GVWR) cab & chassis and two booster skid bodies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC) in the total amount of **$249,976.00** for the Houston Fire Department and that authorization be given to issue a purchase order to the H-GAC contractor, **Chastang Enterprises, Inc. d/b/a Chastang's Bayou City Ford**. These five booster trucks will be used to combat brush/wildfire incidents and transport water rescue resources throughout the City of Houston.

This purchase consists of two 14,000-lb. GVWR cab & chassis and two booster skid bodies. The booster skid bodies are equipped with a 300 gallon water tank and booster reels. The fire booster trucks (units) will come with warranties of three years/36,000 miles bumper to bumper; five years/60,000 miles on the powertrain; and five years/100,000 miles on the diesel engines. These new units will meet the EPA's current emission standards for trucks with diesel engines.

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

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:
$249,976.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

Contact Information:

Vic Ayers	FMD	832-393-6901
Desiree Heath	SPD	832-393-8742
Lena Farris	SPD	832-393-8729

ATTACHMENTS:

Description	Type
Ordinance E25470-H Unsigned	Backup Material
OBO Documents E25470-H	Backup Material
Form A E25470-H	Backup Material
Form B E25470-H	Backup Material
Delinquent Tax Report E25470-H	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Process Improvement Amendments

Agenda Item#: 8.

Summary:

ORDINANCE **AMENDING CHAPTER 46 OF CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to regulation of Vehicles for Hire; modifying licensee appearance requirements; amending regulations that pertain to physician's certificates of medical examination; modifying permit installment payment due dates; amending Transportation Network Company Insurance requirements; declaring certain conduct unlawful and providing penalties therefore

Background:

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 to incorporate housekeeping and process improvement changes to Chapter 46.

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality and encourage the operation of professional vehicle-for-hire services. Regulations also serve to ensure that vehicle-for-hire services are available to all Houstonians. Chapter 46 establishes the standards, regulations and permitting/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.

In August 2014, City Council approved omnibus changes to Chapter 46. In order to correct errors or oversights observed in Chapter 46 since the approval of those ordinance changes, ARA is proposing housekeeping amendments. In addition, as we continuously review our internal procedures to streamline the licensing and permitting process, we have identified amendments to the ordinance that would improve the customer service experience as well as reduce our processing costs. . The changes are summarized below:

Housekeeping

- Update TNC insurance requirements to mirror a recent State law change
- Remove the requirement for taxicabs to paint permit numbers on the roof of the vehicle
- Allow the taxicab airport zone rates to be posted on the ARA website instead of in the ordinance

Process Improvement

- Shift the burden for maintaining driver drug test and medical physical forms from the City to company owners
- Replicate federal Department of Transportation guidelines for the types of medical professionals that may perform driver physicals

Industry Parity

- Remove the 150,000 mileage limit for TNC vehicles
- Eliminate the re-inspection fee for pedicabs
- Reduce the time frame between the first and second installment payments for limousine, charter/sightseeing and jitney vehicles
- Eliminate the rate change fee for jitneys and low speed shuttles

Other Revisions

- Amend the dress code to allow drivers to wear shorts
- Allow for the collateralization of taxicab permits
- Create a five percent (5%) transfer fee for taxicab permits distributed in 2017 or later
- Require newly transferred taxicab permits to affiliate with a dispatch provider

Recommendation:
ARA recommends that City Council approve the housekeeping and process improvement revisions to Chapter 46 of the Code of Ordinances. These recommendations were presented to the joint meeting of the Public Safety & Homeland Security and Transportation, Technology & Infrastructure City Council Committees on August 25, 2015.

Departmental Approval Authority:

Tina Paez, Director **Other Authorization**
Administration & Regulatory Affairs Department

Prior Council Action:

8/6/2014; Ord. #2014-754

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Kathryn Bruning Phone: (832) 394-9414

ATTACHMENTS:

Description	Type
CHPT 46 Housekeeping RCA.pdf	Signed Cover sheet
Redline	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Process Improvement Amendments

Agenda Item#: 5.

Summary:
AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO REGULATION OF VEHICLES FOR HIRE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Background:
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 to incorporate housekeeping and process improvement changes to Chapter 46.

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality and encourage the operation of professional vehicle-for-hire services. Regulations also serve to ensure that vehicle-for-hire services are available to all Houstonians. Chapter 46 establishes the standards, regulations and permitting/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.

In August 2014, City Council approved omnibus changes to Chapter 46. In order to correct errors or oversights observed in Chapter 46 since the approval of those ordinance changes, ARA is proposing housekeeping amendments. In addition, as we continuously review our internal procedures to streamline the licensing and permitting process, we have identified amendments to the ordinance that would improve the customer service experience as well as reduce our processing costs. . The changes are summarized below:

Housekeeping
- Update TNC insurance requirements to mirror a recent State law change
- Remove the requirement for taxicabs to paint permit numbers on the roof of the vehicle
- Allow the taxicab airport zone rates to be posted on the ARA website instead of in the ordinance

Process Improvement
- Shift the burden for maintaining driver drug test and medical physical forms from the City to company owners
- Replicate federal Department of Transportation guidelines for the types of medical professionals that may perform driver physicals

Industry Parity
- Remove the 150,000 mileage limit for TNC vehicles
- Eliminate the re-inspection fee for pedicabs
- Reduce the time frame between the first and second installment payments for limousine, charter/sightseeing and jitney vehicles
- Eliminate the rate change fee for jitneys and low speed shuttles

Other Revisions
- Amend the dress code to allow drivers to wear shorts
- Allow for the collateralization of taxicab permits
- Create a five percent (5%) transfer fee for taxicab permits distributed in 2017 or later
- Require newly transferred taxicab permits to affiliate with a dispatch provider

Recommendation:
ARA recommends that City Council approve the housekeeping and process improvement revisions to Chapter 46 of the Code of Ordinances. These recommendations were presented to the joint meeting of the Public Safety & Homeland Security and Transportation, Technology & Infrastructure City Council Committees on August 25, 2015.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Prior Council Action:
8/6/2014; Ord. #2014-754

Contact Information:
Lara Cottingham Phone: (832) 393-8503
Kathryn Bruning Phone: (832) 394-9414

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 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 evidence that a permit or certificate of registration has been issued and an inspection performed by the director.

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.

Disability has the meaning assigned in section 17-2 of this Code.

For hire means providing, or offering to provide, a transportation service in exchange for compensation. The term expressly excludes ride sharing.

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 metropolitan statistical area that includes the City of Houston, as defined by the United States Office of Management and Budget within the Executive Office of the President of the United States, as amended ~~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~~.

Mobile dispatch service has the meaning assigned in section 46-451 of this Code.

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 a trip confirmation in advance of a vehicle for hire rendering transportation services to a prospective passenger.

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, 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 to refuse to transport a passenger on the basis of a passenger's race, color, ethnicity, religion, sex, national origin, age, familial status, marital status, military status, sexual orientation, genetic information, gender identity, pregnancy or disability, including a driver's refusal to transport any service animal or medical equipment utilized in conjunction with a passenger's disability. All permittees, registrants, and licensees shall be required to provide safe, reliable, consistent and equivalent transportation services to the general public, including but not limited to persons with disabilities requesting transportation services from a specific class of vehicle for hire operating pursuant to this chapter. It shall be unlawful for any permittee, registrant, or licensee to refuse to transport a passenger at the rates authorized by this chapter or to demand or receive an amount in excess of the rates authorized by this chapter. It is an affirmative defense to prosecution under this subsection that the permittee, registrant, or licensee 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) The permittee or registrant or the permittee's or registrant's employee or licensee violates any provision of this chapter 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 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 a certificate ~~from a duly licensed~~ physician duly licensed by the Texas Medical Board or a healthcare professional that is certified by the Federal Motor Carrier Safety Administration pursuant to 49 CFR 390.103, showing that the physician or healthcare professional 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 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~~ Each applicant~~s~~ for a permit, certificate of registration, or license issued pursuant to this chapter shall 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 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.

Sec. 46-7. Criminal history check.

(a) Upon initial application for a license 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 to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

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

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. 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, 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;

(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. 46-9.4. Appearance of licensee.

(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 or in custody of a vehicle for hire.

(b) The term suitably dressed means the licensee shall wear slacks, ~~or~~ trousers, dress or cargo shorts, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments, except that a licensee operating a pedicab or jitney 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 operating a vehicle for hire 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, cut off shorts or trunks (jogging or bathing), or sandals. All clothing must be free of rips, tears and holes. It is an affirmative defense to prosecution under this section that the licensee is a pedicab or jitney operator otherwise in compliance with the requirements articulated in this section.

(d) Additionally, each licensee shall be authorized to wear other appropriate attire prescribed by the director.

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 provide safe, reliable, equivalent and consistent for hire transportation services to the general public, including but not limited to the operation of unsuitable or unsafe equipment or any other matter incident to the 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 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 may designate. In the event the conditions are not remedied within the time specified, the director 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 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;

(12) 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~~

(13) The total number of hours each of the permittee's or registrant's licensees spent providing vehicle for hire transportation services~~.~~ and

(14) Additionally, taxicab permittees must comply with the requirements of section 46-35(c) of this Code.

(c) Additionally, for purposes of law enforcement, emergency response, and complaint resolution, all permittees and registrants shall collect, maintain, and provide to the director, on demand, all real-time tracking information concerning the permittee's or registrant's licensees and vehicles, including access to the licensee's identifying

information, GPS location data, and whether or not the licensee is engaged with a passenger. The provisions of this subsection shall only apply to permittees and registrants operating vehicles for hire equipped with global positioning satellite equipment or permittees and registrants using internet-enabled applications or digital platforms to send or transmit electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit indicating the location of the passenger which information is then relayed to a vehicle for hire by radio or data communication of any type.

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

(1) Clearly articulates the reason it is unable to provide the operations data required in subsection (a) of this section;

(2) Provides a sample of the operations data it is able to produce for submission consistent with the reporting requirements in subsection (a) of this section; and

(3) Submits a plan of action acknowledging the operations data submission requirements of subsection (a) of this section and provides a definitive timeframe within three years from the date of submitting its initial waiver request wherein the permittee or registrant will provide all operations data required pursuant to subsection (a) of this section.

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

Sec. 46-11.1. Fire extinguisher required.

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.

(a) 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.

(b) The provisions of this section shall not be applicable to the renewal or amendment of permits for vehicles for hire operating with vehicle titles classifications prescribed in subsection (a) that were originally issued on the basis of applications that were filed and permits issued on or before August 6, 2014, the date this section was adopted; provided however, the revocation of a permit for a vehicle operated pursuant to this special exemption or any transfer, lease, sale, rental, assignment or any other conveyance of a vehicle operated pursuant to this special exemption from a licensee or permittee shall result in the forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the vehicle for hire title classifications prescribed in this section.

(c) A licensee or permittee may operate a vehicle pursuant to the special exemption in subsection (b) provided the licensee or permittee submits the vehicle for annual inspection at a location authorized and identified by the director and the vehicle is determined to be in compliance with the provisions of this chapter and any other conditions of operation prescribed by the director.

Sec. 46-11.4. Vehicle removal.

(a) The police department may 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. 46-11.7. 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, other than a pedicab, whether or not the vehicle is identified as a vehicle for hire, 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 vehicles for hire 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 vehicle for hire. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand or limo stand 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 or limo stand area. Violators of this section, upon conviction, shall be fined not less than $50.00 nor more than $500.00.

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 or healthcare professional 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.

Licensee means any person in physical control of a taxicab who is the holder of a current and valid license.

Nighttime trip means a taxicab trip originating between the hours of 8:01 p.m. and 5:59 a.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 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 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 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, emergency vehicles, jitneys, sightseeing or charter vehicles, low-speed shuttles, or transportation network vehicles that operate under a permit 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 placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2015, must meet one or more of the following criteria:

(1) Be powered by a 4-cylinder engine;

(2) Be a hybrid-electric vehicle;

(3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped;

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

(5) Be a sport utility vehicle ("SUV"), including but not limited to large SUVs, as said vehicles are defined or described by size, shape, specification, make or model according to commonly accepted industry standards.

Sec. 46-19. Reserved.

{The following Section will remain in effect unchanged through May 31, 2016.}

Sec. 46-20. Age and mechanical condition of taxicabs.

(a) Except as provided in subsection (b) of this section, a 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 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.

{The following Section will become effective on June 1, 2016.}

Sec. 46-20. Age and mechanical condition of taxicabs.

(a) Except as provided in subsection (b) of this section, a 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 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~~ four-year period beyond the age limitation prescribed in subsection (a) of this section provided the licensee or permittee submits the taxicab for inspection each year at a location authorized and identified by the director prior to the expiration of the permit and the director determines that the taxicab is in compliance with the provisions of section 46-37 of this Code and any other conditions of operation prescribed by the director.

Sec. 46-21. Identification of vehicles generally.

(a) A 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 and not less than 5/16 of one inch in width and shall be a solid color that contrasts with the background. The name and numbers on the front door of the taxicab shall be placed in a location approved by the director. The telephone number shall also be placed where plainly visible on the rear of the taxicab.

(b) A permittee shall not operate or cause or suffer or allow to be operated a taxicab in the city unless and until a ~~certification decal~~ permit 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 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. 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 12 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~~ number shall be not less than three inches in length and not less than 5/16 of one inch in width.

Sec. 46-22. Vehicle color scheme.

(a) A 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.

(b) If the director approves the color scheme, 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 and taxicab permits.

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 and taxicab permit shall be attached to the taxicab for which it is

issued, at the place on the taxicab designated by the director and shall be affixed by the director or designee. It shall further be unlawful for any person to drive a taxicab without the certification decal being so attached.

Sec. 46-24. Stool light.

No permittee or licensee shall operate or cause to be operated any taxicab within the city unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" or "taxi" sign contained thereon. Additionally, permittees and licensees shall be authorized to display and illuminate either the taxicab permittee name or permit number on the stool light when the taximeter is not recording.

Sec. 46-25. Passenger's right of selection.

Every person shall be allowed to select a taxicab of his choice at any place in the city.

Sec. 46-26. Taxicabs at George Bush 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,

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. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis.

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. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis.

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. 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 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. 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 riding as a passenger;

(2) The passenger had not driven a taxicab 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 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 permittee shall not drive or cause or suffer or allow to be driven and a licensee shall not drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. A permittee shall not drive or cause or suffer or allow to be driven and a 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) Except for taxicabs dispatched through a mobile dispatch service, 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 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. Current rates shall be posted on the website maintained by the department of administrative and regulatory affairs and kept on file in the office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours.~~, 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 zone rates exclude the airport use fees, which may be additionally imposed on metered or flat 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. Current rates shall be posted on the website maintained by the department of administrative and regulatory affairs and kept on file in the

office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours.~~, 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 zone rates exclude the airport use fees, which may be additionally imposed on metered or flat 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. All forms of payment shall be accepted for these trips.

(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. Current rates as adjusted by the TCI shall be on file in the office of the city secretary and upon request made available for viewing during normal business hours. 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 rate adjustment;

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 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.

(f) All taxicabs dispatched through a mobile dispatch service shall display their fare rate and provide a fare rate estimator on their website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.

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 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.

(e) In lieu of placement of the information cards required in this section, the director may authorize the information to be displayed on the Passenger Information Module in the rear of the vehicle. However, rate card information must still be displayed in the front passenger area of the vehicle.

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. The payment by credit card shall be through the credit card payment device integrated with the meter and global positioning satellite system. The use of other credit card payment devices is expressly prohibited.

(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 shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record required by this section.

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 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 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 record of all inspections, which shall be maintained 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 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 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. Reserved.~~

~~Secs. 46-41—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:

Mean annual airport taxicab usage = (airport taxicab usage 2008 + airport taxicab usage 2009 + 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:

Mean annual population = (Population estimate 2008 + population estimate 2009 + 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. 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 ½ 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 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 may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of

taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

(1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and

(2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above, and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.

Sec. 46-67. Insurance as prerequisite.

(a) Before any taxicab permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he has qualified as a self-insurer, as the term is defined in the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 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~~ Placing newly permitted vehicles into service.

(a) ~~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.~~ A permittee shall place a taxicab into service, including any for which a permit is granted under this division, as follows:

(1) The permittee shall present the taxicab for initial placement into service and for inspection at a location authorized and identified by the director within 180 days subsequent to the date of the granting of the permits; and

(2) If any taxicab is not placed into service as provided herein, the permit shall be automatically revoked.

(b) Notwithstanding subsection (a), vehicles may be taken out of service for repairs as provided in subsection 46-35(c) of this Code, and permits may be temporarily surrendered as provided in subsection 46-35(d) 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~~ assigned 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~~ the permittee remains fully responsible to the city for the driver's compliance with this chapter. ~~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. Every transfer must be approved in advance by the director or director's designee. ~~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.~~

A nonrefundable transfer fee shall be paid by the transferee at the time of application or upon transfer of the permit by the director. Any permit issued in conjunction with a permit computation conducted in 2017 or later is subject to the nonrefundable transfer fee. The transfer fee shall be five percent of the purchase price.

(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.

(g) All transferred permits must be acquired by a transferee who utilizes a dispatch service.

(h) A permit may only be transferred to a new entrant applicant if:

(1) The new entrant applicant has filed an application fulfilling the requirements of section 46-65 of this Code; and

(2) The new entrant applicant maintains a minimum fleet size of at least 20 vehicles.

Secs. 46-73—46-85. Reserved.

DIVISION 3. RESERVED

Secs. 46-86—46-110. Reserved.

DIVISION 4. MISCELLANEOUS LICENSEE REQUIREMENTS

Secs. 46-111~~. Reserved.~~

~~Sec. —~~46-112. Reserved.

Sec. 46-113. Limitation on hours of work.

(a) A licensee shall not drive more than 12 hours in any consecutive 24 hour period.

(b) A permittee shall not suffer or allow any licensee to drive 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) A 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.

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.

Licensee means any person in physical control of a pedicab who is the holder of a current and valid pedicab driver's license.

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, 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.

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

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. 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 the 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.

Sec. 46-153. Fees.

(a) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.

(b) 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~~ paid in advance to the department of administration and regulatory affairs for each pedicab before it is placed into service and annually thereafter on before May 1st of each year.

Sec. 46-154. Application.

(a) Each person desiring to obtain a permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer 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 any conviction exists, 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. 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 written notice of the basis for the denial. 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 an informal hearing and 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 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 again, 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) The director shall not issue a permit 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 permit is personal 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 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 term.

(a) 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.

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 each pedicab 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 replacement certification decals 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.

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. Reserved.

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 100 feet to the front during daytime;

(2) A lamp on the front that emits a white light visible from a distance of at least 500 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 50 feet to 300 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 500 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) 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 a commercial general

liability insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) of this section.

(b) The insurance required in subsection (a) shall be in the form of commercial general liability policy. The required policy shall name the city as an additional insured and be issued by either a company listed as an authorized general liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. 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~~ assigned to them in this section, except where the context clearly indicates a different meaning.

Chauffeured limousine 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 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 passenger capacity of nine to 15 persons (including the driver), which vehicle is less than or equal to ten years of age; or

e. An antique, classic, or special interest vehicle.

For the purposes of this article, antique means a vehicle that is 25 years old or older; classic means a vehicle recognized by the Classic Car Club of America; and special interest means 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, 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 means 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, 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; and

c. All vehicles operating under a contract with the city.

Extended body means that a vehicle has 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 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 means a sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to division 2 of article I of this chapter.

Licensee 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 license.

Luxury motor vehicle means a vehicle that has a manufacturer's suggested base retail selling price of not less than $33,000.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st.

Passenger van means a motor vehicle built on a small truck chassis that is constructed or adapted to provide a passenger seating capacity of not less than nine but not more than 15 persons, including the driver.

Permit means authorization to operate a sightseeing or charter service or a chauffeured limousine 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.

Sightseeing or charter service 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 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~~ five years and shall authorize the permittee to operate in a manner under which persons picked up at various points are taken upon a route including stops at various points of public interest and eventually discharged at the place at which they were picked up. Proof that persons carried by a permittee are discharged and leave the motor vehicle at points other than those at which they are picked up shall constitute grounds for termination of the permit under the provisions hereinafter stated for notice and hearing; provided, that should a permittee have scheduled routes under which "pickups" are made at several points within the business district of the city, then passengers who are picked up and carried over an entire sightseeing route of not less than ten miles in length may be discharged at any of the scheduled discharge points within the business district without constituting a violation of the terms of the permit.

(b) A permit for a charter and sightseeing service shall also authorize the operation of a charter service between points within the city and between such points and points without the city; provided however, that in operating motor vehicles for charter service from motels and hotels to transport visitors to and from various sporting events:

(1) A permittee shall not advertise locally except by use of posters or notices in said motels and hotels; and

(2) A permittee shall wait for the passengers and bring them back to the point of origin.

Sec. 46-203. Reserved.

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 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 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.

(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 director, shall be required to join in filing the application and all of the provisions and requirements of this chapter applicable to individual applicants shall apply to and be required of each partner, associate, officer or director. Failure of any of these persons to meet the requirements shall be grounds to deny the application of the partnership, association or corporation.

(d) Any change in associates, partners, officers, or directors of the business entity holding a permit 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 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, 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, 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 ~~permitee~~ permittee shall be authorized to operate at any one time. The director shall devise a system of identification for authorized vehicles and prescribe and issue a certification decal identifying each vehicle as one lawfully operated under the permit.

Sec. 46-206. Reserved.

Sec. 46-207. Insurance requirements.

(a) Every vehicle operated under a permit issued pursuant to the provisions of this division shall at all times be covered by commercial automobile liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain provisions for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and for the giving of 30 days written notice to the director before cancellation of such policy is effective. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all sightseeing and charter service vehicles within such coverage may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate.

(c) The insurance required in subsection (a) shall be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

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

(a) A permittee shall not permit or cause to be driven, and shall not 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 ~~permitee~~ permittee and licensee to fail to comply or 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 may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if the director finds any vehicle to be in an unsatisfactory condition, he shall notify the owner or operator thereof of the defects observed. The owner or operator shall immediately correct all defects 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 the operator shall not thereafter cause or permit the 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) A licensee not shall 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 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) A 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 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 the fares, the permittee shall file the changes with the director not later than 30 days before the effective date of the 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 shall be paid in advance ~~is payable~~ to the department of administration and regulatory affairs in two installments on or before January 1st and March 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 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 statements and reports incident to the operation of a sightseeing or charter service required by the director, including but not limited to records of the operation sufficient to show the amount of gross receipts during any and every monthly period.

Secs. 46-213—46-215. Reserved.

Sec. 46-216. Transfer of permit.

A permit may not be transferred.

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 shall be paid in advance ~~and is payable~~ to the department of administration and regulatory affairs in two installments on or before January 1st and March 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.

(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 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 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) 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, shall be required to join in filing the application and all of the provisions and requirements of this chapter applicable to individual applicants shall apply to and be required of each partner, associate, officer, or director. Failure of any of these persons to meet the

requirements shall be grounds to deny the application of the partnership, association or corporation.

(c) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit shall require a permit 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, 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 shall change his records to reflect the new associate, partner, officer, or director of the permittee.

(d) 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.

(e) 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.

(f) 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.

(g) 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 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 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 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, 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.

(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 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~~ renewal; temporary vehicles.

(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 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 verification that the vehicle is in compliance with all requirements of this division and

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. 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~~ before the permittee initially places the limousine into service and thereafter before January 1st of each year. 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 sunset to one-half hour after 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 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.

{The following Section will remain in effect unchanged through May 31, 2016.}

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. If upon inspection the director finds a limousine vehicle is not in compliance with any of the requirements therein set out, he shall notify the permittee of the defects observed. The permittee shall immediately correct the defects. 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.

{The following Section will become effective on June 1, 2016.}

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. If upon inspection the director finds a limousine vehicle is not in compliance with any of the requirements therein set out, he shall notify the permittee of the defects observed. The permittee shall immediately correct the defects. 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) 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~~ four-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 each year 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.

(c) A licensee or permittee may drive or cause to be driven an extended-body type motor vehicle or passenger van operated as a chauffeured limousine for an additional five-year period beyond the age limitations prescribed in subitems (b) and (d), respectively, of the definition of chauffeured limousine in section 46-191 of this Code provided:

(1) The licensee or permittee submits the vehicle for inspection each year 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 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 combined single limit per accident issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible

Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States.

(c) The insurance shall be for the protection of the passengers of limousine vehicles as well as for the general public. 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) 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 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.

(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.

(e) 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 address or location; 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 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 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; 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 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 and width with the cumulative size not to exceed beyond one inch the length and width of the license plates.

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.

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.

Sec. 46-244. Reserved.

Sec. 46-245. Transfer of permit.

A permit may not be transferred.

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~~ assigned to them in this section, unless the context of their usage clearly indicates another meaning:

License means a school vehicle driver's license issued pursuant to division 2 of article I of this chapter.

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.

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, 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 applications.

(a) Each person desiring to obtain a permit shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article. The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised. The application shall be completed by and, if granted, issued in the name of the person who owns v 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;

(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 2 of article I of this chapter.

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 permit.

(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.

Sec. 46-289. Annual permit fee.

(a) There is hereby assessed an annual fee which shall be ~~payable~~ paid by each permittee in advance to the department of administration and regulatory affairs in two installments on or before November 1st ~~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~~ and February 1st of each calendar year.

(b) The amount of the fee is stated for this provision in the city fee schedule. There shall be no fee for replacement of a vehicle with another vehicle of equivalent capacity. In the event that a permit is issued after March 1, or in the event that an additional vehicle is placed into service after March 1, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to section 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (November 1 to October 31 of the following year) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of all permitted school vehicles. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

(1) Refund or credit to the account of the permittee the amount by which the total fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or

(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

Sec. 46-290. Vehicle inspection.

(a) It shall be unlawful for any licensee or permittee to drive or cause to be driven any school vehicle while in service for the transportation of any student, unless

the vehicle has been inspected as required in this section or inspected and permitted by the Texas Department of Transportation.

(b) Each vehicle shall be inspected before it is initially placed into service and thereafter during October of each year by the director at such location as the director may specify. The director shall approve the vehicle if he determines that:

(1) The vehicle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) That the vehicle is marked as provided in section 46-301 of this Code;

(3) The vehicle is in generally sound working condition with no apparent safety-related defects and has a functioning speedometer and odometer;

(4) The vehicle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent required by state law; and

(5) The vehicle has no seats that have been added in excess of the manufacturer's specifications.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the windshield of the vehicle. In any prosecution under this section, it shall be presumed that a vehicle has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall only be provided upon reinspection of the vehicle.

Sec. 46-291. Permit and license terms; licensees and vehicles.

(a) A permit shall be valid for five years from the date of its issuance. A license shall be valid for three years from the date of its issuance. A permit shall be valid only for the operation of the school vehicles designated thereon and operated by the licensees designated in the application, provided that each licensee designated continues to maintain a current and valid state certificate. No permittee shall suffer or permit the driving of any school vehicle while in service for the transportation of any student by a person not designated as a licensee on the application. It shall also be the duty of each permittee to ensure that no licensee continues to operate any school vehicle in the event that the licensee's state certificate expires without renewal or is revoked or suspended by the state.

(b) A permittee may add or delete licensees from those listed on the application by filing an amended application with the director for that purpose, which shall be accompanied by the filing fee stated for this provision in the city fee schedule. A copy of

the state certificate shall be furnished for each person proposed to be added as a licensee.

(c) School vehicles may be added to or deleted from a permit by filing an amended application listing the vehicles to be added or deleted and providing proof of insurance and ownership for vehicles to be added as specified in sections 46-292 and 46-293 of this Code. Added vehicles may not be placed into service until they have been inspected and certified in accordance with section 46-290 of this Code. It shall be the duty of the permittee to return the certification decal or remnants thereof for any vehicle that is removed from the permittee's authorized fleet.

Sec. 46-292. Insurance.

(a) Each school vehicle operated by a permittee shall be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) The policy must be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then the permit to which it pertains shall be suspended, and no school vehicle may be operated under the permit. If a proper replacement policy is not provided to the director on or before the tenth business 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.

(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 permittees 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 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 permittee 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 hall 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~~ assigned 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) 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.

License means a current and valid jitney driver's license issued pursuant to division 2 of article I of this chapter.

Licensee means any person who is the holder of a current and valid jitney driver's license.

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. Reserved.~~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 jitney service will be operated and that such use of the location is in compliance with any applicable deed restrictions;

(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 under this chapter.

Sec. 46-333. Fees.

(a) 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.

(b) In addition to the application processing fee provided in subsection (a) 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 application.

(a) Each person desiring to obtain 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 applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or director 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).

(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 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) 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.

{The following Section will remain in effect unchanged through December 31, 2015.}

Sec. 46-336. Annual permit fee.

(a) There is hereby assessed the annual permit fee stated for this provision in the city fee schedule per jitney, which shall be payable on or before June 1 of each year, provided that the director shall alternatively allow the fee to be paid in two installments, with ½ due by June 1 and the balance by December 1. In the event that a permit is issued after December, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

(1) Refund or credit to the account of the permittee the amount stated on the application; or

(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

{The following changes to this Section will become effective on January 1, 2016.}

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~~ paid in advance to the department of administration and regulatory affairs on or before June 1st and September 1st of each year~~, provided that the director shall alternatively allow the fee to be paid in two installments, with ½ due by June 1 and the balance by December 1.~~ In the event that a permit is issued after December, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

(1) Refund or credit to the account of the permittee the amount stated on the application; or

(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

Sec. 46-337. Vehicle inspection; fee.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney, unless the jitney has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall hereby be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per jitney. All jitneys shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each jitney shall be inspected before it is initially placed into service and thereafter before June 1 of each year by the director at such location as the director may specify. The director shall approve the jitney if he determines that:

(1) The jitney has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) The jitney is of the approved color scheme and is marked as provided in this article;

(3) The jitney is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, exhaust system, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;

(4) The jitney has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent that the vehicle was so equipped by the manufacturer;

(5) The jitney has no seats that have been added in excess of the manufacturer's specifications; and

(6) The jitney complies with all other applicable requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the jitney. In any prosecution under this section, it shall be presumed that a jitney has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall only be provided upon reinspection of the jitney.

Sec. 46-338. Insurance.

(a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including the provision of a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than $1,000,000.00 combined single limit per accident. The insurance required shall be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in this section 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.

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 permit is personal to the 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 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 terms; suspension.

(a) 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 conduct.

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.

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.

(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 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 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 or on the front 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 permittee 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) A permittee or licensee may drive or cause to be driven a jitney beyond the age limitations prescribed in subsection (a) of this section 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 licensee shall not operate a jitney for more than 12 hours in any consecutive 24-hour period and a permittee shall not allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in any consecutive 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

Sec. 46-355. Inspection.

The director may inspect any jitney and any records or documents required to be carried in or upon the jitney at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Secs. 46-356—46-370. Reserved.

ARTICLE VII. LOW-SPEED SHUTTLES

DIVISION 1. GENERALLY

Sec. 46-371. Definitions.

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

License means a current and valid low-speed shuttle driver's license issued pursuant to division 2 of 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.

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, 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.

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. 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.

Sec. 46-393. Fees.

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~~ paid in advance to the department of administration and regulatory affairs on or before June 1st 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 permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or director 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~~ any conviction exists, 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. 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 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) Following approval of an application for a permit, the actual permit shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each low-speed shuttle, if not provided with the application, and has paid the annual permit fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease of each low-speed shuttle, and filed and received approval of all requested zones and rate data for each low-speed shuttle with the director.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

Sec. 46-397. Vehicle inspection; fee.

(a) It shall be unlawful for any person to operate or cause to be operated any low-speed shuttle, unless the low-speed shuttle has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per low-speed shuttle. All low-speed shuttles shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each low-speed shuttle shall be inspected before it is initially placed into service and thereafter before June 1 of each year at such location as the director may specify. The director shall approve the low-speed shuttle if he determines that:

(1) The low-speed shuttle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) The low-speed shuttle is of the approved color scheme and is marked as provided in section 46-423 of this Code;

(3) The low-speed shuttle is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;

(4) The low-speed shuttle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent the vehicle is so equipped by the manufacturer;

(5) The low-speed shuttle has no seats that have been added in excess of the manufacturer's specifications; and

(6) The low-speed shuttle complies with all other requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the low-speed shuttle. In any prosecution under this section, it shall be presumed that a low-speed shuttle has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the low-speed shuttle.

(e) The director may inspect any low-speed shuttle and any records or documents required to be carried in or upon the low-speed shuttle at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Sec. 46-398. Insurance.

(a) Before any permit shall be issued, or before renewal of any permit shall be granted, the applicant shall file proof of insurance coverage evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in an amount not less than $500,000.00 combined single limit per occurrence issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those low-speed shuttles may not be operated. If a proper replacement policy is not provided to the director on or before the tenth business 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 permit is personal to the 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 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.

(a) 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 conduct.

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.

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.

(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 taximeter;

(2) Have the following signage in letters not less than three inches in length 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 exterior;

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 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 licensee shall not operate a low-speed shuttle for more than 12 hours in any consecutive 24-hour period and a permittee shall not allow or cause any licensee to drive a vehicle in operation as a 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 ten days of any change in associates, partners, officers, or directors of the business applying for or holding a certificate of registration issued pursuant to this article.

(d) An applicant shall have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a certificate of registration and upon the request for the renewal thereof, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the applicant's criminal history and shall bear the cost of any fees imposed by state or federal agencies providing the criminal history information. This requirement shall not be construed to preclude the director from obtaining interim criminal history information at the expense of the city.

Sec. 46-455. Certificate of registration issuance procedure.

(a) The director shall initially review each application for issuance of a certificate of registration to determine whether the application is complete and all required information has been provided. If not, the director shall return the application to the applicant with a statement of deficiencies.

(b) The director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and section 1-10 of this Code. If so, the director shall issue to the applicant a certificate of registration. If, based upon the review, the director determines that one or more requirements may not have been met, the director shall afford the applicant the right to a hearing before acting on the application.

(c) Prior to the denial of an application for a certificate of registration, the director shall give the applicant written notice of the grounds for denial. If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 business days following the date that notice of the director's decision regarding the amended application is deposited in the United States Mail, addressed to the applicant. Where the grounds for denial are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds.

(d) A certificate of registration does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose.

Sec. 46-456. Expiration and renewal of certificate of registration.

(a) A certificate of registration issued pursuant this article shall be valid for one year from the date of issuance.

(b) A certificate of registration may be renewed by making application therefor in accordance with section 46-454 of this Code. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

Sec. 46-457. Display of fare rates.

All registrants shall display their fare rates and provide a fare rate estimator on the website, internet-enabled application, or digital platform used by the registrant to connect passengers to qualified vehicles for hire.

Sec. 46-458. Certificate of registration; non-transferability.

(a) A certificate of registration is specific to the registrant to whom it is issued and may not be transferred or otherwise assigned.

(b) Each certificate of registration is nonexclusive, and no limits or restrictions shall exist upon the number of qualified vehicles for hire that may provide vehicle for hire transportation services through a mobile dispatch service provided that each vehicle must be operated pursuant to a permit and in accordance with all applicable requirements of this article. The director shall promulgate procedures for the processing of amendments and may suspend the certificate of registration pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.

Sec. 46-459. Violations; penalty.

(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense for each and every violation relating to the operation of a mobile dispatch service, and for each day during which a violation is committed, permitted, or continued.

(b) An offense under this article is punishable as provided in section 1-6 of this Code and the city may enforce the provisions of this article through any other means prescribed in this chapter.

Sec. 46-460—46-500. Reserved.

ARTICLE IX. TRANSPORTATION NETWORK COMPANIES

Sec. 46-501. Scope.

The provisions of this article shall not apply to transportation which qualifies as ridesharing.

Sec. 46-502. Definitions.

License means a current and valid transportation network driver's license issued pursuant to division 2 of article I of this chapter.

Licensee means any person engaged in the act of driving a transportation network vehicle who is the holder of a current and valid license.

Operation of a transportation network vehicle or *operating a transportation network vehicle* means offering, making available, or using a transportation network vehicle to provide a transportation network service, including any time when a driver is logged onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the company's dispatch records show that the vehicle is dispatched; or when the driver has accepted a dispatch and is enroute to provide transportation network service to a passenger.

Permit means a transportation network company permit.

Transportation network permittee or *permittee* means the holder of, or a person that is required to hold, a current valid transportation network company permit issued pursuant to this chapter.

Transportation network driver or *driver* means an individual affiliated with a transportation network company transporting passengers for compensation using a transportation network vehicle.

Transportation network company or *TNC* means a person that offers or provides a transportation network service.

Transportation network service or *service* means a prearranged transportation service offered or provided for compensation using an internet-enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit that indicates the location of the passenger which information is then relayed by electronic, radio, or data communication of any type to a transportation network driver operating a transportation network vehicle.

Transportation network vehicle means any private passenger motor vehicle used to provide transportation network services. Specifically excluded from this definition are:

(1) Vehicles used in connection with any phase of a funeral or funeral service;

(2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, school vehicles, and low speed shuttles, permitted and licensed by the city; and

(3) Vehicles operating under a contract with the city.

Sec. 46-503. Transportation network company permit required.

(a) No person shall operate a transportation network company in the city without a permit issued pursuant to this article.

(b) It shall be unlawful for any TNC permitted, licensed, or authorized by another jurisdiction to initiate transportation network service within the corporate boundaries of the city without a permit issued pursuant to this article; provided however, a transportation network vehicle operated by a driver affiliated with a TNC permitted, licensed, or authorized by or in another jurisdiction may come into the city to discharge a passenger whose trip originated outside of the city.

Sec. 46-504. Transportation network company permit fee.

(a) The fee imposed for a permit issued pursuant to this article shall be in an amount equal to two percent of the annual gross receipts for the operation of each transportation network vehicle operated by each permittee.

(b) The fee provided in subsection (a) of this section shall be paid to the department of administration and regulatory affairs on a quarterly basis on or before the 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 ten 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, including those articulated in Chapter 1954 of the Insurance Code.

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

(b-1) Notwithstanding subsection (b) of this section, a licensee may fulfill the requisite automobile insurance requirements by maintaining personal liability insurance that complies with the standards articulated in subsection (c).

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

(1) ~~Commercial automobile~~ Automobile liability insurance with a combined single limit for bodily injury and property damage of $1,000,000.00 per accident covering liability resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle for incidents involving a driver from the time a driver is matched with and accepts a trip request through the transportation network company until the completion of the trip including the drop off of passenger(s) at their final destination, regardless of whether the driver maintains personal insurance adequate to cover any portion of the claim and regardless of whether a driver is logged onto the transportation network company's internet-enabled application or digital platform at any point following the acceptance of the trip request; and

(2) ~~Commercial automobile~~ 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~~ $50,000 for bodily injury to or death for each person in an incident; $100,000 for bodily injury to or death of a person per incident; and $25,000 for damage to or destruction of property of other in an incident 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~~ Each permittee shall be required to provide proof of insurance (electronic certificates of insurance) required by this section to each transportation network driver before the driver begins providing service and for as long as the driver remains available to provide service.

(g) If any insurer desires to be released from any insurance policy filed under this section, the TNC must give written notice to the director at least 30 days before release from liability occurs. The director shall demand that such TNC furnish evidence of new insurance obtained before the expiration of the policy.

(h) If any policy is cancelled or expires and no new policy is filed by the TNC before the cancellation or expiration of the original insurance, the permit shall automatically be suspended, and the TNC shall discontinue the operation of the affected vehicles within the city. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the permit shall automatically terminate.

Sec. 46-509. Service charges and fare rates.

All permittees shall display their fare rate and provide a fare rate estimator on the website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.

Sec. 46-510. Transportation network drivers—License required.

It shall be unlawful for any person to operate a transportation network vehicle without a license issued pursuant to division 2 of article I of this chapter.

Sec. 46-511. Licensee hours of operation; duty to transport within the corporate limits.

(a) A licensee shall not drive for more than 12 hours in any consecutive 24-hour period and a permittee shall not permit or cause a licensee to drive a transportation network vehicle more than 12 hours in any consecutive 24-hour period.

(b) A licensee shall not to refuse to transport a person to a requested destination located within the corporate limits of the city.

Sec. 46-512. Transportation network vehicles—Vehicle ownership and standards.

(a) No person shall operate or cause to be operated any transportation network vehicle in the city unless and until the vehicle meets all the terms and conditions of this article.

(b) No permittee shall own or lease or provide financing for the ownership or leasing of any transportation network vehicle.

(c) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless the vehicle:

(1) Has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type, and proposed use; and

(2) Is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible.

(d) No vehicle permitted or subject to a certificate of registration and operated as vehicle for hire pursuant to articles II through VIII of this chapter shall be operated as a transportation network vehicle.

(e) The permittee and the permittee's driver shall be jointly and severally liable if the permittee causes or permits the licensee to use a vehicle that does not meet the requirements for a transportation network vehicle.

{The following change to this Section will take effect immediately upon passage and approval.}

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.

{The following changes to this Section will become effective on June 1, 2016.}

Sec. 46-513. Transportation network vehicles—Age and mechanical condition.

(a) 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. 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.

(b) A licensee or permittee may drive or cause to be driven, a transportation network vehicle for an additional three-year period beyond the age limitations described in subsection (a), if the licensee or permittee submits the vehicle for inspection each year at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the transportation network vehicle.

Sec. 46-514. Transportation network vehicles—Inspections.

(a) Prior to using any transportation network vehicle, and annually thereafter, a permittee or licensee shall have the vehicle inspected at a facility designated by the director, and maintain complete documentation of such inspections in the vehicle at all times, and a written copy of such documentation shall be provided to the director upon request. The inspection shall be made to determine that the transportation network vehicle is in a reasonably good state of repair, clean, and equipped and being operated

in compliance with all requirements of this article. Inspections shall include, but not be limited to, the following items:

(1) Foot brakes;

(2) Parking brakes;

(3) Steering mechanism;

(4) Windshield;

(5) Rear window and other glass;

(6) Windshield wipers;

(7) Headlights;

(8) Tail lights;

(9) Turn indicator lights;

(10) Stop lights;

(11) Front seat adjustment mechanism;

(12) Doors (open, close, lock);

(13) Horn;

(14) Speedometer;

(15) Bumpers;

(16) Muffler and exhaust system;

(17) Condition of tires, including tread depth;

(18) Interior and exterior rear view mirrors;

(19) Safety belts for driver and passenger(s); and

(20) Heating, ventilation and air-conditioning systems.

(b) Upon passing the inspection prescribed in subsection (a) of this section, the director shall issue one certification decal for the transportation network vehicle. The certification decal shall be attached and displayed at the place on the transportation network vehicle designated by the director. The permittee and the licensee shall be jointly and severally liable for any violation of this section.

Sec. 46-515. Transportation network vehicles—Distinctive signage or emblem.

(a) In addition to the certification decal issued pursuant to section 46-514(b) of this Code, a transportation network vehicle shall display, as provided by rule, consistent and distinctive signage at all times while being operated as a transportation network vehicle. The distinctive signage shall be sufficiently large and color contrasted (i) as to be readable at a distance of at least 50 feet, and (ii) to identify a particular vehicle associated with a particular permittee. Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, or grilles. Magnetic or other removable distinctive signage is acceptable. Permittees shall file an illustration of their distinctive signage with the director for approval.

(b) A transportation network vehicle shall display a consistent and distinctive emblem at all times while being used to provide vehicle for hire transportation services. The director is authorized to specify, by rule, the manner of display, method of issuance, design and contents of such emblem.

Sec. 46-516. Transportation network drivers—Additional operating requirements.

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

(1) To operate a transportation network vehicle within the city while not in possession of a valid Texas Driver License; 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) It shall be unlawful for a transportation network driver to accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements. It shall be unlawful for a transportation network driver to provide his or her direct phone number or email address to passengers or potential passengers to enable requests for service. A TNC shall

immediately notify the department of administration and regulatory affairs and provide any evidence in its possession if it obtains actual knowledge of any violation of this subsection.

(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 the mobile application and the receipt provided to the passenger, the contact information for the permittee's customer service liaison, including, but not limited to, the liaison's name, phone number, and e-mail address.

(h) Any permittee shall clearly disclose, on the permittee's on-line enabled application or digital platform and website, that the permittee is a TNC. Additionally, the disclosure shall state that each permittee is required to maintain insurance policies as specified in section 46-508 of this Code.

(i) Any licensee shall provide to any authorized law enforcement officer proof of the insurance policies required by this article in case of an accident involving a transportation network vehicle while operating a transportation network vehicle.

(j) Any permittee shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a permittee cannot provide a wheelchair-accessible transportation network vehicle, it shall provide the prospective passenger with for hire transportation services in a manner consistent with section 46-2 of this Code.

(k) Any permittee shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, licensees, or other person that reports to, or acts as an agent of, the permittee, for any failure to respond to a request for service.

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

(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.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Houston Transportation Accessibility Task Force Recommendations

Agenda Item#: 9.

Summary:

ORDINANCE adding a new **ARTICLE X TO CHAPTER 46 OF CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Provision of Vehicle for Hire Service to Persons with Disabilities, especially those requiring wheelchairs

Background:

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 to implement the recommendations of the Houston Transportation Accessibility Task Force (Task Force).

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality and encourage the operation of professional transportation services. Regulations also serve to ensure that vehicle-for-hire services are available to all Houstonians. Chapter 46 establishes the standards, regulations and permitting/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.

In August 2014, City Council approved omnibus changes to Chapter 46 that, among other things, created a framework to allow Transportation Network Companies (TNC), such as Uber and Lyft, to operate in Houston. Recognizing Houston's historic role in the passage of the Americans with Disabilities Act, several Council Members also expressed concerns about the limited number of vehicle-for-hire services accessible to Houstonians with disabilities, particularly those individuals who depend on a wheelchair or other assistive device. In order to ensure that transportation services serve all Houstonians, City Council approved the creation of the Houston Transportation Accessibility Task Force—comprised of representatives from the vehicle-for-hire industry and the disabilities community—to recommend changes to Chapter 46 that promote accessibility.

On October 8, 2014, City Council unanimously confirmed the appointment of the representatives to the Task Force. Beginning on November 20, 2014, the Task Force met at least once a month to craft recommendations and on August 19, 2015 the Task Force voted to approve final recommendations for presentation to City Council. The Task Force presented these recommendations to a joint session of the Public Safety & Homeland Security and the Transportation, Technology & Infrastructure Committees on August 25, 2015.

Chapter 46 Accessibility Requirements

Due to the wide variation in business models in the vehicle-for-hire industry, the Task Force determined that regulations must account for this diversity in order to be successful. As a result, the Task Force crafted recommendations that give individual companies the flexibility to create innovative solutions to provide accessible service, but still hold these companies accountable for their responsibility to serve all Houstonians. All traditional vehicle-for-hire companies will be required to provide some form of accessible service. Each company, however, will have the choice to be evaluated based either on fleet composition or on outcome- based performance metrics.

Fleet Composition Method

Companies that choose to be evaluated on fleet composition must maintain a certain percentage of their fleet as wheelchair accessible vehicles (WAV). Companies that operate 20 or more vehicles must meet a three percent (3%) goal within one year of the effective date of this ordinance. The percentage requirement will subsequently increase by one percent (1%) each year thereafter for the following five years. ARA may conduct an annual study assessing the demand for wheelchair accessible service in the City and adjust the percentage requirement accordingly in order to achieve an appropriate balance between supply and demand.

Beginning in 2017, companies that operate between two and 19 vehicles and that choose to be evaluated by fleet composition must replace the first vehicle that comes offline with a WAV and maintain at least one accessible vehicle in service. Beginning in 2018, companies that operate only one permitted vehicle must replace all vehicles that come offline with a WAV. Any company may meet the percentage requirement by establishing an exclusive contractual relationship with a third party to provide the service on the company's behalf.

Outcome-Based Method

Companies that choose to be evaluated on outcome-based performance metrics are responsible for achieving specific, average customer wait times for wheelchair accessible service. Within one year of the effective date of this ordinance, companies must provide an average wait time of 40 minutes or less. The average wait time must decrease by ten minutes each year thereafter for the following two years to an average wait time of 20 minutes by the end of the third year. Any company may meet the outcome-based requirements by establishing a contractual relationship with a third party to provide the service on the company's behalf.

Enforcement

Companies will be responsible for submitting all necessary data to ARA to demonstrate compliance with the milestones in either the fleet composition option or the outcome-based option. Any companies found to be out of compliance based on the City's analysis have 30 days to either cure the failure or demonstrate that the City's initial determination of non-compliance was incorrect. Companies who fail to come into compliance after this cure period are subject to a permit or registration revocation hearing.

Wheelchair Accessible Service Provider Permit

A company may meet both the fleet composition and the outcome-based methods by contracting with a third party to provide wheelchair accessible service on its behalf. Because this ordinance will create substantial demand in Houston for companies that are capable of providing this service, ARA expects that companies with WAVs will enter the local market. In order to ensure that these third party contractors meet the same safety standards as the existing vehicle-for-hire industry, ARA has created a new permit category that allows these companies to operate in Houston, provided that they have

undergone the same vehicle inspection and driver licensing process as the existing industry.

Other Requirements

Other Requirements
The Task Force also made several other recommendations that pertain to providing service to Houstonians with other types of disabilities:

- No company may segregate its accessible service option from that provided to the general public
- ARA will maintain an administrative list of approved accessible vehicles and conversions that meet basic safety and customer service standards
- ARA will amend its administrative rules to ensure that all new Passenger Information Modules (PIMs) installed in taxicabs have a text to speech capability to assist passengers with a visual impairment

Recommendation:
ARA recommends that City Council approve the Houston Transportation Accessibility Task Force's proposed revisions to Chapter 46 of the Code of Ordinances. These revisions are based on extensive deliberation between representatives from the vehicle-for-hire industry and the disabilities community as well as research and consultation with other stakeholders. They are necessary to further protect the health and welfare of the riding public and are an essential first step toward creating the greater availability of accessible vehicle-for-hire services for the riding public.

Departmental Approval Authority:

Tina Paez, Director **Other Authorization**
Administration & Regulatory Affairs Department

Prior Council Action:
8/6/2014; Ord. #2014-754

Contact Information:
Lara Cottingham Phone: (832) 393-8503
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ATTACHMENTS:

Description	Type
CHPT 46 Accessibility Task Force RCA.pdf	Signed Cover sheet
Redline	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Houston Transportation Accessibility Task Force Recommendations

Agenda Item#: 4.

Summary:

APPROVE AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO REGULATION OF VEHICLES FOR HIRE; IMPLEMENTING WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR CERTAIN VEHICLES FOR HIRE.

Background:

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 to implement the recommendations of the Houston Transportation Accessibility Task Force (Task Force).

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality and encourage the operation of professional transportation services. Regulations also serve to ensure that vehicle-for-hire services are available to all Houstonians. Chapter 46 establishes the standards, regulations and permitting/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.

In August 2014, City Council approved omnibus changes to Chapter 46 that, among other things, created a framework to allow Transportation Network Companies (TNC), such as Uber and Lyft, to operate in Houston. Recognizing Houston's historic role in the passage of the Americans with Disabilities Act, several Council Members also expressed concerns about the limited number of vehicle-for-hire services accessible to Houstonians with disabilities, particularly those individuals who depend on a wheelchair or other assistive device. In order to ensure that transportation services serve all Houstonians, City Council approved the creation of the Houston Transportation Accessibility Task Force—comprised of representatives from the vehicle-for-hire industry and the disabilities community—to recommend changes to Chapter 46 that promote accessibility.

On October 8, 2014, City Council unanimously confirmed the appointment of the representatives to the Task Force. Beginning on November 20, 2014, the Task Force met at least once a month to craft recommendations and on August 19, 2015 the Task Force voted to approve final recommendations for presentation to City Council. The Task Force presented these recommendations to a joint session of the Public Safety & Homeland Security and the Transportation, Technology & Infrastructure Committees on August 25, 2015.

Chapter 46 Accessibility Requirements

Due to the wide variation in business models in the vehicle-for-hire industry, the Task Force determined that regulations must account for this diversity in order to be successful. As a result, the Task Force crafted recommendations that give individual companies the flexibility to create innovative solutions to provide accessible service, but still hold these companies accountable for their responsibility to serve all Houstonians. All traditional vehicle-for-hire companies will be required to provide some form of accessible service. Each company, however, will have the choice to be evaluated based either on fleet composition or on outcome- based performance metrics.

Fleet Composition Method

Companies that choose to be evaluated on fleet composition must maintain a certain percentage of their fleet as wheelchair accessible vehicles (WAV). Companies that operate 20 or more vehicles must meet a three percent (3%) goal within one year of the effective date of this ordinance. The percentage requirement will subsequently increase by one percent (1%) each year thereafter for the following five years. ARA may conduct an annual study assessing the demand for wheelchair accessible service in the City and adjust the percentage requirement accordingly in order to achieve an appropriate balance between supply and demand.

Beginning in 2017, companies that operate between two and 19 vehicles and that choose to be evaluated by fleet composition must replace the first vehicle that comes offline with a WAV and maintain at least one accessible vehicle in service. Beginning in 2018, companies that operate only one permitted vehicle must replace all vehicles that come offline with a WAV. Any company may meet the percentage requirement by establishing an exclusive contractual relationship with a third party to provide the service on the company's behalf.

Outcome-Based Method

Companies that choose to be evaluated on outcome-based performance metrics are responsible for achieving specific, average customer wait times for wheelchair accessible service. Within one year of the effective date of this ordinance, companies must provide an average wait time of 40 minutes or less. The average wait time must decrease by ten minutes each year thereafter for the following two years to an average wait time of 20 minutes by the end of the third year. Any company may meet the outcome-based requirements by establishing a contractual relationship with a third party to provide the service on the company's behalf.

Enforcement
Companies will be responsible for submitting all necessary data to ARA to demonstrate compliance with the milestones in either the fleet composition option or the outcome-based option. Any companies found to be out of compliance based on the City's analysis have 30 days to either cure the failure or demonstrate that the City's initial determination of non-compliance was incorrect. Companies who fail to come into compliance after this cure period are subject to a permit or registration revocation hearing.

Wheelchair Accessible Service Provider Permit
A company may meet both the fleet composition and the outcome-based methods by contracting with a third party to provide wheelchair accessible service on its behalf. Because this ordinance will create substantial demand in Houston for companies that are capable of providing this service, ARA expects that companies with WAVs will enter the local market. In order to ensure that these third party contractors meet the same safety standards as the existing vehicle-for-hire industry, ARA has created a new permit category that allows these companies to operate in Houston, provided that they have undergone the same vehicle inspection and driver licensing process as the existing industry.

Other Requirements
The Task Force also made several other recommendations that pertain to providing service to Houstonians with other types of disabilities:

- No company may segregate its accessible service option from that provided to the general public
- ARA will maintain an administrative list of approved accessible vehicles and conversions that meet basic safety and customer service standards
- ARA will amend its administrative rules to ensure that all new Passenger Information Modules (PIMs) installed in taxicabs have a text to speech capability to assist passengers with a visual impairment

Recommendation:
ARA recommends that City Council approve the Houston Transportation Accessibility Task Force's proposed revisions to Chapter 46 of the Code of Ordinances. These revisions are based on extensive deliberation between representatives from the vehicle-for-hire industry and the disabilities community as well as research and consultation with other stakeholders. They are necessary to further protect the health and welfare of the riding public and are an essential first step toward creating the greater availability of accessible vehicle-for-hire services for the riding public.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Prior Council Action:
8/6/2014; Ord. #2014-754

Contact Information:
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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:

* * *

Dispatch means the operation of a scheduling service by which prospective passengers request, by phone, by the internet or by any other voice, data or electronic communication, pre-arranged transportation services offered or provided for compensation from vehicles for hire and vehicles for hire are scheduled or routed via the relay of information from the scheduling service to the vehicle for hire by radio or data device, including but not limited to a device capable of any voice, data, or electronic communication.

* * *

Sec. 46-2.1 Vehicle for hire accessibility.

(a) ***Service to passengers with disabilities.*** Permittees and registrants who operate vehicles for hire other than low speed shuttles, pedicabs, school vehicles, antique vehicles and wheelchair accessible service providers shall select a method by which to achieve and demonstrate equitable and consistent service to disabled passengers and must comply with all standards and compliance benchmarks attendant to the chosen method.

(b) ***Rules of construction.*** In this section:

(1) *Benchmark year.* Benchmarks shall be assessed each year, as follows:

a. The first benchmark year shall begin on _____[1] and end on _____[2].

b. The second benchmark year shall begin on _____[3] and end on _____[4].

c. Subsequent benchmark years shall coincide with the respective permitted industry's permit year.

1. City Secretary/Editor shall insert the date of the ninetieth day after the effective date of this Ordinance.
2. City Secretary/Editor shall insert the first anniversary of the date in footnote 1.
3. City Secretary/Editor shall insert the first anniversary of the date in footnote 1.
4. City Secretary/Editor shall insert the second anniversary of the date in footnote 1.

(2) *Percentage of fleet.* When calculating a percentage of a fleet, a result that includes a fraction shall be rounded up to the nearest whole number.

(3) *Total number of permits.* The total number of permits held by a permittee shall include the total number of permits held by each corporation or legal entity in which the permittee has an ownership interest, including, but not limited to, stocks and shares.

(c) ***Choice of compliance method.*** A permittee or registrant to whom this section applies shall notify the director of the selection of one of the methods articulated in this subsection prior to January 15, 2016. A permittee or registrant may change methods at the next permit renewal date, provided all applicable standards and compliance benchmarks shall be assessed as provided in subsection (j) of this section.

(1) **Fleet composition method.** Under this method, the permittee or registrant increases the percentage of wheelchair accessible vehicles in his fleet each year.

a. *Large fleets.* A permittee or registrant whose fleet is comprised of 20 or more vehicles must ensure that wheelchair accessible vehicles account for no less than three percent of that fleet by the end of the first benchmark year. In each of the five subsequent benchmark years, the minimum required percentage of wheelchair accessible vehicles in a permittee's or registrant's fleet shall increase by one percent.

b. *Small fleets.* Beginning on the first day of the industry's permit year in 2017, a permittee or registrant whose fleet is comprised of between two and nineteen vehicles must replace the first vehicle of the fleet that exceeds the age limits for its permitted industry with a wheelchair accessible vehicle, and the permittee must maintain a minimum of one wheelchair accessible vehicle at all times thereafter.

c. *Single-vehicle operators.* Beginning on the first day of the industry's permit year in 2018, a permittee or registrant who operates one vehicle must replace the vehicle when it exceeds the vehicle age limit for its permitted industry with a wheelchair accessible vehicle.

d. *Annual review of fleet percentage requirement.* The director of the department of administration and regulatory affairs shall conduct an annual review of the sufficiency of the fleet percentage requirement for that year and adjust the requirement accordingly. Adjusted fleet percentage requirements shall be posted on the website maintained by the department of administration and regulatory affairs. All permittees and registrants shall provide the director or designee all information needed to complete a reliable study.

(2) **Outcome based method.** In this method, the permittee or registrant decreases average wait times for passengers who request dispatch of wheelchair accessible vehicles each year.

a. *First benchmark year.* By the conclusion of the first benchmark year following the adoption of this section, the permittee or registrant must pick-up passengers who request wheelchair accessible vehicles within an average of 40 minutes of receiving the trip request.

b. *Subsequent benchmark years.* The average wait time for a wheelchair accessible vehicle must be reduced by ten minutes in the second year and each subsequent permit renewal thereafter until the average wait for a wheelchair accessible vehicle is no more than twenty minutes per trip.

c. *Good faith.* If the permittee's or registrant's average wait time exceeds the minimum average wait time goal for that benchmark year by no more than 15 percent, the director may allow the permittee or registrant to continue to operate if the director determines, based on the audit and evaluation provided for in subsection (j), that the permittee or registrant has demonstrated a good faith attempt to comply with this section.

d. *Contracts.* A permittee or registrant that elects to comply with the outcome based method may satisfy the required outcomes by entering into one or more contracts for the use of wheelchair accessible vehicles.

(d) ***On entrance to industry.*** Each permittee or registrant who first receives a permit or registration after _____[5] shall be required to meet the benchmarks for the benchmark year in effect at the time its first permit or registration is issued.

(e) ***Dispatch required.*** Each permittee or registrant must utilize a dispatch service that has the ability to assign trips to wheelchair accessible vehicles.

(f) ***Refusal of service to passengers with disabilities.*** It shall be an offense to refuse to provide service to a passenger because he requires a wheelchair accessible vehicle or a vehicle that can accommodate an assistive device or animal.

(g) ***Citation for failure to comply.*** Upon receipt of a written substantiated complaint from a passenger or a dispatcher, the department of administration and regulatory affairs may issue a citation to a permittee, registrant or licensee who fails to comply with this section.

(h) ***Wait for pick-up time.*** If a vehicle for hire driver arrives at a pick up location before the communicated or pre-arranged pickup time, the driver shall wait without additional charge until the pre-arranged time.

(i) ***Inequity of service prohibited***. Options for arranging wheelchair accessible vehicle service by phone, by the internet or by any other voice, data or electronic communication shall not be segregated from options made available to prospective passengers seeking general transportation service. The pricing for accessible service shall be equivalent to the pricing for service provided for non-accessible services.

5. City Secretary/Editor shall insert the effective date of this Ordinance.

(j) ***Audit and evaluation.*** Upon request of the director or designee, each permittee or registrant shall submit the information necessary for audit and evaluation of compliance with this section, including but not limited to the following:

(1) The number of wheelchair accessible vehicle trips requested.

(2) The number of trips completed by wheelchair accessible vehicles.

(3) The average wait time for trips where a wheelchair accessible vehicle was required.

The director shall analyze the relevant data and inform the permittee or registrant of any failure to comply with this section within 30 days of receipt of the requested data. Subsequently, the permittee or registrant must within 30 days either cure the failure or demonstrate to the director that the finding of non-compliance was incorrect. Within three weeks of the end of the 30 day cure period, the director shall analyze any additional data provided by the permittee or registrant. If the director determines that the permittee or registrant remains out of compliance a hearing for permit/registration revocation will be held in accordance with section 46-5 of this Code.

* * *

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

(a) Permittees and registrants other than wheelchair accessible service providers 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 other than wheelchair accessible service providers 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, including service provided by wheelchair accessible service providers on behalf of the permittee or registrant, 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 wheelchair accessible trips refused by the permittee or registrant;

(11) The average amount of time a passenger in need of a wheelchair accessible vehicle had to wait before pick up;

(12~~10~~) The total number of licensees that provide vehicle for hire transportation services on behalf of the permittee or registrant;

(13~~11~~) 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;

(14~~12~~) 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

(15~~13~~) The total number of hours each of the permittee's or registrant's licensees spent providing vehicle for hire transportation services.

(16~~14~~) Additionally, taxicab permittees must comply with the requirements of section 46-35(c) of this Code.

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

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

(1) Clearly articulates the reason it is unable to provide the operations data required in subsection (a) of this section;

(2) Provides a sample of the operations data it is able to produce for submission consistent with the reporting requirements in subsection (a) of this section; and

(3) Submits a plan of action acknowledging the operations data submission requirements of subsection (a) of this section and provides a definitive timeframe within three years from the date of submitting its initial waiver request wherein the permittee or registrant will provide all operations data required pursuant to subsection (a) of this section.

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

Sec. 46-451. 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 articles II and X 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.

ARTICLE X. WHEELCHAIR ACCESSIBLE SERVICE PROVIDERS

Sec. 46-541. Scope.

The provisions of this article shall not apply to wheelchair accessible vehicles for hire operated in accordance with a permit issued pursuant to another article of this chapter.

Sec. 46-542. 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:

Wheelchair accessible service means a transportation service offered or provided to individuals with disabilities who require the use of a wheelchair on behalf of an entity that holds a valid permit or registration issued in accordance with another article of this chapter through a contractual relationship.

Wheelchair accessible service provider means an entity that contracts with another entity that holds a valid permit or registration in accordance with another article of this chapter to provide accessible service to the riding public.

Wheelchair accessible vehicle driver means an individual affiliated with a wheelchair accessible service provider transporting passengers for compensation using a wheelchair accessible vehicle.

Wheelchair accessible vehicle means any wheelchair accessible motor vehicle that is equipped with a ramp or lift or has been constructed and designed or redesigned, modified, or equipped to provide wheelchair accessible service 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. Specifically excluded from this definition are wheelchair accessible vehicles permitted and operated in compliance with articles II through IX of this chapter.

Sec. 46-543. Permit required.

(a) No person shall operate a wheelchair accessible service provider in the city without a permit issued pursuant to this article.

(b) It shall be unlawful for any wheelchair accessible service provider permitted, licensed or authorized by another jurisdiction to initiate wheelchair accessible service provider service within the corporate boundaries of the city without a permit issued pursuant to this article; provided however, a wheelchair accessible vehicle operated by a driver affiliated with a wheelchair accessible service provider 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. 46-544. Wheelchair accessible service provider permit—Application and qualifications.

(a) Each person desiring to obtain a permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or director 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 set forth in subsection (c) of section 1-10 of this Code. If any conviction exists, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

(c) Each applicant for a permit required by this article 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, current rated seating capacity, and vehicle identification number for each wheelchair accessible vehicle to be used as a vehicle for hire;

(3) Provide proof of insurance pursuant to the requirements of this article;

(4) Not have had a license, permit, or registration 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;

(5) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's wheelchair accessible service will be operated and that such use of the location is in compliance with any applicable deed restrictions; and

(6) Provide proof of a valid and current contract or service agreement with a permittee or registrant under any of articles II through IX of this chapter.

(7) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-545. 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. 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 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) 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 wheelchair accessible vehicle, 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 wheelchair accessible vehicle.

(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. 46-546. License required.

It shall be unlawful for any person to operate wheelchair accessible vehicle as a vehicle for hire without a license issued pursuant to division 2 of article I of this chapter.

Sec. 46-547. Annual permit fee.

The annual permit fee in the amount stated for this provision in the city fee schedule per wheelchair accessible vehicle used as vehicle for hire shall be paid in advance to the department of administration and regulatory affairs on or before October 1st of each year.

Sec. 46-548. Vehicle inspection.

(a) It shall be unlawful for any person to operate or cause to be operated any wheelchair accessible vehicle used as a vehicle for hire, unless such vehicle has been inspected as required in this section and has a current and valid certification decal affixed thereto. Each wheelchair accessible vehicle used as a vehicle for hire 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 wheelchair accessible vehicle used as a vehicle for hire shall be inspected before it is initially placed into service and thereafter before October 1 of each year at such location as the director may specify. The director shall approve the wheelchair accessible vehicle used as a vehicle for hire if he determines that:

(1) The wheelchair accessible vehicle used as a vehicle for hire has current Texas registration sticker and the required Texas vehicle inspection documents for both safety and air quality, if applicable;

(2) The wheelchair accessible vehicle used as a vehicle for hire is in generally sound working condition with no apparent safety-related defects, including but not limited to, 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 and any installed safety devices to assist with wheelchairs;

(3) The wheelchair accessible vehicle used as a vehicle for hire 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;

(4) The wheelchair accessible vehicle used as a vehicle for hire has no seats that have been added in excess of the manufacturer's specifications; the vehicle may have fewer seats than in the specifications to accommodate one or more wheelchairs, provided appropriate safety devices, including but not limited to tiedowns, a ramp, or a lift, are installed; and

(5) The wheelchair accessible vehicle used as a vehicle for hire 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 wheelchair accessible vehicle used as a vehicle for hire. In any prosecution under this section, it shall be presumed that wheelchair accessible vehicle used as a vehicle for hire 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 wheelchair accessible vehicle used as a vehicle for hire.

(e) The director may inspect any wheelchair accessible vehicle used as a vehicle for hire and any records or documents required to be carried in or upon the wheelchair accessible vehicle used as a vehicle for hire 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. 46-549. Insurance.

(a) Notwithstanding any other provision of this article to the contrary, no permit shall become effective nor shall wheelchair accessible service be provided until the permittee has filed with the director the requisite proof of insurance insuring the general public against any loss or damage that may result to any person or property from the operation of a wheelchair accessible vehicle used as a vehicle for hire covered by the permit.

(b) The insurance required in subsection (a) shall be in a form of automobile liability coverage with limits of not less than $1,000,000.00 combined single limit per accident issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's

Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States.

(c) The insurance shall be for the protection of the passengers of wheelchair accessible vehicle used as a vehicle for hire as well as for the general public. 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 the 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) Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-550. Authorized operators.

No wheelchair accessible vehicle used as a vehicle for hire shall be operated by anyone other than the permittee or an employee of the permittee or other person who may be operating the wheelchair accessible 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 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 wheelchair accessible vehicle as a vehicle for hire 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 wheelchair accessible vehicle as a vehicle for hire on the streets or other public property of the city shall be required to secure a license pursuant to article I of this chapter

Sec. 46-551. 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 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. 46-552. Permit amendment; nonexclusive.

(a) A permit is personal to the 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 as shown on the permit application shall render a permit void, unless an application for 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(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.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of wheelchair accessible vehicles used as a vehicle for hire 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. 46-553. Permit terms.

(a) A permit shall be valid for one year 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 wheelchair accessible vehicles used as a vehicle for hire; provided however, the addition, deletion, or substitution of any wheelchair accessible vehicle used as a vehicle for hire pursuant to a current and valid permit shall require an inspection as provided for in section 46-548 of this Code.

Sec. 46-554. Street hails prohibited.

It shall be unlawful for a wheelchair accessible vehicle driver to accept or respond to a passenger's or potential passenger's request for service via traditional street hail, including hand gestures and verbal statements. It shall be unlawful for a wheelchair accessible vehicle driver to provide his or her direct phone number or email address to a passenger or potential passenger to enable requests for service. A wheelchair accessible service provider shall immediately notify the department of administration and regulatory affairs and provide any evidence in its possession if it obtains actual knowledge of any violation of this subsection.

Sec. 46-555. Trips under contract.

(a) It shall be unlawful for a accessible service provider to accept or respond to requests for service other than those received through contractual arrangement with an entity that holds a current and valid permit or registration issued in accordance with another article of this chapter.

(b) A wheelchair accessible service provider may not charge rates other than those established by contract with an entity that holds a current and valid permit or registration issued in accordance with another article of this chapter. The pricing established for wheelchair accessible service must be equivalent to the pricing for non-accessible service provided to the general public by the entity that holds the current and valid permit or registration issued in accordance with another article of this chapter.

Sec. 46-556. Vehicle age and standards.

(a) Each wheelchair accessible vehicle must be a ramp- or lift-equipped wheelchair accessible vehicle or a vehicle 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.

(b) Except as provided in subsection (c) of this section, a licensee or permittee shall not drive or cause to be driven upon the streets of the city any wheelchair accessible vehicle that is more than six years old. For the purposes of this requirement, a wheelchair accessible vehicle will be considered to be six years old on September 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.

(c) A licensee or permittee may drive or cause to be a driven a wheelchair accessible vehicle indefinitely beyond the age limitation prescribed in subsection (b) of this section provided the licensee or permittee submits the wheelchair accessible vehicle for inspection each year, 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 is in compliance with the provisions of section 46-548 of this Code and any other conditions of operation prescribed by the director.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Taxi Permit Distribution

Agenda Item#: 10.

Summary:

ORDINANCE relating to the issuance of taxicab permits; addressing the allocation method for 205 permits originally intended to be distributed in 2014-2015; delaying the distribution of 180 permits until 2017; distributing 25 permits pursuant to the taxicab permit issuance process

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance to delay the distribution of 180 taxicab permits calculated to be issued in the 2015 taxicab distribution year until September 2017 and approve a pilot program that features the immediate release of the remaining lot of 25 permits in order to encourage the formation of a driver-owned and operated taxicab company.

Chapter 46 of the City of Houston Code of Ordinances provides for the City to accept and consider applications for the issuance of taxicab permits at three-year intervals. Although the ordinance directs that taxicab permits be distributed during these periods, permit issuance is not automatic. Section 46-63 of the Code provides for a mathematical determination of market demand for additional permits by comparing growth in population and airport trips since the last time permit issuance was considered. As a result of the application of this formula, it was determined that 205 additional taxicab permits should be distributed in 2014.

Following City Council's approval of an ordinance creating a regulatory framework for Transportation Network Companies (TNCs) to operate in Houston on August 6, 2014, the taxicab industry expressed concerns that the current computation formula may not adequately reflect actual market demand and the existing need for additional taxicab permits to accommodate the interests of the public. The current formula only takes into account growth in demand for taxicab trips at Houston's airport stands using population growth as a proxy for citywide or dispatch demand. The formula is not dynamic and it does not take into account external factors that may affect demand for taxicab services, such as growth in other forms of on-demand transportation services. Last October, City Council approved an ordinance postponing the 2014 taxicab permit distribution for one year to allow time for ARA and industry stakeholders to study the impact of the new TNC entrants on the on the demand for taxicab services.

After over 12 months of review and consultation with industry stakeholders and the City's expert consultant, ARA has determined that distributing all 205 permits may adversely impact the taxicab market A two-year delay in permit issuance was requested by taxicab companies, who claim their revenue has decreased significantly since TNCs entered the Houston market. The delay is substantiated by preliminary analysis conducted by Dr. James Cooper, the city's taxi industry expert,

who found no evidence of increased demand for taxis in Houston to justify the issuance of additional permits. Additionally, the Houston Transportation Accessibility Task Force recommended a two-year delay in permit issuance, until comprehensive new vehicle-for-hire accessibility standards are implemented and their impact on the industry can be measured.

While market and industry forces call for a delay in issuing permits, encouraging small business development remains a priority for the City. When City Council approved the omnibus changes to Chapter 46 over a year ago, ARA committed to return to Council with a recommendation for a distribution methodology that would include a provision for the creation of a driver-owned and operated taxicab company.

Accordingly, ARA recommends that City Council approve the distribution of 25 of the computed 205 permits, specifically for the creation of a pilot program to explore the feasibility of driver-owned taxicab companies. The program would distribute 25 permits to a driver-owned company with the ability to meet specific "value added" criteria designed to improve the stability of such taxicab companies that are likely best positioned to develop into full service companies. The "value added" criteria include proof of financial responsibility; dispatch capabilities; a minimum fleet size; and, a uniform color scheme, company name, and phone number.

Permits will be awarded via random lottery if multiple qualifying applications are received. Permittees will have 180 days to place their vehicles into service. Failure to meet the "value added" criteria will result in permit revocation. ARA will review the success of the pilot program and bring a recommendation to City Council as to whether additional permits should be issued and/or if the pilot program should be incorporated into the taxicab permit distribution for 2017.

Departmental Approval Authority:

_____

Tina Paez, Director **Other Authorization**
Administration & Regulatory Affairs Department

Prior Council Action:

8/6/2014; Ord. #2014-754
10//2014; Ord. #2014-915

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Kathryn Bruning Phone: (832) 394-9414

ATTACHMENTS:

Description	Type
9.28.2015 CHPT 46 Taxi Permit Distro RCA.pdf	Signed Cover sheet
Ord and Exhibit	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
ALL

Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Taxi Permit Distribution

Agenda Item#: 7.

Summary:
AN ORDINANCE RELATING TO THE ISSUANCE OF TAXICAB PERMITS;; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance to delay the distribution of 180 taxicab permits calculated to be issued in the 2015 taxicab distribution year until September 2017 and approve a pilot program that features the immediate release of the remaining lot of 25 permits in order to encourage the formation of a driver-owned and operated taxicab company.

Chapter 46 of the City of Houston Code of Ordinances provides for the City to accept and consider applications for the issuance of taxicab permits at three-year intervals. Although the ordinance directs that taxicab permits be distributed during these periods, permit issuance is not automatic. Section 46-63 of the Code provides for a mathematical determination of market demand for additional permits by comparing growth in population and airport trips since the last time permit issuance was considered. As a result of the application of this formula, it was determined that 205 additional taxicab permits should be distributed in 2014.

Following City Council's approval of an ordinance creating a regulatory framework for Transportation Network Companies (TNCs) to operate in Houston on August 6, 2014, the taxicab industry expressed concerns that the current computation formula may not adequately reflect actual market demand and the existing need for additional taxicab permits to accommodate the interests of the public. The current formula only takes into account growth in demand for taxicab trips at Houston's airport stands using population growth as a proxy for citywide or dispatch demand. The formula is not dynamic and it does not take into account external factors that may affect demand for taxicab services, such as growth in other forms of on-demand transportation services. Last October, City Council approved an ordinance postponing the 2014 taxicab permit distribution for one year to allow time for ARA and industry stakeholders to study the impact of the new TNC entrants on the on the demand for taxicab services.

After over 12 months of review and consultation with industry stakeholders and the City's expert consultant, ARA has determined that distributing all 205 permits may adversely impact the taxicab market A two-year delay in permit issuance was requested by taxicab companies, who claim their revenue has decreased significantly since TNCs entered the Houston market. The delay is substantiated by preliminary analysis conducted by Dr. James Cooper, the city's taxi industry expert, who found no evidence of increased demand for taxis in Houston to justify the issuance of additional permits. Additionally, the Houston Transportation Accessibility Task Force recommended a two-year delay in permit issuance, until comprehensive new vehicle-for-hire accessibility standards are implemented and their impact on the industry can be measured.

While market and industry forces call for a delay in issuing permits, encouraging small business development remains a priority for the City. When City Council approved the omnibus changes to Chapter 46 over a year ago, ARA committed to return to Council with a recommendation for a distribution methodology that would include a provision for the creation of a driver-owned and operated taxicab company.

Accordingly, ARA recommends that City Council approve the distribution of 25 of the computed 205 permits, specifically for the creation of a pilot program to explore the feasibility of driver-owned taxicab companies. The program would distribute 25 permits to a driver-owned company with the ability to meet specific "value added" criteria designed to improve the stability of such taxicab companies that are likely best positioned to develop into full service companies. The "value added" criteria include proof of financial responsibility; dispatch capabilities; a minimum fleet size; and, a uniform color scheme, company name, and phone number.

~~Permits will be awarded via random lottery if multiple q~~ualifying applications are received. Permittees will have 180 days to place their vehicles into service. Failure to meet the "value added" criteria will result in permit revocation. ARA will review the success of the pilot program and bring a recommendation to City Council as to whether additional permits should be issued and/or if the pilot program should be incorporated into the taxicab permit distribution for 2017.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Prior Council Action:
8/6/2014; Ord. #2014-754
10//2014; Ord. #2014-915

Contact Information:
Lara Cottingham Phone: (832) 393-8503
Kathryn Bruning Phone: (832) 394-9414

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

AN ORDINANCE RELATING TO THE ISSUANCE OF TAXICAB PERMITS; ADDRESSING THE ALLOCATION METHOD FOR 205 PERMITS ORIGINALLY INTENDED TO BE DISTRIBUTED IN 2014-2015; DELAYING THE DISTRIBUTION OF 180 PERMITS UNTIL 2017; DISTRIBUTING 25 PERMITS PURSUANT TO THE TAXICAB PERMIT ISSUANCE PROCESS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Code of Ordinances provides for the City to accept and consider applications for the issuance of additional taxicab permits every three years on the basis of a mathematical determination of market demand for additional permits by comparing growth in population and airport trips since the last permit issuance year; and

WHEREAS, the 2014 taxicab permit computation and distribution process was commenced and resulted in a preliminary computation by the Director of the Department of Administration and Regulatory Affairs ("ARA") recommending that a total of 205 additional permits be issued to various applicants; and

WHEREAS, the vehicle for hire industry has experienced a significant amount of change since the last permit issuance, in part due to the introduction of new vehicle for hire platforms; and

WHEREAS, due to the resulting instability within the vehicle for hire industry, it has become difficult to assess the status of the industry as well as the future state of the market; and

WHEREAS, in 2014 City Council delayed the 2015 permit distribution based on ARA's recommendation due to concerns based on the findings of the City's expert in performing the 2014 Houston Taxicab Study that the existing taxicab permit distribution process did not adequately reflect actual market demand and an existing need for the additional permits to be issued in a manner that best accommodates the interests of the public; and

WHEREAS, ARA remains concerned, based on the preliminary findings of the City's expert in performing the 2015 Houston Taxicab Study; and

WHEREAS, the City Council has expressed concern that the composition of the City's taxicab fleets, as related to the number and proportion of disabled accessible vehicles does not adequately benefit the interests of the riding public; and

WHEREAS, the Houston Transportation Accessibility Task Force was created by Ordinance No. 2014-754 for the purpose of studying all aspects of transportation needs of persons with disabilities and to make recommendations based on empirical facts and anecdotal evidence to the City Council concerning the number of wheelchair accessible vehicles for hire necessary within vehicle fleets to ensure consistent and equivalent service for the disabled community; and

WHEREAS, the Houston Transportation Accessibility Task Force's recommendation to adopt comprehensive new vehicle for hire accessibility standards may additionally skew the demand factors; and

WHEREAS, furthermore City Council wishes to encourage small business formation and explore the feasibility of driver-run taxicab companies; and

WHEREAS, based on the findings of the City's expert that performed the City's 2014 Houston Taxicab Study, ARA has determined that driver-run taxicab companies with the ability to meet specific "value added" criteria designed to improve the stability of such taxicab companies are likely best positioned to develop into full service companies; and

WHEREAS, due to the aforementioned factors, ARA has determined that distributing all 205 permits may flood and disrupt an already unstable market and requests that City Council take action to delay the distribution of 180 taxicab permits calculated to be issued in the 2015 taxicab permit distribution, so as to allow additional time to adequately assess the demand in the City of Houston as well as how to best respond to the needs of the disabled community; and

WHEREAS, ARA recommends that City Council take action to approve a pilot program that features the immediate release of the remaining twenty-five (25) permits in one (1) lot, using the methodology articulated in Exhibit A of this Ordinance in order to encourage and explore the viability of driver-run taxicab companies; **NOW, THEREFORE,**

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

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 the City's Administration and Regulatory Affairs Department ("ARA") is hereby requested to conduct a review of the City Code provisions and ordinances that control the issuance of additional taxicab permits and to make

recommendations to the City Council for amendments that address the concerns expressed in the preamble of this Ordinance.

Section 3. That the City Council hereby approves a pilot program to encourage and explore the viability of driver-run taxicab companies as set forth in this Section. With regard to 25 of the 205 permits that were to be distributed in 2015, the taxicab permit distribution, as heretofore initiated pursuant to Division 2 of Article II of Chapter 46 of the Code of Ordinances, Houston, Texas, and then delayed, shall be recommenced pursuant to the Taxicab Permit Distribution Process For 2015 Taxicab Permit Distribution Year attached hereto and incorporated herein as Exhibit A.

Section 4. That distribution of the remaining 180 of the 205 permits originally intended for distribution in the 2015 taxicab permit distribution pursuant to Division 2 of Article II of Chapter 46 of the Code of Ordinances, Houston, Texas, which was delayed by City of Houston Ordinance No. 2014-915, is hereby further delayed until September 1, 2017.

Section 5. For purposes of the aforementioned pilot program featuring the immediate distribution of the one (1) lot of twenty-five (25) permits, an individual or entity must be a qualified applicant pursuant to the applicable provisions of Chapter 46 of the Code of Ordinances at the time the applicant files an application.

Section 6. That, consistent with the provisions and requirements of this Ordinance and other laws and ordinances, the City's Director of Administration and Regulatory Affairs may implement and enforce all necessary rules and regulations for the successful distribution of the permits during the distribution process period set out in Exhibit A, attached, as well as applicable provisions of Chapter 46 of the Code of Ordinances,

Houston, Texas, as amended. The permits shall be issued in a manner that is to the extent practicable and consistent with the requirements of Chapter 46. The permits issued shall be valid and used only for the operation of taxicabs that are operated in compliance with taxicab permitting requirements of Chapter 46,

Section 7. That, 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 8. That 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 such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2015.

_____
Mayor of the City of Houston

Prepared by Legal Dept. _____
TNE:asw 10/02/2015 Assistant City Attorney
Requested by Tina Paez, Director, Department of Administration and Regulatory Affairs
L.D. File No. 037140012001

EXHIBIT A

Taxicab Permit Distribution Process
For 2015 Taxicab Permit Distribution Year

1. In this document, words and terms have the meanings set forth in Chapter 46, Article II, of the Code of Ordinances, Houston, Texas (the "Code") as amended by Ord. No. _____[1], except for the following:

   New entrant applicant means a taxicab driver or entity that is owned entirely by vehicle for hire drivers each of whom meets the three criteria listed below:

   (1) Is not now and has never been a permittee;

   (2) Has operated as a driver for five of the last ten years, including a minimum of two years within the City of Houston; and

   (3) Is currently a taxicab licensee.

   Dispatch means the operation of a scheduling service by which prospective passengers request, by phone, by the internet or by any other voice, data or electronic communication, pre-arranged transportation services offered or provided for compensation from vehicles for hire and vehicles for hire are scheduled or routed via the relay of information from the scheduling service to the vehicle for hire by radio or data device, including but not limited to a device capable of any voice, data, or electronic communication.

2. The director shall conduct or cause to be conducted a public drawing to determine the granting of one lot of 25 permits. All qualified new entrant applicants shall be invited to attend the drawing, at which one lot will be awarded by random lottery to a new entrant applicant who meets the “value added” criteria articulated in Section 4.

3. Any new entrant applicant interested must file an application fulfilling the requirements of Section 46-65 of the Code. In addition to those requirements, all applications must include written documentation of financial ability in an amount equal to $10,000.00 times the number of permits in the lot. The documentation shall evidence the financial ability in the form of cash, an irrevocable line of credit from a state or federally chartered financial institution, an irrevocable loan commitment from a state or federally chartered financial institution, or another equivalent form of evidence prescribed by regulation of the director, which evidence must be independently verifiable by the director

4. A new entrant applicant must meet the below-listed value added criteria within six months (180 days) of permit issuance, after which time, permits issued to the new entrant applicant found not to be in compliance shall be revoked by the director.

   A. The permittee must remain in compliance with all applicable sections of Chapter 46 of the Code.

[1] City Secretary shall insert the number and date of the ordinance amending Chapter 46 that has been submitted for Council consideration concurrently with the Ordinance to which this document is attached.

B. The permittee must have an operational dispatch system.

C. The permittee must acquire and maintain insurance required pursuant to Section 46-67 of the Code.

D. The permittee must adopt and maintain one color scheme, trade name and phone number for use on the entirety of the permittee's fleet.

E. The permittee's fleet must be comprised of at least 25 vehicles.

F. The permittee's fleet must be comprised of vehicles that have installed and operational taxicab security cameras.

5. Any permit that reverts to the City by any means, including, but not limited to revocation or failure to pay requisite fees, shall be issued during the next distribution cycle.

6. Applications for the drawing under this Process shall be processed as follows:

A. Applications for new entrant applicants will be available on the day following the passage of City of Houston Ord. No. _____[2].

B. Completed applications must be received by the Department of Administration and Regulatory Affairs ("ARA") within 15 business days after the first date of availability.

C. ARA shall, within 15 business days after the close of the application submission period, notify the applicants as to their status of either qualified or unqualified applicant.

D. If an applicant wishes to challenge a determination that he or she is unqualified, he or she must request a hearing under Section 46-65(d) of the City of Houston Code of Ordinances within 5 business days of the date of the letter that served as notification.

E. All hearings requested under this ordinance shall be conducted within ten business days after receipt of such request. If possible, ARA shall conduct all such hearings on one day.

F. The hearing official shall have five business days after the closing of the hearing to submit a ruling to ARA. The hearing official's ruling shall be final.

G. Within ten business days after the hearing official's decision, the drawing will be held to award the lot of 25 permits. All permits MUST be placed into service within 180 days after the date of the drawing, in compliance with Chapter 46 of the Code and any additional provisions required by City of Houston Ord. No. _____[3].

[2] City Secretary shall insert the number of the Ordinance to which this document is attached.
[3] City Secretary shall insert the number of the Ordinance to which this document is attached.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District I
Item Creation Date: 9/18/2015

20BAM49 A&S Portion of Chenevert Street, from Capitol Avenue to Texas Avenue - Parcel SY14-048

Agenda Item#: 11.

Summary:

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Chenevert Street, from Capitol Avenue to Texas Avenue, located within the South Side Buffalo Bayou Addition, out of the J.S. Holman Survey, A-323, Houston, Texas; vacating and abandoning said parcel to City of Houston, the abutting owner - **DISTRICT I - GALLEGOS**

Background:

SUBJECT: Ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Avenue to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. Parcel SY14-048.

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Avenue to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. **Parcel SY14-048**

SPECIFIC EXPLANATION:

By Motion 2014-0115, City Council authorized the subject transaction. Thereafter, NCN Group, Inc., (Nicholas Hiransomboon, President), an abutting property owner, opted not to participate in the Joint Referral Committee transaction to abandon Chenevert Street. The applicant, Convention and Entertainment Facilities Department (CEF), (Dawn Ullrich, Director), planned to incorporate the portion of Chenevert Street into its abutting property to facilitate the construction of the Nau Center for Texas Cultural Heritage. Although the development of the Nau Center for Texas Cultural Heritage will not occur at this time, CEF would like to continue with the street abandonment to incorporate the subject portion of Chenevert Street into its abutting property for future development.

Because the construction requirements associated with this transaction will be completed after the City Council passes the Ordinance, Houston First Corporation (HFC) provided a Letter of Credit (LOC) on behalf of CEF for $9,370.00, an amount equal to the total estimated construction costs required to complete Item 5 of Motion 2014-0115. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. The Director of PWE or his designee may authorize one extension of the LOC which may be less than but not longer than twelve months, if the applicant has received approved permits and commenced construction of the work required within the initial term of the LOC.

Should the conditions of the LOC not be satisfied upon expiration of the LOC, a recommendation will be submitted to the City Council to rescind the ordinance that abandoned the City's property interest(s). All funds paid by HFC on behalf of CEF will be forfeited. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC.

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Street to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323.

Prior Council Action:

Council Motion #2014-0115, dated 02/05/2014

Amount of Funding:

Not Applicable

Contact Information:

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

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Maps	Backup Material
Motion 2014-0115	Backup Material
Ordinance	Ordinance/Resolution/Motion
Ordinance - Exhibits	Backup Material

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

SUBJECT: Ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Avenue to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. **Parcel SY14-048**	**Page** 1 **of** 1	**Agenda Item #**
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** I Key Map 493R	
For additional information contact: NPC Nancy P. Collins **Phone:** (832) 395-3130 Senior Assistant Director-Real Estate	**Date and identification of prior authorizing Council Action:** Council Motion 2014-0115 (2/5/2014)	

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Avenue to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. **Parcel SY14-048**

Amount and Source of Funding: Not Applicable	

SPECIFIC EXPLANATION:

By Motion 2014-0115, City Council authorized the subject transaction. Thereafter, NCN Group, Inc., (Nicholas Hiransomboon, President), an abutting property owner, opted not to participate in the Joint Referral Committee transaction to abandon Chenevert Street. The applicant, Convention and Entertainment Facilities Department (CEF), (Dawn Ullrich, Director), planned to incorporate the portion of Chenevert Street into its abutting property to facilitate the construction of the Nau Center for Texas Cultural Heritage. Although the development of the Nau Center for Texas Cultural Heritage will not occur at this time, CEF would like to continue with the street abandonment to incorporate the subject portion of Chenevert Street into its abutting property for future development.

Because the construction requirements associated with this transaction will be completed after the City Council passes the Ordinance, Houston First Corporation (HFC) provided a Letter of Credit (LOC) on behalf of CEF for $9,370.00, an amount equal to the total estimated construction costs required to complete Item 5 of Motion 2014-0115. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. The Director of PWE or his designee may authorize one extension of the LOC which may be less than but not longer than twelve months, if the applicant has received approved permits and commenced construction of the work required within the initial term of the LOC. Should the conditions of the LOC not be satisfied upon expiration of the LOC, a recommendation will be submitted to the City Council to rescind the ordinance that abandoned the City's property interest(s). All funds paid by HFC on behalf of CEF will be forfeited. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC.

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment of a portion of Chenevert Street, from Capitol Street to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323.

c: Marta Crinejo
Daniel Menendez, P.E.
Jeffrey Weatherford, P.E., PTOE
Eric Dargan
Patrick Walsh, P.E.

LTS No. 14661 CUIC #20BAM49

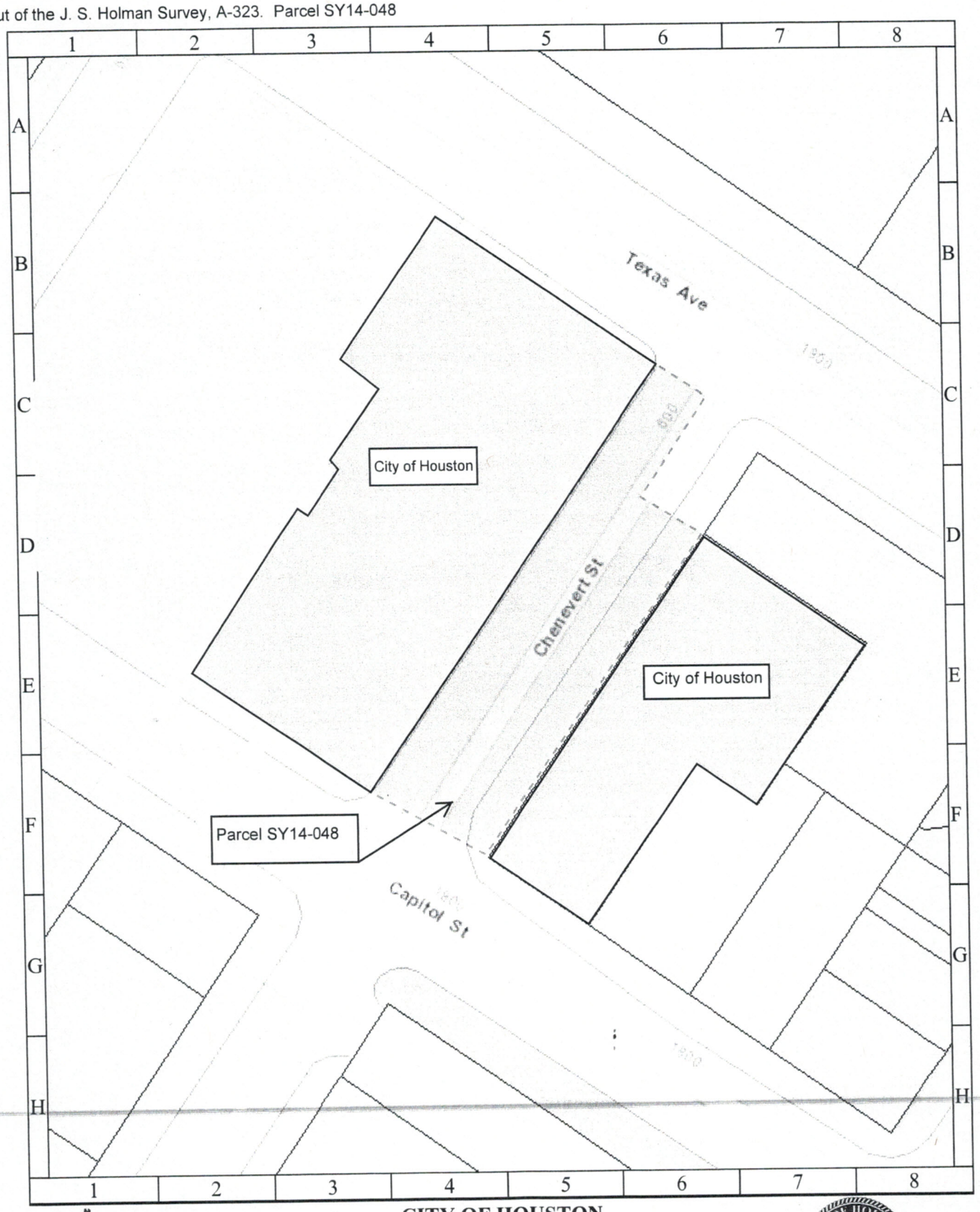
REQUIRED AUTHORIZATION

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

F&A 011.A Rev. 3/94
7530-0100403-00

PARCEL MAP

SUBJECT: Abandonment of a portion of Chenevert Street, from Capitol Street to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323. Parcel SY14-048



CITY OF HOUSTON

Department of Public Works and Engineering

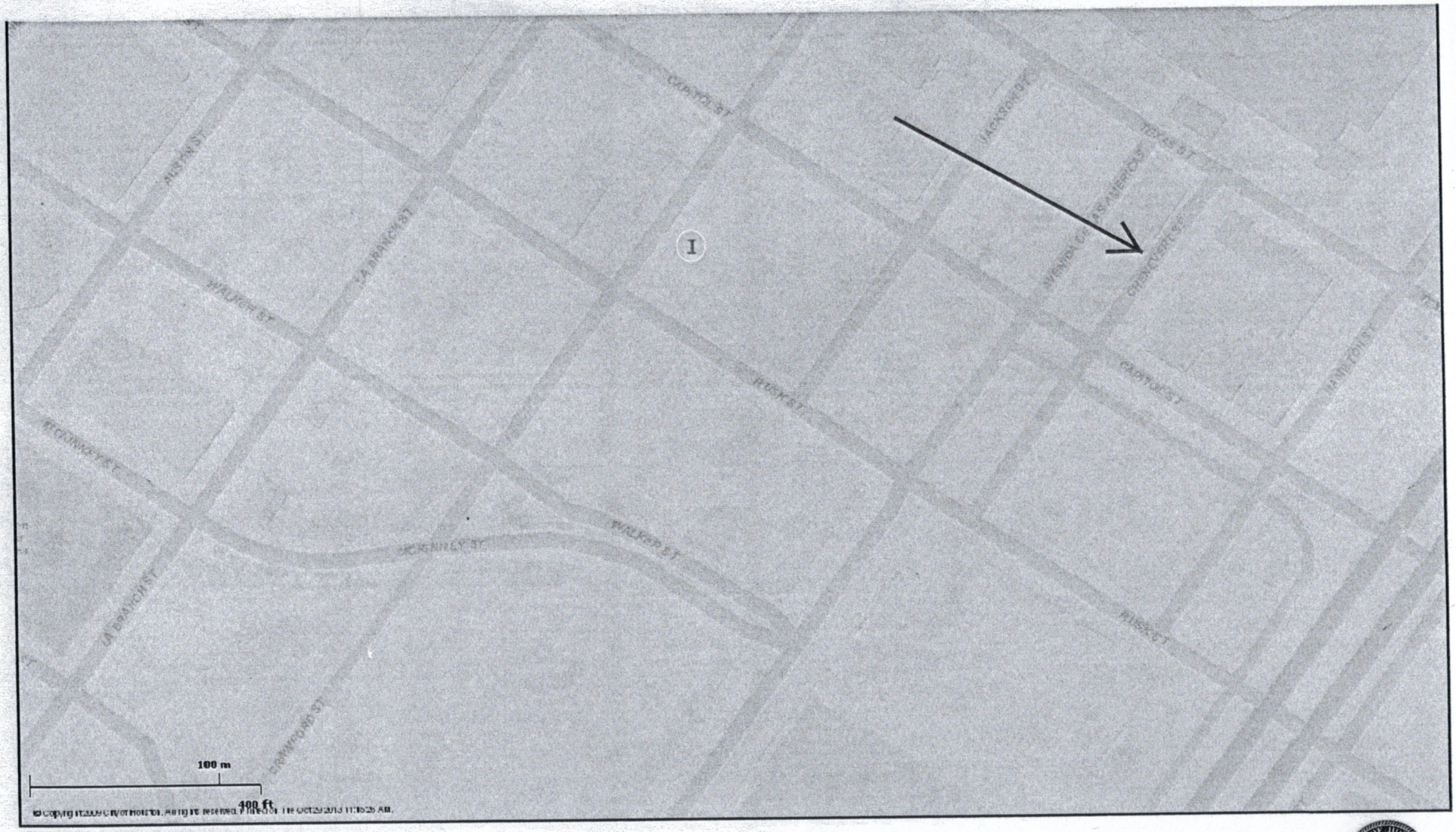
Geographic Information & Management System (GIMS)

1 inch = 22 feet

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.

Council District I

SUBJECT: abandonment of a portion of Chenevert Street, from Capitol Street to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323.
Parcels SY14-048



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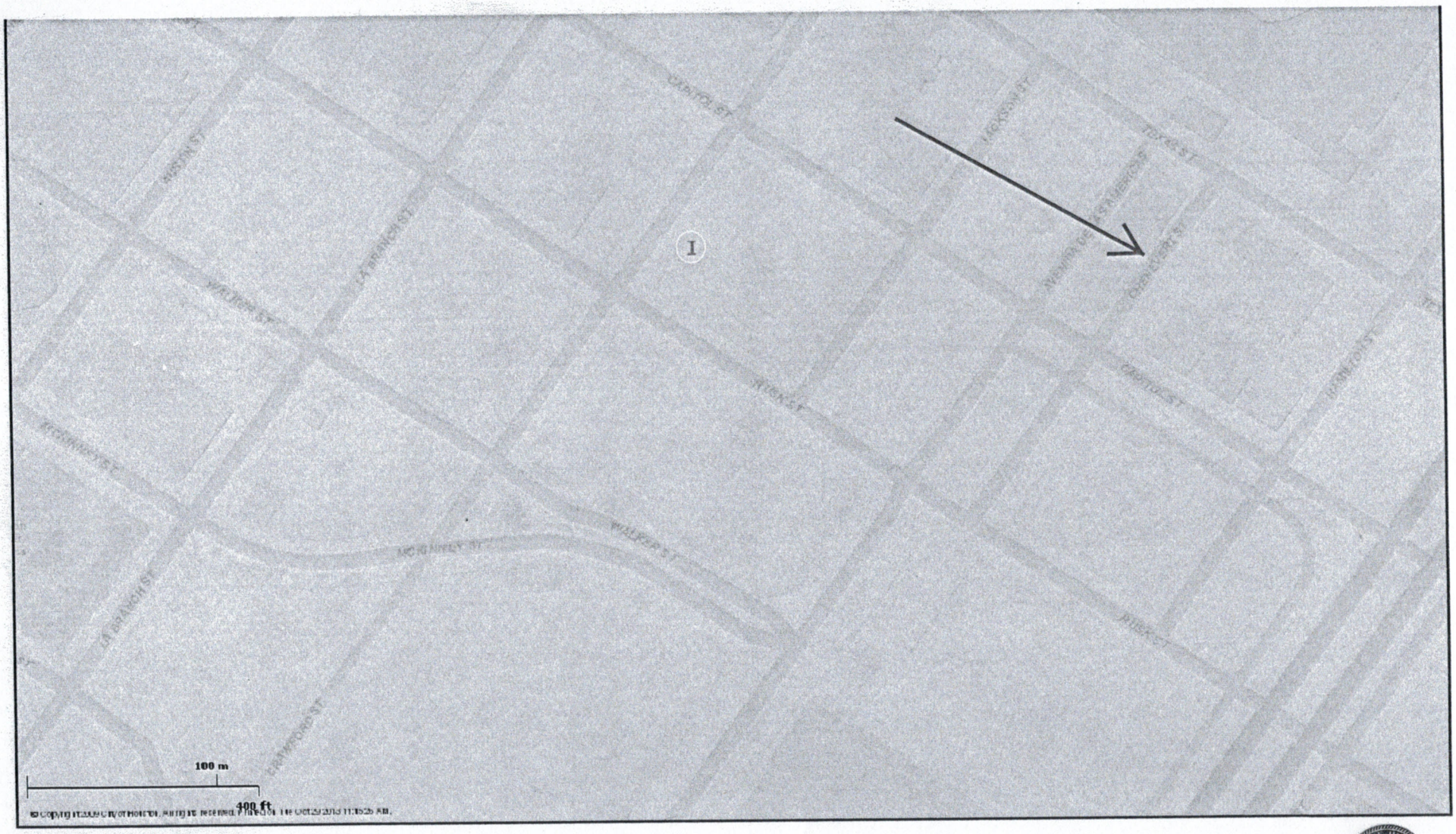
City of Houston

Generated by the My City Application

Disclaimer:
The map is only for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes and does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries

Council District I

SUBJECT: abandonment of a portion of Chenevert Street, from Capitol Street to Texas Avenue, located in the South Side Buffalo Bayou Addition, out of the J. S. Holman Survey, A-323.
Parcels SY14-048



City of Houston
Generated by the My City Application

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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/17/2015

HHS-Department State Health Services - WIC FY 2016

Agenda Item#: 12.

Summary:

ORDINANCE approving submission of grant application to **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for the City's Women, Infant and Children Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Health and Human Services Department to act as the City's representative in the application process; authorizing the Director to accept the grant and expend the grant funds, as awarded, and to apply for and accept any subsequent awards, if any, pertaining to the grant

Background:

The Houston Health Department (HHD) requests City Council's approval of an ordinance authorizing the Director HHD to accept and expend grant funds from Texas Department of State Health Services (DSHS) for the City's Women, Infant and Children (WIC) Program. The period of performance for this grant is from October 1, 2015 through September 30, 2016 and may be extended to a period not to exceed five years. The initial funding amount is $11,428,240.00 and may be adjusted at any time during the performance period.

HHD also requests City Council to authorized the Mayor to execute all related contracts, agreements and documents with the approval of the City Attorney in connection with the grant and to authorize the Director or his designee to act as the City's representative with the authority to apply for, accept and expend the grant funds, as awarded, and to apply for and accept and expend all subsequent awards, if any, pertaining to the grant.

Under this grant, HHD will administer the DSHS Special Supplemental Nutrition Program for Women, Infant, and Children which provide supplemental food benefits, nutrition education, and counseling to enhance good health at no cost to low income pregnant and post partum women, infants and children identified to be at nutritional risk.

The funding will be used to continue special projects approved by DSHS which include breastfeeding peer counseling, nutrition education, obesity prevention, lactation services, clinical lactation practicum, dietetic internship, and other goods and services allowed by the grant.

This grant will allow HHD to serve approximately 74,000 WIC participants per month. Additionally, immunization screenings are provided to all WIC clients in 15 WIC sites.

Prior Council Action:

10-08-2014; 2014-0901

Amount of Funding:

Amount of Funding: $11,428,240.00 Initial Award
Federal State Local – Pass Through Fund (5030)

Contact Information:

Kathy Barton
Telephone: 832-393-5045
Cell: 713-826-5801

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
HHS-Department State Health Services - WIC FY 2016 ORD	Ordinance/Resolution/Motion

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance authorizing the Director of Houston Health Department (HHD) to accept and expend grant funds from the Texas Department of State Health Services (DSHS) for the City's Women, Infant and Children (WIC) Program	Category #	Page 1 of 1	Agenda Item #

FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	Origination Date 09/14/2015	Agenda Date
DIRECTOR'S SIGNATURE: Stephen L Williams	Council District affected: ALL	
For additional information contact: Kathy Barton Telephone: 832-393-5045 ; 713-826-5801	Date and identification of prior authorizing Council action: 10-08-2014; 2014-0901	

RECOMMENDATION: (Summary) **Approval of an ordinance authorizing the Director of the Houston Health Department (HHD) to accept and expend grant funds from Texas Department of State Health Services (DSHS) for the City's Women, Infant and Children (WIC) Program**

Amount of Funding: $11,428,240.00 Initial Award Federal State Local – Pass Through Fund (5030)	Finance Department:

SOURCE OF FUNDING: [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)

SPECIFIC EXPLANATION:

The Houston Health Department (HHD) requests City Council's approval of an ordinance authorizing the Director HHD to accept and expend grant funds from Texas Department of State Health Services (DSHS) for the City's Women, Infant and Children (WIC) Program. The period of performance for this grant is from October 1, 2015 through September 30, 2016 and may be extended to a period not to exceed five years. The initial funding amount is $11,428,240.00 and may be adjusted at any time during the performance period.

HHD also requests City Council to authorized the Mayor to execute all related contracts, agreements and documents with the approval of the City Attorney in connection with the grant and to authorize the Director or his designee to act as the City's representative with the authority to apply for, accept and expend the grant funds, as awarded, and to apply for and accept and expend all subsequent awards, if any, pertaining to the grant.

Under this grant, HHD will administer the DSHS Special Supplemental Nutrition Program for Women, Infant, and Children which provide supplemental food benefits, nutrition education, and counseling to enhance good health at no cost to low income pregnant and post partum women, infants and children identified to be at nutritional risk.

The funding will be used to continue special projects approved by DSHS which include breastfeeding peer counseling, nutrition education, obesity prevention, lactation services, clinical lactation practicum, dietetic internship, and other goods and services allowed by the grant.

This grant will allow HHD to serve approximately 74,000 WIC participants per month. Additionally, immunization screenings are provided to all WIC clients in 15 WIC sites.

cc: Finance Department
Legal Department
Agenda Director

REQUIRED AUTHORIZATION		
Finance Department	Other Authorization:	Other Authorization:

F&A 011 A REV 12/94
7530-0100403-00

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/18/2015

HHS An ordinance approving and authorizing a revenue contract (2016-001186-00) with the Texas Department of State Health Services (DSHS) for the Regional and Local Services System/Local Public Health Services (RLSS/LPHS) grant.

Agenda Item#: 13.

Summary:

ORDINANCE approving and authorizing contract between the City of Houston and **DEPARTMENT OF STATE HEALTH SERVICES** for Regional and Local Services System / Local Public Health Services (RLSS/LPHS) Grant (DSHS Contract No. 2016-001186-00)

Background:

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a revenue contract with the Texas Department of State Health Services (DSHS) for the FY 2016 grant. The project period is September 1, 2015 through August 31, 2017 in the amount of $595,400.00.

HDHHS requests City Council to authorize the Director of HDHHS to accept the grant funding of the contract and expend approved funding as soon as awarded and to apply for and accept supplemental awards offered by DSHS in connection with this grant, if any. HDHHS also requests City Council to authorized the Mayor to execute all related contracts, agreements and documents with the approval of the City Attorney in connection with the grant and to authorize the Director or his designee to act as the City's representative in the application process with the authority to apply for, accept and expend the grant funds, as awarded, and to apply for and accept and expend all subsequent awards, if any. Funding from DSHS will enable HDHHS to develop objectives to address a public health issue; utilize resources provided through the contract to conduct activities and services that provide or support delivery of essential public health services; assess, monitor, and evaluate the essential public health activities and develop strategies to improve the delivery of essential public health services.

Amount of Funding:

Total Project Cost: $595,400.00
Federal State Local – Pass Through Fund (5030

Contact Information:

Kathy Barton Telephone: 832-393-5045; 713-826-5801

ATTACHMENTS:

Description	Type

RCA
CONTRACT

Signed Cover sheet
Backup Material

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

SUBJECT: An ordinance approving and authorizing a revenue contract (2016-001186-00) with the Texas Department of State Health Services (DSHS) for the Regional and Local Services System/Local Public Health Services (RLSS/LPHS) grant.	**Category #** 9	**Page** 1 of 1	**Agenda Item #**

FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	**Origination Date** 8/31/15	**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council District affected:** ALL	
For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: (Summary)
An ordinance approving and authorizing a revenue contract (2016-001186-00) with the Texas Department of State Health Services (DSHS) for the Regional and Local Services System/Local Public Health Services (RLSS/LPHS) grant.

Amount of Funding: Total Project Cost: $595,400.00 Federal State Local – Pass Through Fund (5030)	**Finance:**

SOURCE OF FUNDING: [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)

SPECIFIC EXPLANATION: The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a revenue contract with the Texas Department of State Health Services (DSHS) for the FY 2016 grant. The project period is September 1, 2015 through August 31, 2017 in the amount of $595,400.00.

HDHHS requests City Council to authorize the Director of HDHHS to accept the grant funding of the contract and expend approved funding as soon as awarded and to apply for and accept supplemental awards offered by DSHS in connection with this grant, if any. HDHHS also requests City Council to authorized the Mayor to execute all related contracts, agreements and documents with the approval of the City Attorney in connection with the grant and to authorize the Director or his designee to act as the City's representative in the application process with the authority to apply for, accept and expend the grant funds, as awarded, and to apply for and accept and expend all subsequent awards, if any.

Funding from DSHS will enable HDHHS to develop objectives to address a public health issue; utilize resources provided through the contract to conduct activities and services that provide or support delivery of essential public health services; assess, monitor, and evaluate the essential public health activities and develop strategies to improve the delivery of essential public health services.

cc: Finance
Legal Department
Agenda Director

REQUIRED AUTHORIZATION

Finance Director	**Other Authorization:**	**Other Authorization:**

F&A 011.A REV. 12/94
7530-0100403-00

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District E
Item Creation Date: 9/21/2015

HAS - Property Acquisition from First Boston/Texas, L.P.
and Boeing Bldg/Texas, L.P. near EFD, Project 779

Agenda Item#: 14.

Summary:

ORDINANCE appropriating $6,900,000.00 out of Airport Improvement Fund; approving and authorizing Purchase and Sale Agreement to acquire an Aerospace Engineering Facility and Land adjacent to Ellington Airport from **FIRST BOSTON/TEXAS, L.P. and BOEING BLDG/TEXAS, L.P. - DISTRICT E - MARTIN**

Background:

SUBJECT:
Property Acquisition from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P. – Ellington Airport (EFD), Project 779 (WBS# A-000629-0001-2-01-01)

RECOMMENDATION:
Approve an ordinance appropriating $6,900,000.00 from the Airport Improvement Fund and approving and authorizing a Purchase and Sale Agreement to acquire an aerospace engineering building and land adjacent to Ellington Airport (EFD) from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P.

SPECIFIC EXPLANATION:
To advance the Houston Airport System's (HAS) development of a portion of Ellington Airport (EFD) into a commercial spaceport, HAS is proposing to purchase a 52,974-square-foot aerospace engineering facility at 13150 Space Center Boulevard from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P., as tenants in common ("Seller"). The building is located on 4.30 acres of land that abuts the west side of EFD near existing Boeing Company offices and NASA's Sonny Carter Training Facility.

The Boeing Company currently occupies the facility and desires to continue to using a portion in connection with its NASA contracts. Upon the City's purchase of the property, HAS will modify the building to create a shared use manufacturing and general office facility. HAS has received a letter of intent to lease from Intuitive Machines and expects to receive others in the near future.

The negotiated purchase price agreed to by the Seller is based on the value for the land and improvements as determined by professional appraisers under contract with the City. Upon the effective date, which takes effect on the date of the Controller's countersignature, the City has a 30-day inspection period in which it has the right to terminate the Agreement.

HAS requests approval of Purchase and Sale Agreements for the property acquisition described below:

Owner/Seller	Property Description	Purchase Price
First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P., tenants in common	Being more or less 4.30 acres out of Reserve A, Block 1, Clearpoint, Section 3 Replat No. 1, Houston, Harris County, Texas. (Land and building at 13150 Space Center Blvd.)	$6,825,000.00
	Estimated Title Insurance and Closing Costs (not to exceed)	$75,000.00
	Total Requested Appropriation	$6,900,000.00

HAS further recommends the appropriation of $6,900,000.00 from the Airport Improvement Fund for the above property acquisition, inclusive of the payment of title insurance premium and other miscellaneous closing costs.

The Legal Department prepared the Purchase and Sale Agreement and has reviewed the documentation related to the acquisition.

Director's Signature:

_____
Mario C. Diaz
Houston Airport System

Amount of Funding:

$6,900,000.00 Airport Improvement Fund (8011)

Contact Information:

Kathy Elek 281/233-1826
Ian Wadsworth 281/233-1682

ATTACHMENTS:

Description	Type
HAS - Property Acquisition from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P. near EFD, Project 779 - RCA	Signed Cover sheet
HAS - Property Acquisition from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P. near EFD, Project 779 - SAP Docs	Financial Information
Ordinance	Ordinance/Resolution/Motion

Exhibit A to Ordinance

Contract/Exhibit

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
District E

Item Creation Date: 9/21/2015

HAS - Property Acquisition from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P. near EFD, Project 779

Agenda Item#:

Background:

SUBJECT:
Property Acquisition from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P. – Ellington Airport (EFD), Project 779 (WBS# A-000629-0001-2-01-01)

RECOMMENDATION:
Approve an ordinance appropriating $6,900,000.00 from the Airport Improvement Fund and approving and authorizing a Purchase and Sale Agreement to acquire an aerospace engineering building and land adjacent to Ellington Airport (EFD) from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P.

SPECIFIC EXPLANATION:
To advance the Houston Airport System's (HAS) development of a portion of Ellington Airport (EFD) into a commercial spaceport, HAS is proposing to purchase a 52,974-square-foot aerospace engineering facility at 13150 Space Center Boulevard from First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P., as tenants in common ("Seller"). The building is located on 4.30 acres of land that abuts the west side of EFD near existing Boeing Company offices and NASA's Sonny Carter Training Facility.

The Boeing Company currently occupies the facility and desires to continue to using a portion in connection with its NASA contracts. Upon the City's purchase of the property, HAS will modify the building to create a shared use manufacturing and general office facility. HAS has received a letter of intent to lease from Intuitive Machines and expects to receive others in the near future.

The negotiated purchase price agreed to by the Seller is based on the value for the land and improvements as determined by professional appraisers under contract with the City. Upon the effective date, which takes effect on the date of the Controller's countersignature, the City has a 30-day inspection period in which it has the right to terminate the Agreement.

HAS requests approval of Purchase and Sale Agreements for the property acquisition described below:

Owner/Seller	Property Description	Purchase Price
First Boston/Texas, L.P. and Boeing Bldg/Texas, L.P., tenants in common	Being more or less 4.30 acres out of Reserve A, Block 1, Clearpoint, Section 3 Replat No. 1, Houston, Harris County, Texas. (Land and building at 13150 Space Center Blvd.)	$6,825,000.00
	Estimated Title Insurance and Closing Costs (not to exceed)	$75,000.00
	Total Requested Appropriation	$6,900,000.00

HAS further recommends the appropriation of $6,900,000.00 from the Airport Improvement Fund for the above property acquisition, inclusive of the payment of title insurance premium and other miscellaneous closing costs.

The Legal Department prepared the Purchase and Sale Agreement and has reviewed the documentation related to the acquisition.

Director's Signature:

for INW
Mario C. Diaz
Houston Airport System

Amount of Funding:
$6,900,000.00 Airport Improvement Fund (8011)

Contact Information:
Kathy Elek	281/233-1826
Ian Wadsworth	281/233-1682

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District D, District I
Item Creation Date: 9/29/2015

MYR - Annex add'l territory into Reinvestment Zone Number Two (Midtown Zone)

Agenda Item#: 15.

Summary:

ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE) - DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**

Background:

SUBJECT: An Ordinance to annex additional territory into Reinvestment Zone Number Two (Midtown Zone).

RECOMMENDATION: (Summary)
City Council adopt an ordinance to annex additional territory into Reinvestment Zone Number 2 (Midtown Zone).

SPECIFIC EXPLANATION:
City of Houston Tax Reinvestment Zone Number Two, City of Houston, Texas (the "Zone"), was created by Ordinance No. 1994-1345 on December 14, 1994. City Council authorized the creation of the Midtown Redevelopment Authority by Resolution No. 1995-0096 on June 28, 1995, and approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Midtown Zone by Ordinance No. 1997-0600 on May 28, 1997. Subsequently, City Council approved the First Amendment to the Plan by Ordinance No. 1997-1338 on October 22, 1997, the Second Amendment to the Plan by Ordinance No. 1999-0850 on August 11, 1999, the Third Amendment to the Plan by Ordinance No. 2009-1395 on December 29, 2009, the Fourth Amendment to the Plan by Ordinance No. 2011-0534 on June 22, 2011, and the Fifth Amendment to the Plan by Ordinance No. 2013-0638 on July 10, 2013.

It is recommended that City Council annex approximately 88.42 acres into the Zone; most of the area that will be annexed into the Zone relates to certain museum district entities that have requested inclusion into the Zone and have provided letters of support. The proposed annexation will enhance the Zone's Economic Development through its Cultural and Tourism District as well as provide for utility and street and streetscape improvements along certain commercial corridors to enhance pedestrian access, mobility, and connectivity. The annexation does not alter the City's ability to terminate the Zone either at the Zone's termination date, the date all obligations have been

met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the general fund. This annexation represents a 4% increase in the size (TV) of the TIRZ. The existing City tax increment reinvestment zones (TIRZs) represent 15.03% taxable value towards the statutory cap of 25% of the taxable value of property in the City. This proposed annexation of property into the Zone will increase the taxable value of the City's TIRZs by .03% from 15.03% to 15.06% towards the 25% cap.

Section 1: Generally described as: A western boundary of Mandell St.; A northern boundary of West Alabama St.; An eastern boundary of Montrose Blvd.; A southern boundary of Richmond Ave.; Graustark St. right-of-way from Richmond Ave. to Bartlett St.

Section 2: Generally described as: Bartlett St. right-of-way from Graustark St. to Bayard Ln.; A western boundary of Bayard Ln.; A northern boundary of Barkdull St.; A northeastern boundary of Oakdale Ave.; a southeastern boundary of Main St.; a southwestern boundary at Montrose Blvd.; Main St. right-of-way from Palm St. to Montrose Blvd.; Fannin St. right-of-way from Palm St. to Ewing Ave.; San Jacinto St. right-of-way from Rosedale St. to Ewing St.; Caroline St. from Oakdale Ave. to Hermann Dr.

A northwestern boundary of Fannin St.; A northeastern boundary of Rosedale St.; A southeastern boundary of San Jacinto; A southwestern boundary of Wichita St.; A northeastern boundary of Palm St.; A southeastern boundary of Caroline St.; A southwestern boundary of Southmore Blvd.; A northwestern boundary of San Jacinto St.; A northeastern boundary of Oakdale Ave.; A southeastern boundary of Austin St.; A southwestern boundary of Calumet Drive; A northwestern boundary of Main St.; A northeastern boundary of Binz St.; A southeastern boundary of San Jacinto St.; A southwestern boundary of Ewing St; A northwestern boundary of Austin St.; A northeastern boundary of Binz St.; A southeastern boundary of Crawford St.; A southwestern boundary of Hermann Drive; A southwestern boundary of Ewing St.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1994-1345, 12/14/94; Res. No. 1995-0096, 06/28/95; Ord. No. 1995-1322, 12/13/95; Ord. No. 1999-849, 8/11/99; Ord. No. 2009-1396, 12/29/09

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson **Phone:** (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 02 Midtown Annex	Signed Cover sheet
1994-1345 TIRZ 02 Midtown Geographic Area	Backup Material
1995-1322 TIRZ 02 Midtown Boundary Enlargement	Backup Material
1999-096 TIRZ 02 Midtown AOI	Backup Material

1999-849 TIRZ 02 Midtown Boundary Enlargement	Backup Material
2009-1396 TIRZ 02 Midtown Boundary Enlargement	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary | **RCA #**

SUBJECT: An Ordinance to annex additional territory into Reinvestment Zone Number Two (Midtown Zone).	**Category #**	**Page** 1 of 1	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** C,D & I		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1994-1345, 12/14/94; Res. No. 1995-0096, 06/28/95; Ord. No. 1995-1322, 12/13/95; Ord. No. 1999-849, 8/11/99; Ord. No. 2009-1396, 12/29/09		

RECOMMENDATION: (Summary)
City Council adopt an ordinance to annex additional territory into Reinvestment Zone Number 2 (Midtown Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] N/A

SPECIFIC EXPLANATION:
City of Houston Tax Reinvestment Zone Number Two, City of Houston, Texas (the "Zone"), was created by Ordinance No. 1994-1345 on December 14, 1994. City Council authorized the creation of the Midtown Redevelopment Authority by Resolution No. 1995-0096 on June 28, 1995, and approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Midtown Zone by Ordinance No. 1997-0600 on May 28, 1997. Subsequently, City Council approved the First Amendment to the Plan by Ordinance No. 1997-1338 on October 22, 1997, the Second Amendment to the Plan by Ordinance No. 1999-0850 on August 11, 1999, the Third Amendment to the Plan by Ordinance No. 2009-1395 on December 29, 2009, the Fourth Amendment to the Plan by Ordinance No. 2011-0534 on June 22, 2011, and the Fifth Amendment to the Plan by Ordinance No. 2013-0638 on July 10, 2013.

It is recommended that City Council annex approximately 88.42 acres into the Zone; most of the area that will be annexed into the Zone relates to certain museum district entities that have requested inclusion into the Zone and have provided letters of support. The proposed annexation will enhance the Zone's Economic Development through its Cultural and Tourism District as well as provide for utility and street and streetscape improvements along certain commercial corridors to enhance pedestrian access, mobility, and connectivity. The annexation does not alter the City's ability to terminate the Zone either at the Zone's termination date, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the general fund. This annexation represents a 4% increase in the size (TV) of the TIRZ. The existing City tax increment reinvestment zones (TIRZs) represent 15.03% taxable value towards the statutory cap of 25% of the taxable value of property in the City. This proposed annexation of property into the Zone will increase the taxable value of the City's TIRZs by .03% from 15.03% to 15.06% towards the 25% cap.

Section 1: Generally described as: A western boundary of Mandell St.; A northern boundary of West Alabama St.; An eastern boundary of Montrose Blvd.; A southern boundary of Richmond Ave.; Graustark St. right-of-way from Richmond Ave. to Bartlett St.

Section 2: Generally described as: Bartlett St. right-of-way from Graustark St. to Bayard Ln.; A western boundary of Bayard Ln.; A northern boundary of Barkdull St.; A northeastern boundary of Oakdale Ave.; a southeastern boundary of Main St.; a southwestern boundary at Montrose Blvd.; Main St. right-of-way from Palm St. to Montrose Blvd.; Fannin St. right-of-way from Palm St. to Ewing Ave.; San Jacinto St. right-of-way from Rosedale St. to Ewing St.; Caroline St. from Oakdale Ave. to Hermann Dr.

A northwestern boundary of Fannin St.; A northeastern boundary of Rosedale St.; A southeastern boundary of San Jacinto; A southwestern boundary of Wichita St.; A northeastern boundary of Palm St.; A southeastern boundary of Caroline St.; A southwestern boundary of Southmore Blvd.; A northwestern boundary of San Jacinto St.; A northeastern boundary of Oakdale Ave.; A southeastern boundary of Austin St.; A southwestern boundary of Calumet Drive; A northwestern boundary of Main St.; A northeastern boundary of Binz St.; A southeastern boundary of San Jacinto St.; A southwestern boundary of Ewing St; A northwestern boundary of Austin St.; A northeastern boundary of Binz St.; A southeastern boundary of Crawford St.; A southwestern boundary of Hermann Drive; A southwestern boundary of Ewing St.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District D, District I
Item Creation Date: 9/29/2015

MYR - Sixth Amendment 2 Project Plan & Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown)

Agenda Item#: 16.

Summary:

ORDINANCE related to **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** approving the sixth amended Project Plan and Reinvestment Zone Financing Plan for the Zone; authorizing the City Secretary to distribute such plans; extending the duration of the Zone to December 31, 2040 - **DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**
This item should only be considered after passage of Item 15 above

Background:

SUBJECT: An Ordinance to approve a Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).

RECOMMENDATION: (Summary)
City Council adopt an ordinance to approve a Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).

SPECIFIC EXPLANATION:
Reinvestment Zone Number Two, City of Houston, Texas (the "Zone"), was created by Ordinance No. 1994-1345 on December 14, 1994. City Council authorized the creation of the Midtown Redevelopment Authority by Resolution No. 1995-0096 on June 28, 1995, and approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone by Ordinance No. 1997-0600 on May 28, 1997. Subsequently, City Council approved the First Amendment to the Plan by Ordinance No. 1997-1338 on October 22, 1997, the Second Amendment to the Plan by Ordinance No. 1999-0850 on August 11, 1999, the Third Amendment to the Plan by Ordinance No. 2009-1395 on December 29, 2009, the Fourth Amendment to the Plan by Ordinance No. 2011-0534 on June 22, 2011, and the Fifth Amendment to the Plan by Ordinance No. 2013-0638 on July 10, 2013.

On February 26, 2015, the Board of Directors of the Zone approved a proposed Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") and transmitted it for City Council approval. The Amended Plan provides for an expanded boundary that will add approximately 88.42 acres to the Zone's current area; most of the area that will be annexed into the Zone relates to certain museum district entities that have requested inclusion into the Zone and

have provided letters of support. The proposed expanded boundaries will enhance the Zone's Economic Development through its Cultural and Tourism District as well as provide for utility and street and streetscape improvements along certain commercial corridors to enhance pedestrian access, mobility and connectivity.

The Amended Plan also contemplates an extension of the duration of the Zone to December 31, 2040 to allow the Zone to properly finance current and future improvements. The extension does not alter the City's ability to terminate the Zone at the Zone's termination date established in this Ordinance, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the City's general fund.

Accordingly, the Administration recommends that City Council approve the Sixth Amendment to the Plan for the Zone.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1994-1345, 12/14/94; Res. No. 1995-0096, 06/28/95; Ord. No. 1997-0600, 05/28/97; Ord. No. 1997-1338, 10/22/97; Ord. No. 1999-0850, 08/11/99; Ord. No. 2009-1395, 12/29/09, Ord. No. 2011-0534, 06/22/11, Ord. No. 2013-0638, 07/10/13

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson **Phone:** (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 02 Midtown PP Amend 6	Signed Cover sheet
1994-1345 TIRZ 02 Midtown Geographic Area	Backup Material
1995-096 TIRZ 02 Midtown AOI	Backup Material
1997-600 TIRZ 02 Midtown Project Plan	Backup Material
1997-1338 TIRZ 02 Midtown PP Amend 1	Backup Material
1999-850 TIRZ 02 Midtown PP Amend 2	Backup Material
2009-1395 TIRZ 02 Midtown PP Amend 3	Backup Material
2011-534 TIRZ 02 Midtown PP Amend 4	Backup Material
2013-638 TIRZ 02 Midtown PP Amend 5	Backup Material
Ordinance Package	Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An Ordinance to approve a Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** C,D & I		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1994-1345, 12/14/94; Res. No. 1995-0096, 06/28/95; Ord. No. 1997-0600, 05/28/97; Ord. No. 1997-1338, 10/22/97; Ord. No. 1999-0850, 08/11/99; Ord. No. 2009-1395, 12/29/09, Ord. No. 2011-0534, 06/22/11, Ord. No. 2013-0638, 07/10/13		

RECOMMENDATION: (Summary)
City Council adopt an ordinance to approve a Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X]**
N/A

SPECIFIC EXPLANATION:
Reinvestment Zone Number Two, City of Houston, Texas (the "Zone"), was created by Ordinance No. 1994-1345 on December 14, 1994. City Council authorized the creation of the Midtown Redevelopment Authority by Resolution No. 1995-0096 on June 28, 1995, and approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone by Ordinance No. 1997-0600 on May 28, 1997. Subsequently, City Council approved the First Amendment to the Plan by Ordinance No. 1997-1338 on October 22, 1997, the Second Amendment to the Plan by Ordinance No. 1999-0850 on August 11, 1999, the Third Amendment to the Plan by Ordinance No. 2009-1395 on December 29, 2009, the Fourth Amendment to the Plan by Ordinance No. 2011-0534 on June 22, 2011, and the Fifth Amendment to the Plan by Ordinance No. 2013-0638 on July 10, 2013.

On February 26, 2015, the Board of Directors of the Zone approved a proposed Sixth Amendment to the Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") and transmitted it for City Council approval. The Amended Plan provides for an expanded boundary that will add approximately 88.42 acres to the Zone's current area; most of the area that will be annexed into the Zone relates to certain museum district entities that have requested inclusion into the Zone and have provided letters of support. The proposed expanded boundaries will enhance the Zone's Economic Development through its Cultural and Tourism District as well as provide for utility and street and streetscape improvements along certain commercial corridors to enhance pedestrian access, mobility and connectivity.

The Amended Plan also contemplates an extension of the duration of the Zone to December 31, 2040 to allow the Zone to properly finance current and future improvements. The extension does not alter the City's ability to terminate the Zone at the Zone's termination date established in this Ordinance, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the City's general fund.

Accordingly, the Administration recommends that City Council approve the Sixth Amendment to the Plan for the Zone.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District H, District I
Item Creation Date: 9/30/2015

MYR - Ordinance authorizing the issuance of an additional $18,500,000 in bonds by the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two (Midtown)

Agenda Item#: 17.

Summary:

ORDINANCE approving the issuance of bonds by **MIDTOWN REDEVELOPMENT AUTHORITY**
This item should only be considered after passage of Items 15 and 16 above

Background:

SUBJECT: Ordinance authorizing the issuance of an additional $18,500,000 in bonds by the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two (Midtown Zone).

RECOMMENDATION: (Summary)
City Council adopt an ordinance authorizing the issuance of an additional $18.5 million in Authority obligations by the Midtown Redevelopment Authority.

SPECIFIC EXPLANATION:

In previous ordinances, City Council authorized the Midtown Redevelopment Authority ("Authority") to issue bounds in an aggregate principal amount not to exceed $79,500,000 outstanding at any one time in addition to $6,000,000 in notes outstanding at any one time.

To implement its City Council approved amended Project Plan and Reinvestment Zone Financing Plan, the Authority will need to obtain financing to fund its current year and future year design and construction plans. Approval of this ordinance will allow the Authority to issue an additional $18.5 million in obligations to provide funding to support the refinancing of Midtown Park, a proposed parking garage and street projects in the proposed annexed area to sustain the economic viability of the City's core and to enhance the quality of life for citizens.

The Administration recommends that City Council approve this Ordinance to provide the capital needed to support redevelopment projects in the Zone consisting primarily of major roadway, street reconstruction, parks and greenspace, and pedestrian improvement projects.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. 1994-1345; Ord. 1996-389, 4/17/96; Ord. 1997-1540, 12/10/97; Ord. 1998-301, 4/22/98: Ord. 2000-494, 6/7/00:Ord. 2000-0495, 6/7/00; Ord. 2003-0538, 6/11/03; Ord. 2005-355, 4/13/05; Ord. 2011-0326, 5/4/11

Amount of Funding:

No funding required

ATTACHMENTS:

Description	Type
RCA TIRZ 02 Midtown Bond Issuance	Signed Cover sheet
1994-1345 TIRZ 02 Midtown Geographic Area	Backup Material
1996-389 TIRZ 02 Midtown Tri-Party	Backup Material
1997-1540 TIRZ 02 Bond Issuance Agmt	Backup Material
1998-301 TIRZ 02 Midtown Tri-Party Amend 1	Backup Material
2000-494 TIRZ 02 Midtown Tri-Party Amend 2	Backup Material
PCA 2003-538	Backup Material
PCA 2005-355	Backup Material
PCA 2011-+236	Backup Material
Bond Issuance Back up	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinance authorizing the issuance of an additional $18,500,000 in bonds by the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two (Midtown Zone).	**Page 1 of 1**	**Agenda Item#**

FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council Districts affected:** C, H, I	
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. 1994-1345; Ord. 1996-389, 4/17/96; Ord. 1997-1540, 12/10/97; Ord. 1998-301, 4/22/98: Ord. 2000-494, 6/7/00:Ord. 2000-0495, 6/7/00; Ord. 2003-0538, 6/11/03; Ord. 2005-355, 4/13/05; Ord. 2011-0326, 5/4/11	

RECOMMENDATION: (Summary)
City Council adopt an ordinance authorizing the issuance of an additional $18.5 million in Authority obligations by the Midtown Redevelopment Authority.

Amount of Funding: No Funding Required

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

SPECIFIC EXPLANATION:

In previous ordinances, City Council authorized the Midtown Redevelopment Authority ("Authority") to issue bounds in an aggregate principal amount not to exceed $79,500,000 outstanding at any one time in addition to $6,000,000 in notes outstanding at any one time.

To implement its City Council approved amended Project Plan and Reinvestment Zone Financing Plan, the Authority will need to obtain financing to fund its current year and future year design and construction plans. Approval of this ordinance will allow the Authority to issue an additional $18.5 million in obligations to provide funding to support the refinancing of Midtown Park, a proposed parking garage and street projects in the proposed annexed area to sustain the economic viability of the City's core and to enhance the quality of life for citizens.

The Administration recommends that City Council approve this Ordinance to provide the capital needed to support redevelopment projects in the Zone consisting primarily of major roadway, street reconstruction, parks and greenspace, and pedestrian improvement projects.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

MIDTOWN REDEVELOPMENT AUTHORITY

Outstanding Tax Increment Contract Revenue and Refunding Bonds

Series	Original Issue	Outstanding Principal as of June 30, 2015
2011	33,130,000	26,115,000
2013	32,280,000	31,150,000
2015	13,705,000	13,705,000
	79,115,000	70,970,000

Proposed Tax Increment Contract Revenue and Refunding Bonds

Series	Original Issue Amount - Preliminary*	Outstanding Principal as of June 30, 2015
2018	27,030,000	27,030,000

Combined (Excluding Notes)	
Total	98,000,000

Notes:
Preliminary issue amount subject to change.
One third of all bond proceeds will be used for affordable housing.
Exclusive of $6,000,000 in notes previously authorized.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District K
Item Creation Date: 9/29/2015

MYR - Annex add'l territory into Reinvestment Zone Number Nine (South Post Oak)

Agenda Item#: 18.

Summary:

ORDINANCE enlarging boundaries of **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)** - **DISTRICT K - GREEN**

Background:

SUBJECT: An Ordinance to annex additional territory into Reinvestment Zone Number Nine (South Post Oak Zone).

RECOMMENDATION: (Summary)
City Council adopt an ordinance to annex additional territory into Reinvestment Zone Number Nine (South Post Oak Zone)

SPECIFIC EXPLANATION:

Reinvestment Zone Number Nine, City of Houston, Texas ("Zone"), was created by Ordinance No. 1997-1570 on December 17, 1997. City Council approved a Project Plan and Reinvestment Zone Financing Plan ("Plan") for the Zone by Ordinance No. 1999-0721 on July 14, 1999. On August 11, 1999, City Council authorized the creation of the South Post Oak Redevelopment Authority to implement the Plan by Resolution No. 1999-0045, and approved the First Amendment to the Plan by Ordinance No. 1999-0825.

It is recommended that City Council annex approximately 148.53 acres into the Zone. The annexation does not alter the City's ability to terminate the Zone either at the Zone's termination date, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the general fund. The existing City tax increment reinvestment zones (TIRZs) represent 15.03% taxable value towards the statutory cap of 25% of the taxable value of property in the City. This proposed annexation of property into the Zone will increase the taxable value of the City's TIRZs by .03% from 15.06% to 15.12% towards the 25% cap.

The boundaries of the annexation are generally described as follows:

A western boundary of Post Oak;

A northern boundary of Allum, which turns in to Airport;
An eastern boundary that starts at Buffalo Speedway and Airport, then goes south to Buffalo Speedway and Orem, then east to Orem and Ambrose, then south to Sims Bayou; and
A southern boundary that starts at Sims Bayou near Ambrose, then goes west to Hiram Clarke, then goes south to Fuqua, then goes west towards Post Oak.

The proposed annexation will enhance the Zone's roadway infrastructure, pedestrian access, general mobility, and increase connectivity.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1997-1570, 12/17/97; Res. No. 1999-0045, 08/11/99; Ord. No. 1999-0721, July 14, 1999; Ord. No. 1999-0825, 08/11/99

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson **Phone:** (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 09 South Post Oak Annex	Signed Cover sheet
1997-1570 TIRZ 09 South Post Oak Creation	Backup Material
1999-045 TIRZ 09 South Post Oak AOI	Backup Material
1999-721 TIRZ 09 South Post Oak Project Plan	Backup Material
1999-845 TIRZ 09 South Post Oak PP Amend 1	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An Ordinance to annex additional territory into Reinvestment Zone Number Nine (South Post Oak Zone).	**Category #**	**Page** 1 of 1	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** K		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1997-1570, 12/17/97; Res. No. 1999-0045, 08/11/99; Ord. No. 1999-0721, July 14, 1999; Ord. No. 1999-0825, 08/11/99		

RECOMMENDATION: (Summary)
City Council adopt an ordinance to annex additional territory into Reinvestment Zone Number Nine (South Post Oak Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X]**
N/A

SPECIFIC EXPLANATION:
Reinvestment Zone Number Nine, City of Houston, Texas ("Zone"), was created by Ordinance No. 1997-1570 on December 17, 1997. City Council approved a Project Plan and Reinvestment Zone Financing Plan ("Plan") for the Zone by Ordinance No. 1999-0721 on July 14, 1999. On August 11, 1999, City Council authorized the creation of the South Post Oak Redevelopment Authority to implement the Plan by Resolution No. 1999-0045, and approved the First Amendment to the Plan by Ordinance No. 1999-0825.

It is recommended that City Council annex approximately 148.53 acres into the Zone. The annexation does not alter the City's ability to terminate the Zone either at the Zone's termination date, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the general fund. The existing City tax increment reinvestment zones (TIRZs) represent 15.03% taxable value towards the statutory cap of 25% of the taxable value of property in the City. This proposed annexation of property into the Zone will increase the taxable value of the City's TIRZs by .03% from 15.06% to 15.12% towards the 25% cap.

The boundaries of the annexation are generally described as follows:

- A western boundary of Post Oak;
- A northern boundary of Allum, which turns in to Airport;
- An eastern boundary that starts at Buffalo Speedway and Airport, then goes south to Buffalo Speedway and Orem, then east to Orem and Ambrose, then south to Sims Bayou; and
- A southern boundary that starts at Sims Bayou near Ambrose, then goes west to Hiram Clarke, then goes south to Fuqua, then goes west towards Post Oak.

The proposed annexation will enhance the Zone's roadway infrastructure, pedestrian access, general mobility, and increase connectivity.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District K
Item Creation Date: 9/29/2015

MYR - Second Amended Project Plan & Reinvestment Zone Financing Plan for Reinvestment Zone Number Nine (South Post Oak)

Agenda Item#: 19.

Summary:

ORDINANCE approving second amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)**; authorizing the City Secretary to distribute such plans; extending duration of Zone to December 31, 2045 - **DISTRICT K - GREEN**

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

Background:

SUBJECT: An Ordinance to approve the Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nine (South Post Oak Zone).

RECOMMENDATION: (Summary)

City Council adopt an ordinance to approve the Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nine (South Post Oak Zone).

SPECIFIC EXPLANATION:

Reinvestment Zone Number Nine, City of Houston, Texas ("Zone"), was created by Ordinance No. 1997-1570 on December 17, 1997. City Council approved a Project Plan and Reinvestment Zone Financing Plan ("Plan") for the Zone by Ordinance No. 1999-0721 on July 14, 1999. On August 11, 1999, City Council authorized the creation of the South Post Oak Redevelopment Authority to implement the Plan by Resolution No. 1999-0045, and approved the First Amendment to the Plan by Ordinance No. 1999-0825.

On September 23, 2015, the Board of Directors of the Zone approved a proposed Second Amended Project Plan and Reinvestment Zone Financing Plan (the "Second Amended Plan") and transmitted it for City Council approval. The Second Amended Plan provides for an expanded boundary that will add approximately 148.53 acres to the Zone's current area. The proposed expanded boundaries will enhance the Zone's roadway infrastructure, pedestrian access, general mobility, and increase connectivity. The Second Amended Plan also contemplates a life extension of the Zone through December 31, 2045. The extension does not alter the City's ability to terminate the Zone either at the Zone's termination date established in this Ordinance, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations,

at which time revenue in excess of obligations returns to the general fund.

Accordingly, the Administration recommends that City Council approve the Second Amended Plan for the Zone and extend the duration of the Zone for an additional 23 years from December 31, 2022, to December 31, 2045.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1997-1570, 12/17/97; Ord. No. 1999-0721, 07/14/99; Res. No. 1999-0045, 08/11/99; Ord. No. 1999-0825, 08/11/99

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson **Phone:** (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 09 South Post Oak PP Amend 2	Signed Cover sheet
1997-1570 TIRZ 09 South Post Oak Creation	Backup Material
1999-721 TIRZ 09 South Post Oak Project Plan	Backup Material
1999-045 TIRZ 09 South Post Oak AOI	Backup Material
1999-845 TIRZ 09 South Post Oak PP Amend 1	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An Ordinance to approve the Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nine (South Post Oak Zone).	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** K		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1997-1570, 12/17/97; Ord. No. 1999-0721, 07/14/99; Res. No. 1999-0045, 08/11/99; Ord. No. 1999-0825, 08/11/99		

RECOMMENDATION: (Summary)
City Council adopt an ordinance to approve the Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nine (South Post Oak Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X]**
N/A

SPECIFIC EXPLANATION:
Reinvestment Zone Number Nine, City of Houston, Texas ("Zone"), was created by Ordinance No. 1997-1570 on December 17, 1997. City Council approved a Project Plan and Reinvestment Zone Financing Plan ("Plan") for the Zone by Ordinance No. 1999-0721 on July 14, 1999. On August 11, 1999, City Council authorized the creation of the South Post Oak Redevelopment Authority to implement the Plan by Resolution No. 1999-0045, and approved the First Amendment to the Plan by Ordinance No. 1999-0825.

On September 23, 2015, the Board of Directors of the Zone approved a proposed Second Amended Project Plan and Reinvestment Zone Financing Plan (the "Second Amended Plan") and transmitted it for City Council approval. The Second Amended Plan provides for an expanded boundary that will add approximately 148.53 acres to the Zone's current area. The proposed expanded boundaries will enhance the Zone's roadway infrastructure, pedestrian access, general mobility, and increase connectivity. The Second Amended Plan also contemplates a life extension of the Zone through December 31, 2045. The extension does not alter the City's ability to terminate the Zone either at the Zone's termination date established in this Ordinance, the date all obligations have been met, or earlier if the City satisfies the outstanding debt and obligations, at which time revenue in excess of obligations returns to the general fund.

Accordingly, the Administration recommends that City Council approve the Second Amended Plan for the Zone and extend the duration of the Zone for an additional 23 years from December 31, 2022, to December 31, 2045.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date: 9/15/2015

LGL - Prof Srvcs Contract - Clarence A. West, Attorney-at-Law

Agenda Item#: 20.

Summary:

ORDINANCE approving first amendment to agreement for Professional Services, Contract No. C56949, between the City of Houston and **CLARENCE A. WEST**, Attorney At Law; providing a maximum contract amount - $80,000.00 - General Fund

Background:

On May 11, 2005, City Council approved Ordinance No. 05-0619 for an Agreement for Professional Services Contract C56949 ("Agreement") with Clarence A. West, Attorney-at-Law, in connection with access line fee payment verifications for several telecommunications companies and other matters designated by the City Attorney. Under this Agreement, the attorney is currently assisting the City with the following projects:

· Claims against ATT before the Texas Public Utility Commission regarding overcharges
· Right-of-way issues
· Wireless telecommunications, such as small cell networks, and other emerging technologies
· Cable franchises matters

The City anticipates that his assistance will also be needed in potential future projects:

· Additional claims against ATT before the Texas Public Utility Commission
· Agreements with wireless telecommunications providers

Prior Council Action:

Ord 2005-0619 (May 11, 2005)

Amount of Funding:

Supplemental Allocation $80,000 - General Fund (1000)

$240,000 maximum contract amount

Contact Information:

YuShan Chang, 832-393-6442

Donna A. Edmundson
City Attorney

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
Clarence West Ord	Ordinance/Resolution/Motion
Clarence West Contract	Contract/Exhibit

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

SUBJECT: An ordinance approving a first amendment to an agreement for professional services, contract no. C56949, between the City of Houston and Clarence A. West to provide additional legal services	**Page** 1 **of** 1	**Agenda Item #**

FROM (Department or other point of origin): Legal Department	**Origination Date** 9/15/15	**Agenda Date**
DIRECTOR'S SIGNATURE: Donna Edmundson, City Attorney	**Council District affected: All**	
For additional information contact: YuShan Chang, 832-393-6442	**Date and identification of prior authorizing Council action:** Ord 2005-0619 (May 11, 2005)	

RECOMMENDATION: (Summary)

Adopt an ordinance amending the professional services contract #C56949 between the City of Houston and Clarence A. Westto provide for additional legal services

Amount and Source of Funding: Supplemental Allocation $80,000 General Fund (1000)
$240,000 maximum contract amount

BACKGROUND: On May 11, 2005, City Council approved Ordinance No. 05-0619 for an Agreement for Professional Services Contract C56949 ("Agreement") with Clarence A. West, Attorney-at-Law, in connection with access line fee payment verifications for several telecommunications companies and other matters designated by the City Attorney. Under this Agreement, the attorney is currently assisting the City with the following projects:

- Claims against ATT before the Texas Public Utility Commission regarding overcharges
- Right-of-way issues
- Wireless telecommunications, such as small cell networks, and other emerging technologies
- Cable franchises matters

The City anticipates that his assistance will also be needed in potential future projects:

- Additional claims against ATT before the Texas Public Utility Commission
- Agreements with wireless telecommunications providers

CHANGES:

The Agreement's Scope of Services is modified to expressly include pending and anticipated projects. Additional money needs to be added to the Agreement to allow Clarence A. West to continue his work on these projects for the City. Based on the length and complexity of the projects, an additional $80,000 should be added to the Agreement for a maximum contract amount of $240,000.

RECOMMENDATIONS:

It is recommended that City Council approve the ordinance amending the Agreement to modify the scope of services and authorize an additional $80,000 to the contract.

Other Authorization:		

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/24/2015

DON-Approval of an Ordinance appropriating $3,000,000 from Dangerous Building Consolidated Fund for demolition.
WBS# D-110001

Agenda Item#: 21.

Summary:

ORDINANCE appropriating $3,000,000.00 out of Dangerous Building Consolidated Fund for demolition of dangerous buildings

Background:

The Department of Neighborhoods is requesting City Council approval of an ordinance authorizing the appropriation of $3,000,000 from the Dangerous Building Consolidated Fund.

These funds will be used for the demolition of buildings that have been determined to be dangerous by the Buildings and Standard Commission, an Administrative Hearing Official, a Department of Neighborhoods Inspections official, or a registered structural engineer. In addition to demolition services, these funds will be used for demolition support services, emergency demolition services, asbestos/lead testing and removal and appraisal services permitted by law.

The projected average demolition costs are $8,000 - $10,000 per structure including asbestos abatement (as necessary) and debris disposal.

Amount of Funding:

$3,000,000 from Dangerous Building Consolidated Fund **(Fund 1801)**

Contact Information:

Landon Taylor
Assistant Director, DON (832) 393-0857

ATTACHMENTS:

Description	Type
RCA/Cover sheet	Signed Cover sheet
ORDINANCE	Ordinance/Resolution/Motion

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

SUBJECT: Approval of an Ordinance appropriating $3,000,000 from Dangerous Building Consolidated Fund for demolition. WBS# D-110001	**Page 1 of 1**	**Agenda Item #**

FROM: (Department or other point of origin): Department of Neighborhoods	**Origination Date:** 9/24/2015	**Agenda Date:**
DIRECTOR'S SIGNATURE: Katye Tipton, Director	**Council District affected:** All	
For additional information contact: Landon Taylor Assistant Director, DON (832) 393-0857	**Date and identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approval of an Ordinance appropriating $3,000,000 from Dangerous Building Consolidated Fund (Fund 1801) to be used for the demolition of structures designated as dangerous.

Amount and Source of Funding:

$3,000,000 from Dangerous Building Consolidated Fund **(Fund 1801)**

SPECIFIC EXPLANATION:

The Department of Neighborhoods is requesting City Council approval of an ordinance authorizing the appropriation of $3,000,000 from the Dangerous Building Consolidated Fund.

These funds will be used for the demolition of buildings that have been determined to be dangerous by the Buildings and Standard Commission, an Administrative Hearing Official, a Department of Neighborhoods Inspections official, or a registered structural engineer. In addition to demolition services, these funds will be used for demolition support services, emergency demolition services, asbestos/lead testing and removal and appraisal services permitted by law.

The projected average demolition costs are $8,000 - $10,000 per structure including asbestos abatement (as necessary) and debris disposal.

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 8/31/2015

E24326 - Software Maintenance and Support Services - ORDINANCE

Agenda Item#: 22.

Summary:

ORDINANCE appropriating $118,000.00 out of Health Special Revenue Fund as an additional appropriation for Contract No. 4600011886 with **GRANICUS INC, Formally known as AMERICAN CADASTRE, LLC** for Vital Statistics Imaging and Retrieval Information System (Approved by Ordinance No. 2013-410) for Houston Health Department

Background:

Subject: S69-E24326-A1 – Ordinance Authorizing a First Amendment to Contract No. 4600011886 for Software Maintenance and Support Services for the Vital Statistics Imaging and Retrieval Information System (VSIRIS) for the Houston Health Department

The Director of the Houston Health Department (HHD) and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and **Granicus, Inc.,** to increase the maximum contract amount **from $115,000.00 to $233,000.00** for the Vital Statistics Imaging and Retrieval Information System (VSIRIS) for the Houston Health Department.

This sole source contract was awarded to American Cadastre, LLC (AmCad) on May 8, 2013 by Ordinance No. 2013-410 for a two-year term with two one-year renewals. AmCad filed bankruptcy in 2014 and was subsequently bought out by Granicus. The Notice of Assignment was approved July 9, 2015. Expenditures as of August 26, 2015 total $106,790.00. The increased spending authority shall allow services to continue until a new contract is awarded. It is anticipated that the new contract will be in place prior to May 16, 2017.

The scope of work requires the contractor to provide software maintenance and support services necessary to maintain the Vital Statistics Imaging and Retrieval Information System (VSIRIS) to enable the HHD Bureau of Vital Statistics (Bureau) to provide certified copies of birth, death and adoption permits, as well as amendments to them, to the residents of the City of Houston. Additionally, the system prints electronic forms, allows scanning of certificates, and cashiering services for Bureau staff.

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ordinance No.: 2013-410; passed on April 29, 2013

Amount of Funding:

$118,000.00 – Health Special Revenue Fund (2002)

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Kathy Barton	HHD	(832) 393-5045
Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Regina Spencer, Sr. Procurement Specialist	FIN/SPD	(832) 393-8707

ATTACHMENTS:

Description	Type
RCA-E24326-Granicus, Inc.	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
Orginal Ordinance No. 2013-410	Backup Material
OBO MWBE Goal Revision	Backup Material
Contract Extension HDHHS	Other
Affidavit of Ownership	Other
Certificate of Insurance	Other
Drug Compliance Form	Other
Increase Spending Authority Letter HDHHS	Other
Ltr Sale and Acquisition	Other
OA 4600011886 2013-0410	Contract/Exhibit
HHD approval	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL

Item Creation Date: 8/31/2015

E24326 - Software Maintenance and Support Services - ORDINANCE

Agenda Item#:

Background:

Subject: S69-E24326-A1 – Ordinance Authorizing a First Amendment to Contract No. 4600011886 for Software Maintenance and Support Services for the Vital Statistics Imaging and Retrieval Information System (VSIRIS) for the Houston Health Department

The Director of the Houston Health Department (HHD) and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Granicus, Inc., to increase the maximum contract amount from $115,000.00 to $233,000.00 for the Vital Statistics Imaging and Retrieval Information System (VSIRIS) for the Houston Health Department.

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The scope of work requires the contractor to provide software maintenance and support services necessary to maintain the Vital Statistics Imaging and Retrieval Information System (VSIRIS) to enable the HHD Bureau of Vital Statistics (Bureau) to provide certified copies of birth, death and adoption permits, as well as amendments to them, to the residents of the City of Houston. Additionally, the system prints electronic forms, allows scanning of certificates, and cashiering services for Bureau staff.

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ordinance No.: 2013-410; passed on April 29, 2013

Amount of Funding:

$118,000.00 – Health Special Revenue Fund (2002)

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Kathy Barton	HHD	(832) 393-5045
Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Regina Spencer, Sr. Procurement Specialist	FIN/SPD	(832) 393-8707

ATTACHMENTS:

Description	Type
Orginal Ordinance No. 2013-410	Ordinance/Resolution/Motion
OBO MWBE Goal Revision	Backup Material
Contract Extension HDHHS	Other
Affidavit of Ownership	Other
Certificate of Insurance	Other
Drug Compliance Form	Other
Increase Spending Authority Letter HDHHS	Other
Ltr Sale and Acquisition	Other

Amending Ordinance
OA 4600011886 2013-0410

Backup Material
Contract/Exhibit

CITY OF HOUSTON
Health and Human Services

RECEIVED
OCT 18 2012
OBO

Interoffice
Correspondence

To: Marsha Murray, Assistant Director
Office of Business Opportunity

From: Michele Austin
Division Manger

Date: October 18, 2012

Subject: Request for MWBE Waiver

I am requesting a **waiver** of the MWBE Goal: Yes X No Type of Solicitation: Sole Source

I am **requesting** a MWBE goal below 11% Yes No X _____

I am requesting a **revision** of the MWBE Goal: Yes No X Original Goal: _____ New Goal: _____

If requesting a revision, how many solicitations were received: N/A

Solicitation Number(s): N/A **Dollar Amount:** $115,000

Anticipated Advertisement Date: 10/05/12 **Solicitation Due Date:** 11/02/12

Goal On Last Solicitation: _____ Was Goal met: Yes ☒ No ☐

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

Name and Intent of this Solicitation:
American Cadastre, LLC – A 2-year maitenance agreement for the Health Department's Vital Information System - Electronic Birth and Death Certificate System

Rationale for requesting a Waiver or Revision:
It is recommended that the MWBE subcontracting goal be waived for this agreement because it is for maintenance services for the vital statistics system. The vendor is a sole source vendor because the system is proprietary in nature and the vendor is the only one that can provide maintenance services to it. Therefore the competitive bids were not required to be taken for this service.
For this reason, a zero-percent (0%) MWBE goal is being requested.

APPROVAL:

Marsha Murray, Assistant Director
Office of Business Opportunity

Pay or Play Program:

This procurement is exempt from the City's Pay or Play Program. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

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

Buyer: Joyce Hays

Estimated Spending Authority

Department	FY 2013	Out Years	Total
Health & Human Services Department	$23,866.49	$91,133.51	$115,000.00

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/25/2015

ARA-Parking Meter Contract Extension

Agenda Item#: 23.

Summary:

ORDINANCE approving and authorizing amendment to contract between the City of Houston and **T2 SYSTEMS CANADA INC** (Contract No. 4600011446, originally approved by Ordinance No. 2012-0096) for Parking Products and Associated Software, Licenses, Installation, and Maintenance Services for Administrative and Regulatory Affairs Department; appropriating $160,990.00 out of Parking Management Operating Fund (Fund 8700) as an additional appropriation for Contract No. 4600011446; appropriating $2,000,000.00 out of Fund 1850 (reimbursable) as an additional appropriation for Contract No. 4600011446

Background:

The Administration & Regulatory Affairs Department and the City's Strategic Purchasing Agent recommend that City Council approve an ordinance extending a sole source contract awarded to T2 Systems ("T2") in 2012 for another five years in an amount not to exceed $13,885,322 for parking meter multi-space, solar pay station warranties, spare parts and pay station purchase price options for the Administration & Regulatory Affairs Department (ARA) and appropriate $2,000,000 in FY16 for the meter purchase from Fund 1850. It is expected that the reimbursement of Fund 1850 will come from parking meter revenues collected in Fund 8700.

Over the last nine years, ARA's Parking Management division installed 1,054 multi-space pay stations to replace single-space, coin-only meters. The solar-powered pay stations allow for real-time credit card transactions, accept credit cards as well as bills and feature customer-friendly technologies that enhance the customer's parking experience. Since the installation, meter revenues have increased from $3.6 million in FY08 to $7.4 million in FY15. In addition, customer service has improved due to the increased functionality and the added option of paying for parking with bills, coins or credit card.

Currently, 550 pay stations are nearly ten years old and approaching their end–of-life. Due to their outdated software, these meter pay stations must be replaced before December 2016 or will no longer be able to accept and process credit card transactions. Under the scope of this amendment, T2 will provide fixed, advantageous pricing for the purchase of up to 1,500 meter pay stations. The amendment also includes extended warranties, spare parts, back office software licenses and hosting services for the City's future and existing inventory of meter pay stations.

The extended warranties cover defective parts and provide for a one-for-one exchange of the part. Additionally, the warranty provides continued technical support for the duration of the warranty period of five years and includes troubleshooting and programming assistance.

The back office software and hosting allow for programming and reporting features to better manage

the meter pay stations. The hosting service will ensure that credit card processing at the pay stations is Payment Card Industry (PCI) compliant. T2 is a Level 1 Service Provider under the PCI-Data Security Standard (PCI-DSS). Hosting also ensures sufficient monitoring of the meter pay station communication with the back office software to ensure revenues are properly accounted for and that maintenance alerts are consistent.

The new pay stations offer a new "extend-by-phone" feature, which allows a customer to enter their cell phone number at the meter pay station to receive text alerts and pay for additional parking when paying by credit card. They also feature "pay-by-plate" functionality, which will eliminate the need for customers to pay and return to their vehicle to display a physical receipt on their dashboard. Under "pay-by-plate", Parking Compliance Officers will receive notifications in their handheld units that a vehicle has paid using the plate number when a receipt is not displayed. Improved financial controls include electronic locks on the collection cabinet that are programmable to track who is opening the meter pay station at any time.

T2 is the global sole-source provider of the meter pay stations deployed by the City of Houston, and likewise is the sole-source provider of the goods and services to be delivered pursuant to the scope of this contract. This sole source and contract extension recommendation is made pursuant to Chapter 252, Section 252.022(a)(7)(A) of the Texas Local Government Code for exempt procurements.

This contract will be funded by the ARA Parking Management Fund 8700 for operating expenses and Fund 1850 (Reimbursable) for capital expenses. The table below breaks down contract cost by fiscal year. The table breaks down the purchase of 276 new meter pay stations per fiscal year starting in FY16. All future installations will be subject to a stakeholder review process. The breakdown of the costs by fiscal year is as follows:

Item	FY16	FY17-FY21	Total by item
Extended Warranties	$ -	$ 1,458,732	$ 1,458,732
Operation Spare Parts	$ 84,000	$ 576,000	$ 660,000
Back Office Software/Hosting	$ 63,240	$ 1,257,600	$ 1,320,840
Parking Meter Refresh - up to 1,500 pay stations	$ 2,000,000	$ 8,000,000	$ 10,000,000
Network	$ 13,750	$ 432,000	$ 445,750
TOTAL	**$ 2,160,990**	**$ 11,724,332**	**$ 13,885,322**

Attachment: M/WBE Zero-Percentage Goal Document approved by the Mayor's Office of Business Opportunity. This recommendation is made pursuant to Chapter 252, Section 252.022(a)(7)(A) of the Texas Local Government Code for exempted procurements.

Departmental Approval Authority:

Tina Paez, Director **Other Authorization**
Administration & Regulatory Affairs Department

Prior Council Action:

Prior Council Action:
Ordinance # 2012-96

Amount of Funding:
Parking Management Operating Fund (Fund 8700) - $160,990
Fund 1850 (Reimbursable) - $2,000,000

Contact Information:
Lara Cottingham Phone: (832) 393-8503
Maria Irshad Phone: (832) 393-8643

ATTACHMENTS:

Description	Type
T2 Form A.pdf	Backup Material
T2 Systems Sales Quote	Backup Material
T2 Systems OBO Goal Waiver	Backup Material
9.30.2015 T2 Parking Meter Contract Extend RCA.pdf	Signed Cover sheet
T2 Parking Meter Contract Extension SRO	Financial Information
T2 Affidavit of Ownership	Backup Material
ARA-Parking Meter Contract Extension ORDINANCE	Signed Cover sheet

City of Houston

Administration & Regulatory Affairs

Memorandum

To: Calvin D. Wells, Deputy Director
City Purchasing Agent

From: Maria Irshad, Deputy Assistant Director
ARA, Parking Management

Date: January 19th, 2012

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes ☒ 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: - New Goal:

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

Solicitation Number: N/A - Sole Source Contract Estimated Dollar Amount: $7,279,501.00

Anticipated Advertisement Date: Solicitation Due Date:

Goal On Last Contract: N/A Was Goal met: Yes ☐ No ☐

If Goal was not met, what did the vendor achieve:

Name and Intent of this Solicitation:

Digital Payment Technologies, Corp. - award a sole source contract for Parking Meter Multi-Space, Solar Pay Station Warranties, Spare Parts, and Pay Station Purchase Price Options for Adminstration and Regualtory Affairs Department.

Rationale for requesting a Waiver or Revision (0% goal or revision after advertisement) to be completed by SPD:

Digital Payment Technologies, Inc. is the sole developer, provider and distributor worldwide of all of the following equipment and services requested by the City of Houston:

- LUKE II multi-space pay stations
- Enterprise Management Systems (EMS) online services
- Manufacturer direct warranty services and support
- Maintenance of the entire technology solution comprising both the pay stations and EMS services

Digital owns all proprietary rights, copyrights, and patents worldwide for LUKE II and EMS. The City has 1,000 paystations in operation from DPT that were acquired via a contract with ACS in 2006 (OA 4600009194).

Concurrence:

SPD Initiator

Division Manager

Carlecia D. Wright

~~Robert Gallegos, Deputy Assistant Director~~ Carlecia D. Wright, Director 1/23/2012

*Office of Business Opportunity Date

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

RECEIVED
AACC DIRECTOR'S OFFICE
JAN 23 2012

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA#**

Subject: Approve an Ordinance Extending a Sole Source Contract for Parking Meter Multi-Space, Solar Pay Station Warranties, Spare Parts, and Pay Station Purchase Price Options for the Administration and Regulatory Affairs Department and appropriating $2,000,000 in FY16 for the meter purchase from Fund 1850 (WBS D-650005).	Category #	Page 1 of 2	Agenda Item

FROM (Department or other point of origin): Tina Paez, Director, Administration & Regulatory Affairs Department	**Origination Date** October 7, 2015	**Agenda Date**
DIRECTOR'S SIGNATURE for 30 Sep 2015	**Council District(s) affected** All	
For additional information contact: Lara Cottingham **Phone:** (832) 393-8501; Maria Irshad, CAPP **Phone:** (832) 393-8643	**Date and Identification of prior authorizing Council Action:** 2012-96	

RECOMMENDATION: (Summary)

Approve an ordinance extending a sole source contract to T2 Systems, in an amount not to exceed $13,885,322 for parking meter multi-space, solar pay station warranties, spare parts, and pay station purchase price options for the Administration and Regulatory Affairs Department and appropriate $2,000,000 in FY16 for the meter purchase from Fund 1850.

Maximum Contract Award Amount: $13,885,322	**Finance Budget**

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund**

[X] Other (Specify) Parking Management Operating Fund (Fund 8700) $160,990 - and Fund 1850 (Reimbursable) - $2,000,000

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department and the City's Strategic Purchasing Agent recommend that City Council approve an ordinance extending a sole source contract awarded to T2 Systems ("T2") in 2012 for another five years in an amount not to exceed $13,885,322 for parking meter multi-space, solar pay station warranties, spare parts and pay station purchase price options for the Administration & Regulatory Affairs Department (ARA) and appropriate $2,000,000 in FY16 for the meter purchase from Fund 1850. It is expected that the reimbursement of Fund 1850 will come from parking meter revenues collected in Fund 8700.

Over the last nine years, ARA's Parking Management division installed 1,054 multi-space pay stations to replace single-space, coin-only meters. The solar-powered pay stations allow for real-time credit card transactions, accept credit cards as well as bills and feature customer-friendly technologies that enhance the customer's parking experience. Since the installation, meter revenues have increased from $3.6 million in FY08 to $7.4 million in FY15. In addition, customer service has improved due to the increased functionality and the added option of paying for parking with bills, coins or credit card.

Currently, 550 pay stations are nearly ten years old and approaching their end–of-life. Due to their outdated software, these meter pay stations must be replaced before December 2016 or will no longer be able to accept and process credit card transactions. Under the scope of this amendment, T2 will provide fixed, advantageous pricing for the purchase of up to 1,500 meter pay stations. The amendment also includes extended warranties, spare parts, back office software licenses and hosting services for the City's future and existing inventory of meter pay stations.

The extended warranties cover defective parts and provide for a one-for-one exchange of the part. Additionally, the warranty provides continued technical support for the duration of the warranty period of five years and includes troubleshooting and programming assistance.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

The back office software and hosting allow for programming and reporting features to better manage the meter pay stations. The hosting service will ensure that credit card processing at the pay stations is Payment Card Industry (PCI) compliant. T2 is a Level 1 Service Provider under the PCI-Data Security Standard (PCI-DSS). Hosting also ensures sufficient monitoring of the meter pay station communication with the back office software to ensure revenues are properly accounted for and that maintenance alerts are consistent.

The new pay stations offer a new "extend-by-phone" feature, which allows a customer to enter their cell phone number at the meter pay station to receive text alerts and pay for additional parking when paying by credit card. They also feature "pay-by-plate" functionality, which will eliminate the need for customers to pay and return to their vehicle to display a physical receipt on their dashboard. Under "pay-by-plate", Parking Compliance Officers will receive notifications in their handheld units that a vehicle has paid using the plate number when a receipt is not displayed. Improved financial controls include electronic locks on the collection cabinet that are programmable to track who is opening the meter pay station at any time.

T2 is the global sole-source provider of the meter pay stations deployed by the City of Houston, and likewise is the sole-source provider of the goods and services to be delivered pursuant to the scope of this contract. This sole source and contract extension recommendation is made pursuant to Chapter 252, Section 252.022(a)(7)(A) of the Texas Local Government Code for exempt procurements.

This contract will be funded by the ARA Parking Management Fund 8700 for operating expenses and Fund 1850 (Reimbursable) for capital expenses. The table below breaks down contract cost by fiscal year. The table breaks down the purchase of 276 new meter pay stations per fiscal year starting in FY16. All future installations will be subject to a stakeholder review process. The breakdown of the costs by fiscal year is as follows:

Item	FY16	FY17-FY21	Total by item
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Parking Meter Refresh - up to 1,500 pay stations	$ 2,000,000	$ 8,000,000	$ 10,000,000
Network	$ 13,750	$ 432,000	$ 445,750
TOTAL	$ 2,160,990	$ 11,724,332	$ 13,885,322

Attachment: M/WBE Zero-Percentage Goal Document approved by the Mayor's Office of Business Opportunity. This recommendation is made pursuant to Chapter 252, Section 252.022(a)(7)(A) of the Texas Local Government Code for exempted procurements.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Carolyn Hanahan, SPD
Donna Edmundson, City Attorney

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/21/2015

25KA06-Appropriate funds to the In-House Renovation Revolving Fund for renovations for Houston Fire Department (HFD) Fire Stations and HVAC equipment replacement at Houston Police Department (HPD) Training Academy during FY2016

Agenda Item#: 24.

Summary:

ORDINANCE appropriating $2,690,000.00 out of Fire Consolidated Construction Fund and $1,154,230.00 out of Police Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovations for the Houston Fire Department Fire Stations and HVAC Equipment Replacement at the Houston Police Department Training Academy during FY2016 - **DISTRICTS B - DAVIS; C - COHEN; G - PENNINGTON and J - LASTER**

Background:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate $2,690,000.00 out of the Fire Consolidated Construction Fund and $1,154,230.00 out of the Police Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovations and equipment replacement projects during FY2016 for the HFD and HPD facilities listed below.

GSD's In-House Renovation Group provides labor and expertise required to address serious maintenance deficiencies by performing capital improvements to city facilities and emergency repairs affecting life safety issues.

PROJECT DESCRIPTION AND SCOPE: The projects include renovations to various fire stations and the replacement of HVAC equipment at the HPD Training Academy. A typical renovation will involve multiple trades and may include demolition and replacement of walls and doors, painting, installation of electrical wiring and lighting, new plumbing, new flooring, new ceiling, new millwork, and replacement of related equipment.

PROJECT LOCATIONS: The FY2016 renovation/equipment replacement projects are as follows:

Fire Department

1.	Fire Station No. 13	2215 W. 43rd	451M	Dist. C	Major renovation
2.	Fire Station No. 68	8602 Bissonnet	530Q	Dist. J	Major renovation
3.	Fire Station No. 69	1102 W. Belt	489R	Dist. G	Major renovation

Police Department

Training Academy Indoor Range 17000 Aldine Westfield 373H Dist. B HVAC Replacement

Amount of Funding:

$2,690,000.00- Fire Consolidated Construction Fund (4500)
$1,154,230.00- Police Consolidated Construction Fund (4504)
$3,844,230.00- Total Appropriation

Contact Information:

Jacquelyn L. Nisby 832-393-8023

ATTACHMENTS:

Description	Type
FY2016 Appropriation RCA	Signed Cover sheet
FY2016 RCA Maps	Backup Material
FY2016 RCA SAP Documents	Financial Information
FY2016 RCA CIP FormAs	Backup Material
Funds Reservation Request Form	Financial Information
Funds Reservation Request Form	Financial Information
25KA06 ORDINANCE (revised)	Ordinance/Resolution/Motion

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

SUBJECT: Appropriate funds to the In-House Renovation Revolving Fund for renovations for Houston Fire Department (HFD) Fire Stations and HVAC equipment replacement at Houston Police Department (HPD) Training Academy during FY2016 WBS Nos: CIP: C-000190, C-000202, C-000191 & G-000156	**Page** 1 of 1	**Agenda Item**

FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Scott Minnix 9-10-15	**Council District(s) affected:** B,C,G,J	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832 393-8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Appropriate bond funds to the In-House Renovation Revolving Fund (Fund 1003) for renovations for various HFD fire stations and HVAC equipment replacement at HPD Training Academy during FY2016.

Amount and Source of Funding: $2,690,000.00 - Fire Consolidated Construction Fund (4500) $1,154,230.00 - Police Consolidated Construction Fund (4504) **$3,844,230.00 - Total Appropriation**	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate $2,690,000.00 out of the Fire Consolidated Construction Fund and $1,154,230.00 out of the Police Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovations and equipment replacement projects during FY2016 for the HFD and HPD facilities listed below.

GSD's In-House Renovation Group provides labor and expertise required to address serious maintenance deficiencies by performing capital improvements to city facilities and emergency repairs affecting life safety issues.

PROJECT DESCRIPTION AND SCOPE: The projects include renovations to various fire stations and the replacement of HVAC equipment at the HPD Training Academy. A typical renovation will involve multiple trades and may include demolition and replacement of walls and doors, painting, installation of electrical wiring and lighting, new plumbing, new flooring, new ceiling, new millwork, and replacement of related equipment.

PROJECT LOCATIONS: The FY2016 renovation/equipment replacement projects are as follows:

FIRE DEPARTMENT

1. Fire Station No. 13	2215 W. 43rd	451M	Dist. C	Major renovation
2. Fire Station No. 68	8602 Bissonnet	530Q	Dist. J	Major renovation
3. Fire Station No. 69	1102 W. Belt	489R	Dist. G	Major renovation

POLICE DEPARTMENT

Training Academy Indoor Range	17000 Aldine Westfield	373H	Dist. B	HVAC Replacement

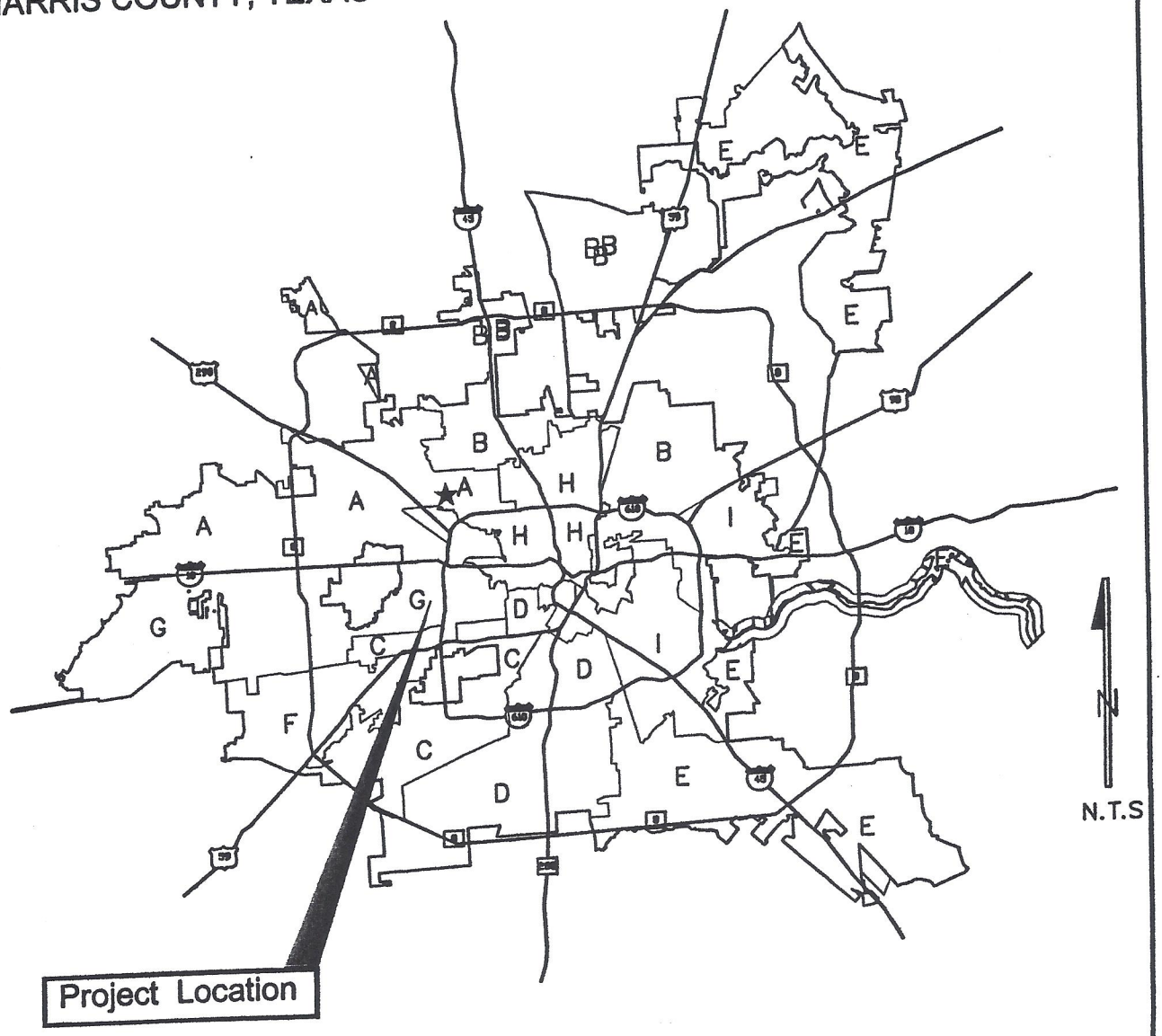
SM:JLN:MI:KA:gf

c: Marta Crinejo, Jacquelyn L. Nisby, Michael Isermann, Keith Andrews, Ja'nice Sparks, Mary Villarreal, Mark Donovan, Matt Slinkard, Stephen Hanner

REQUIRED AUTHORIZATION CUIC ID# 25KA06

General Services Department:	**Houston Fire Department:**	**Houston Police Department:**
Michael Isermann Acting Assistant Director	Terry A. Garrison Fire Chief	Charles A. McClelland, Jr. Chief of Police

CITY OF HOUSTON
HARRIS COUNTY, TEXAS



MAJOR RENOVATION

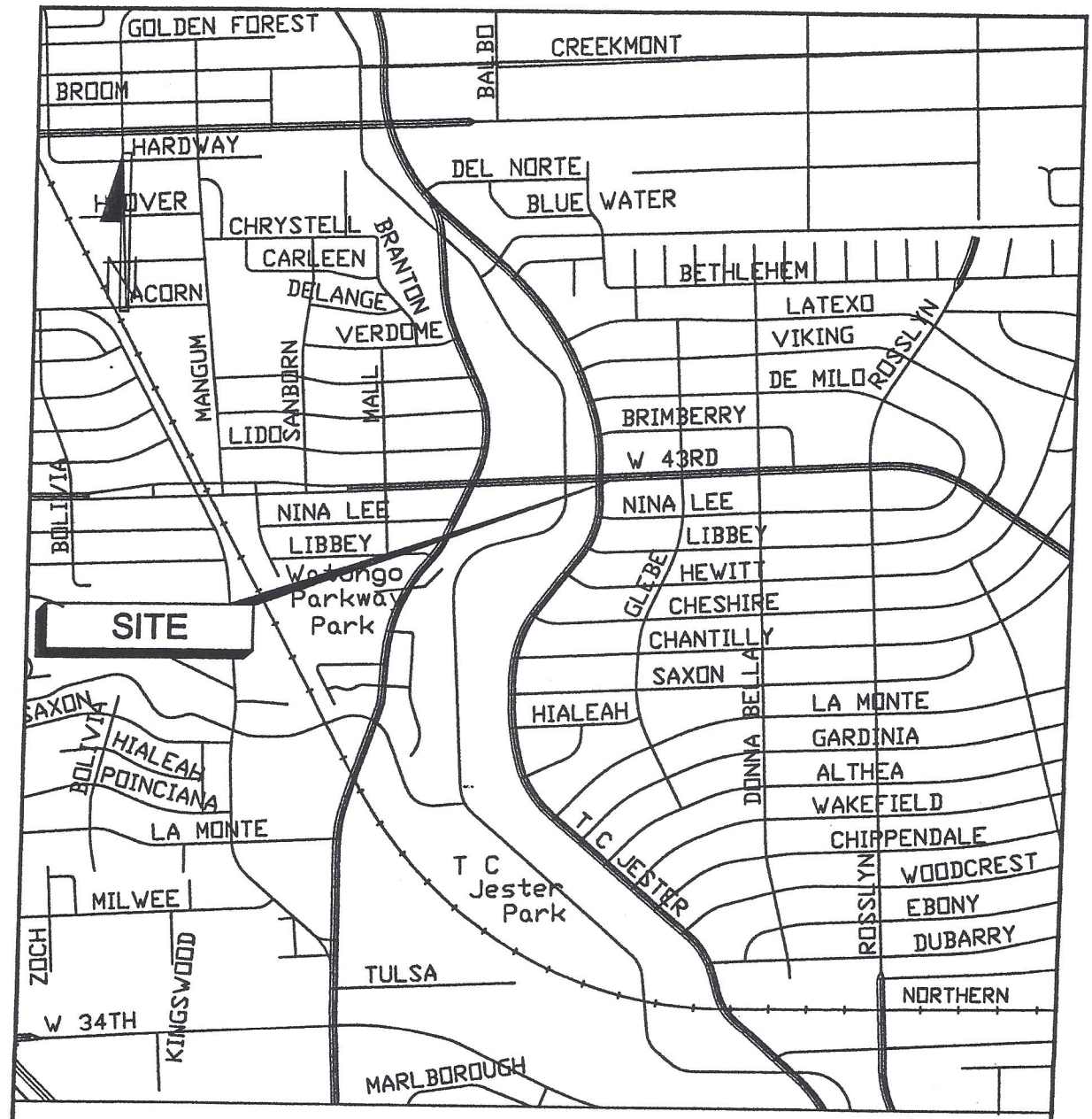
FIRE STATION #13

2215 WEST 43RD ST.

HOUSTON, TX

COUNCIL DISTRICT "C"

KEY MAP NO. 451M



MAJOR RENOVATION

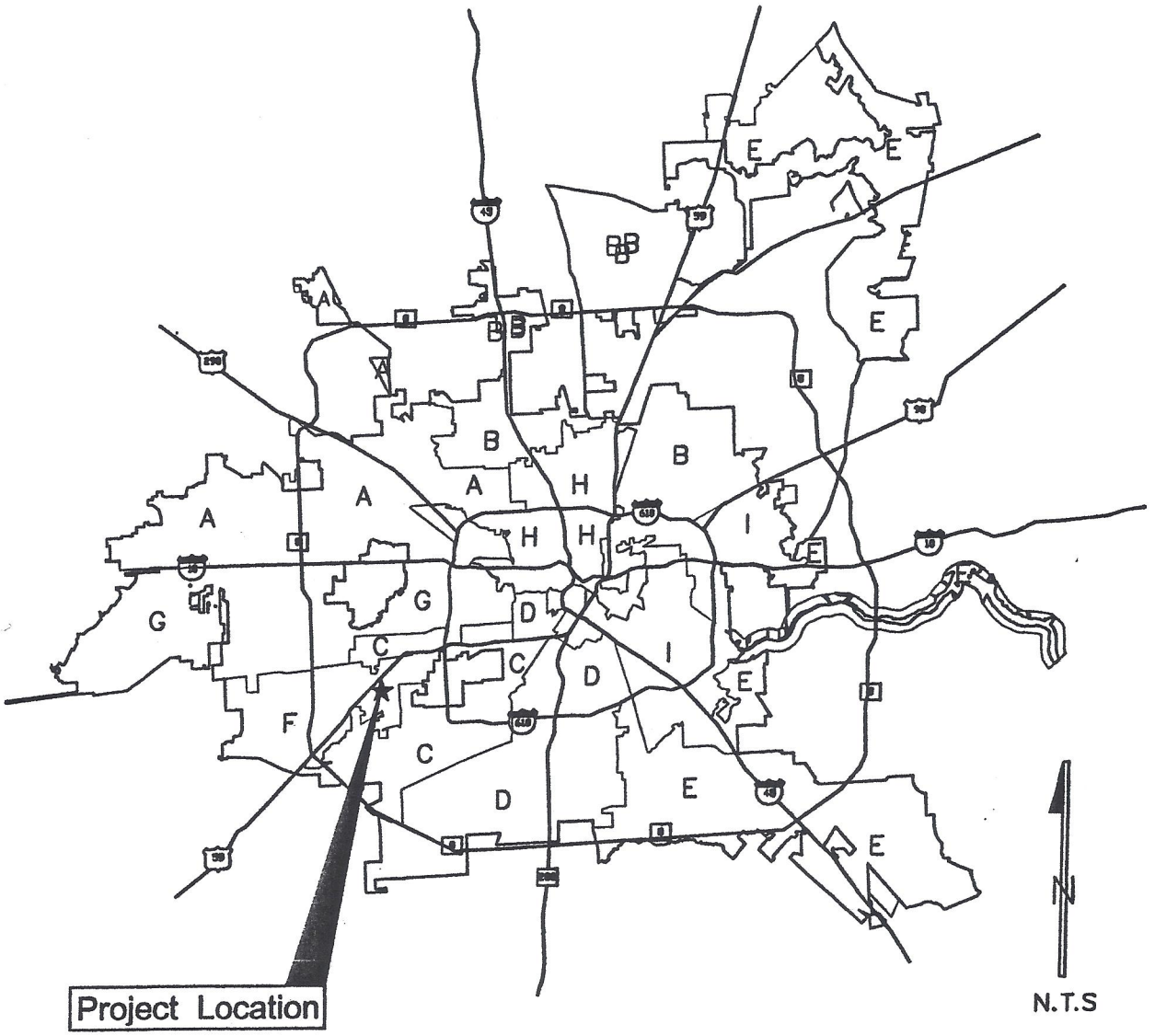
FIRE STATION #13

2215 WEST 43RD ST.

HOUSTON, TX

COUNCIL DISTRICT "C" **KEY MAP NO. 451M**

CITY OF HOUSTON
HARRIS COUNTY, TEXAS



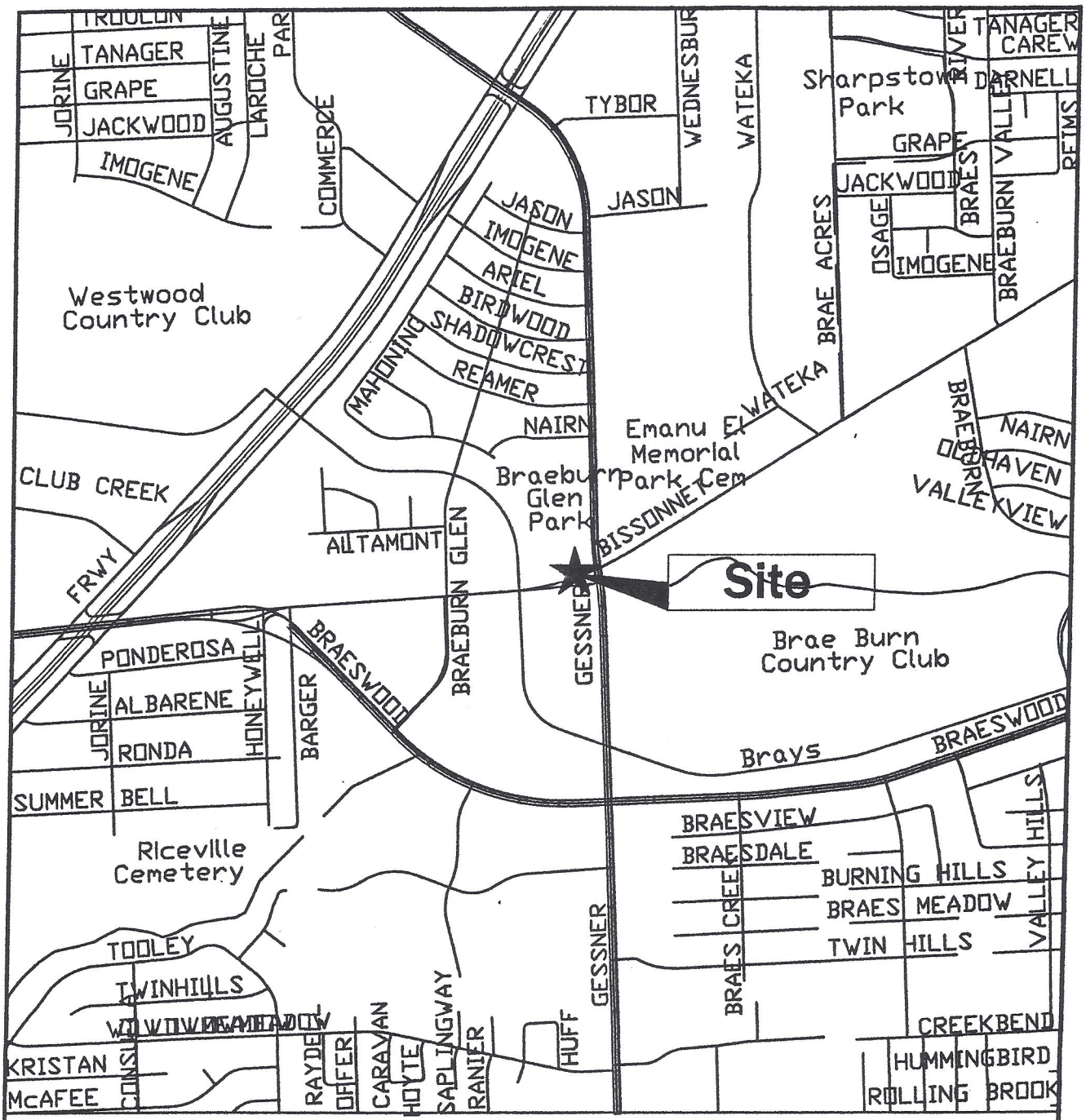
MAJOR RENOVATION

Fire Station 68

8602 Bissonnet
Houston, TX 77074

COUNCIL DISTRICT "J"

KEYMAP No. 530Q



MAJOR RENOVATION

Fire Station 68

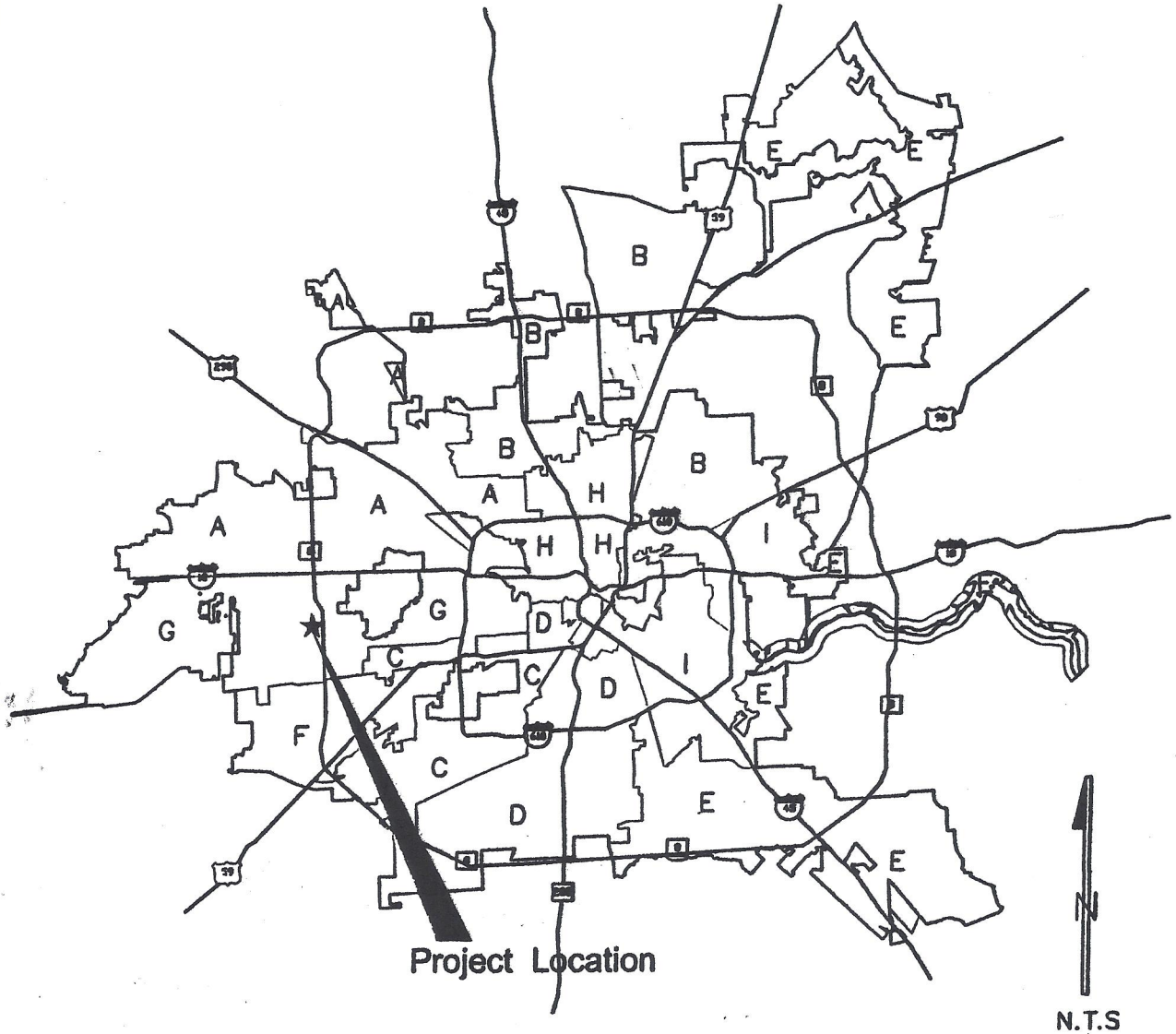
8602 Bissonnet

Houston, TX 77074

COUNCIL DISTRICT "J"

KEYMAP No. 530Q

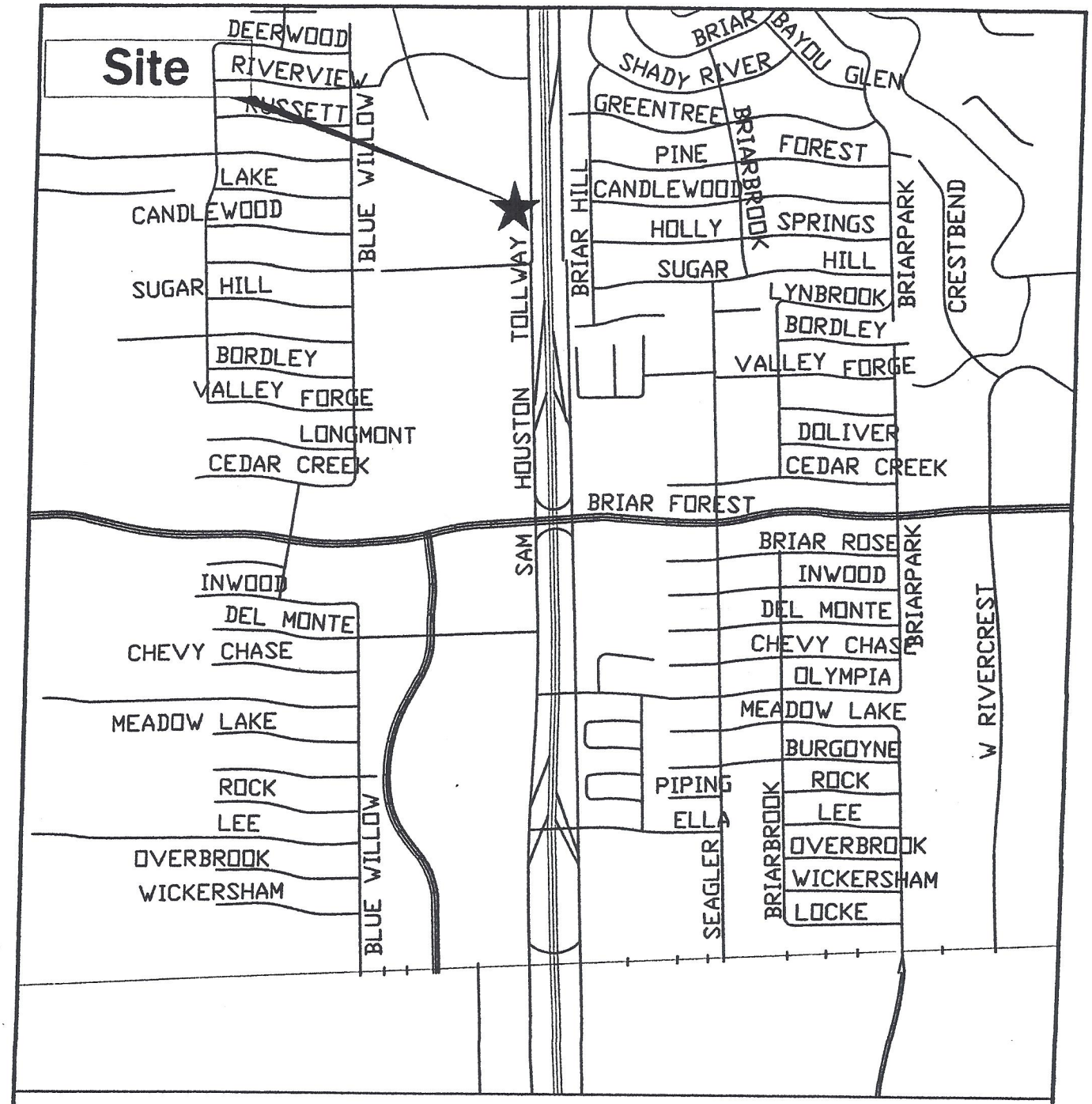
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



Fire Station 69
1102 W. Beltway
Houston, TX 77042

COUNCIL DISTRICT "G"

KEYMAP No. 489R

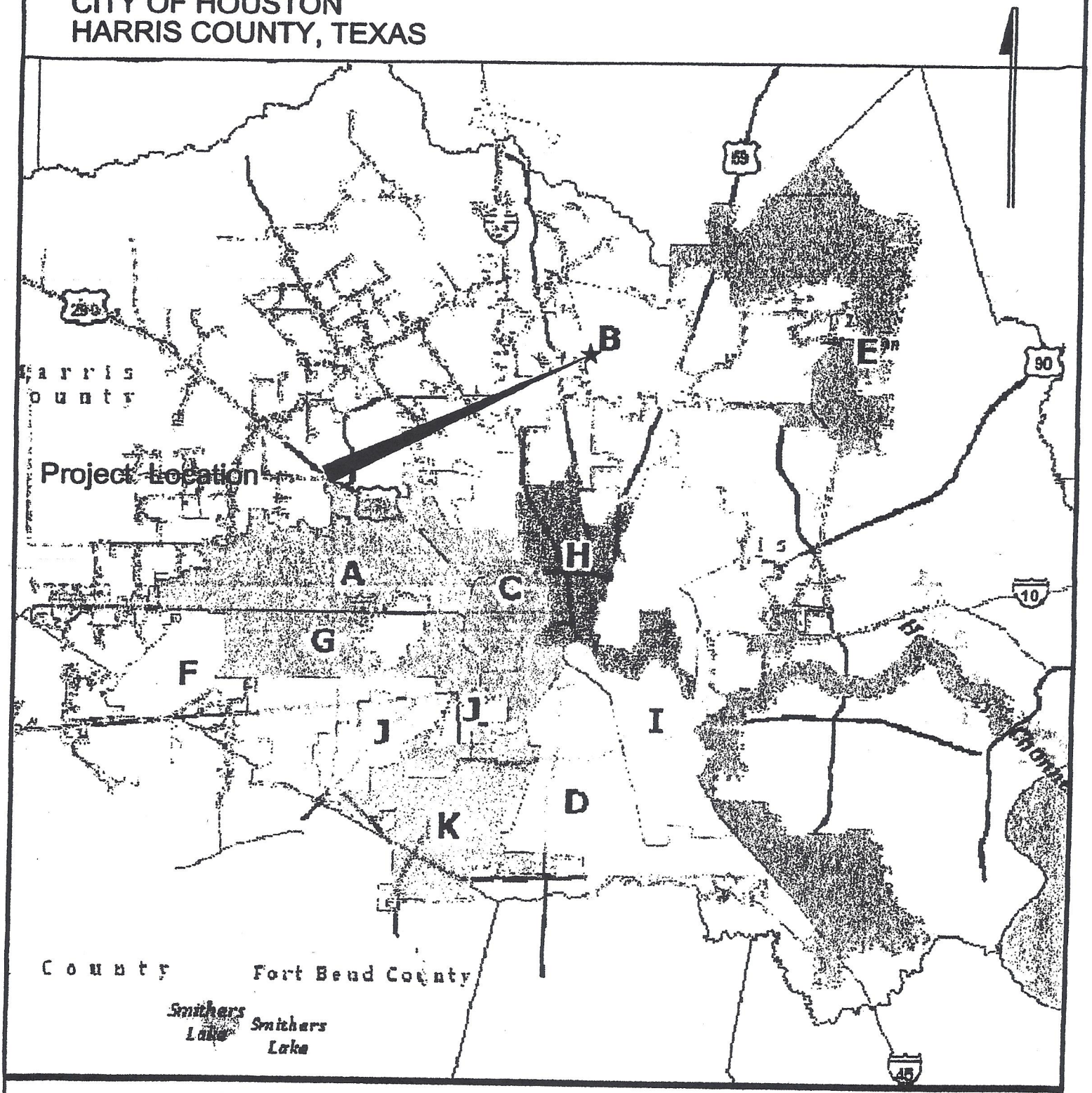


Fire Station 69
1102 W. Beltway
Houston, TX 77042

COUNCIL DISTRICT "G"

KEYMAP No. 489R

CITY OF HOUSTON
HARRIS COUNTY, TEXAS

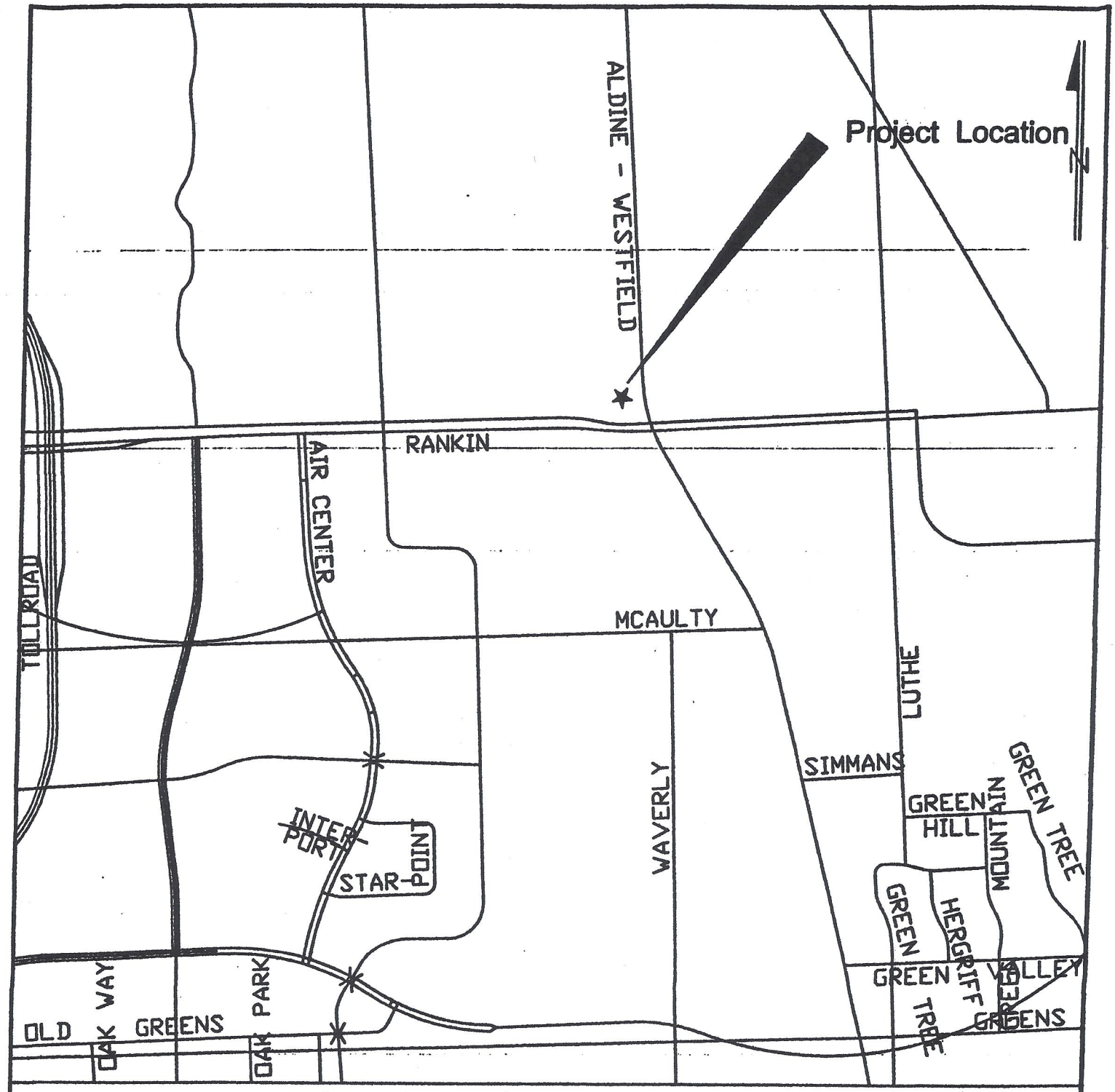


Training Academy Shooting Range

17000 Aldine Westfield
Houston, TX 77073

COUNCIL DISTRICT "B"

KEYMAP No. 373H



Training Academy Shooting Range

17000 Aldine Westfield

Houston, TX 77073

COUNCIL DISTRICT "B"

KEYMAP No. 373H

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, District C, District E, District G, District H, District I, District J
Item Creation Date: 9/28/2015

25PARK253 - Appropriate Funds for the Professional Landscape Architectural Task Order Contracting Program FY 2015 Council District Service Budget Projects - F-000675-0003-3 - Clark Condon Associates, Inc. - Lauren Griffith, Inc. M2L Associates, Inc. - James Paterson Asociates, Inc. dba White Oak Studio

Agenda Item#: 25.

Summary:

ORDINANCE appropriating $427,831.00 out of Reimbursements of Equipment/Projects Fund and $15,000.00 out of Parks Consolidated Construction Fund to Task Order Contracting Program for FY2015 Council District Service Budget Projects for Houston Parks and Recreation Department - **DISTRICTS B - DAVIS; C - COHEN; E - MARTIN; G - PENNINGTON; H - GONZALEZ; I - GALLEGOS and J - LASTER**

Background:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate $442,831.00 for the Professional Landscape Architectural Task Order Contracting Program for the FY 2015 Council District Service Budget Projects for Houston Parks and Recreation Department (HPARD). It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by the Council District Service Budgets of the council districts listed below.

PROJECT LOCATIONS:

Project	Address/Key Map	District	Amount
Brock Park Plan	8201 John Ralston	B	$100,786.00
Little Thicket Park Plan	1831 West 23rd Street	C	$44,545.00
Kingwood Community Center Marque	4102 Rustic Woods Drive	E	$10,000.00
Sylvan Rodriquez Park Plan	1201 Clear Lake City Blvd	E	$50,000.00
Wilson Memorial Park Pool Improvement	100 Gilpin	E	$75,500.00
Waldemar Park Playground	11700 Waldemar	G	$33,000.00
Guadalupe Park Interpretive Signs	2311 Runnels	H	$25,000.00
Fonde Park Dog Run	5500 Carrolton/2500 Hansford	I	$43,000.00
Mason Park Trail Lighting	541 75th Street/Tipps	I	$23,000.00
Mason Park Plaza Viva Lighting	541 75th Street/Tipps	I	$23,000.00
Forum Park Playground	9900 Block of Sugar Branch	J	$15,000.00

Total **$442,831.00**

PREVIOUS HISTORY AND PROJECT SCOPE: On April 30, 2014, Ordinance No. 2014-0403, City Council approved four, five-year professional landscape architectural task order contracts with Clark Condon Associates, Inc.; Lauren Griffith, Inc.; M2L Associates, Inc.; and James Patterson Associates, Inc. dba White Oak Studio, appropriated $2,950,440.00, and delegated authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of $3,000,000.00.

The Professional Landscape Architectural Task Order Contracting Program is primarily used for HPARD capital improvement projects. Under the terms of each contract, the consultant will perform design and construction phase services on an as-needed basis for capital improvement projects. The funds will be allocated to the landscape architectural contracts as work orders are issued. Fees for each task order have been negotiated based upon the size and complexity of the project. Periodically, as departments identify projects and specific funding for each project, Council may be requested to appropriate additional funds for the Program.

M/WBE PARTICIPATION: A 24% M/WBE goal has been established for each contract. Each consultant will utilize the following sub-consultants to achieve the goal. There is limited utilization to report at this time because all consultants are in the early stages of their task order contracts. However, it is anticipated that the consultants will achieve their goals by the completion of their respective contract. To date, each consultant has achieved the following M/WBE participation:

No.	Contractor	M/WBE Subcontractor(s)	Amount Authorized to Date	M/WBE Participation
1	Clark Condon Associates, Inc.	Brave/Architecture Inc.	$0	0.00%
		Hunt & Hunt Engineering Corp.	$9,610	1.55%
		HVJ Associates, Inc.	$12,246	1.98%
		Kuo & Associates, Inc.	$35,260	5.70%
		Matrix Structural Engineers, Inc.	$0	0.00%
		Marek-Hill Design	$0	0.00%
				9.23%
2	Lauren Griffith, Inc.	Infrastructure Associates, Inc.	$31,665	4.39%
		Kuo & Associates, Inc.	$20,504	2.84%
		Henderson + Rogers, Inc.	$8,500	1.18%
		Kerry Goelzer Associates, Inc.	$0	0.00%
		Hunt & Hunt Engineering Corp.	$1,500	0.21%
				8.62%
3	M2L Associates, Inc.	Hunt & Hunt Engineering Corp.	$0	0.00%
		Omega Engineers, Inc.	$14,035	1.47%
		ASA Dally, Inc.	$3,000	0.32%
		Arch*Technics/3, Inc.	$0	0.00%
		Jones Engineers, L.P.	$112,388	11.81%
				13.60%
4	James Patterson Associates, Inc. dba White	Infrastructure Associates, Inc.	$0	0.00%
		Kuo & Associates, Inc.	$47,034	6.36%
		Henderson + Rogers, Inc.	$7,695	1.04%
		Jones Engineers, L.P.	$5,130	0.69%

	Oak Studio			**8.09%**

Prior Council Action:

Ordinance No. 2014-0403; dated 04/30/2014

Amount of Funding:

Maximum contract amount for each contract: $3,000,000.00

$ 427,831.00 Reimbursement of Equipment/Projects Fund (1850)
$ 15,000.00 Parks Consolidated Construction Fund (4502)
$ 442,831.00 Total

Contact Information:

Jacquelyn L. Nisby Phone: **832.393.8023**

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
Prior Council Action	Backup Material
Fair Campaign Ordinance Form A	Backup Material
Form B	Backup Material
Delinquent Tax Report	Backup Material
Ordinance	Ordinance/Resolution/Motion
Funds Reservation Request Form	Financial Information

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

SUBJECT: Appropriate Funds for the Professional Landscape Architectural Task Order Contracting Program for FY 2015 Council District Service Budget Projects WBS No. F-000675-0003-3	**Page** 1 of 2	**Agenda Item**

FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE Scott Minnix 9-22-15	**Council Districts affected:** B, C, E, G, H, I, J	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832.393.8023	**Date and identification of prior authorizing Council action:** Ordinance No. 2014-0403; dated 04/30/2014	

RECOMMENDATION: Appropriate funds for the Professional Landscape Architectural Task Order Contracting Program for FY 2015 Council District Service Budget Projects for the Houston Parks and Recreation Department.

Amount and Source Of Funding:

Maximum contract amount for each contract: $3,000,000.00

$ 427,831.00 Reimbursement of Equipment/Projects Fund (1850)

$ 15,000.00 Parks Consolidated Construction Fund (4502)

$ **442,831.00 Total**

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate $442,831.00 for the Professional Landscape Architectural Task Order Contracting Program for the FY 2015 Council District Service Budget Projects for Houston Parks and Recreation Department (HPARD). It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by the Council District Service Budgets of the council districts listed below.

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Fonde Park Dog Run	5500 Carrolton/2500Hansford	I	$ 43,000.00
Mason Park Trail Lighting	541 75th Street/Tipps	I	$ 23,000.00
Mason Park Plaza Viva Lighting	541 75th Street/Tipps	I	$ 23,000.00
Forum Park Playground	9900 Block of Sugar Branch	J	$ 15,000.00
Total			**$442,831.00**

REQUIRED AUTHORIZATION CUIC ID# 25PARK253

General Services Department:	**Houston Parks and Recreation Department:**
Richard A. Vella Chief of Design & Construction Division	Joe Turner Director

PREVIOUS HISTORY AND PROJECT SCOPE: On April 30, 2014, Ordinance No. 2014-0403, City Council approved four, five-year professional landscape architectural task order contracts with Clark Condon Associates, Inc.; Lauren Griffith, Inc.; M2L Associates, Inc.; and James Patterson Associates, Inc. dba White Oak Studio, appropriated $2,950,440.00, and delegated authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of $3,000,000.00.

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2	Lauren Griffith, Inc.	Infrastructure Associates, Inc. Kuo & Associates, Inc. Henderson + Rogers, Inc. Kerry Goelzer Associates, Inc. Hunt & Hunt Engineering Corporation	$31,665 $20,504 $8,500 $0 $1,500	4.39% 2.84% 1.18% 0.00% 0.21% **8.62%**
3	M2L Associates, Inc.	Hunt & Hunt Engineering Corporation Omega Engineers, Inc. ASA Dally, Inc. Archi*Technics/3, Inc. Jones Engineers, L.P.	$0 $14,035 $3,000 $0 $112,388	0.00% 1.47% 0.32% 0.00% 11.81% **13.60%**
4	James Patterson Associates, Inc. dba White Oak Studio	Infrastructure Associates, Inc. Kuo & Associates, Inc. Henderson + Rogers, Inc. Jones Engineers, L.P.	$0 $47,034 $7,695 $5,130	0.00% 6.36% 1.04% 0.69% **8.09%**

SM:RAV:JLN:LJ:de

c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Mark Ross, Luci Correa, Lisa Johnson, Veronica Lizama, Felicia Williams, File
Vernita Jones, Felicia Williams, File

CITY OF HOUSTON

General Services Department

Interoffice

Correspondence

To: James Koski
Deputy Chief of Staff

Attn: Mayor's Office
Department Directors
City Controller
GSD Executive Staff

From: Scott Minnix
Director

Date: September 18, 2015

Subject: **Delegation of Authority**

I will be out of the office on City Business September 21 – 25, 2015. During my absence, Assistant Director, Humberto Bautista, will be in charge and authorized to function as Acting Director. Mr. Bautista will have full signature authority in matters relating to the operation of GSD. Alternatively, in Mr. Bautista's absence, Chief of Staff, Jacquelyn Nisby, will have signature authority.

Please contact Mr. Bautista at 832-393-8027 (office) or 713-540-4333 (cell) and Ms. Nisby at 832-393-8023 or 713-408-9916 should any questions or concerns arise during my absence.

While out of the office I will have limited access to email and cell phone.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District A, District B
Item Creation Date: 9/3/2015

25CONS284 Appropriate Funds to Times Construction for Facility Paving Improvements

Agenda Item#: 26.

Summary:

ORDINANCE appropriating $240,000.00 out of Police Consolidated Construction Fund for Facility Paving Improvements for Houston Police Department - **DISTRICTS A - STARDIG and B - DAVIS**

Background:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate $240,000.00 to the existing citywide concrete repair services contract with Times Construction, Inc., to replace sections of the concrete/asphalt parking lot paving at the Houston Police Academy and Tactical Operations Division for the Houston Police Department.

PROJECT LOCATIONS:

Houston Police Academy	17000 Aldine Westfield (373H)	District B
Tactical Operations Div.	7077 Perimeter Park Drive (409V)	District A

PREVIOUS HISTORY AND PROJECT SCOPE: On May 30, 2012, Ordinance No. 2012-515, City Council awarded a three-year contract with two one-year options to Times Construction, Inc., in an amount not to exceed $5,300,345.00 for concrete repair services for various departments. The contract is funded through various appropriations/allocations for repair services. To date, $3,088,765.00 has been expended on the contract.

M/WBE INFORMATION: The contract was awarded with a 14% MBE goal and 8% SBE goal. Currently, Times Construction, Inc. has achieved 12.49% MBE participation and 17.08% SBE participation.

Prior Council Action:

Ordinance No. 2012-0515; May 30, 2012

Amount of Funding:

$240,000.00 – Police Consolidated Construction Fund (4504)

Contact Information:

Jacquelyn L. Nisby
Phone: 832-393-8023

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
Key Maps	Backup Material
Ordinance	Ordinance/Resolution/Motion
Prior RCA & Ordinance	Backup Material
CIP FORM A	Backup Material
Funds Reservation	Financial Information
Times Construction Deliquent Tax Report	Backup Material

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

SUBJECT: Appropriate Funds Times Construction, Inc. Facility Paving Improvements WBS No. G-000153-0002-4	**Page** 1 of 1	**Agenda Item**
FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Scott Minnix 9/14/15 Scott Minnix	**Council District(s) affected:** A,B	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:** Ordinance No. 2012-0515; May 30, 2012	

RECOMMENDATION: Appropriate funds for the project.

Amount and Source of Funding: **$240,000.00** – Police Consolidated Construction Fund (4504)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate $240,000.00 to the existing citywide concrete repair services contract with Times Construction, Inc., to replace sections of the concrete/asphalt parking lot paving at the Houston Police Academy and Tactical Operations Division for the Houston Police Department.

PROJECT LOCATIONS:

Houston Police Academy	17000 Aldine Westfield (373H)	District B
Tactical Operations Division	7077 Perimeter Park Drive (409V)	District A

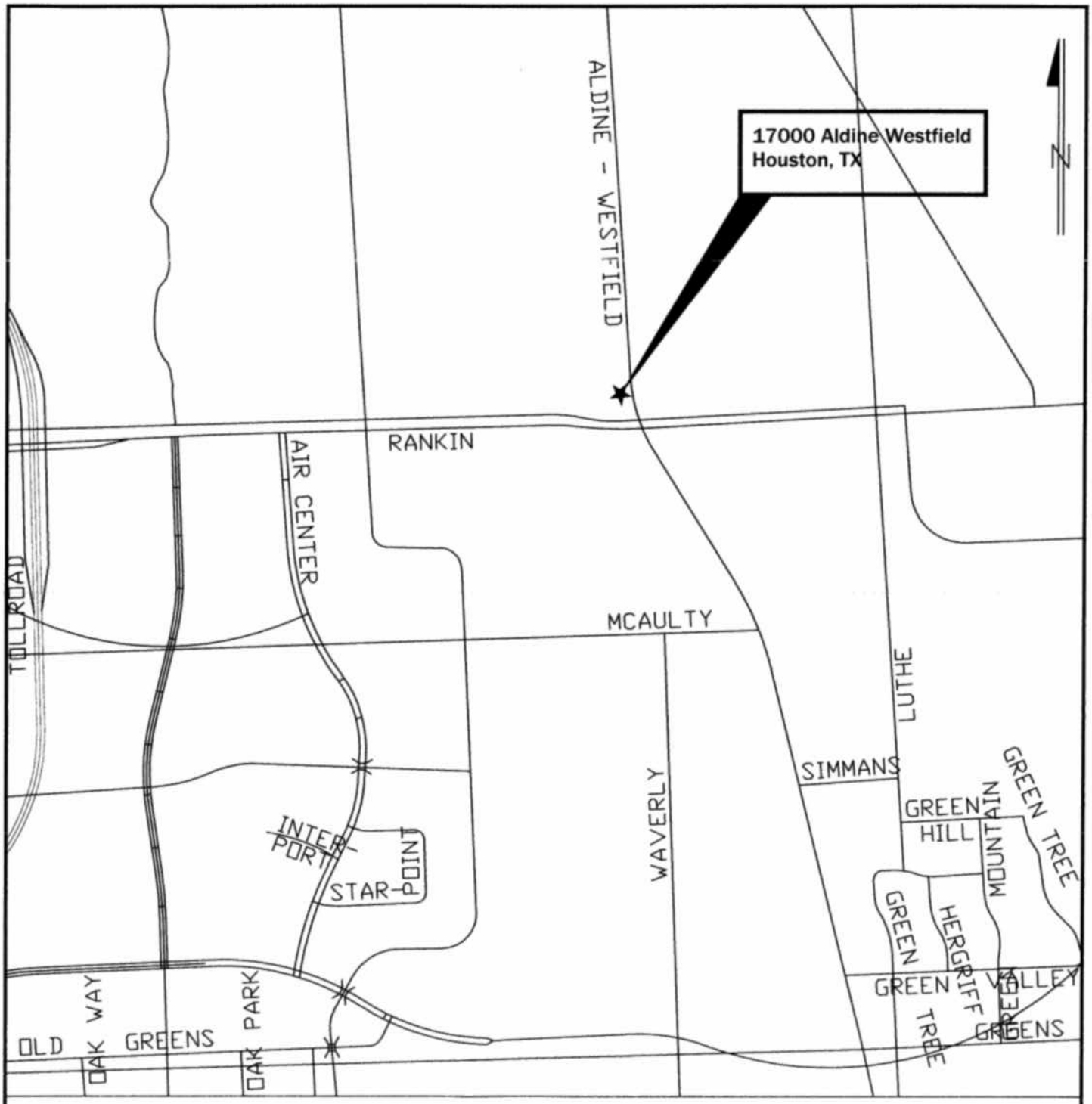
PREVIOUS HISTORY AND PROJECT SCOPE: On May 30, 2012, Ordinance No. 2012-515, City Council awarded a three-year contract with two one-year options to Times Construction, Inc., in an amount not to exceed $5,300,345.00 for concrete repair services for various departments. The contract is funded through various appropriations/allocations for repair services. To date, $3,088,765.00 has been expended on the contract.

M/WBE INFORMATION: The contract was awarded with a 14% MBE goal and 8% SBE goal. Currently, Times Construction, Inc. has achieved 12.49% MBE participation and 17.08% SBE participation.

SM:JLN:RAV:JR:EA:cd
c: Marta Crinejo, Jacquelyn Nisby, Veronica Lizama, Martin King, Morris Scott, Matt Slinkard, Stephen Hanner, File

REQUIRED AUTHORIZATION CUIC # 25CONS284

General Services Department: Richard A. Vella Chief of Design & Construction		**Houston Police Department** Charles A. McClelland, Jr. Chief of Police



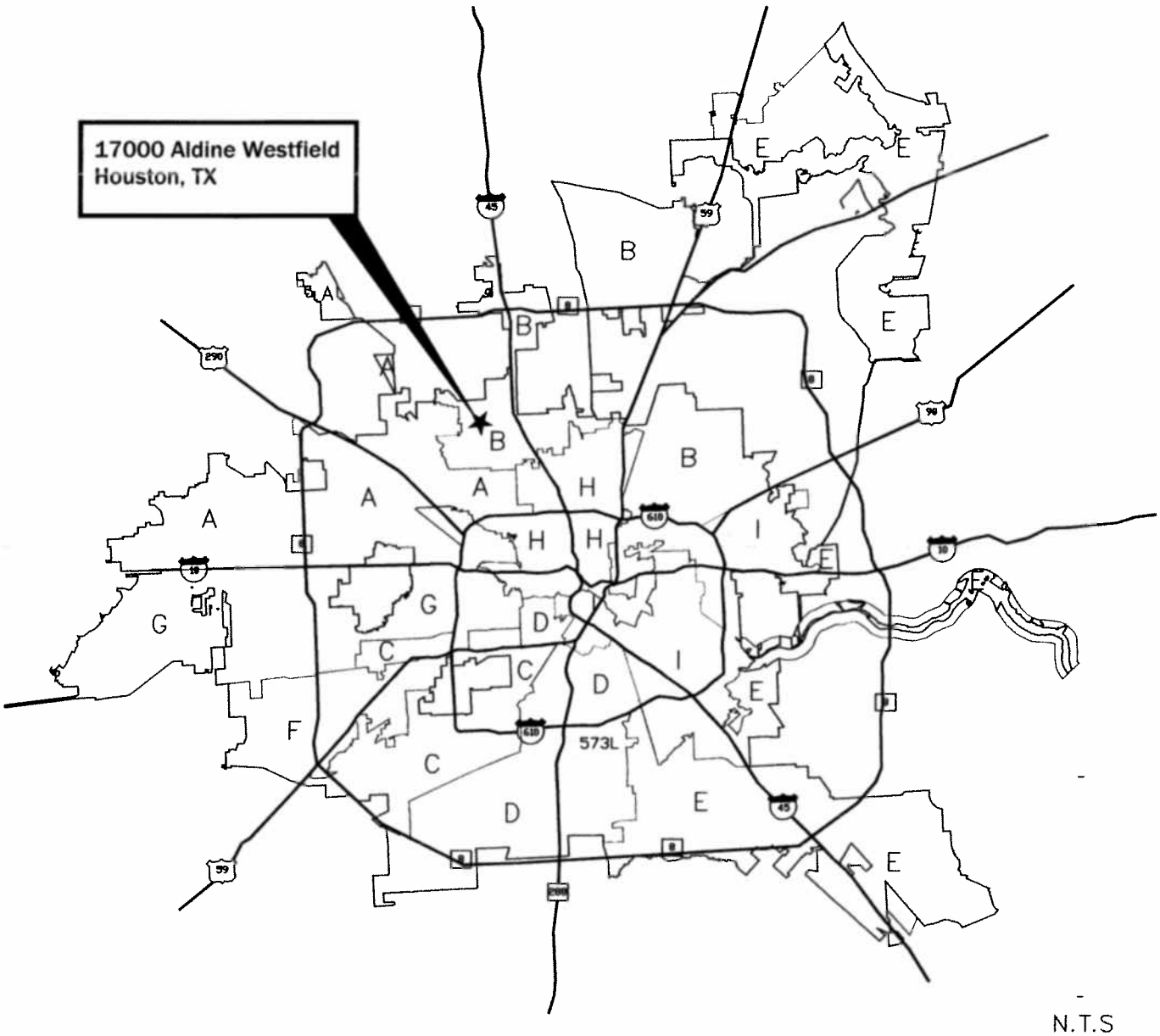
HOUSTON POLICE ACADEMY

17000 Aldine Westfield
Houston, TX 77073

COUNCIL DISTRICT "B"

KEYMAP No. 373H

CITY OF HOUSTON
HARRIS COUNTY, TEXAS

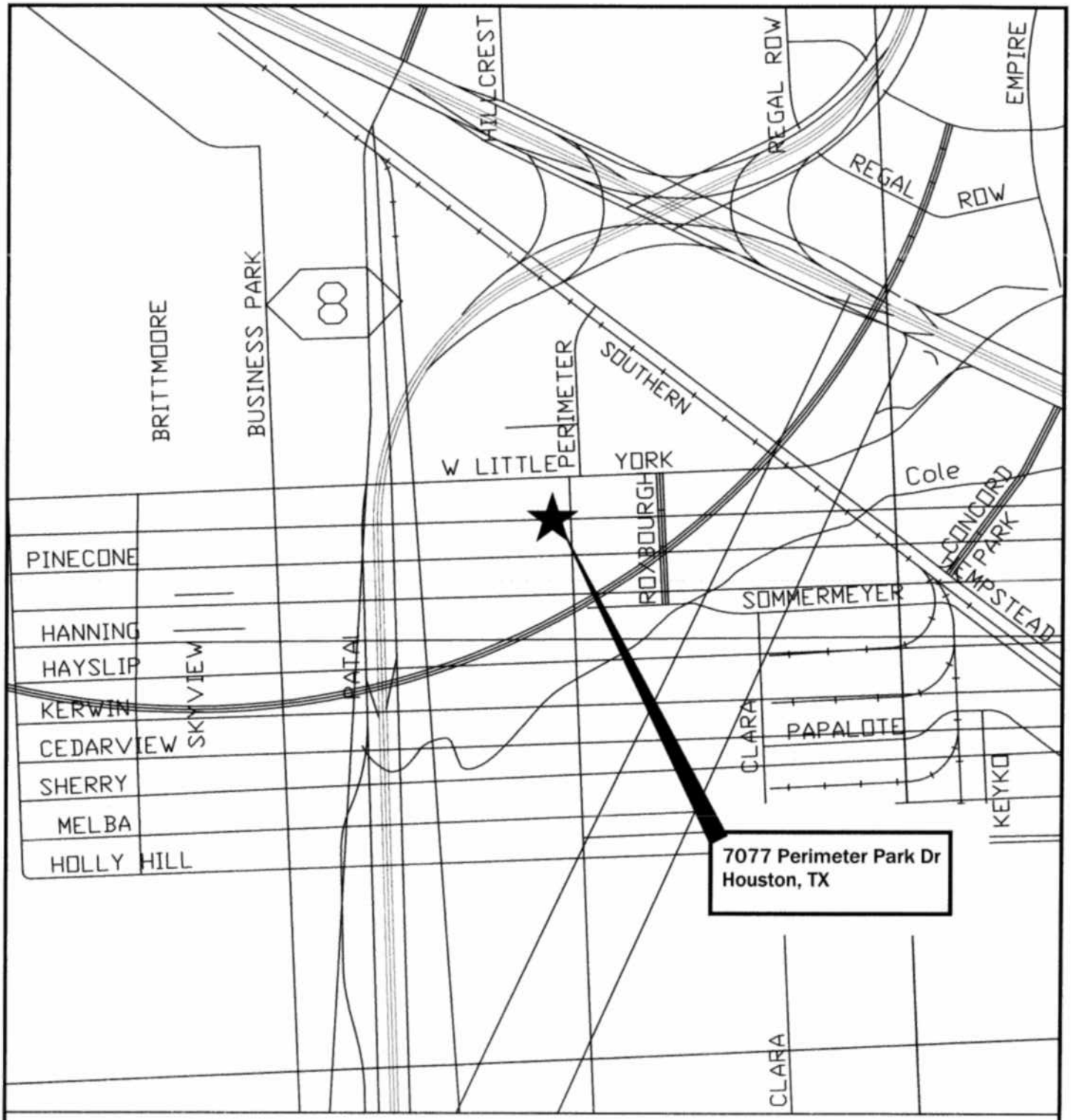


HOUSTON POLICE ACADEMY

17000 Aldine Westfield
Houston, TX 77073

COUNCIL DISTRICT "B"

KEY MAP NO. 373H



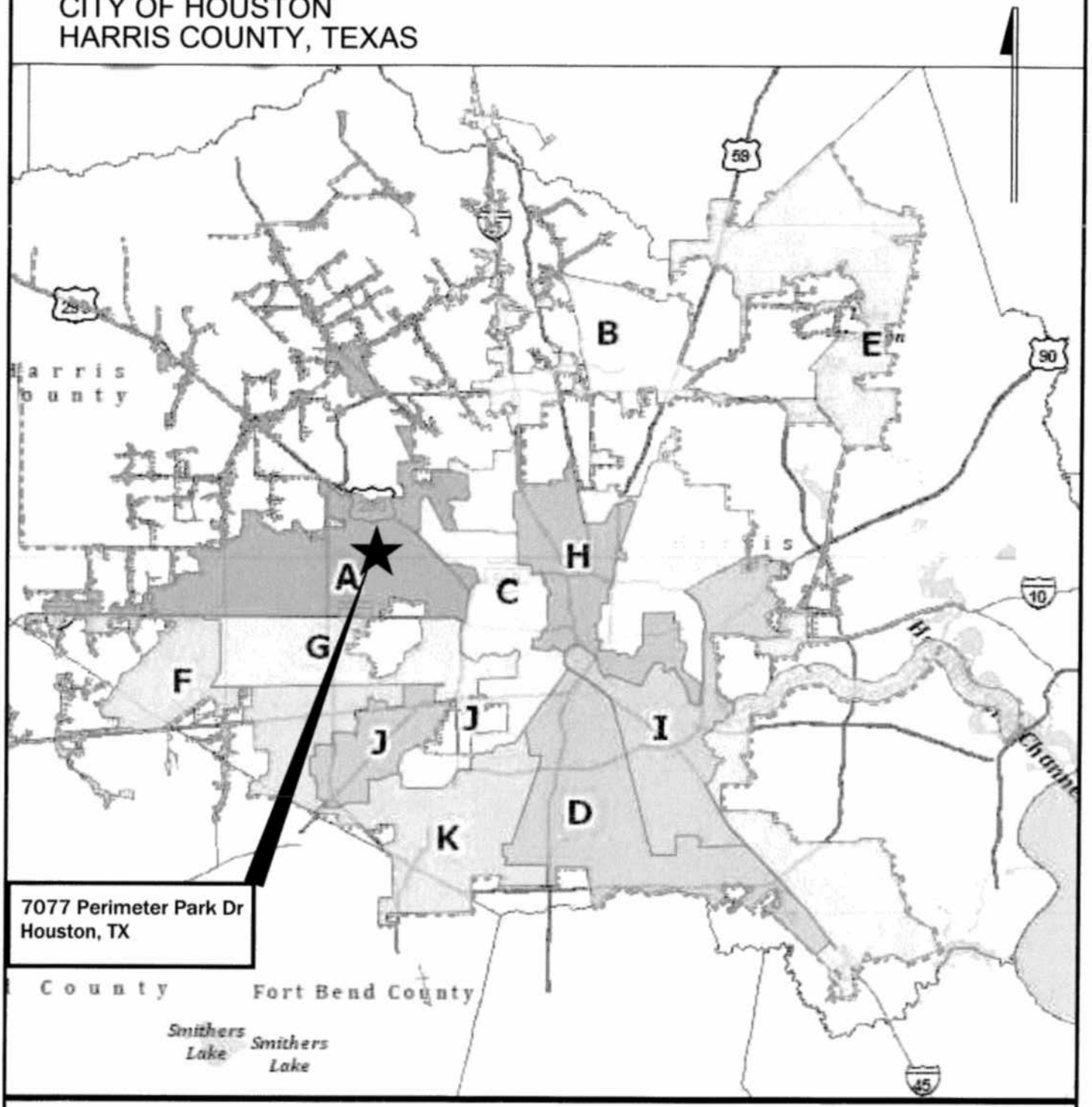
TACTICAL OPERATIONS DIVISION

7077 Perimeter Park Dr
Houston, TX 77041

COUNCIL DISTRICT "A"

KEYMAP No. 409V

CITY OF HOUSTON
HARRIS COUNTY, TEXAS



TACTICAL OPERATIONS DIVISION
7077 Perimeter Park Dr
Houston, TX 77041

COUNCIL DISTRICT "A"

KEYMAP No. 409V

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District D
Item Creation Date: 9/29/2015

25PARK263 - Hermann Park Japanese Garden - WBS No. F-000788-0001-4 - Millis Development and Construction, Inc.

Agenda Item#: 27.

Summary:

ORDINANCE appropriating $1,000,000.00 out of Parks Consolidated Construction Fund and $147,163.45 out of Parks and Recreation Dedication Fund and $218,000.00 out of Parks Special Fund; awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Hermann Park Japanese Garden; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering testing services and contingencies relating to construction of facilities financed by Parks and Recreation Dedication Fund - **DISTRICT D - BOYKINS**

Background:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Millis Development and Construction, Inc. on the proposal amount of $1,273,489.00 to provide construction services for the Hermann Park Japanese Garden for the Houston Parks and Recreation Department.

PROJECT LOCATION: 6001 Fannin St (Key Map No. 533A)

PROJECT DESCRIPTION: This project will include replacement of perimeter fencing; pond renovation and leak repair, including removing debris from the bottom of pools and streams; installation of ozone aeration system, new pumps, and new pond liner and ballast; landscape; irrigation; hardscape and stone work, including granite boulders, flagstone stepping stones and dry streambed; two new garden entrances and a maintenance area with storage container.

The contract duration for this project is 180 calendar days. James Patterson Associates, Inc. dba White Oak Studio is the design consultant for this project.

PROPOSALS: On March 6 and March 13, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for the Hermann Park Japanese Garden. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on May 28, 2015, and four firms responded. GSD evaluated the respondents and all four firms received sufficient points and were requested to submit proposals. Three of the four selected firms submitted proposals. One proposal contained a material error and was rejected. Of the remaining proposers, Millis

Development and Construction, Inc. submitted the lowest proposal and offer the best value for the City based on the advertised criteria.
The three proposers are ranked as follows:

PROPOSER:
1. Millis Development and Construction, Inc.
2. Times Construction, Inc.
3. Landscape Art, Inc. (bid rejected)

AWARD: It is recommended that City Council award the construction contract to Millis Development and Construction, Inc. and appropriate funds for the project, including an additional appropriation of $10,500.00 for engineering and materials testing services under an existing contract with Austin-Reed Engineers, LLC.

FUNDING SUMMARY:
$ 1,273,489.00 Construction Contract Services
$ 63,674.45 5% Contingency
$ 1,337,163.45 Total Contract Services
$ 10,500.00 Engineering and Materials Testing
$ 17,500.00 Civic Art (1.75%)
$ **1,365,163.45 Total Funding**

M/WBE PARTICIPATION: An 18% MBE and 10% WBE goal has been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

FIRM (MBE) SCOPE AMOUNT % of CONTRACT
The Fierro Group, Ltd. Co. Fences and Gates $221,538.00 17.39%
E Diamond Electric, Inc. Electrical $ 3,500.00 .27%
Environmental Allies GP, Inc. Storm Water Protection $ 9,947.43 .78%
TOTAL $234,985.43 18.44%

FIRM (WBE) SCOPE AMOUNT % of CONTRACT
HLS Enterprises of Texas, Inc. Landscape $137,060.00 10.76%

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 benefits to eligible employees in compliance with City policy.

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

Amount of Funding:
$1,000,000.00 Parks Consolidated Construction Fund (4502)
$ 147,163.45 Parks & Recreation Dedication Fund (4035)
$ 218,000.00 Parks Special Fund (4012)
$1,365,163.45 Total Funding

Contact Information:

Jacquelyn L. Nisby
Phone: 832-393-8023

ATTACHMENTS:

Description	Type
Request for Council Action (RCA)	Signed Cover sheet
Map(s)	Backup Material
Form A Fair Campaign Ordinance	Backup Material
Form B Fair Campaign Ordinance	Backup Material
Delinquent Tax Report	Backup Material

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

SUBJECT: Award Construction Contract Millis Development and Construction, Inc. Hermann Park Japanese Garden WBS No. F-000788-0001-4	**Page** 1 of 2	**Agenda Item**

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

DIRECTOR'S SIGNATURE: Scott Minnix 9/18/15 Scott Minnix	**Council District(s) affected:** D
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: $1,000,000.00 Parks Consolidated Construction Fund (4502) $ 147,163.45 Parks & Recreation Dedication Fund (4035) $ 218,000.00 Parks Special Fund (4012) **$1,365,163.45 Total Funding**	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Millis Development and Construction, Inc. on the proposal amount of $1,273,489.00 to provide construction services for the Hermann Park Japanese Garden for the Houston Parks and Recreation Department.

PROJECT LOCATION: 6001 Fannin St (Key Map No. 533A)

PROJECT DESCRIPTION: This project will include replacement of perimeter fencing; pond renovation and leak repair, including removing debris from the bottom of pools and streams; installation of ozone aeration system, new pumps, and new pond liner and ballast; landscape; irrigation; hardscape and stone work, including granite boulders, flagstone stepping stones and dry streambed; two new garden entrances and a maintenance area with storage container.

The contract duration for this project is 180 calendar days. James Patterson Associates, Inc. dba White Oak Studio is the design consultant for this project.

PROPOSALS: On March 6 and March 13, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for the Hermann Park Japanese Garden. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on May 28, 2015, and four firms responded. GSD evaluated the respondents and all four firms received sufficient points and were requested to submit proposals. Three of the four selected firms submitted proposals. One proposal contained a material error and was rejected. Of the remaining proposers, Millis Development and Construction, Inc. submitted the lowest proposal and offer the best value for the City based on the advertised criteria.

REQUIRED AUTHORIZATION CUIC ID # 25PARK263

General Services Department:	**Houston Parks and Recreation Department:**
Richard A. Vella Chief of Design & Construction Division	Joe Turner Director

The three proposers are ranked as follows:

PROPOSER:

1. Millis Development and Construction, Inc.
2. Times Construction, Inc.
3. Landscape Art, Inc. (bid rejected)

AWARD: It is recommended that City Council award the construction contract to Millis Development and Construction, Inc. and appropriate funds for the project, including an additional appropriation of $10,500.00 for engineering and materials testing services under an existing contract with Austin-Reed Engineers, LLC.

FUNDING SUMMARY:

$	1,273,489.00	Construction Contract Services
$	63,674.45	5% Contingency
$	17,500.00	Civic Art (1.75%)
$	**1,354,663.45**	**Total Contract Services**
$	10,500.00	Engineering and Materials Testing
$	**1,365,163.45**	**Total Funding**

M/WBE PARTICIPATION: An 18% MBE and 10% WBE goal has been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

FIRM (MBE)	SCOPE	AMOUNT	% of CONTRACT
The Fierro Group	Fences and Gates	$221,538.00	17.39%
E Diamond Electric, Inc.	Electrical	$ 3,500.00	.27%
Environmental Allies GP, Inc.	Storm Water Protection	$ 9,947.43	.78%
TOTAL		**$234,985.43**	**18.44%**

FIRM (WBE)	SCOPE	AMOUNT	% of CONTRACT
HLS Enterprises of Texas, Inc.	Landscape	**$137,060.00**	**10.76%**

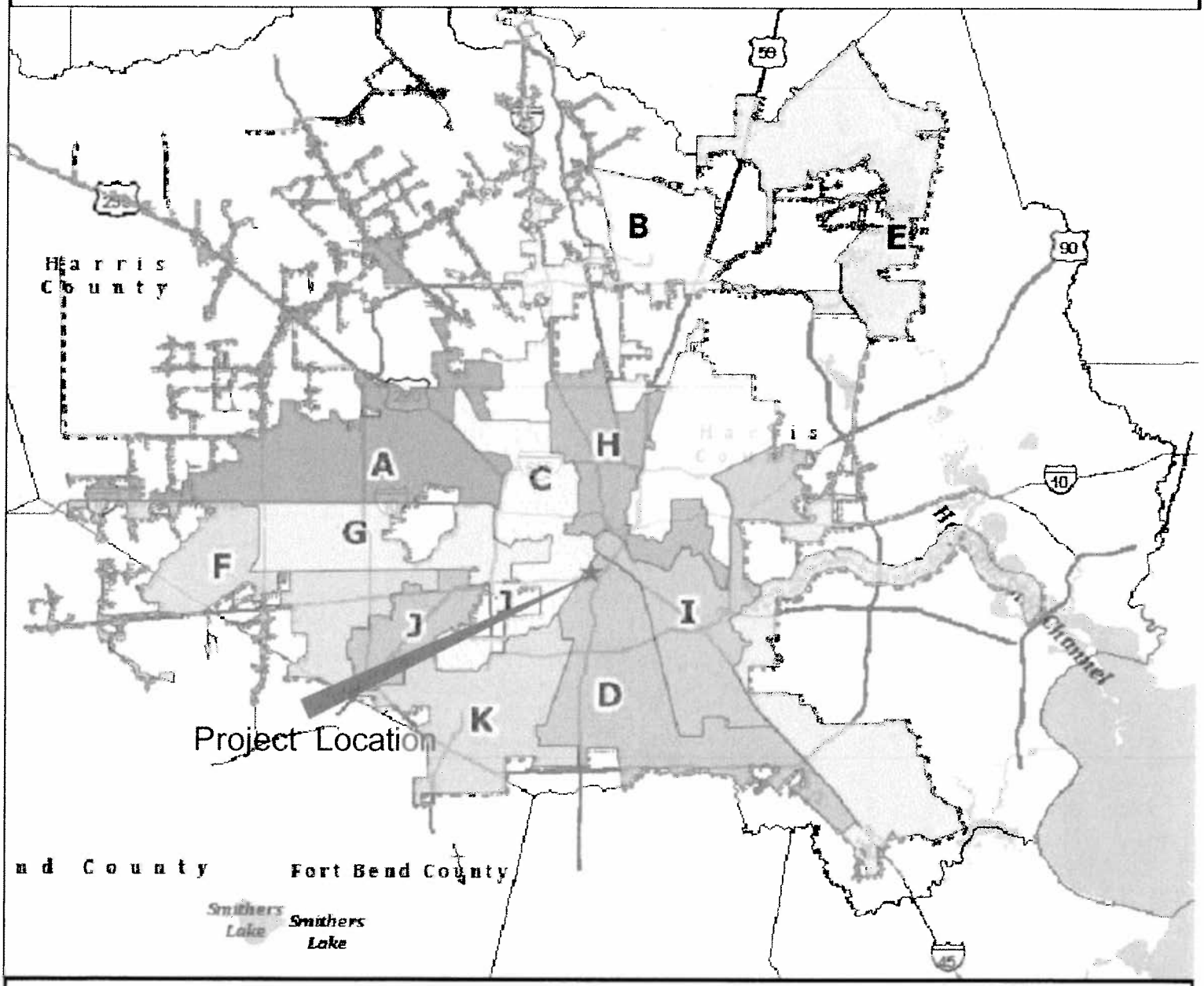
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits to eligible employees in compliance with City policy.

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

SM:JLN:RAV:LJ:SP:sp

c: Marta Crinejo, Jacquelyn L. Nisby, Veronica Lizama, Morris Scott, Mark Ross, Luci Correa, Renissa Garza-Montalvo, Minnette Boesel, Maricela Kruseman, Gabriel Mussio, Felicia Williams, File 712

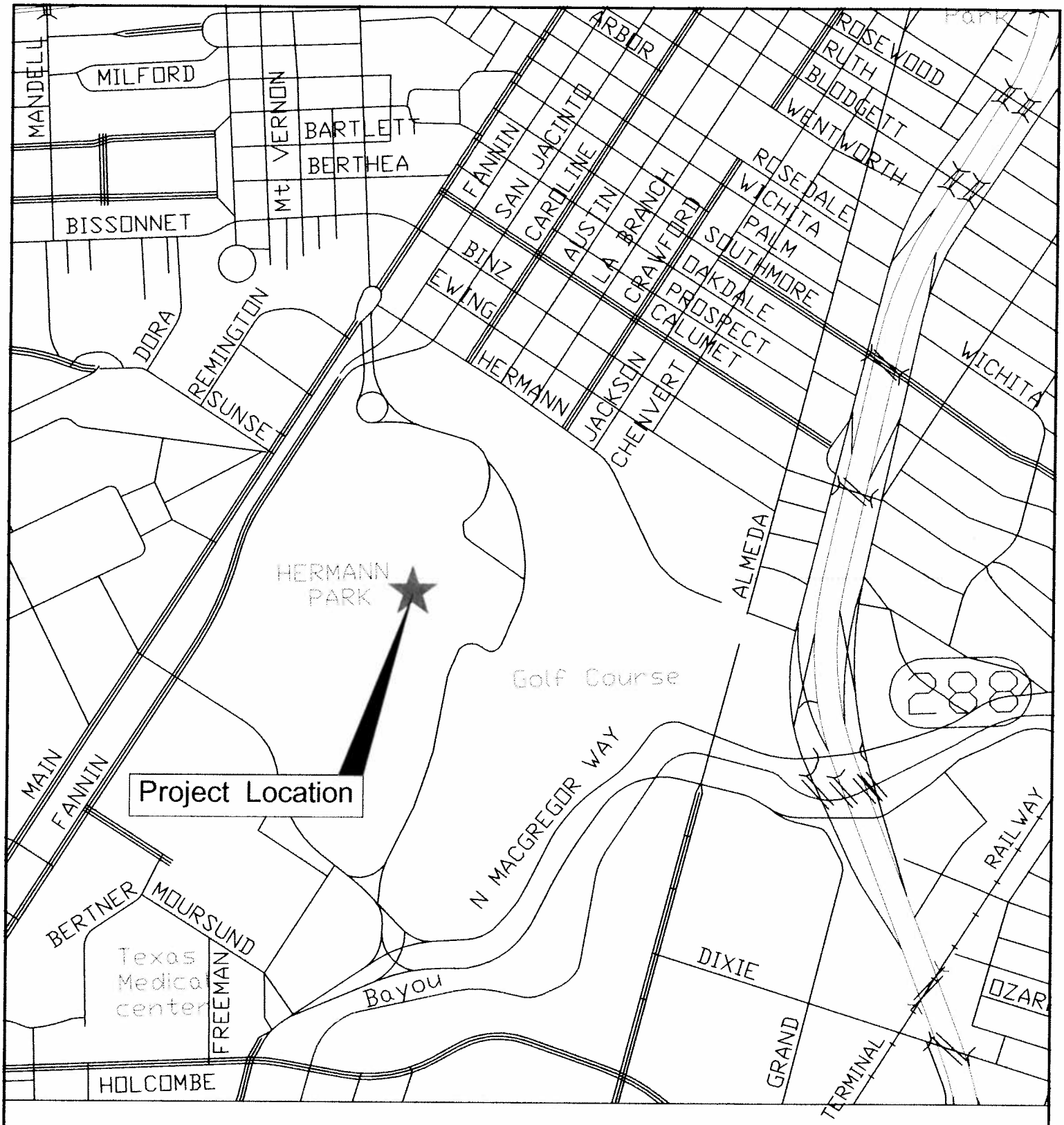
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



Hermann Park Japanese Garden

6001 Fannin
Houston, TX 77030

COUNCIL DISTRICT "D" WBS# F-000788-0001-4 KEYMAP No. 533A



Hermann Park Japanese Garden

6001 Fannin

Houston, TX 77030

COUNCIL DISTRICT "D" WBS#F-000788-0001-4 **KEYMAP No. 533A**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District E
Item Creation Date: 9/29/2015

PLN - Madison/Foley Development Agreement

Agenda Item#: 28.

Summary:

ORDINANCE approving and authorizing a development agreement between City of Houston and **MADISON/FOLEY, LLC** for Harris County Municipal Utility District No. 525 - **DISTRICT E - MARTIN**

Background:

MADISON/FOLEY (The Developer) is the owner of a tract of land located near the vicinity of Lake Houston and Foley Road, in Harris County. The property comprises Harris County MUD No. 525 (the District), and consists of approximately 461 acres of undeveloped land, approximately 195 of which is located within the City of Houston. The Developer plans to develop 1,142 single-family lots and a commercial reserve on this property. The fact that this property falls both inside and outside the City limits make the financing of such a development problematic. The Planning Department believes it is in the long-term best interest of the city to encourage the development while preserving the right to annex the development into the City limits as soon as it is economically viable. These objectives may be achieved by disannexing the portion of the property located within the city limits.

In order to facilitate the development and provide for the potential annexation of the entire development into the City of Houston, the Planning & Development Department, in concert with the Legal Department and the Department of Public Works and Engineering, has negotiated a Development Agreement. The agreement identifies the area that will be considered for disannexation. The area is currently undeveloped and meets the statutory requirements for disannexation. Pursuant to this agreement, the Developer will:

- Provide a resolution expressing their intent to have the District execute a strategic partnership agreement, that will provide for the possible future general purpose annexation of the District;
- Record and execute the Declaration of Restrictions that will be attached to the Development Agreement; and
- Convey to the City an approximate 15-acre undeveloped site within the boundaries of the District for the future construction of a wastewater treatment plant.

The agreement states that, following disannexation, the City may consent to the creation of Harris County MUD No. 525.

This Development Agreement lays out the process and requirements in order for the City to consider the requests for disannexation and consent to the creation of the District.

The Planning and Development Department recommends approval of an ordinance allowing the

City to enter into a Development Agreement with MADISON/FOLEY, L.L.C.

_____
Patrick Walsh, P.E.
Director
Planning and Development

Prior Council Action:

Amount of Funding:

Contact Information:

Nicole Smothers, Planning and Development, 832-393-6580

ATTACHMENTS:

Description	Type
Cover Sheet (RCA)	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
District E
Item Creation Date: 9/29/2015

PLN - Ordinance allowing Development Agreement

Agenda Item#: 26.

Background:

MADISON/FOLEY (The Developer) is the owner of a tract of land located near the vicinity of Lake Houston and Foley Road, in Harris County. The property comprises Harris County MUD No. 525 (the District), and consists of approximately 461 acres of undeveloped land, approximately 195 of which is located within the City of Houston. The Developer plans to develop 1,142 single-family lots and a commercial reserve on this property. The fact that this property falls both inside and outside the City limits make the financing of such a development problematic. The Planning Department believes it is in the long-term best interest of the city to encourage the development while preserving the right to annex the development into the City limits as soon as it is economically viable. These objectives may be achieved by disannexing the portion of the property located within the city limits.

In order to facilitate the development and provide for the potential annexation of the entire development into the City of Houston, the Planning & Development Department, in concert with the Legal Department and the Department of Public Works and Engineering, has negotiated a Development Agreement. The agreement identifies the area that will be considered for disannexation. The area is currently undeveloped and meets the statutory requirements for disannexation. Pursuant to this agreement, the Developer will:

- Provide a resolution expressing their intent to have the District execute a strategic partnership agreement, that will provide for the possible future general purpose annexation of the District;
- Record and execute the Declaration of Restrictions that will be attached to the Development Agreement; and
- Convey to the City an approximate 15-acre undeveloped site within the boundaries of the District for the future construction of a wastewater treatment plant.

The agreement states that, following disannexation, the City may consent to the creation of Harris County MUD No. 525.

This Development Agreement lays out the process and requirements in order for the City to consider the requests for disannexation and consent to the creation of the District.

The Planning and Development Department recommends approval of an ordinance allowing the City to enter into a Development Agreement with MADISON/FOLEY, L.L.C.

Patrick Walsh, P.E.
Director
Planning and Development

Prior Council Action:
N/A

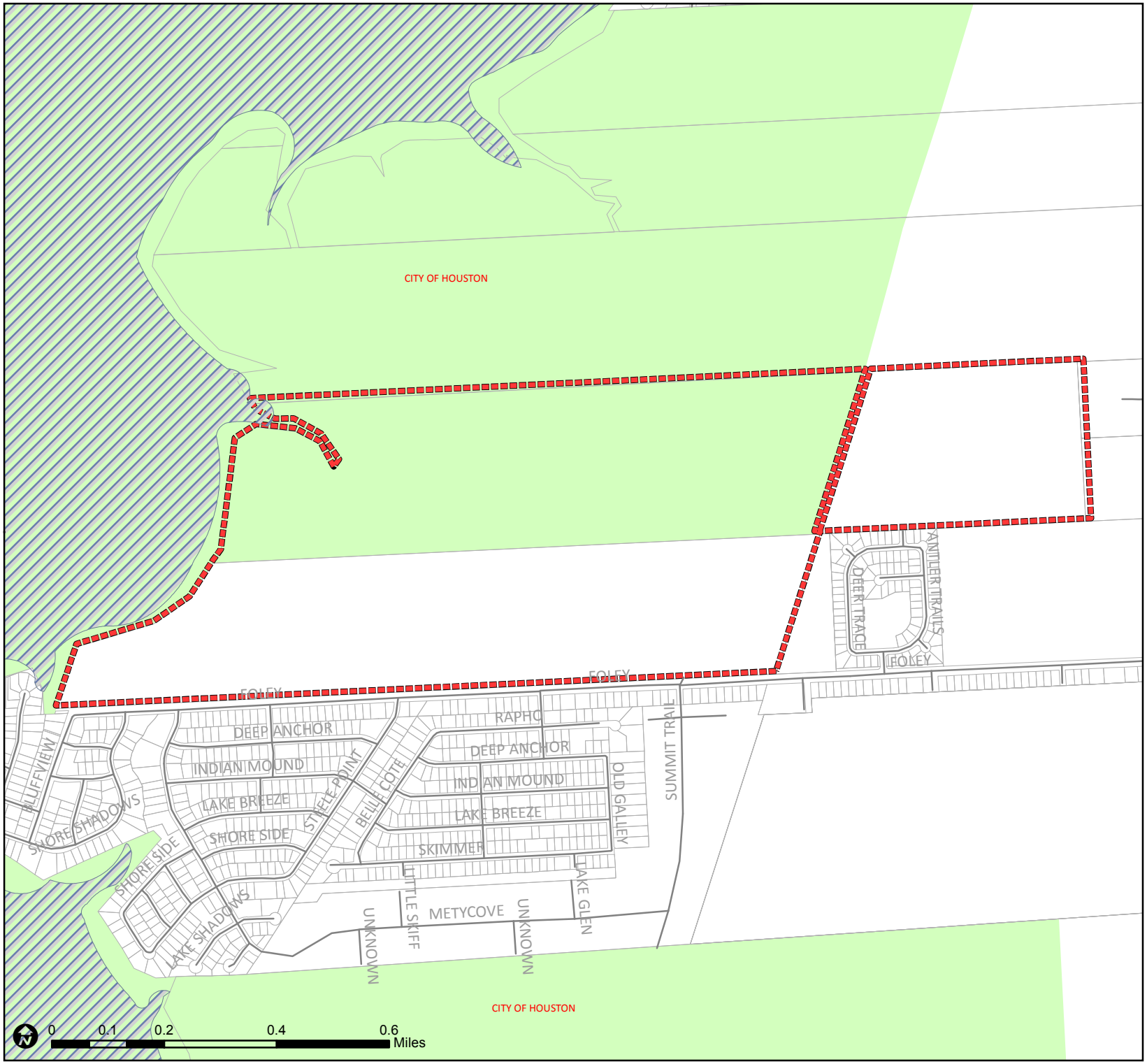
Amount of Funding:
N/A

Contact Information:
Nicole Smothers, Planning and Development, 832-393-6580

ATTACHMENTS:

Description	Type
Map	Signed Cover sheet

HC MUD No. 525



Roads

Lake Houston

HC MUD No. 525

Parcels

Houston City limit

Source: City of Houston GIS Database
Date: June 2015

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

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District A, District D, District F
Item Creation Date: 9/29/2015

20TAA136 Advance Funding Agreement between the City of Houston and Texas Department of Transportation to Fund the City of Houston Flood Plain Permit Fees for Westerland (N-240001-0001-7), Windfern (N-140004-0001-7), Hollister (N-140002-0001-7) and Calhoun (N-140005-0001-7) Bridges

Agenda Item#: 29.

Summary:

ORDINANCE appropriating $5,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and $15,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** to fund the City of Houston Flood Plain Permit Fees for Westerland, Windfern, Hollister and Calhoun Bridges - **DISTRICTS A - STARDIG; D - BOYKINS and F - NGUYEN**.

Background:

SUBJECT: Advance Funding Agreement between the City of Houston and Texas Department of Transportation to Fund the City of Houston Flood Plain Permit Fees for Westerland (N-240001-0001-7), Windfern (N-140004-0001-7), Hollister (N-140002-0001-7) and Calhoun (N-140005-0001-7) Bridges.

RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located on the designated state highway system.

DESCRIPTION/SCOPE: These projects consist of replacing or rehabilitating Westerland, Windfern, Hollister and Calhoun Bridges which have been determined to be structurally deficient.

LOCATION: The four (4) bridge project locations are: (1.) Westerland Drive at HCFCD Ditch, Key Map Grid 490T, (2.) Windfern Road at Cole Creek Key Map Grid 410S, (3.) Hollister Road at Proetzel's Branch Key Map Grid 450V and (4.) Calhoun Street at Brays Bayou Key Map Grid 534E.

SCOPE OF THIS AGREEMENT: Under this Program, the usual fund participation ratio for

Projects is 80 percent Federal, 10 percent State and 10 percent Local Government.

The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent Local Government match requirement may be waived on this project if the Local Government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match-Projects). The Texas Transportation Commission approved Minute Order No. 113526, dated March 28, 2013 for the reconstruction of the bridge listed under the Off-System Bridge Replacement Program, hereinafter, referred to as "Participation Waived" Project.

City Council approved Resolution 2011-0031 on December 07, 2011, Resolution 2012-0030, on October 17, 2012, Resolution 2012-0031 on October 17, 2012, Resolution 2013-0034, on June 05, 2013 approving the request of a waiver of local match requirements in the Federal Off-System Bridge Program administered by TxDOT for Westerland, Windfern, Hollister and Calhoun Bridges. An amendment was approved by Resolution 2012-0022 on July 25, 2012 for Hollister Bridge.

City Council approved Ordinance 2013-0506 on May 29, 2013, Ordinance 2013-0759 on August 21, 2013, Ordinance 2013-0785 on September 04, 2013 and Ordinance 2013-1133 on December 11, 2013. TxDOT will design and construct the projects according to plans approved by the City of Houston. The City is responsible for the provision and acquisition of necessary right-of-way for the projects and the relocation of utilities before the scheduled beginning of construction, if needed. The City has agreed to maintain the facilities after the projects completion.

Under the terms of this agreement, the City of Houston mandates that the Texas Department of Transportation acquire four (4) City of Houston Flood Plain permits for the construction of the proposed bridges reconstruction projects. The cost of the permits to be paid to the City Engineer's Office is a total of $20,000.00. These fees were not an apparent cost to TxDOT and were not included in the estimated cost for construction. Therefore the City of Houston has agreed to reimburse TxDOT for the payment of the required City of Houston Flood Plain Permit fees.

ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and TxDOT and appropriate $20,000.00 for funding the Flood Plain Permit fees.

Prior Council Action:

Resolutions	2011-0031,12/07/2011 2012-0022, 07/25/2012 2012-0030, 10/17/2012 2012-0031, 10/17/2012 2013-0034, 06/05/2013
Ordinances	2013-0506, 05/29/2013 2013-0759, 08/21/2013 2013-0785, 09/04/2013 2013-1133, 12/11/2013

Amount of Funding:

$20,000.00

$ 5,000.00 from Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF
$15,000.00 from Fund 4040 - METRO Projects Construction DDSRF

Contact Information:

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

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Maps	Backup Material
Ordinance	Ordinance/Resolution/Motion
Resolution 2011-0031	Backup Material
Resolution 2012-0022	Backup Material
Resolution 2012-0030	Backup Material
Resolution 2012-0031	Backup Material
Resolution 2013-0034	Backup Material
Ordinance 2013-0506	Backup Material
Ordinance 2013-0759	Backup Material
Ordinance 2013-0785	Backup Material
Ordinance 2013-1133	Backup Material
SAP	Backup Material
Advance Funding Agreement	Backup Material

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

SUBJECT: Advance Funding Agreement between the City of Houston and Texas Department of Transportation to Fund the City of Houston Flood Plain Permit Fees for Westerland (N-240001-0001-7), Windfern (N-140004-0001-7), Hollister (N-140002-0001-7) and Calhoun (N-140005-0001-7) Bridges	**Page** 1 of 2	**Agenda Item** #

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Department of Public Works and Engineering		

DIRECTOR'S SIGNATURE:	**Council District affected:**
Dale A. Rudick Dale A. Rudick, P.E.	A, D & F

For additional information contact:	**Date and identification of prior authorizing Council action:**
Ravi Kaleyatodi 7/22/15 Ravi Kaleyatodi, P.E., CPM **Phone:** (832) 395-2326 Senior Assistant Director	Resolutions: 2011-0031, 12/07/2011 2012-0022, 07/25/2012 2012-0030, 10/17/2012 2012-0031, 10/17/2012 2013-0034, 06/05/2013 Ordinances: 2013-0506, 05/29/2013 2013-0759, 08/21/2013 2013-0785, 09/04/2013 2013-1133, 12/11/2013

RECOMMENDATION: (Summary)
Adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation and appropriate funds.

Amount and Source of Funding: $20,000.00
$ 5,000.00 from Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF
$15,000.00 from Fund 4040 - METRO Projects Construction DDSRF M.P. 9/18/2015

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located on the designated state highway system.

DESCRIPTION/SCOPE: These projects consist of replacing or rehabilitating Westerland, Windfern, Hollister and Calhoun Bridges which have been determined to be structurally deficient.

LOCATION: The four (4) bridge project locations are: (1.) Westerland Drive at HCFCD Ditch, Key Map Grid 490T, (2.) Windfern Road at Cole Creek Key Map Grid 410S, (3.) Hollister Road at Proetzel's Branch Key Map Grid 450V and (4.) Calhoun Street at Brays Bayou Key Map Grid 534E.

LTS #13668	**REQUIRED AUTHORIZATION**	**CUIC ID # 20TAA136**

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

Date	SUBJECT: Advance Funding Agreement between the City of Houston and Texas Department of Transportation to Fund the City of Houston Flood Plain Permit Fees for Westerland (N-240001-0001-7), Windfern (N-140004-0001-7), Hollister (N-140002-0001-7) and Calhoun (N-140005-0001-7) Bridges	Originator's Initials TAA	Page 2 of 2

SCOPE OF THIS AGREEMENT: Under this Program, the usual fund participation ratio for Projects is 80 percent Federal, 10 percent State and 10 percent Local Government.
The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent Local Government match requirement may be waived on this project if the Local Government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match-Projects). The Texas Transportation Commission approved Minute Order No. 113526, dated March 28, 2013 for the reconstruction of the bridge listed under the Off-System Bridge Replacement Program, hereinafter, referred to as "Participation Waived" Project.

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ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and TxDOT and appropriate $20,000.00 for funding the Flood Plain Permit fees.

DAR:DRM:RK:TAA:PKC:erj
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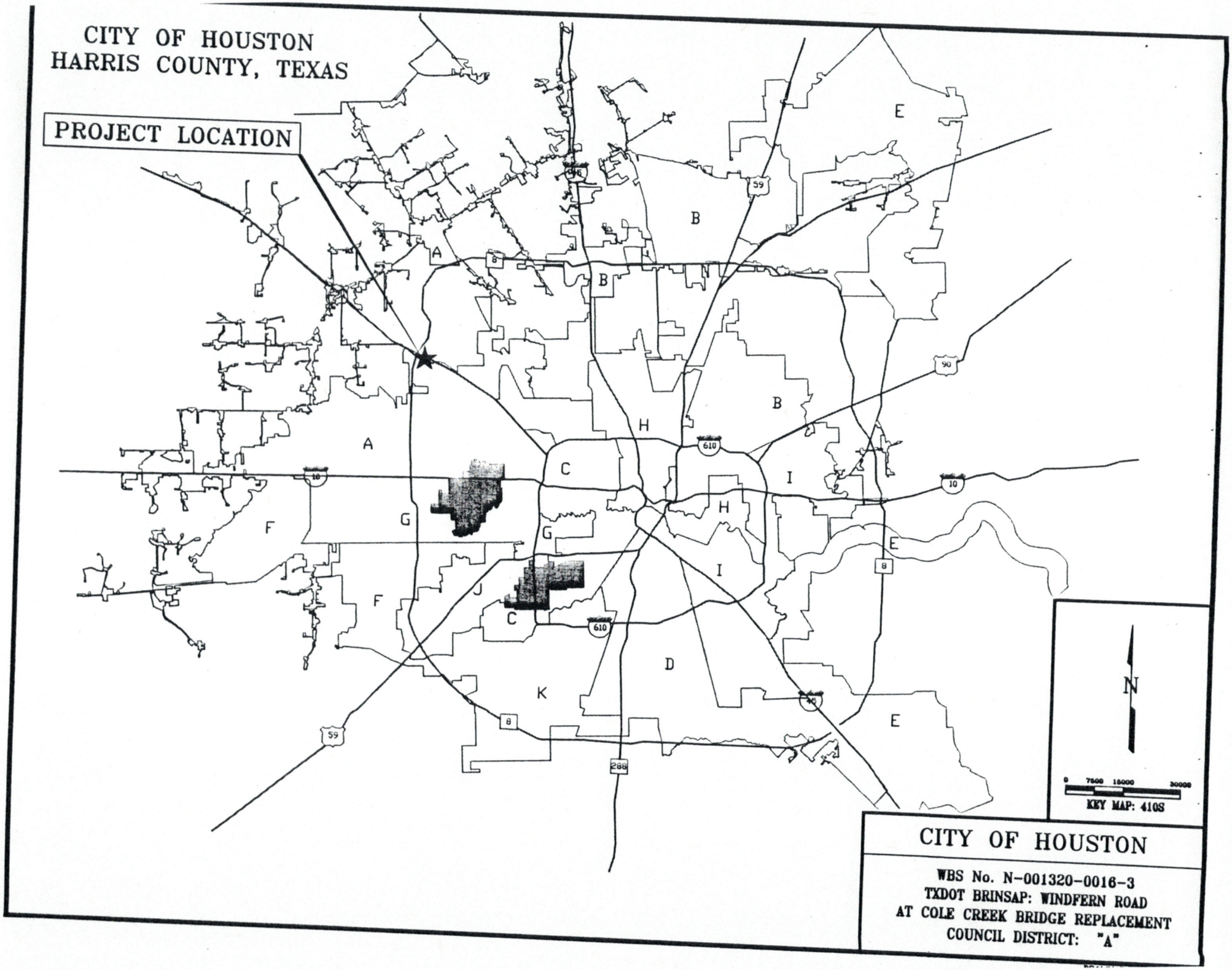
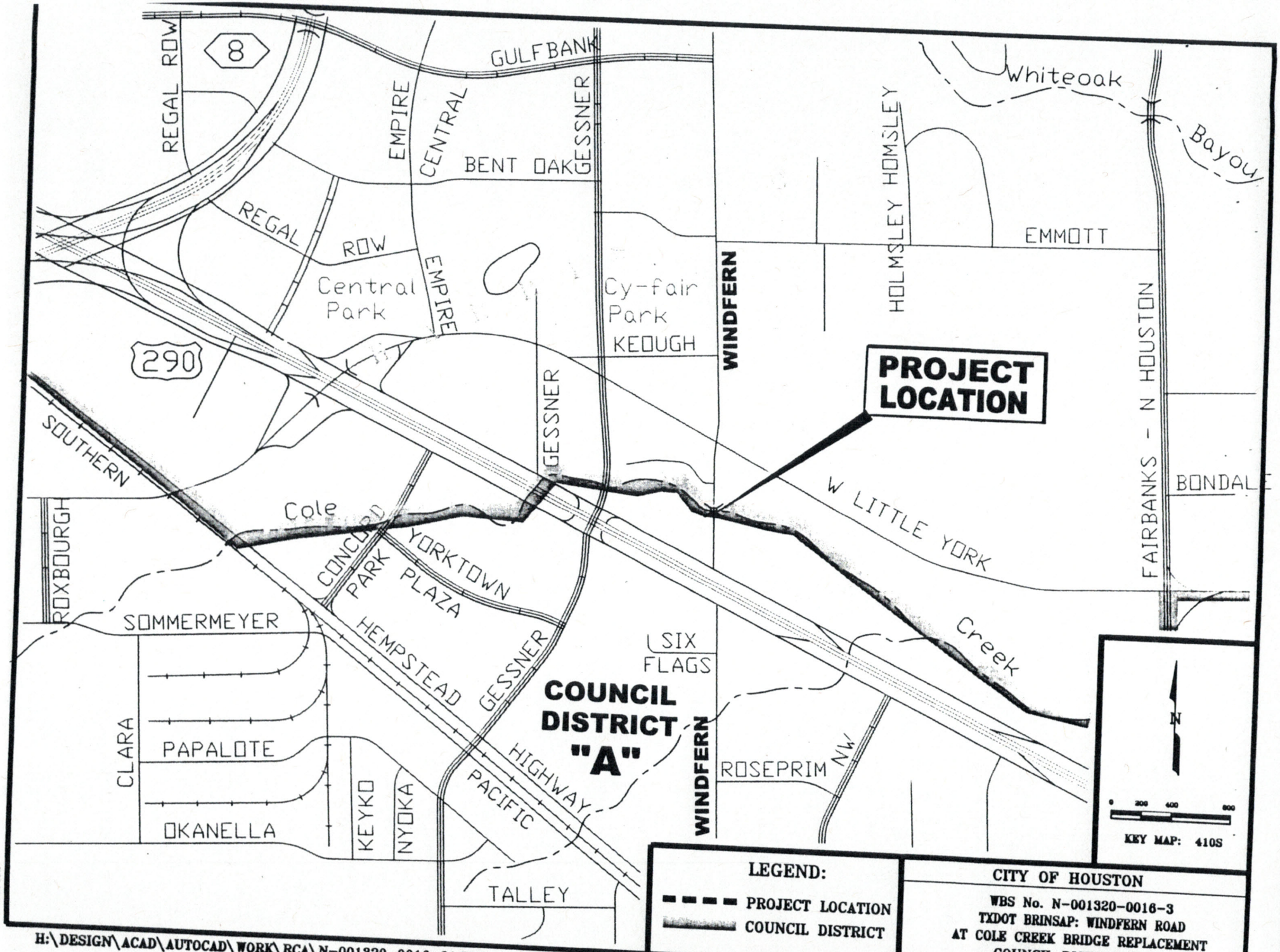
File – TxDOT – Westerland Drive Bridge at HCFCD Ditch
Windfern Road Bridge at Cole Creek
Hollister Road Bridge at Proetzel's Branch
Calhoun Street Bridge at Brays Bayou


CITY OF HOUSTON
HARRIS COUNTY, TEXAS
PROJECT LOCATION
A
B
C
D
E
F
G
H
I
J
K
610
10
59
90
8
288
N
0 7500 15000 30000
KEY MAP: 410S
CITY OF HOUSTON
WBS No. N-001320-0016-3
TXDOT BRINSAP: WINDFERN ROAD
AT COLE CREEK BRIDGE REPLACEMENT
COUNCIL DISTRICT: "A"


REGAL ROW
8
GULFBANK
EMPIRE
CENTRAL
BENT OAK
GESSNER
Whiteoak
Bayou
HOLMSLEY HOMSLEY
EMMOTT
REGAL
ROW
Central Park
EMPIRE
Cy-fair Park
KEOUGH
WINDFERN
290
PROJECT LOCATION
FAIRBANKS - N HOUSTON
SOUTHERN
GESSNER
BONDALE
ROXBOURGH
Cole
CONCORD
YORKTOWN
PARK PLAZA
W LITTLE YORK
SOMMERMEYER
HEMPSTEAD
GESSNER
SIX FLAGS
Creek
COUNCIL DISTRICT "A"
CLARA
PAPALOTE
KEYKO
NYOKA
HIGHWAY
PACIFIC
WINDFERN
ROSEPRIM
NW
OKANELLA
TALLEY
N
0 200 400 800
KEY MAP: 410S
LEGEND:
PROJECT LOCATION
COUNCIL DISTRICT
CITY OF HOUSTON
WBS No. N-001320-0016-3
TXDOT BRINSAP: WINDFERN ROAD
AT COLE CREEK BRIDGE REPLACEMENT
COUNCIL DISTRICT "A"
091412
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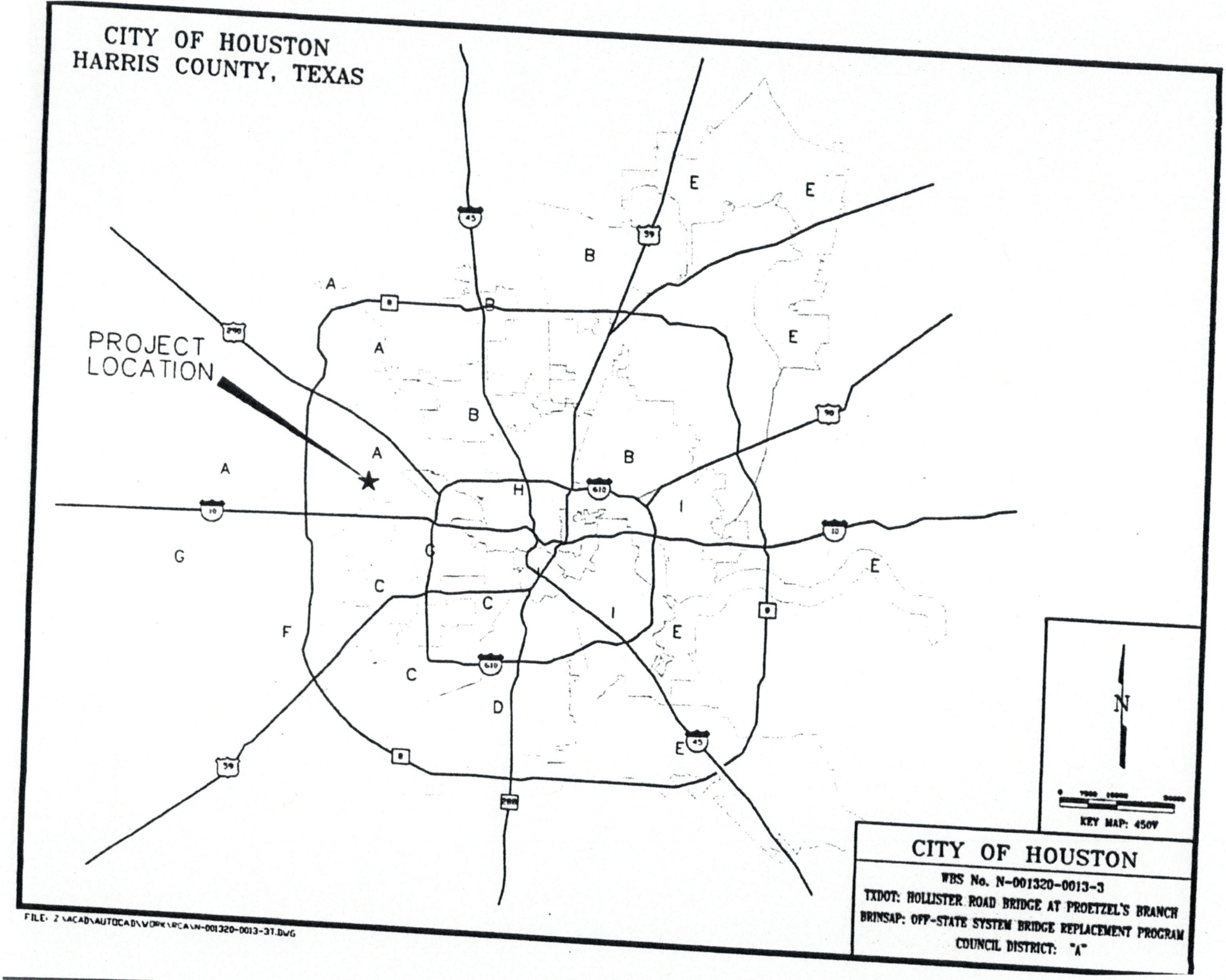
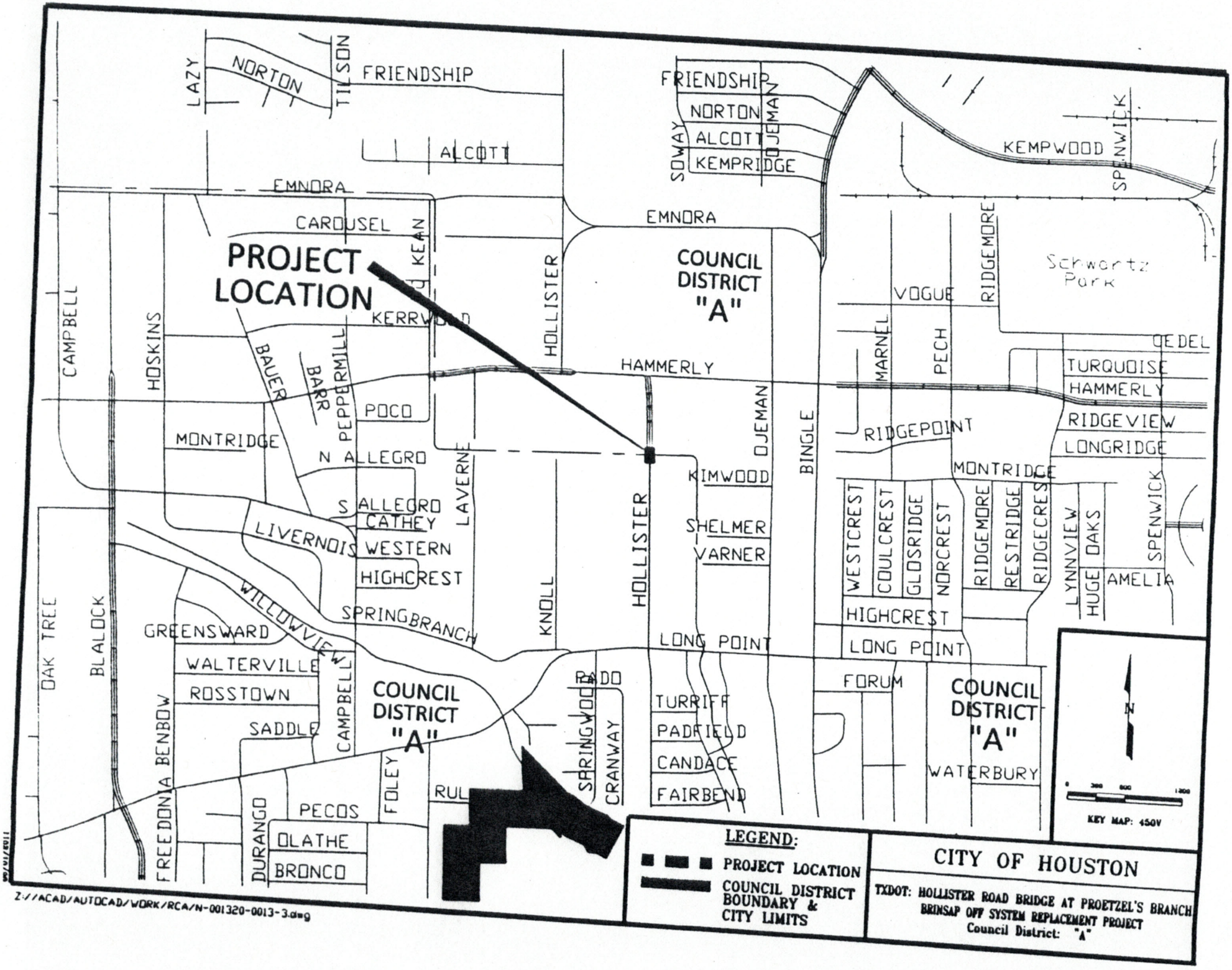
DRAWN BY: A. Watts


CITY OF HOUSTON
HARRIS COUNTY, TEXAS
PROJECT LOCATION
N
KEY MAP: 450V
CITY OF HOUSTON
WBS No. N-001320-0013-3
TXDOT: HOLLISTER ROAD BRIDGE AT PROETZEL'S BRANCH
BRINSAP: OFF-STATE SYSTEM BRIDGE REPLACEMENT PROGRAM
COUNCIL DISTRICT: "A"
FILE: Z:\ACAD\AUTOCAD\WORK\RCA\N-001320-0013-3T.DWG


PROJECT LOCATION
COUNCIL DISTRICT "A"
COUNCIL DISTRICT "A"
COUNCIL DISTRICT "A"
LAZY
NORTON
TILSON
FRIENDSHIP
ALCOTT
EMNORA
CAROUSEL
KEAN
HOLLISTER
CAMPBELL
HOSKINS
BAUER
BARR
PEPPERMILL
KERRWOOD
POCO
HAMMERLY
MONTRIDGE
N ALLEGRO
S ALLEGRO
CATHEY
LAVERNE
LIVERNOIS
WESTERN
HIGHCREST
WILLOWVIEW
SPRINGBRANCH
GREENSWARD
WALTERVILLE
ROSSTOWN
SADDLE
CAMPBELL
FOLEY
RUL
OAK TREE
BLALOCK
FREEDONIA
BENBOW
DURANGO
PECOS
OLATHE
BRONCO
KNOLL
SPRINGWOOD
RADDO
CRANWAY
TURRIFF
PADFIELD
CANDACE
FAIRBEND
LONG POINT
FORUM
WATERBURY
KIMWOOD
SHELMER
VARNER
OJEMAN
BINGLE
SOWAY
KEMPRIDGE
KEMPWOOD
SPENWICK
VOGUE
RIDGEMORE
MARNEL
PECH
Schwartz Park
GEDEL
TURQUOISE
RIDGEVIEW
LONGRIDGE
RIDGEPOINT
WESTCREST
COULCREST
GLOSRIDGE
NORCREST
RESTRIDGE
RIDGECREST
LYNNVIEW
OAKS
HUGE
AMELIA
N
KEY MAP: 450V
LEGEND:
PROJECT LOCATION
COUNCIL DISTRICT BOUNDARY & CITY LIMITS
CITY OF HOUSTON
TXDOT: HOLLISTER ROAD BRIDGE AT PROETZEL'S BRANCH
BRINSAP OFF SYSTEM REPLACEMENT PROJECT
Council District: "A"
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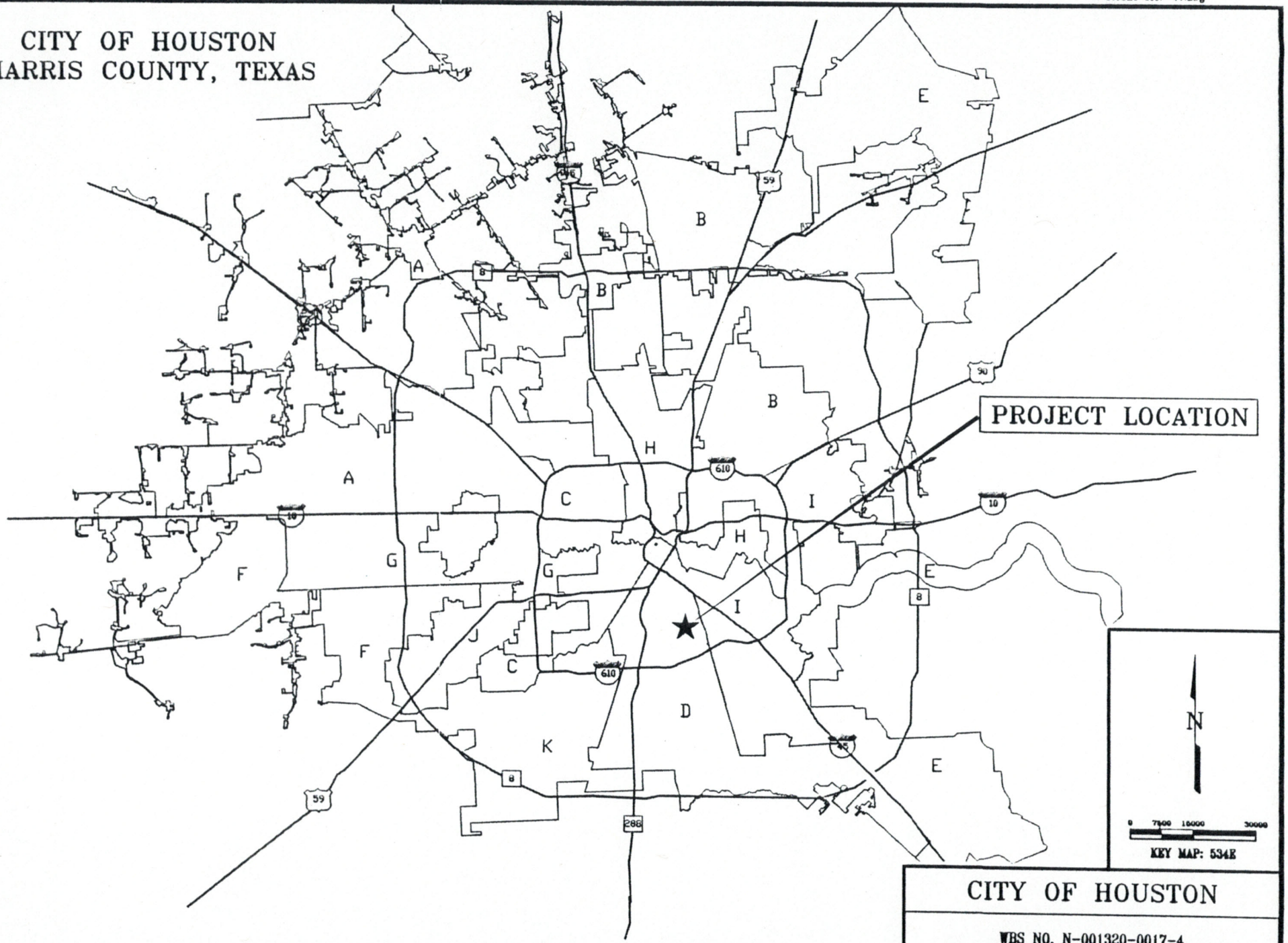
N-001320-0017-4T.dwg

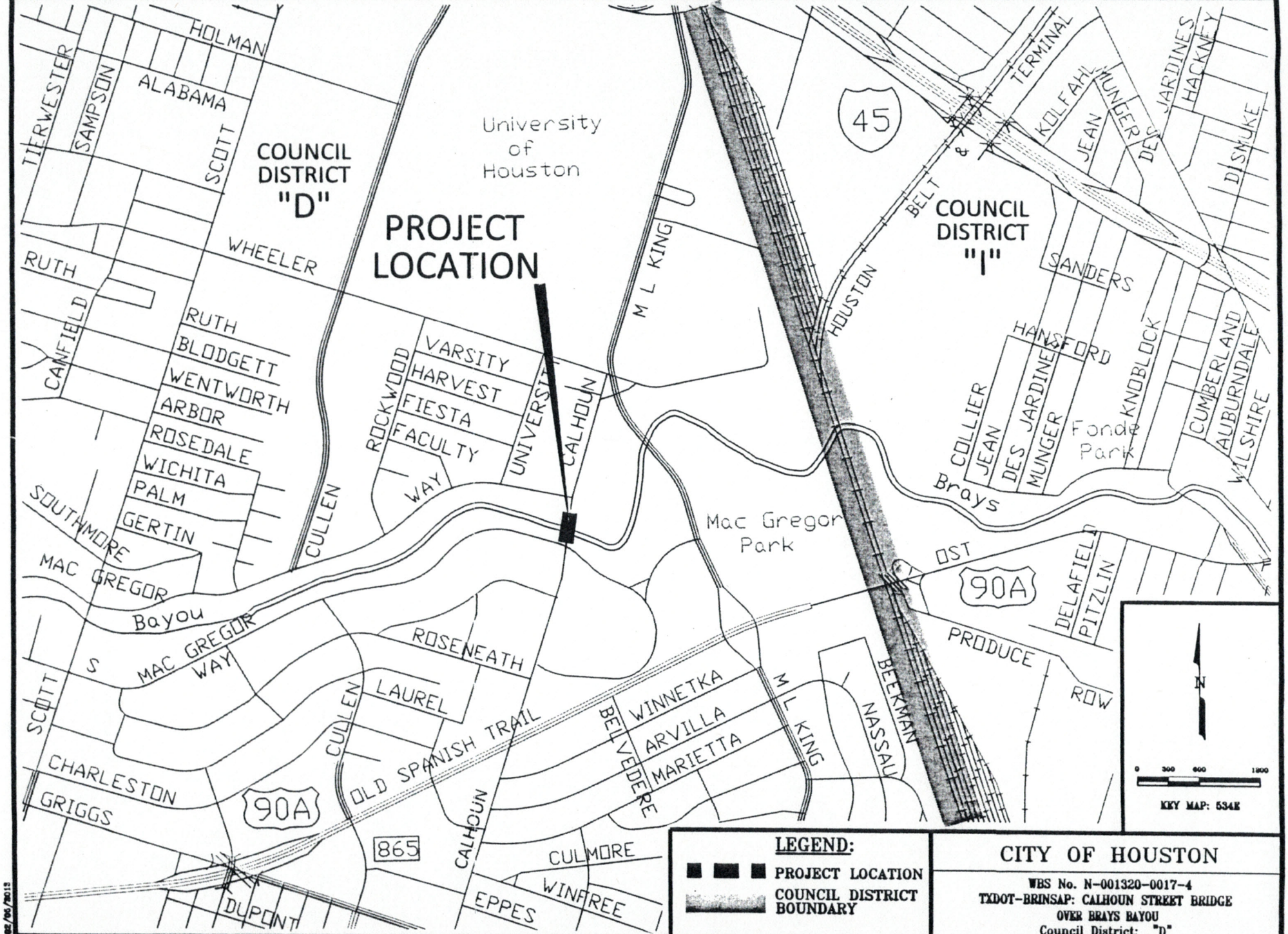
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



CITY OF HOUSTON

WBS NO. N-001320-0017-4
TXDOT-BRINSAP: CALHOUN STREET BRIDGE
OVER BRAYS BAYOU
Council District: "D"

DRAWN BY: Alvin Watts


PROJECT LOCATION
COUNCIL DISTRICT "D"
COUNCIL DISTRICT "I"
University of Houston
Mac Gregor Park
Fonde Park
HOLMAN
ALABAMA
SAMPSON
TIERWESTER
SCOTT
WHEELER
RUTH
CANFIELD
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ROSEDALE
WICHITA
PALM
GERTIN
SOUTHMORE
MAC GREGOR
Bayou
MAC GREGOR WAY
S SCOTT
CULLEN
ROCKWOOD
VARSITY
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AUBURNDALE
WILSHIRE
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90A
DELAFIELD
PITZLIN
PRODUCE ROW
ROSENEATH
LAUREL
OLD SPANISH TRAIL
CHARLESTON
GRIGGS
DUPONT
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ARVILLA
MARIETTA
BELVEDERE
BEEKMAN
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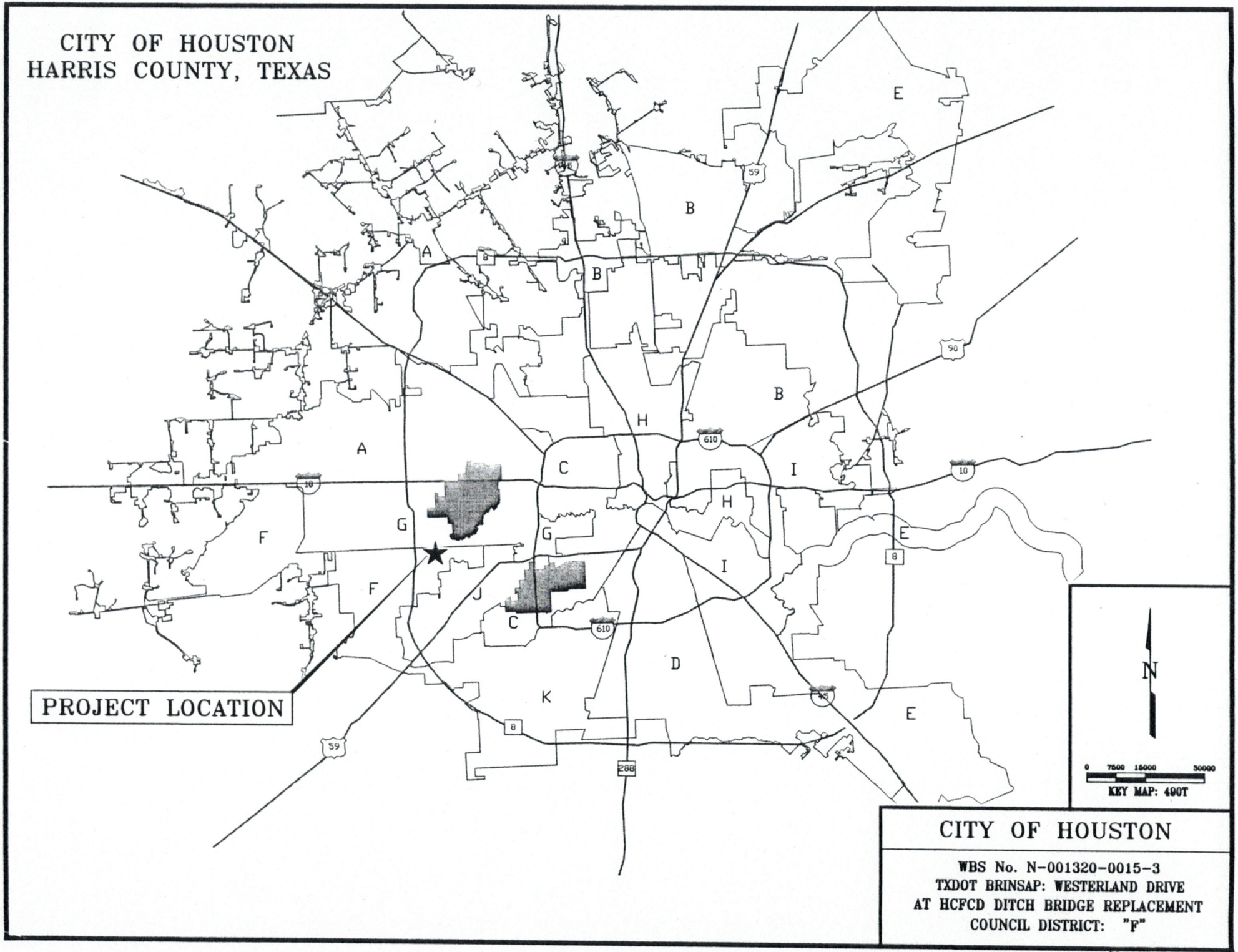
N
0 300 600 1200
KEY MAP: 534E
LEGEND:
PROJECT LOCATION
COUNCIL DISTRICT BOUNDARY
CITY OF HOUSTON
WBS No. N-001320-0017-4
TXDOT-BRINSAP: CALHOUN STREET BRIDGE
OVER BRAYS BAYOU
Council District: "D"
08/06/2012
H://ACAD/AUTOCAD/WORK/RCA/N-001320-0017-4.dwg


CITY OF HOUSTON
HARRIS COUNTY, TEXAS
PROJECT LOCATION
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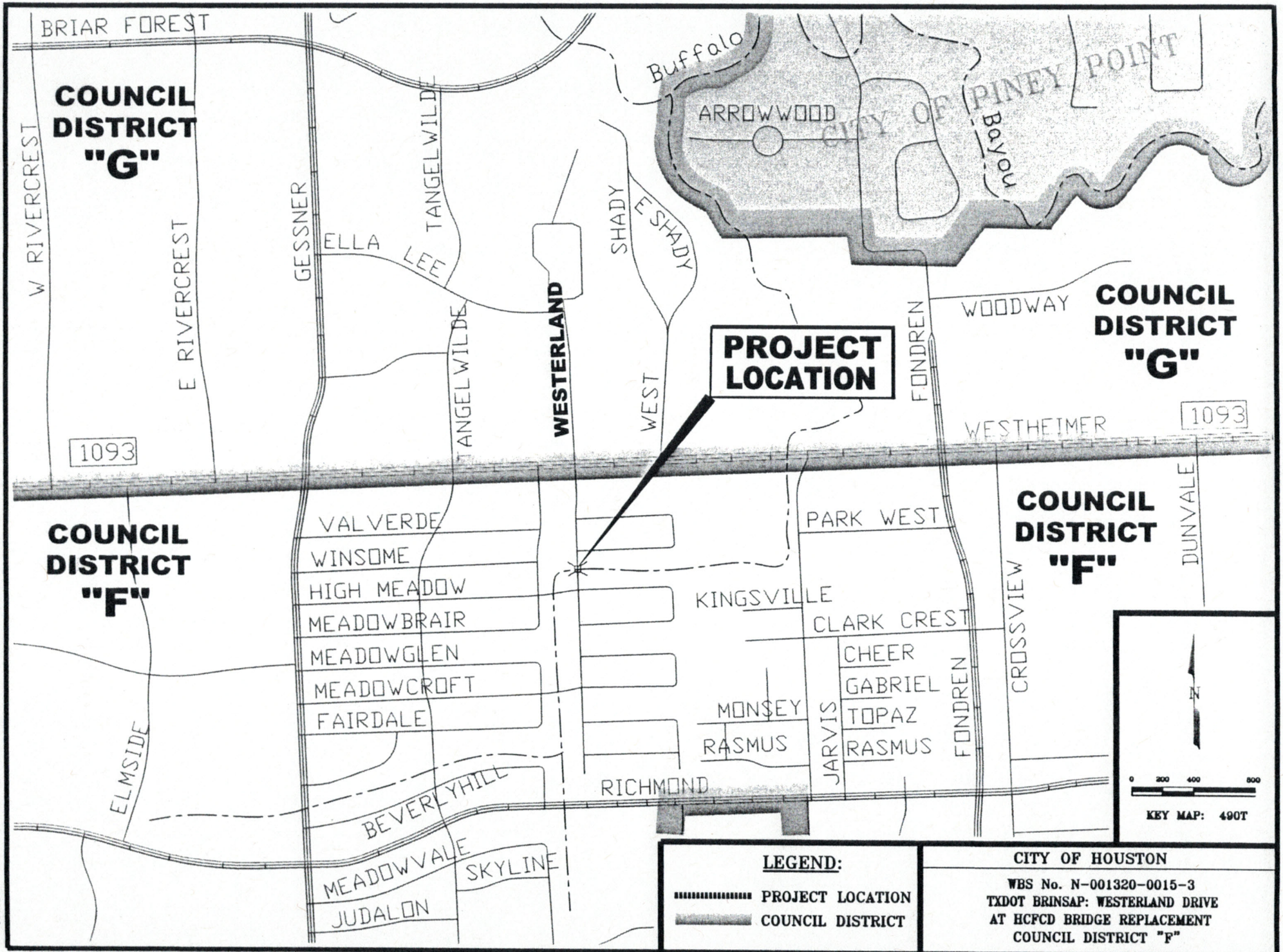
KEY MAP: 490T
CITY OF HOUSTON
WBS No. N-001320-0015-3
TXDOT BRINSAP: WESTERLAND DRIVE
AT HCFCD DITCH BRIDGE REPLACEMENT
COUNCIL DISTRICT: "F"
DRAWN BY: Alvin Watts



LEGEND:

PROJECT LOCATION

COUNCIL DISTRICT

CITY OF HOUSTON

WBS No. N-001320-0015-3
TXDOT BRINSAP: WESTERLAND DRIVE
AT HCFCD BRIDGE REPLACEMENT
COUNCIL DISTRICT "F"

091712

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DRAWN BY: A. Watts

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, ETJ
Item Creation Date: 9/23/2015

20IPB163 Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

Agenda Item#: 30.

Summary:

ORDINANCE approving and authorizing agreement for consent to partial assignment of rights to Groundwater Reduction Plan Agreement between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 231** - **DISTRICTS B - DAVIS and ETJ**

Background:

SUBJECT: Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District..

RECOMMENDATION: (Summary) Approve an ordinance authorizing the Mayor to execute an Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

SPECIFIC EXPLANATION:

The City of Houston and Northwood Municipal Utility District No. 1 entered into a Water Supply and Groundwater Reduction Plan (GRP) Wholesale Agreement for Regulatory Area 3 of the Harris-Galveston Subsidence District (formerly Harris-Galveston Coastal Subsidence District) on August 27, 2009, to achieve regulatory compliance of reducing groundwater pumpage and utilizing surface water.

Northwood Municipal Utility District No. 1 has requested consent to assign 160 Equivalent Single Family Connections or 48,000 gallons of water per day, whichever is greater, of its groundwater under its GRP Agreement with the City of Houston to Intercontinental Crossing Municipal Utility District. The Agreement provides consent to assign this amount and authorizes the City's Director of Public Works and Engineering to consent to an additional assignment of the GRP Agreement to Intercontinental Crossing Municipal Utility District up to a total of 268 Equivalent Single Family Connections or 80,400 gallons of water per day, whichever is greater.

Northwood Municipal Utility District No. 1 agrees to restrict its pumping of groundwater under the GRP Agreement, including water assigned to other entities, to no more than 91,250,000 gallons of water per year. Northwood Municipal Utility District No. 1 understands the GRP Agreement allows a maximum of 1,000 connections.

Prior Council Action:

Ordinance #2003-0519, dated 06/04/2003

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
Map	Backup Material
PCA Ordinance 2003-0519	Backup Material
Agreement for Consent	Backup Material
Water Well Permit	Backup Material
Wholesale Agreement 1	Backup Material
Wholesale Agreement 2	Backup Material
Wholesale Agreement 3	Backup Material

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.	Category #	Page 1 of 1	Agenda Item #

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

DIRECTOR'S SIGNATURE Dale A. Rudick Dale A. Rudick, P.E., Director	Council District affected: B and ETJ VRD
For additional information contact: Carol Haddock Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	Date and identification of prior authorizing Council action: June 4, 2003, Ordinance 2003-0519

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Mayor to execute an Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

The City of Houston and Northwood Municipal Utility District No. 1 entered into a Water Supply and Groundwater Reduction Plan (GRP) Wholesale Agreement for Regulatory Area 3 of the Harris-Galveston Subsidence District (formerly Harris-Galveston Coastal Subsidence District) on August 27, 2009, to achieve regulatory compliance of reducing groundwater pumpage and utilizing surface water.

Northwood Municipal Utility District No. 1 has requested consent to assign 160 Equivalent Single Family Connections or 48,000 gallons of water per day, whichever is greater, of its groundwater under its GRP Agreement with the City of Houston to Intercontinental Crossing Municipal Utility District. The Agreement provides consent to assign this amount and authorizes the City's Director of Public Works and Engineering to consent to an additional assignment of the GRP Agreement to Intercontinental Crossing Municipal Utility District up to a total of 268 Equivalent Single Family Connections or 80,400 gallons of water per day, whichever is greater.

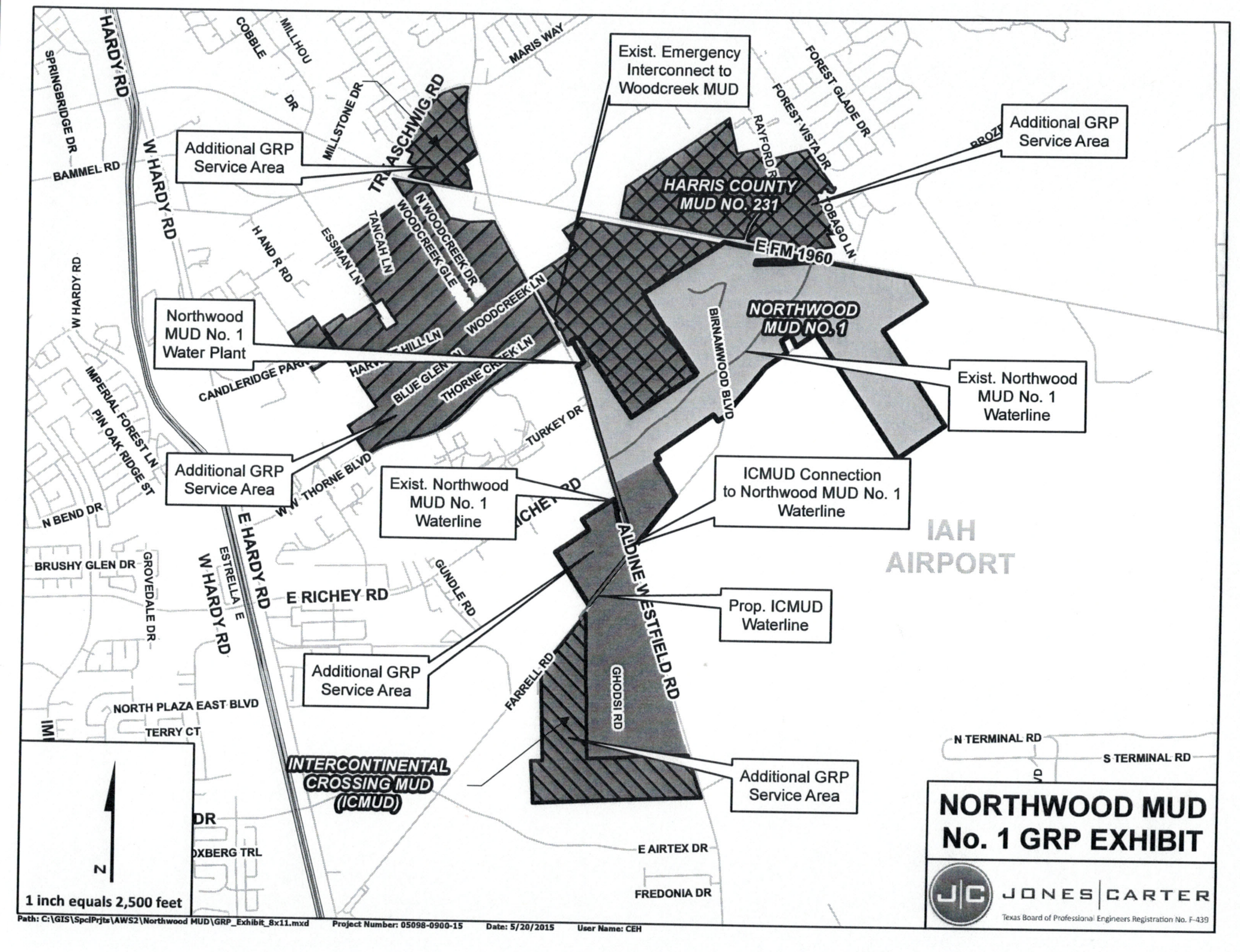
Northwood Municipal Utility District No. 1 agrees to restrict its pumping of groundwater under the GRP Agreement, including water assigned to other entities, to no more than 91,250,000 gallons of water per year. Northwood Municipal Utility District No. 1 understands the GRP Agreement allows a maximum of 1,000 connections.

Attachments

c: Marta Crinejo
Jun Chang, P.E., D.WRE
Tim Lincoln, P.E.
Susan Bandy
Rebekah Daniel
Mitchell Ramon, P.E.

LTS# 13108 REQUIRED AUTHORIZATION CUIC: 20IPB163

Finance Department	Other Authorization:	Other Authorization: Mark L. Loethen Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.


Exist. Emergency Interconnect to Woodcreek MUD
Additional GRP Service Area
Additional GRP Service Area
Northwood MUD No. 1 Water Plant
Exist. Northwood MUD No. 1 Waterline
Additional GRP Service Area
Exist. Northwood MUD No. 1 Waterline
ICMUD Connection to Northwood MUD No. 1 Waterline
Prop. ICMUD Waterline
Additional GRP Service Area
Additional GRP Service Area
HARRIS COUNTY MUD NO. 231
NORTHWOOD MUD NO. 1
INTERCONTINENTAL CROSSING MUD (ICMUD)
IAH AIRPORT
HARDY RD
W HARDY RD
E HARDY RD
E FM 1960
E RICHEY RD
ALDINE WESTFIELD RD
TRESCHWIG RD
BIRNAMWOOD BLVD
WOODCREEK LN
TURKEY DR
FARRELL RD
GHODSI RD
GUNDLE RD
N TERMINAL RD
S TERMINAL RD
E AIRTEX DR
FREDONIA DR
N
1 inch equals 2,500 feet
NORTHWOOD MUD No. 1 GRP EXHIBIT
JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
Path: C:\GIS\SpclPrjts\AWS2\Northwood MUD\GRP_Exhibit_8x11.mxd
Project Number: 05098-0900-15
Date: 5/20/2015
User Name: CEH

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ETJ
Item Creation Date: 9/23/2015

20IPB268 Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.

Agenda Item#: 31.

Summary:

ORDINANCE approving and authorizing settlement agreement, mutual release of claims, and amendment to Sanitary Sewer Service Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** (Approved by Ordinance No. 2004-0309)

Background:

SUBJECT: Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.

RECOMMENDATION: (Summary) Approve an ordinance authorizing the Mayor to execute a Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.

SPECIFIC EXPLANATION:

The City of Houston ("City"), City Council, approved a Sanitary Sewer Service Agreement ("Service Agreement") on April 29, 2004, Ordinance 04-0309 with Montgomery County Municipal Utility District No. 98 ("District") so that the City could provide sanitary sewer service to the District.

Since the Service Agreement was originally entered into, the City has expanded the wastewater treatment plant ("Plant") and the District has made certain requests for additional capacity. The Service Agreement describes the manner in which the District may request and be allocated additional capacity in the Plant and the manner in which the District's monthly payments to the City shall be calculated in the event such additional capacity is allocated to the District.

The District and the City disagree as to (i) the amount of the District's currently allocated capacity in the Plant that should be characterized as "Expansion gpd" under the Service Agreement and (ii) application of the "take or pay" schedule set forth in Section 3.0 of the Service Agreement, for purposes of calculating the monthly payments to be made by the

District to the City.

The District and the City agree to the terms of this Settlement Agreement, including certain amendments to the Service Agreement, and agree to release each other from certain prior claims under the Service Agreement

Prior Council Action:

Ordinance #2004-0309, dated 04/21/2004

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
PCA Ordinance 2004-0309	Backup Material
Service Agreement 1	Backup Material
Service Agreement 2	Backup Material
Service Agreement 3	Backup Material
Settlement Agreement	Contract/Exhibit
Assignment To Intercontinental Crossing MUD	Contract/Exhibit
First Amendment	Contract/Exhibit

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.	Category #	Page 1 of 1	Agenda Item #

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

DIRECTOR'S SIGNATURE

Dale A. Rudick

Dale A. Rudick, P.E., Director

Council District affected:

"ETJ"

For additional information contact:

Carol Haddock

Carol Ellinger Haddock, P.E.
Senior Assistant Director Phone: (832) 395-2686

Date and identification of prior authorizing Council action:

April 21, 2004; Ordinance 2004-0309

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Mayor to execute a Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

The City of Houston ("City"), City Council, approved a Sanitary Sewer Service Agreement ("Service Agreement") on April 29, 2004, Ordinance 04-0309 with Montgomery County Municipal Utility District No. 98 ("District") so that the City could provide sanitary sewer service to the District.

Since the Service Agreement was originally entered into, the City has expanded the wastewater treatment plant ("Plant") and the District has made certain requests for additional capacity. The Service Agreement describes the manner in which the District may request and be allocated additional capacity in the Plant and the manner in which the District's monthly payments to the City shall be calculated in the event such additional capacity is allocated to the District.

The District and the City disagree as to (i) the amount of the District's currently allocated capacity in the Plant that should be characterized as "Expansion gpd" under the Service Agreement and (ii) application of the "take or pay" schedule set forth in Section 3.0 of the Service Agreement, for purposes of calculating the monthly payments to be made by the District to the City.

The District and the City agree to the terms of this Settlement Agreement, including certain amendments to the Service Agreement, and agree to release each other from certain prior claims under the Service Agreement Attachments.

c: Marta Crinejo
Susan Bandy
Fazle Rabbi, P.E.
Rebekah Daniel

LTS# 14738 REQUIRED AUTHORIZATION CUIC: 20IPB268

Finance Department	Other Authorization:	Other Authorization:
		Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, ETJ
Item Creation Date: 9/28/2015

20IPB261 First Amendment to a Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

Agenda Item#: 32.

Summary:

ORDINANCE approving and authorizing first amendment to contract for construction of and receipt of services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **INTERCONTINENTAL CROSSING MUNICIPAL UTILITY DISTRICT** (Approved by Ordinance No. 1986-1824) - **DISTRICT B - DAVIS**

Background:

SUBJECT: First Amendment to a Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

RECOMMENDATION: (Summary) Approve an ordinance authorizing the Mayor to execute a First Amendment to a Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

SPECIFIC EXPLANATION: On November 6, 1986, Northwood Municipal Utility District No. 1 ("Northwood") participated in the cost of construction of the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant and secured 2,000,000 gallons per day of wastewater treatment and capacity under the terms and conditions of the Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant contract ("Original Contract").

Northwood has requested consent to assign to Intercontinental Crossing Municipal Utility District ("Intercontinental Crossing") 48,000 gallons per day of Northwood's remaining 1,000,000 gallons per day capacity under the Original Contract.

Prior Council Action:

Ordinance #86-1824, dated 10/14/1986

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion
First Amendment to Contract	Contract/Exhibit
PCA Ordinance 86-1824	Backup Material
Contract 1	Backup Material
Contract 2	Backup Material
Contract 3	Backup Material
Contract 4	Backup Material
Contract 5	Backup Material

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to a Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.	Category #	Page 1 of 1	Agenda Item #

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

DIRECTOR'S SIGNATURE	Council District affected:
Dale A. Rudick Dale A. Rudick, P.E., Director	B and ETJ VRD

For additional information contact:	Date and identification of prior authorizing Council action:
Carol Haddock Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	October 14, 1986, Ordinance 86-1824

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Mayor to execute a First Amendment to a Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

On November 6, 1986, Northwood Municipal Utility District No. 1 ("Northwood") participated in the cost of construction of the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant and secured 2,000,000 gallons per day of wastewater treatment and capacity under the terms and conditions of the Contract for Construction of and Receipt of Services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant contract ("Original Contract").

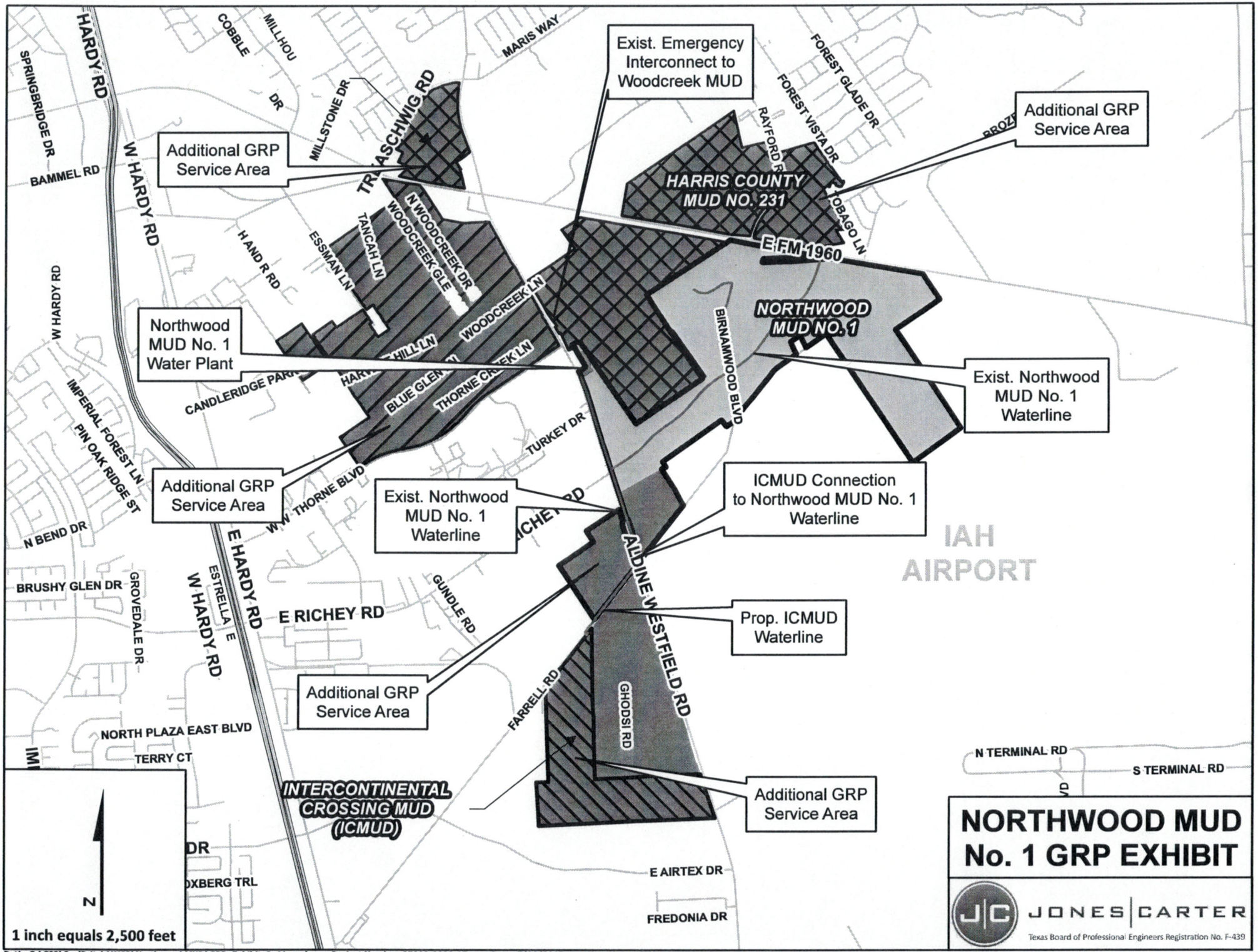
Northwood has requested consent to assign to Intercontinental Crossing Municipal Utility District ("Intercontinental Crossing") 48,000 gallons per day of Northwood's remaining 1,000,000 gallons per day capacity under the Original Contract.

Attachments

c: Marta Crinejo
Jun Chang, P.E., D.WRE
Tim Lincoln, P.E.
Susan Bandy
Fazle Rabbi, P.E.

LTS# 14663 REQUIRED AUTHORIZATION CUIC: 20IPB261

Finance Department	Other Authorization:	Other Authorization:
		Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.


Exist. Emergency Interconnect to Woodcreek MUD
Additional GRP Service Area
Additional GRP Service Area
Northwood MUD No. 1 Water Plant
Exist. Northwood MUD No. 1 Waterline
Additional GRP Service Area
Exist. Northwood MUD No. 1 Waterline
ICMUD Connection to Northwood MUD No. 1 Waterline
Prop. ICMUD Waterline
Additional GRP Service Area
Additional GRP Service Area
HARRIS COUNTY MUD NO. 231
NORTHWOOD MUD NO. 1
INTERCONTINENTAL CROSSING MUD (ICMUD)
IAH AIRPORT
HARDY RD
W HARDY RD
E HARDY RD
E RICHEY RD
ALDINE WESTFIELD RD
GHODSI RD
FARRELL RD
E FM 1960
TRESCHWIG RD
BIRNAMWOOD BLVD
WOODCREEK LN
N WOODCREEK DR
TURKEY DR
W THORNE BLVD
GUNDLE RD
N TERMINAL RD
S TERMINAL RD
E AIRTEX DR
FREDONIA DR
NORTH PLAZA EAST BLVD
TERRY CT
BRUSHY GLEN DR
N BEND DR
BAMMEL RD
SPRINGBRIDGE DR
IMPERIAL FOREST LN
PIN OAK RIDGE ST
GROVEDALE DR
ESTRELLA E
CANDLERIDGE PARK
BLUE GLEN
THORNE CREEK LN
ESSMAN LN
TANCAH LN
HAND R RD
MILLSTONE DR
MARIS WAY
FOREST GLADE DR
FOREST VISTA DR
RAYFORD R
TOBAGO LN
N
1 inch equals 2,500 feet
NORTHWOOD MUD No. 1 GRP EXHIBIT
JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
Path: C:\GIS\SpclPrjts\AWS2\Northwood MUD\GRP_Exhibit_8x11.mxd
Project Number: 05098-0900-15
Date: 5/20/2015
User Name: CEH

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, ETJ
Item Creation Date: 9/22/2015

20IPB262 Groundwater Reduction Plan Participation Agreement between the City of Houston and Generation Park Management District

Agenda Item#: 33.

Summary:

ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **GENERATION PARK MANAGEMENT DISTRICT** - **DISTRICTS B - DAVIS and ETJ**

Background:

SUBJECT: Groundwater Reduction Plan Participation Agreement between the City of Houston and Generation Park Management District.

RECOMMENDATION: (Summary) Approve an ordinance authorizing the Mayor to execute a Groundwater Reduction Plan Participation Agreement between the City of Houston and Generation Park Management District.

SPECIFIC EXPLANATION:

As allowed by the Chapter 47 of the City of Houston Code of Ordinances, Generation Park Management District (the District) has requested to enter into a joint Groundwater Reduction Plan (GRP) Agreement for Regulatory Area Two of the Harris-Galveston Subsidence District to achieve regulatory compliance of reducing groundwater pumpage and utilizing surface water.

Under this Agreement the City of Houston (Houston) agrees to offset the District groundwater by using an equivalent amount of surface water in Area Two, above and beyond the Subsidence District's regulatory requirement of 80% surface water usage, as set forth in the joint GRP. Houston agrees to maintain the appropriate amount of surface water conversion according to the terms of the joint GRP.

Houston and the District agree that the total groundwater pumpage offset (i.e. 80% of total the District) shall not exceed 1.2 billion gallons per permit year. The District and the Utility Official by mutual written agreement may amend such amount from-time-to-time, and any such amendment may be retroactive to the extent permitted by the Subsidence District.

The contract charges rates for GRP participation as specified in the City of Houston Code of Ordinances, Section 47-62 and 47-84, currently $2.842 per thousand gallons.

Amount of Funding:

NONE REQUIRED; REVENUE CONTRACT FOR GROUNDWATER REDUCTION PLAN PARTICIPATION AGREEMENT

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion
Participation Agreement 1	Contract/Exhibit
Participation Agreement 2	Contract/Exhibit

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.	Category #	Page 1 of 1	Agenda Item #

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

DIRECTOR'S SIGNATURE Dale A. Rudick Dale A. Rudick, P.E., Director	Council District affected: B and ETJ VRD
For additional information contact: Carol Haddock Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	Date and identification of prior authorizing Council action: June 4, 2003, Ordinance 2003-0519

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Mayor to execute an Agreement for Consent to a Partial Assignment of Rights to a Groundwater Reduction Plan Agreement between the City of Houston, Northwood Municipal Utility District No. 1, and Intercontinental Crossing Municipal Utility District.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

The City of Houston and Northwood Municipal Utility District No. 1 entered into a Water Supply and Groundwater Reduction Plan (GRP) Wholesale Agreement for Regulatory Area 3 of the Harris-Galveston Subsidence District (formerly Harris-Galveston Coastal Subsidence District) on August 27, 2009, to achieve regulatory compliance of reducing groundwater pumpage and utilizing surface water.

Northwood Municipal Utility District No. 1 has requested consent to assign 160 Equivalent Single Family Connections or 48,000 gallons of water per day, whichever is greater, of its groundwater under its GRP Agreement with the City of Houston to Intercontinental Crossing Municipal Utility District. The Agreement provides consent to assign this amount and authorizes the City's Director of Public Works and Engineering to consent to an additional assignment of the GRP Agreement to Intercontinental Crossing Municipal Utility District up to a total of 268 Equivalent Single Family Connections or 80,400 gallons of water per day, whichever is greater.

Northwood Municipal Utility District No. 1 agrees to restrict its pumping of groundwater under the GRP Agreement, including water assigned to other entities, to no more than 91,250,000 gallons of water per year. Northwood Municipal Utility District No. 1 understands the GRP Agreement allows a maximum of 1,000 connections.

Attachments

c: Marta Crinejo
Jun Chang, P.E., D.WRE
Tim Lincoln, P.E.
Susan Bandy
Rebekah Daniel
Mitchell Ramon, P.E.

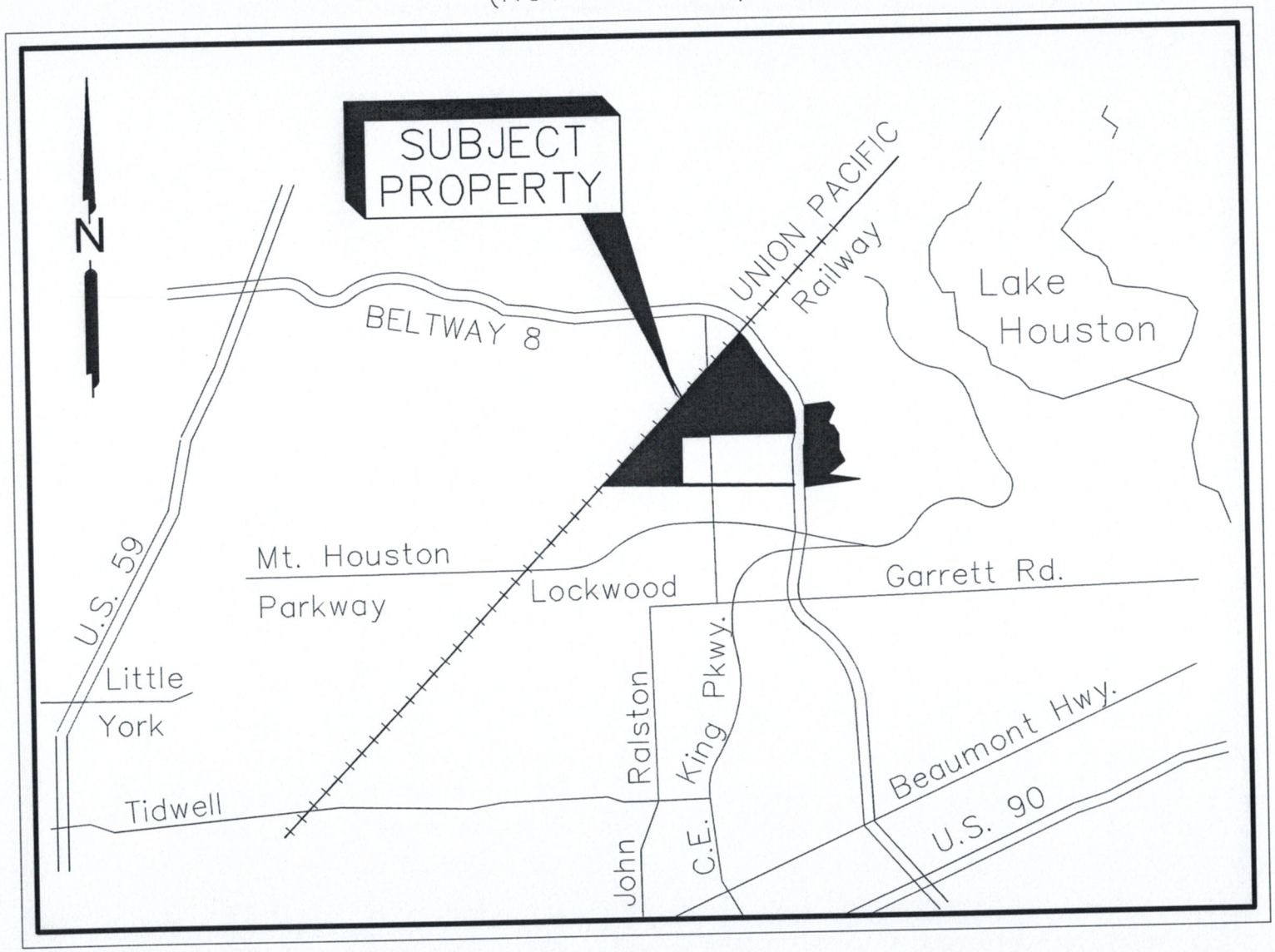
LTS# 13108 REQUIRED AUTHORIZATION CUIC: 20IPB163

Finance Department	Other Authorization:	Other Authorization: Mark L. Loethen Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.

Generation Park Mangement District

VICINITY MAP

(NOT TO SCALE)



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District B, District H, District I
Item Creation Date: 9/30/2015

20ELG63 Recommendation that an ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation, WBS N-000787-0001-2-01

Agenda Item#: 34.

Summary:

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Clinton Drive Reconstruction Project (from Port of Houston Gate 8 to IH-610); authorizing the acquisition of fee simple title interest in or easement to seventeen parcels of land required for the project and situated in the John Brown Survey, A-8, in Harris County, Texas, said parcels of land being out of property located along the northerly and southerly lines of Clinton Road in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, appraisal fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of fee simple title interest in or easement to the seventeen parcels of land required for the project - **DISTRICTS B - DAVIS; H - GONZALEZ and I - GALLEGOS**

Background:

SUBJECT: Recommendation that an ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation, WBS N-000787-0001-2-01.

RECOMMENDATION: (Summary) An ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering is requesting that an ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project is for the reconstruction and improvement of Clinton Drive to improve existing drainage, traffic flow/circulation and reduce congestion. This joint project with TxDOT and Harris County consists of the removal of the original four lane asphalt roadway and replacement with a four lane concrete divided roadway with storm sewers, water and sanitary sewer improvements, sidewalks, pavement markings and necessary underground utilities.

This action authorizes payment for costs of land purchases/condemnations, relocation assistance expenses, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a dedication or purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire land, rights-of-way and/or easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceeds the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land, rights-of-way and/or easements in support of the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610).

Prior Council Action:

Ordinance 2014-0240, dated 03/26/2014

Amount of Funding:

No additional funding required (Funds were appropriated under Ordinance 2014-0240)

Contact Information:

Nancy P. Collins
Phone: (832) 395-3130
Senior Assistant Director – Real Estate
Planning and Development Services Division

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion
Exhibit A	Backup Material
PCA Ordinance 2014-0240	Backup Material

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

SUBJECT: Recommendation that an ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS N-000787-0001-2-01	**Page 1 of 1**	**Agenda Item #**
FROM: (Department or other point of origin): **Department of Public Works and Engineering**	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** B, H and I Key Map 495N, P, T and U	
For additional information contact: Nancy P. Collins (NPC) Phone: (832) 395-3130 Senior Assistant Director – Real Estate Planning and Development Services Division	**Date and identification of prior authorizing Council Action:** Ordinance 2014-0240, passed March 26, 2014	

RECOMMENDATION: (Summary)
An ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

Amount and Source of Funding: No additional funding required (Funds were appropriated under Ordinance 2014-0240) M.P. 4/16/2015

SPECIFIC EXPLANATION:
The Department of Public Works and Engineering is requesting that an ordinance for the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project is for the reconstruction and improvement of Clinton Drive to improve existing drainage, traffic flow/circulation and reduce congestion. This joint project with TxDOT and Harris County consists of the removal of the original four lane asphalt roadway and replacement with a four lane concrete divided roadway with storm sewers, water and sanitary sewer improvements, sidewalks, pavement markings and necessary underground utilities.

This action authorizes payment for costs of land purchases/condemnations, relocation assistance expenses, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a dedication or purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire land, rights-of-way and/or easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceeds the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land, rights-of-way and/or easements in support of the CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610).

DAR:NPC:eg

cc: Marta Crinejo

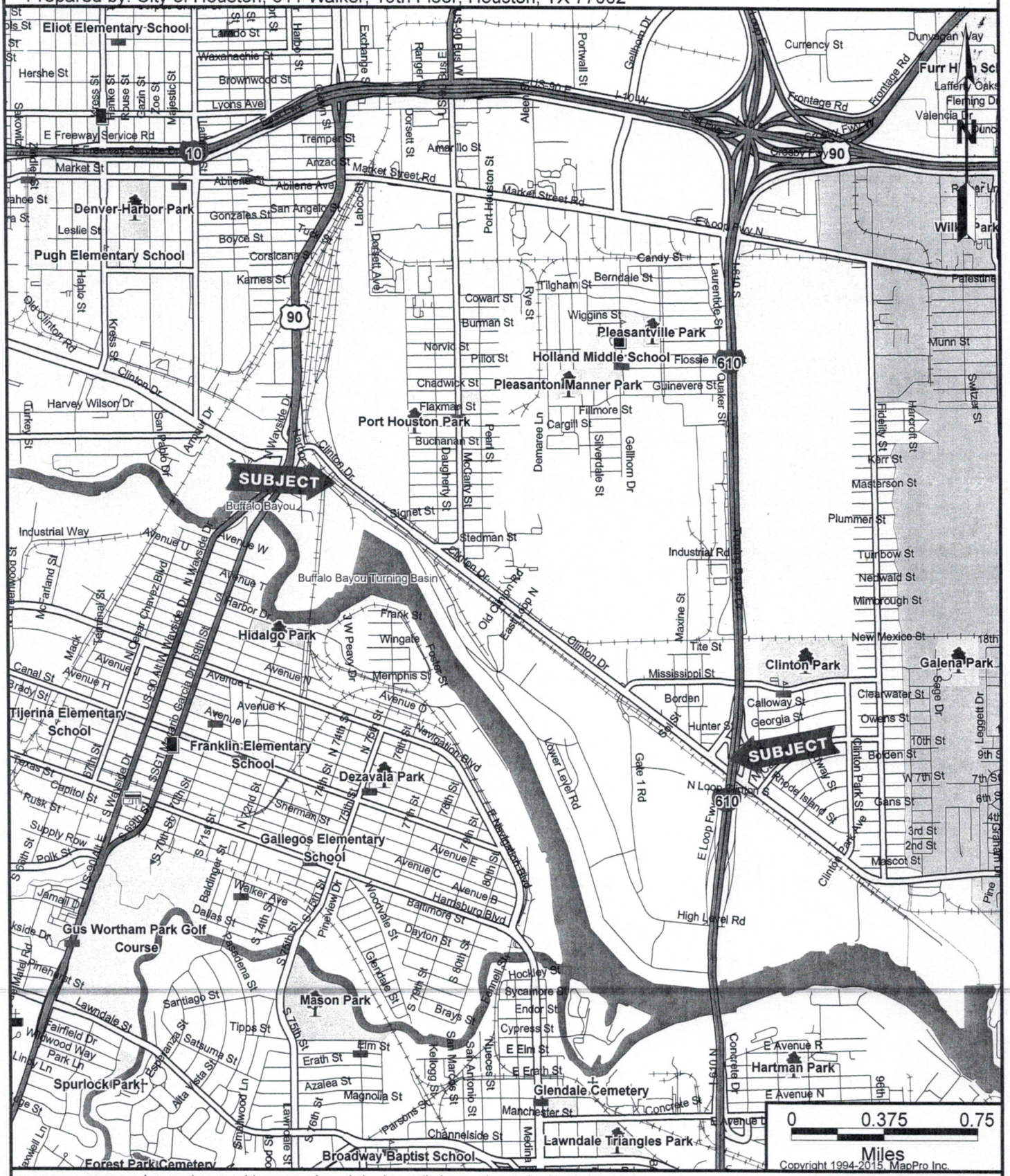
LTS No. 14357 **CUIC #20ELG63**

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**
	Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division

LOCATION MAP

Description: CLINTON DRIVE RECONSTRUCTION PROJECT (from Port of Houston Gate 8 to IH-610)
Council Districts B, H and I, Key Map 495N, P, T and U
WBS N-000787-0001-2-01
Prepared by: City of Houston, 611 Walker, 19th Floor, Houston, TX 77002


SUBJECT
SUBJECT
Eliot Elementary School
Denver-Harbor Park
Pugh Elementary School
Pleasantville Park
Holland Middle School
Pleasantonl Manner Park
Port Houston Park
Hidalgo Park
Tijerina Elementary School
Franklin Elementary School
Dezavala Park
Gallegos Elementary School
Gus Wortham Park Golf Course
Mason Park
Spurlock Park
Forest Park Cemetery
Broadway Baptist School
Glendale Cemetery
Lawndale Triangles Park
Hartman Park
Clinton Park
Galena Park
Buffalo Bayou
Buffalo Bayou Turning Basin
Clinton Dr
Harrisburg Blvd
Navigation Blvd
Lawndale St
Market Street Rd
Old Clinton Rd
Gellhorn Dr
Port Houston St
Laurentide St
Quaker St
Fairmont Pkwy
Frontage Rd
Lower Level Rd
Gate 1 Rd
High Level Rd
E Loop Fwy N
N Loop Fwy E
Concrete St
Industrial Rd
Industrial Way
Harvey Wilson Dr
Leslie St
Boyce St
Karnes St
Gonzales St
Anzac St
Tremper St
Lyons Ave
Brownwood St
Waxahachie St
Lamar St
Dorsett St
Amarillo St
Abilene St
Abilene Ave
San Angelo St
Corsicana St
Candy St
Berndale St
Tilgham St
Cowart St
Burman St
Norvic St
Pillot St
Chadwick St
Flaxman St
Buchanan St
Signet St
Stedman St
Wiggins St
Flossie St
Guinevere St
Fillmore St
Cargill St
Silverdale St
Demaree Ln
Pearl St
McDaniel St
Daugherty St
Munn St
Palestine
Fidelity St
Karr St
Masterson St
Plummer St
Turnbow St
Nedwald St
Mimorough St
New Mexico St
Tite St
Mississippi St
Borden
Calloway St
Georgia St
Hunter St
Clearwater St
Owens St
Sage Dr
Leggett Dr
Gans St
Mascot St
Clinton Park St
Rhode Island St
Maxine St
Avenue W
Avenue U
Avenue T
Avenue N
Avenue L
Avenue K
Avenue J
Avenue H
Avenue C
Avenue B
Avenue E
Avenue R
Canal St
Brady St
Texas St
Capitol St
Rusk St
Supply Row
Polk St
Jamail Dr
Dallas St
Walker Ave
Baldinger St
Pineview Dr
Woodvale St
Dayton St
Baltimore St
Hockley St
Sycamore St
Endor St
Cypress St
E Elm St
E Erath St
Elm St
Erath St
Azalea St
Magnolia St
Manchester St
Channelside St
Medina St
Santiago St
Tipps St
Fairfield Dr
Wildwood Way
Park Ln
Linda Ln
Satsuma St
Esperanza St
Alta Vista St
Pasadena St
Greendale St
Brays St
Kelloge St
San Marcos St
San Antonio St
Nueces St
Parsons St
Lawndale St
Wayside Dr
N Wayside Dr
S Wayside Dr
Cesar Chavez Blvd
Mack
Terminal St
McFarland St
Old Clinton Rd
Eastloop N
W Peavy Dr
Frank St
Wingate
Foster St
Memphis St
Irvington Blvd
Lower Level Rd
Gate 1 Rd
Rusk St
Polk St
Supply Row
Jamail Dr
Dallas St
Walker Ave
Baldinger St
Pineview Dr
Woodvale St
Dayton St
Baltimore St
Harrisburg Blvd
Navigation Blvd
Irvington Blvd
Lawndale St

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ETJ
Item Creation Date: 9/28/2015

20IPB270 Petition for the City's consent to the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 (Key Map No. 408-H)

Agenda Item#: 35.

Summary:

ORDINANCE consenting to addition of 35.096 acres of land into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130** for inclusion in its district

Background:

SUBJECT: Petition for the City's consent to the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 (Key Map No. 408-H).

RECOMMENDATION: (Summary) The petition for the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 be approved.

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 130 has petitioned the City of Houston for consent to add 35.096 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 Farm to Market Road 529, Highway 290, Huffmeister Road and Jones Road. The district desires to add 35.096 acres, thus yielding a total of 757.641 acres. The district is served by the Harris County Municipal Utility District No. 130 Wastewater Treatment Facility. The nearest major drainage facility for Harris County Municipal Utility District No. 130 is Horsepen Creek which flows to Langham Creek, then to South Mayde Creek, then to Buffalo Bayou and finally into the Houston Ship Channel.

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.

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Consent Application	Backup Material
Petition for Addition of Certain Land	Backup Material
Petition for Consent 1	Backup Material
Petition for Consent 2	Backup Material
20IPB270 Petition for the City's consent to the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 (Key Map No. 408-H)	Backup Material

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 (Key Map No. 408-H)	Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date
DIRECTOR'S SIGNATURE Dale A. Rudick Dale A. Rudick, P.E., Director	Council District affected: "ETJ" VRO	
For additional information contact: Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)

The petition for the addition of 35.096 acres of land to Harris County Municipal Utility District No. 130 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 130 has petitioned the City of Houston for consent to add 35.096 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 F.M. 529, Highway 290, Huffmeister Road and Jones Road. The district desires to add 35.096 acres, thus yielding a total of 757.641 acres. The district is served by the Harris County Municipal Utility District No. 130 Wastewater Treatment Facility. The nearest major drainage facility for Harris County Municipal Utility District No. 130 is Horsepen Creek which flows to Langham Creek, then to South Mayde Creek, then to Buffalo Bayou and finally into the Houston Ship Channel.

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.

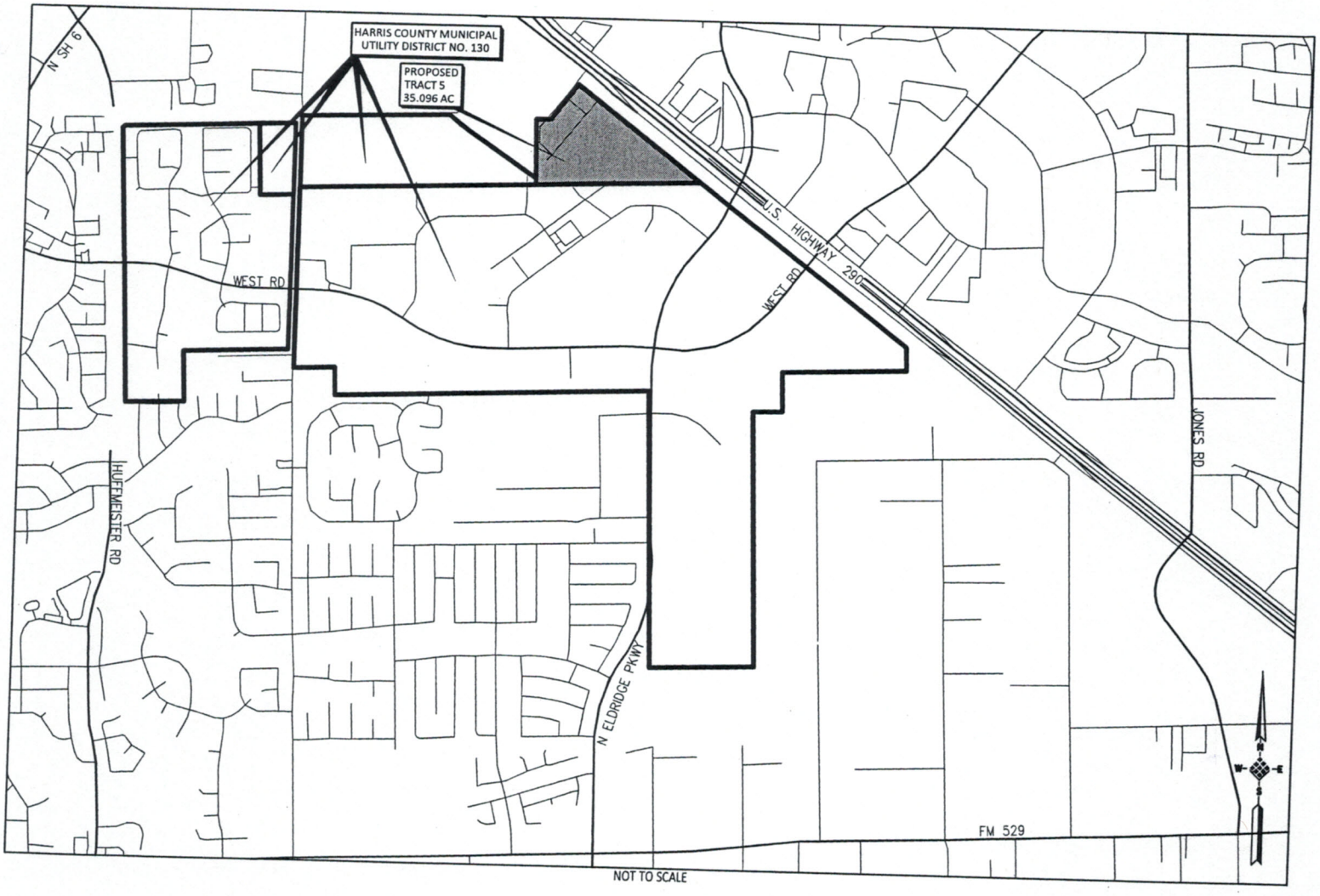
Attachments

c: Marta Crinejo
Patrick Walsh, P.E.
Jun Chang, P.E., D.WRE
Bill Zrioka
Gary Dzierlenga
Tim Lincoln, P.E.

LTS# 14737 REQUIRED AUTHORIZATION CUIC# 20IPB270

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

VICINITY MAP OF
PROPOSED TRACT
TO BE ANNEXATION INTO
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130
BEING 757.641 ACRES OF LAND
IN THE
F. FRY SURVEY A-276
H. & T.C.R.R. SURVEY A-454
CHARLES CLARKSON SURVEY A-190
D.E. SMITH SURVEY A-716
HARRIS COUNTY, TEXAS



LEGEND

HARRIS COUNTY M.U.D. No. 130 BOUNDARY

PROPOSED ANNEXATION

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ETJ
Item Creation Date: 9/28/2015

20IPB269 Petition for the City's consent to the addition of two (2) tracts of land, totaling 17.59 acres to Southern Montgomery County Municipal Utility District (Key Map No. 252)

Agenda Item#: 36.

Summary:

ORDINANCE consenting to addition of 17.59 acres of land into **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** for inclusion in its district

Background:

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land, totaling 17.59 acres to Southern Montgomery County Municipal Utility District (Key Map No. 252).

RECOMMENDATION: (Summary) The petition for the addition of two (2) tracts of land, totaling 17.59 acres to Southern Montgomery County Municipal Utility District be approved.

SPECIFIC EXPLANATION:

Southern Montgomery County Municipal Utility District has petitioned the City of Houston for consent to add two (2) tracts of land, totaling 17.59 acres, 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 Creek, Grogans Mill Road, Woodlands Parkway and Union Pacific Railroad. The district desires to add 17.59 acres, thus yielding a total of 1,797.32 acres. The district is served by the Southern Montgomery County Municipal Utility District Wastewater Treatment Plant. The other districts served by this plant are Conroe Independent School District and City of Oak Ridge North. The nearest major drainage facility for Southern Montgomery County Municipal Utility District is Spring Creek, which flows to the San Jacinto River and finally into Lake Houston.

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.

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Consent Application	Backup Material
Petition 1	Backup Material
Petition 2	Backup Material
Petition 3	Backup Material
Petition 4	Backup Material
Petition 5	Backup Material
Petition 6	Backup Material
20IPB269 Petition for the City's consent to the addition of two (2) tracts of land, totaling 17.59 acres to Southern Montgomery County Municipal Utility District (Key Map No. 252)	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C
Item Creation Date: 9/29/2015

20AZA20 Add'l Approp Dannenbaum Engineering Corporation

Agenda Item#: 37.

Summary:

ORDINANCE appropriating $143,623.00 out of Metro Projects Construction DDSRF as additional appropriation to construction contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for T.C. Jester Reconstruction from Washington Avenue to IH-10 (Approved by Ordinance No. 2014-0620); and as additional funding for CIP Cost Recovery relating to construction of facilities financed by Metro Projects Construction DDSRF - **DISTRICT C - COHEN**

Background:

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Dannenbaum Engineering Corporation for T.C. Jester Reconstruction from Washington Avenue to IH-10, WBS No. N-100002-0001-3.

RECOMMENDATION: (Summary) Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Dannenbaum Engineering Corporation.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Plan (CIP) and is required to meet City of Houston design and safety standards and improve traffic mobility and drainage in the service area.

DESCRIPTION/SCOPE: This project consists of the design of approximately 2,400 linear feet of a 4-lane divided concrete roadway per Major Thoroughfare Freeway Plan (MTFP) standard. The proposed project improvements include the concrete roadways on T.C. Jester with curbs, an underground storm sewer system, new inlets, sidewalks, streetlights, signals, and necessary underground utilities.

LOCATION: This project is generally bounded by IH-10 on the north and Washington Avenue on the south. The project is located in Key Map Grid 492G.

PREVIOUS HISTORY AND SCOPE: The original contract was approved on June 18, 2014 by Ordinance No. 2014-0620. The scope of services under the original contract consisted of Phase I - Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services, and additional services. Under this contract, the consultant has completed Phase I – Preliminary Engineering Design Service.

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: Additional funds are necessary to complete Phase II - Final Design which was not previously budgeted. The additional services include Phase II environmental site assessment, hydraulic analysis, traffic signal, public meetings, document reproduction, and subsurface utility engineering for widening the sidewalk, adding bike lanes, and installing new traffic signals, which comprise the bulk of the funds. The total Additional Services fee is $123,813.00.

The total requested appropriation is $143,623.00 to be appropriated as follows: $123,813.00 for contract services and $19,810.00 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 established for this project is 24%. The original Contract amount totals $476,059.00. The consultant has been paid $135,317.02 *(*28.42%) to date. Of this amount, $52,055.70 (38.47%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to $599,872.00. The Consultant proposes the following plan to meet the M/WBE goal:

	Name of Firms	Work Description	Amount	% of Total Contract
Paid Prior M/WBE			$52,055.70	8.68%
Commitment			$72,764.50	12.13%
Unpaid Prior M/WBE Commitment				
1.	TLC Engineering, Inc.	Phase II Environmental Site Assessment	$ 6,491.00	1.08%
2.	ISANI Consultants, LP	Traffic Signal	$17,195.00	2.87%
3.	Amani Engineering, Inc.	Subsurface Utility	$32,000.00	5.33%
		TOTAL	**$180,506.20**	**30.09%**

Prior Council Action:

Ordinance #2014-0620, dated 06/18/2014

Amount of Funding:

$143,623.00 from Fund 4040-METRO Projects Construction DDSRF.
Original (previous) appropriations of $547,468.00 from Fund 4040-METRO Projects Construction DDSRF.

Contact Information:

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

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet

Map	Backup Material
SAP	Financial Information
PCA Ordinance 2014-0620	Ordinance/Resolution/Motion
OBO	Backup Material
Form B	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
20AZA20 Add'l Approp Dannenbaum Engineering Corporation ORD	Ordinance/Resolution/Motion

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

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Dannenbaum Engineering Corporation for T.C. Jester Reconstruction from Washington Avenue to IH-10 WBS No. N-100002-0001-3	**Page 1 of 2**	**Agenda Item #**
From: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**
Director's Signature: Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** C JK	
For additional information contact: For Ebi Nasiri 9/03/15 Ravi Kaleyatodi, P.E., CPM **Phone:** (832) 395-2326 Senior Assistant Director	**Date and identification of prior authorizing Council action:** Ordinance #: 2014-0620 Dated: 06/18/2014	

Recommendation: (Summary)

Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Dannenbaum Engineering Corporation.

Amount and Source of Funding:
$143,623.00 from Fund 4040-METRO Projects Construction DDSRF. M.P. 9/21/2015
Original (previous) appropriations of $547,468.00 from Fund 4040-METRO Projects Construction DDSRF.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Plan (CIP) and is required to meet City of Houston design and safety standards and improve traffic mobility and drainage in the service area.

DESCRIPTION/SCOPE: This project consists of the design of approximately 2,400 linear feet of a 4-lane divided concrete roadway per Major Thoroughfare Freeway Plan (MTFP) standard. The proposed project improvements include the concrete roadways on T.C. Jester with curbs, an underground storm sewer system, new inlets, sidewalks, streetlights, signals, and necessary underground utilities.

LOCATION: This project is generally bounded by IH-10 on the north and Washington Avenue on the south. The project is located in Key Map Grid 492G.

PREVIOUS HISTORY AND SCOPE: The original contract was approved on June 18, 2014 by Ordinance No. 2014-0620. The scope of services under the original contract consisted of Phase I - Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services, and additional services. Under this contract, the consultant has completed Phase I – Preliminary Engineering Design Service.

LTS No. 14513 **CUIC ID #20AZA20**

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

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Dannenbaum Engineering Corporation for T.C. Jester Reconstruction from Washington Avenue to IH-10 WBS No. N-100002-0001-3	Originator's Initials GV	Page 2 of 2

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: Additional funds are necessary to complete Phase II - Final Design which was not previously budgeted. The additional services include Phase II environmental site assessment, hydraulic analysis, traffic signal, public meetings, document reproduction, and subsurface utility engineering for widening the sidewalk, adding bike lanes, and installing new traffic signals, which comprise the bulk of the funds. The total Additional Services fee is $123,813.00.

The total requested appropriation is $143,623.00 to be appropriated as follows: $123,813.00 for contract services and $19,810.00 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 established for this project is 24%. The original Contract amount totals $476,059.00. The consultant has been paid $135,317.02 (28.42%) to date. Of this amount, $52,055.70 (38.47%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to $599,872.00. The Consultant proposes the following plan to meet the M/WBE goal:

Name of Firms	Work Description	Amount	% of Total Contract
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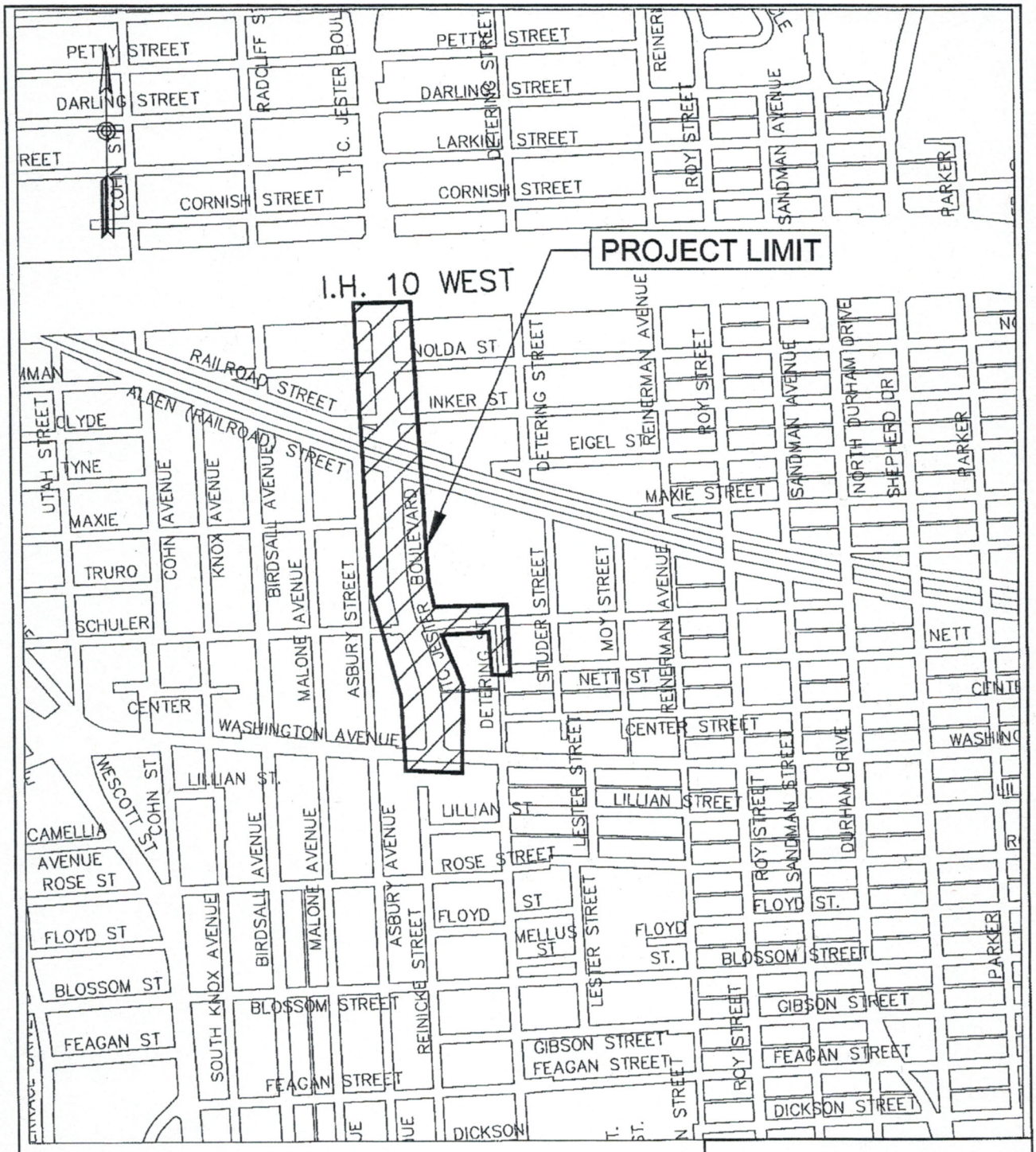
Unpaid Prior M/WBE Commitment		$72,764.50	12.13%
1. TLC Engineering, Inc.	Phase II Environmental Site Assessment	$ 6,491.00	1.08%
2. ISANI Consultants, LP	Traffic Signal	$17,195.00	2.87%
3. Amani Engineering, Inc.	Subsurface Utility	$32,000.00	5.33%
	TOTAL	$180,506.20	30.09%

DAR:DRM:RK: JHK:SC:AA
H:\design\A-SB-DIV\00 - PROJECTS\N-100002-0001-3 TC Jester Washington to I-10\2-Additional Appropriation RCA_20AZA20.doc



District C

TC JESTER ROAD,
FROM WASHINGTON AVE. TO I-10

PROJECT LOCATION MAP

EXHIBIT 1

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/29/2015

20SG26 ISI Contracting, Inc.

Agenda Item#: 38.

Summary:

ORDINANCE appropriating $585,000.00 out of Metro Projects Construction DDSRF awarding contract to **ISI CONTRACTING, INC** for Work Order Bridge Rehabilitation/Replacement Citywide 2016; setting a deadline for bidder's execution of 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 deadlines; providing funding for engineering and testing, CIP cost recovery and contingencies relating to construction of facilities financed by Metro Projects Construction DDSRF

Background:

SUBJECT: Contract Award for Work Order Bridge Rehabilitation/ Replacement Citywide 2016, ISI Contracting, Inc., WBS No. N-320445-0004-4.

RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This is a Work Order bridge related repair project primarily for miscellaneous type of bridge repair work throughout the City of Houston. The scope of the work will include mobilization, traffic control, and removal and replacement of approach slabs, guard rails, slope paving, etc.

DESCRIPTION/SCOPE: The work detailed in the contract is for bridge related repairs in various locations throughout the City of Houston. The scope of work will be determined by work orders which will be issued on an as-needed basis.

The Contract duration for this project is 365 calendar days. The Contract was prepared in-house by Public Works and Engineering Department staff. Public Works and Engineering Department will issue work order(s) with specific scope of work and location(s) for Contractor's execution as appropriated.

LOCATION: The project is located throughout the City of Houston.

BIDS: This project was advertised for bidding on July 30, 2015. Bids were received on August 13, 2015. The two (2) bids, based on the adjustment factor, are as follows:

	Bidder	Adjustment Factor
1.	ISI Contracting, Inc.	1.150

2. NBG Constructors, Inc. 1.385

AWARD: It is recommended that this construction contract be awarded to ISI Contracting, Inc. with a low bid of $500,000.00 (Adjustment Factor 1.150) and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is $585,000.00 to be appropriated as follows:

·	Bid Amount	$500,000.00
·	Contingencies	$ 25,000.00
·	Engineering and Testing Services	$ 20,000.00
·	CIP Cost Recovery	$ 40,000.00

Engineering and Testing Services will be provided by Tolunay-Wong Engineers, 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 does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

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

M/WBE 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.

Amount of Funding:

$585,000.00 from Fund 4040-METRO Projects Construction DDSRF

Contact Information:

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

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion
SAP	Financial Information
OBO	Backup Material

Form A	Backup Material
Form B	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material

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

SUBJECT: Contract Award for Work Order Bridge Rehabilitation/Replacement Citywide 2016. WBS No. N-320445-0004-4	**Page 1 of 2**	**Agenda Item #**

FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:**	**Agenda Date:**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** All SG JK	
For additional information contact: For Ebi Nassir 8/31/15 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:

$585,000.00 from Fund 4040-METRO Projects Construction DDSRF M.P. 9/18/2015

PROJECT NOTICE/JUSTIFICATION: This is a Work Order bridge related repair project primarily for miscellaneous type of bridge repair work throughout the City of Houston. The scope of the work will include mobilization, traffic control, and removal and replacement of approach slabs, guard rails, slope paving, etc.

DESCRIPTION/SCOPE: The work detailed in the contract is for bridge related repairs in various locations throughout the City of Houston. The scope of work will be determined by work orders which will be issued on an as-needed basis.

The Contract duration for this project is 365 calendar days. The Contract was prepared in-house by Public Works and Engineering Department staff. Public Works and Engineering Department will issue work order(s) with specific scope of work and location(s) for Contractor's execution as appropriated.

LOCATION: The project is located throughout the City of Houston.

BIDS: This project was advertised for bidding on July 30, 2015. Bids were received on August 13, 2015. The two (2) bids, based on the adjustment factor, are as follows:

Bidder	Adjustment Factor
1. ISI Contracting, Inc.	1.150
2. NBG Constructors, Inc	1.385

LTS # 14635 **REQUIRED AUTHORIZATION** **CUIC ID #20SG26**

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

AWARD: It is recommended that this construction contract be awarded to ISI Contracting, Inc. with a low bid of $500,000.00 (Adjustment Factor 1.150) and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is $585,000.00 to be appropriated as follows:

• Bid Amount	$500,000.00
• Contingencies	$ 25,000.00
• Engineering and Testing Services	$ 20,000.00
• CIP Cost Recovery	$ 40,000.00

Engineering and Testing Services will be provided by Tolunay-Wong Engineers, 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 does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

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

M/WBE 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.

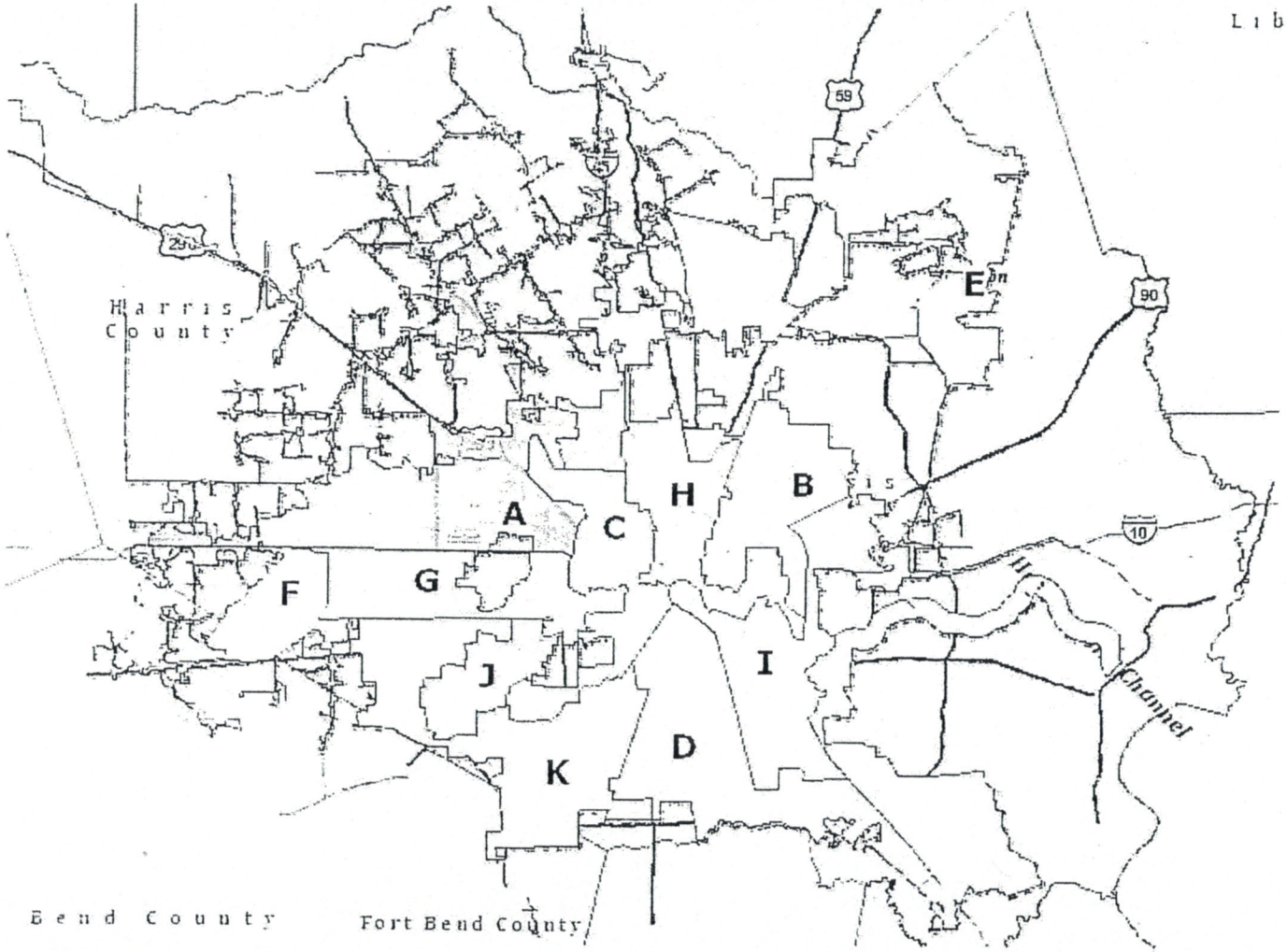
DAR:DRM:RK:JHK:SG

H:\design\A-SB-DIV\WPDATA\TC-SG\Project\WORK ORDER BRIDGE PROJECTS\WORKORDER CONSTR.N-320445-0004-4(ISI)\Const RCA\RCA construction.docx

ec: WBS No. N-320445-0004-4_(3.7 CONST_RCA)

CITY OF HOUSTON - 2014 COUNCIL DISTRICT MAP

City of Houston Work Order Bridge Rehabilitation / Replacement Program; N-320445-0004-4



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/24/2015

20JAI573 PM Construction & Rehab

Agenda Item#: 39.

Summary:

ORDINANCE appropriating $7,601,376.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-In-Place Pipe Methods; 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 deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

Background:

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-In-Place Pipe Methods, PM Construction & Rehab, LLC, WBS# R-000266-0241-4.

RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by sliplining, pipe bursting and cured-in-place pipe methods. The contract duration for this project is 730 calendar days.

LOCATION: The work order project area is generally bounded by the City Limits.

BIDS: Two (2) bids were received on July 23, 2015 for this project as follows:

	Bidder	Bid Amount
1.	PM Construction & Rehab, LLC	$7,153,691.40
2.	Portland Utilities Construction Company, LLC	$7,243,928.00

AWARD: It is recommended that this construction contract be awarded to PM Construction & Rehab, LLC, with a low bid of $7,153,691.40.

PROJECT COST: The total cost of this project is $7,601,376.00 to be appropriated as follows:

·	Bid Amount	$7,153,691.40
·	Contingencies	$357,684.60
·	Engineering Testing Services	$ 90,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants under a previously approved contract.

HIRE HOUSTON FIRST: Hire Houston First does not apply to this expenditure, because it involves the use of federal funds and is subject to specific procurement rules of the federal government.

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 contractor has submitted the following proposed program to satisfy the 12.94% MBE goal, and 8.72% WBE goal for this project.

MBE – Name of Firms	Work Description	Amount	% of Contract
Chief Solutions, Inc.	Clean & Televise Sewer Lines	$198,157.25	2.77%
5M Rope & Supply, LLC	Supplies	$462,843.83	6.47%
J.A. Gamez Trucking Services	Dump Trucking Services	$ 71,536.91	1.00%
MMG Contractors LLC	Open Cut/Point Repair	$193,149.67	2.70%
	TOTAL	**$925,687.66**	**12.94%**

WBE – Name of Firms	Work Description	Amount	% of Contract
CBL Industries, LLC	Asphalt/Concrete Paving	$264,686.58	3.70%
Deanie Hayes, Inc.	Supplies	$165,965.64	2.32%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	$193,149.67	2.70%
	TOTAL	**$623,801.89**	**8.72%**

All known rights-of-way and easements required for this project have been acquired.

Amount of Funding:

$7,601,376.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through a State Revolving Fund (SRF) Equivalency loan.

Contact Information:

Jason Iken, P.E.
Senior Assistant Director
Phone: (832) 395-4989

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Map	Backup Material
Ordinance	Ordinance/Resolution/Motion

SAP	Financial Information
Form A	Backup Material
Form B	Backup Material
Delinquent Tax Report	Backup Material
Affidavit of Ownership	Backup Material
OBO 1	Backup Material
OBO 2	Backup Material
OBO 3	Backup Material

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

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-In-Place Pipe Methods WBS# R-000266-0241-4	**Page** 1 of 2	**Agenda Item #**
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** All	
For additional information contact: Jason Iken, P.E. Senior Assistant Director **Phone:** (832) 395-4989	**Date and identification of prior authorizing Council action:** N/A	

RECOMMENDATION: (Summary)
Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: $7,601,376.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through a State Revolving Fund (SRF) Equivalency loan. M.P. 9/14/2015

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by sliplining, pipe bursting and cured-in-place pipe methods. The contract duration for this project is 730 calendar days.

LOCATION: The work order project area is generally bounded by the City Limits.

BIDS: Two (2) bids were received on July 23, 2015 for this project as follows:

Bidder	Bid Amount
1. PM Construction & Rehab, LLC	$7,153,691.40
2. Portland Utilities Construction Company, LLC	$7,243,928.00

LTS No. 14687
File/Project No. WW 4257-152

REQUIRED AUTHORIZATION

CUIC# 20JAI573

Finance Department	**Other Authorization:**	**Other Authorization:** Jun Chang Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division

AWARD: It is recommended that this construction contract be awarded to PM Construction & Rehab, LLC, with a low bid of $7,153,691.40.

PROJECT COST: The total cost of this project is $7,601,376.00 to be appropriated as follows:

- Bid Amount $7,153,691.40
- Contingencies $357,684.60
- Engineering Testing Services $90,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants under a previously approved contract.

HIRE HOUSTON FIRST: Hire Houston First does not apply to this expenditure, because it involves the use of federal funds and is subject to specific procurement rules of the federal government.

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 contractor has submitted the following proposed program to satisfy the 12.94% MBE goal, and 8.72% WBE goal for this project.

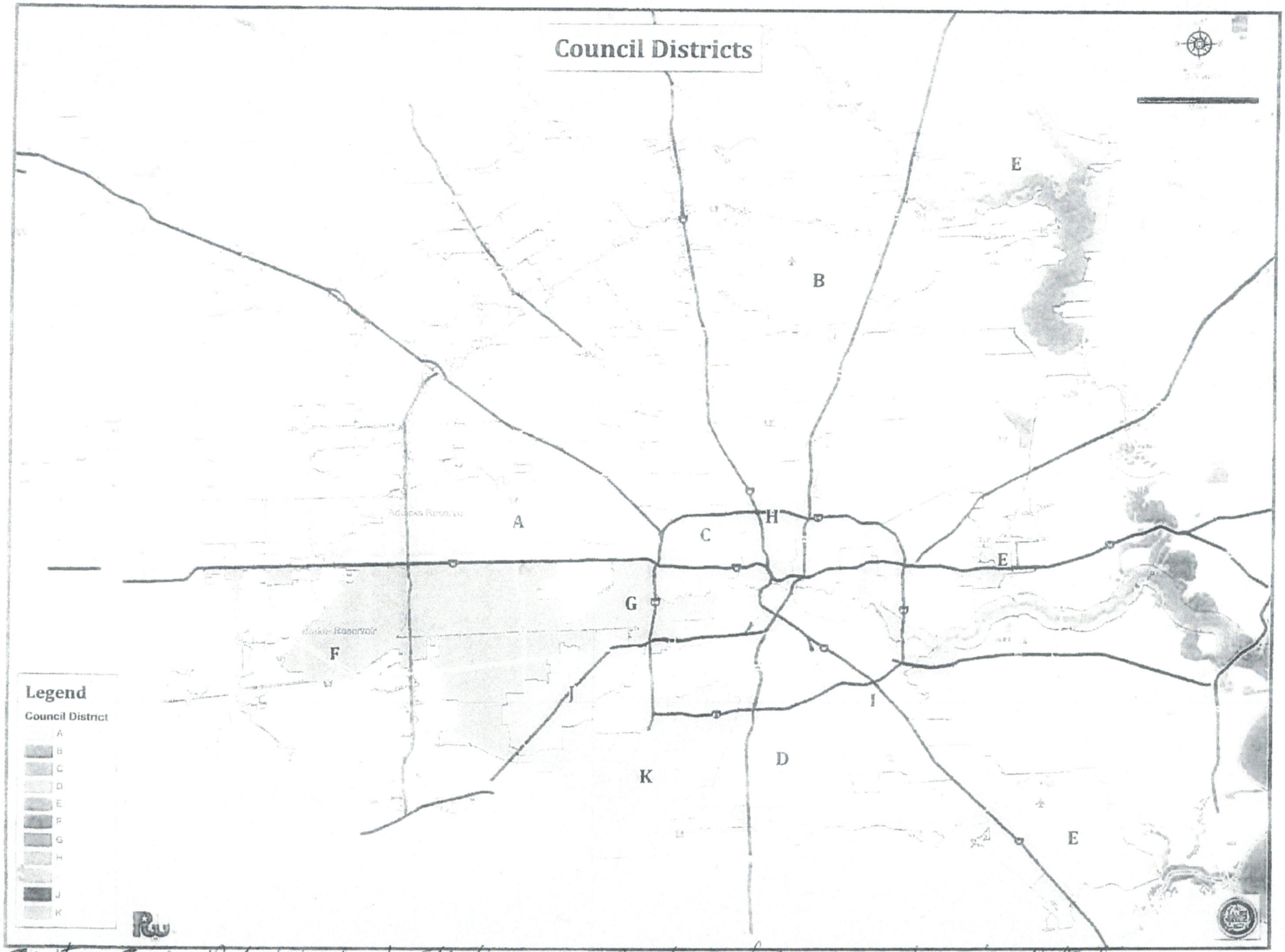
MBE - Name of Firms	Work Description	Amount	% of Contract
Chief Solutions, Inc.	Clean & Televise Sewer Lines	$198,157.25	2.77%
5M Rope & Supply, LLC	Supplies	$462,843.83	6.47%
J. A. Gamez Trucking Services	Dump Trucking Services	$71,536.91	1.00%
MMG Contractors LLC	Open Cut/Point Repair	$193,149.67	2.70%
	TOTAL	**$925,687.66**	**12.94%**

WBE - Name of Firms	Work Description	Amount	% of Contract
CBL Industries, LLC	Asphalt/Concrete Paving	$264,686.58	3.70%
Deanie Hayes, Inc.	Supplies	$165,965.64	2.32%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	$193,149.67	2.70%
	TOTAL	**$623,801.89**	**8.72%**

All known rights-of-way and easements required for this project have been acquired.

DAR:JC:JI:DR:MB:al

File No. WW 4257-152



Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-in-place pipe Methods

WBS No. R-000266-024-4

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District G
Item Creation Date: 9/28/2015

20RCM41 Contract Award for Neighborhood Sewer Systems Improvements – Sunset Blvd., University Blvd. and Westheimer Street, Calco Contracting, Ltd., WBS No. R-002011-0065-4

Agenda Item#: 40.

Summary:

ORDINANCE appropriating $6,132,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING LTD** for Neighborhood Sewer Systems Improvements – Sunset Blvd., University Blvd. and Westheimer 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 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 - **DISTRICTS C - COHEN and G - PENNINGTON**

Background:

SUBJECT: Contract Award for Neighborhood Sewer Systems Improvements – Sunset Blvd., University Blvd. and Westheimer Street, Calco Contracting, Ltd., WBS No. R-002011-0065-4.

RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Sewer Systems Improvements program and is required to meet the need to replace and upgrade neighborhood sewer systems that continue to deteriorate requiring frequent repair.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 5,310 linear feet of 8-inch, 12-inch, and 15-inch diameter gravity sewer lines and 89 sanitary sewer service leads.

The Contract duration for this project is 380 calendar days. This project was designed by Amani Engineering, Inc.

LOCATION: This project is located in two areas. The first area is generally bound by Albans on the north, Swift on the south, Morningside on the east and Kirby on the west. The second area is generally bounded by San Felipe on the north, W. Alabama on the south, Westcreek on the east and West Loop 610 on the west. The project is located in Key Map Grid(s) 491V, 532C and 532G.

BIDS: This project was advertised for bidding on June 26, 2015. Bids were received on July 23, 2015. The two (2) bids are as follows:

	Bidder	Bid Amount
1.	Calco Contracting, Ltd.	$5,099,225.00
2.	Triple B Services, L.L.P.	$5,152,749.70

AWARD: It is recommended that this construction contract be awarded to Calco Contracting, Ltd. with a low bid of $5,099,225.00 and Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is $6,132,200.00 to be appropriated as follows:

·	Bid Amount	$5,099,225.00
·	Contingencies	$ 254,961.25
·	Engineering and Testing Services	$ 150,000.00
·	CIP Cost Recovery	$ 153,013.75
·	Construction Management Fee	$ 475,000.00

Engineering and Testing Services will be provided by Raba-Kistner Consultants, Inc. under a previously approved contract.

Construction Management Services will be provided by Lloyd, Smitha and Associates, 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 provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

M/WSBE PARTICIPATION: The Contractor has submitted the following proposed program to satisfy the 13% MBE goal and 7% WBE goal for this project.

	MBE – Name of Firms	Work Description	Amount	% of Contract
1.	Texas Pride Utilities, LLC	Utility Lines	$663,234.39	13.01%
2.	Capstone Trucking	Dump Trucking	$ 25,509.02	0.50%
		TOTAL	**$688,743.42**	**13.51%**

	WBE – Name of Firms	Work Description	Amount	% of Contract
1.	H & E Aggregate, L.L.C.	Aggregate Materials	$357,126.21	7.00%
		TOTAL	**$357,126.21**	**7.00%**

Amount of Funding:

$6,132,200.00 Water and Sewer System Consolidated Construction Fund No. 8500.

Contact Information:

Ravi Kaleyatodi, P.E., CPM

Phone: (832) 395-2326
Senior Assistant Director

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Backup Material
SAP	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
Form A	Backup Material
Form B	Backup Material
OBO	Backup Material

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

SUBJECT: Contract Award for Neighborhood Sewer Systems Improvements – Sunset Blvd., University Blvd. and Westheimer Street. WBS No. R-002011-0065-4	**Page 1 of 2**	**Agenda Item #**

FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:**	**Agenda Date:**
Director's Signature: Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** C, G RCM	
For additional information contact: For Ebi Nassi 9/02/15 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:
$6,132,200.00 Water and Sewer System Consolidated Construction Fund No. 8500. Rev 09/11/2015

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Sewer Systems Improvements program and is required to meet the need to replace and upgrade neighborhood sewer systems that continue to deteriorate requiring frequent repair.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 5,310 linear feet of 8-inch, 12-inch, and 15-inch diameter gravity sewer lines and 89 sanitary sewer service leads.

The Contract duration for this project is 380 calendar days. This project was designed by Amani Engineering, Inc.

LOCATION: This project is located in two areas. The first area is generally bound by Albans on the north, Swift on the south, Morningside on the east and Kirby on the west. The second area is generally bounded by San Felipe on the north, W. Alabama on the south, Westcreek on the east and West Loop 610 on the west. The project is located in Key Map Grid(s) 491V, 532C and 532G.

BIDS: This project was advertised for bidding on June 26, 2015. Bids were received on July 23, 2015. The two (2) bids are as follows:

	Bidder	Bid Amount
1.	Calco Contracting, Ltd.	$5,099,225.00
2.	Triple B Services, L.L.P.	$5,152,749.70

LTS No. 14646 **CUIC ID #20RCM41**

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

REV. 3/06

AWARD: It is recommended that this construction contract be awarded to Calco Contracting, Ltd. with a low bid of $5,099,225.00 and Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is $6,132,200.00 to be appropriated as follows:

• Bid Amount	$5,099,225.00
• Contingencies	$ 254,961.25
• Engineering and Testing Services	$ 150,000.00
• CIP Cost Recovery	$ 153,013.75
• Construction Management Fee	$ 475,000.00

Engineering and Testing Services will be provided by Raba-Kistner Consultants, Inc. under a previously approved contract.

Construction Management Services will be provided by Lloyd, Smitha and Associates, 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 provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

M/WSBE PARTICIPATION: The Contractor has submitted the following proposed program to satisfy the 13% MBE goal and 7% WBE goal for this project.

MBE - Name of Firms	Work Description	Amount	% of Contract
1. Texas Pride Utilities, LLC	Utility Lines	$663,234.39	13.01%
2. Capstone Trucking	Dump Trucking	$ 25,509.02	0.50%
	TOTAL	**$688,743.41**	**13.51%**

WBE - Name of Firms	Work Description	Amount	% of Contract
1. H & E Aggregate, L.L.C.	Aggregate Materials	$357,126.21	7.00%
	TOTAL	**$357,126.21**	**7.00%**

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

DAR:DRM:RK:EN:IMR:RCM:ack

c: File No. R-002011-0065-4

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District A, District B, District E, District F, District K, ETJ
Item Creation Date: 9/29/2015

PLN - SPAs Fall 2015

Agenda Item#: 41.

Summary:

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 24** and **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in **FORT BEND AND MONTGOMERY COUNTIES**; a proposed strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** and on a proposal to annex for limited purposes territory located within and in the vicinity of such district in **FORT BEND COUNTY**; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**, **SPRING CREEK UTILITY DISTRICT**, and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Fort Bend, Montgomery, and Harris Counties; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO 142** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO 36** and on proposals for The City of Houston to annex for limited purposes territory within and in the vicinity of such districts in **FORT BEND AND HARRIS COUNTIES**; proposals of the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings - **DISTRICTS A - STARDIG; B - DAVIS; E – MARTIN; F – NGUYEN; K – GREEN and ETJ**

Background:

In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes.

Pursuant to Section 43.075 of the Texas Local Government Code:
Before the governing body of a municipality or a district adopts a Strategic Partnership Agreement, it shall conduct two public hearings at which members of the public who wish to present testimony or evidence regarding the proposed agreement shall be given the opportunity to do so.

The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts:

New Agreements:
Fort Bend County MUD 24
Fort Bend County MUD 185
Montgomery County WCID 1
Amendments to existing Agreements:
Fort Bend County MUD 133 (Amendment 1)
Fort Bend County MUD 142 (Amendment 1)
Harris County MUD 36 (Amendment 2)
Spring Creek UD (Amendment 2)
West Harris County MUD 21 (Amendment 1)

Consistent with usual practice, the sales taxes collected in each of these Districts will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land. There is no population located in these territories proposed to be annexed for limited purposes.

The hearings will be held on November 4, 2015 and November 10, 2015 in City Council chambers.

_____
Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

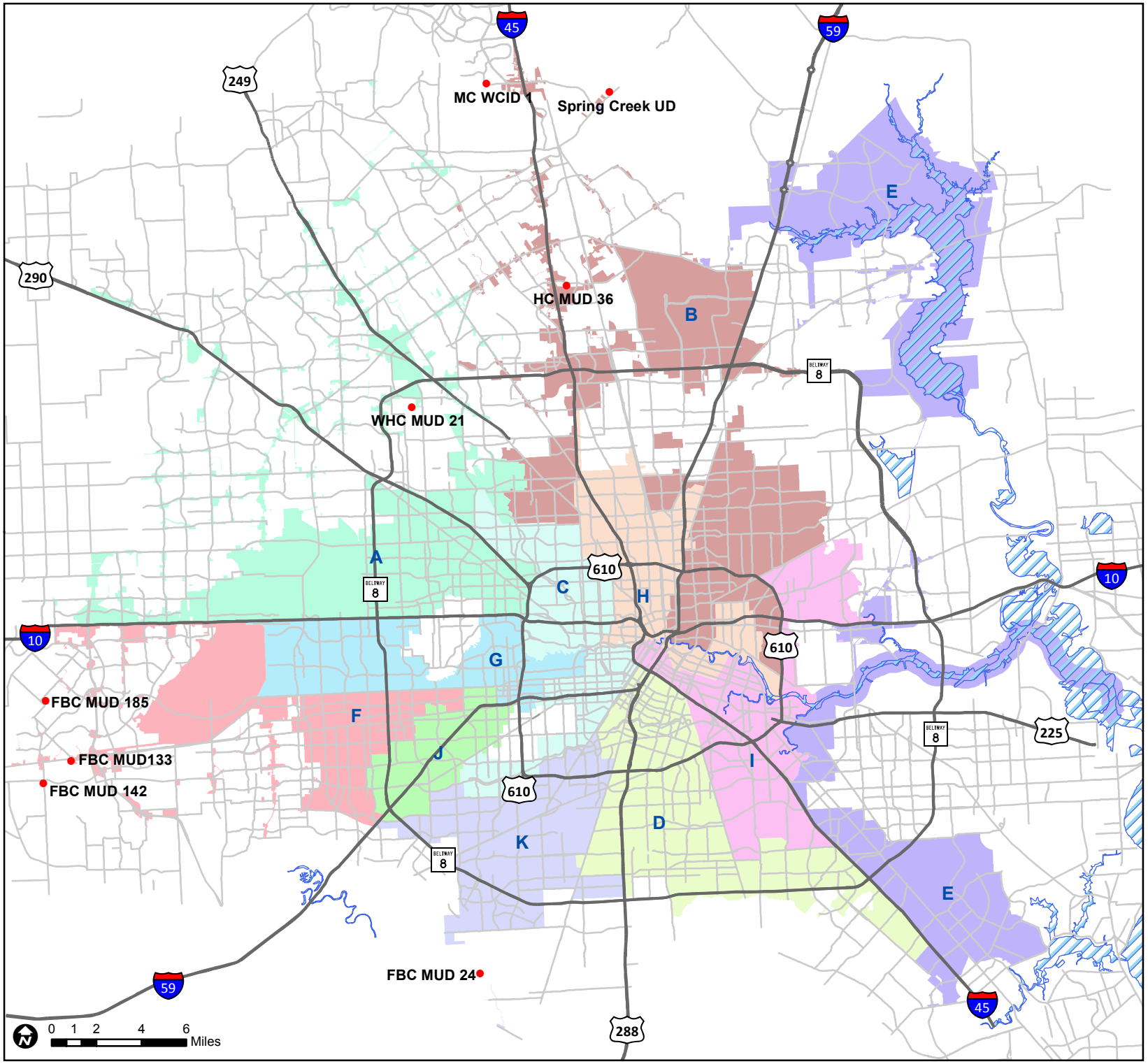
Amount of Funding:

Contact Information:
Rupesh Koshy, Planning and Development (832) 393-6552

ATTACHMENTS:

Description	Type
SPA Location Map	Backup Material
Signed Cover Sheet (RCA)	Signed Cover sheet
Ordinance Calling the Public Hearings	Ordinance/Resolution/Motion

Strategic Partnership Agreement : November 2015



- New SPA Locations
- Major Highways
- Major Streets
- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K

Source: City of Houston GIS Database
Date: September 2, 2015

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

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 10/6/2015
District A, District B, District E, District F, District K, ETJ
Item Creation Date: 9/29/2015

PLN - SPAs Fall 2015

Agenda Item#: 16.

Background:
In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes.

Pursuant to Section 43.075 of the Texas Local Government Code:
Before the governing body of a municipality or a district adopts a Strategic Partnership Agreement, it shall conduct two public hearings at which members of the public who wish to present testimony or evidence regarding the proposed agreement shall be given the opportunity to do so.

The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts:

New Agreements:
Fort Bend County MUD 24
Fort Bend County MUD 185
Montgomery County WCID 1
Amendments to existing Agreements:
Fort Bend County MUD 133 (Amendment 1)
Fort Bend County MUD 142 (Amendment 1)
Harris County MUD 36 (Amendment 2)
Spring Creek UD (Amendment 2)
West Harris County MUD 21 (Amendment 1)

Consistent with usual practice, the sales taxes collected in each of these Districts will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land. There is no population located in these territories proposed to be annexed for limited purposes.

The hearings will be held on November 4, 2015 and November 10, 2015 in City Council chambers.

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:
NA

Amount of Funding:
NA

Contact Information:
Rupesh Koshy, Planning and Development (832) 393-6552

ATTACHMENTS:

Description	Type
SPA Location Map	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/30/2015

ARA-Franchise - Houston Dumpsters, Inc. SWF

Agenda Item#: 42.

Summary:

ORDINANCE granting to **HOUSTON DUMPSTERS INC, A Georgia Corporation** the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Houston Dumpsters, Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

ATTACHMENTS:

Description	Type
9.30.2015 Houston Dumpster SWF RCA.pdf	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT:	**Category #**	**Page 1 of 1**	**Agenda Item#**
AN ORDINANCE GRANTING TO HOUSTON DUMPSTERS INC., A GEORGIA CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.			

FROM: (Department or other point of origin):	**Origination Date**	**Agenda Date**
Tina Paez, Director Administration & Regulatory Affairs	9/30/2015	

DIRECTOR'S SIGNATURE:	**Council Districts affected:**
30 Sep 2015	ALL
For additional information contact: Lara Cottingham **Phone:** (832) 393- 8503 Naelah Yahya **Phone:** (832) 393- 8530	**Date and identification of prior authorizing Council Action:**

RECOMMENDATION: (Summary)

Approve an ordinance granting commercial solid waste operator franchise to Houston Dumpsters, Inc.

Amount of Funding:	**FIN Budget:**
N/A	

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[ ] Other**
(Specify) **N/A**

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Houston Dumpsters, Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be $7,188,167.37.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

REQUIRED AUTHORIZATION

Finance Director:

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/30/2015

ARA-Franchise - ICM Martinez Interprises, Inc. SWF

Agenda Item#: 43.

Summary:

ORDINANCE granting to **ICM MARTINEZ INTERPRISES, INC, dba BIN THERE DUMP THAT - HUMBLE, A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to ICM Martinez Interprises, Inc., DBA Bin There Dump That – Humble. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
9.30.2015 ICM SWF RCA.pdf	Signed Cover sheet
Ordinance	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
Ordinance	Ordinance/Resolution/Motion

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

SUBJECT:	**Category #**	**Page 1 of 1**	**Agenda Item#**
AN ORDINANCE GRANTING TO ICM MARTINEZ INTERPRISES, INC., DBA BIN THERE DUMP THAT – HUMBLE, A TEXAS CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.			
FROM: (Department or other point of origin): Tina Paez, Director Administration & Regulatory Affairs	**Origination Date** 9/30/2015		**Agenda Date**
DIRECTOR'S SIGNATURE: 30 Sep 2015	**Council Districts affected:** ALL		
For additional information contact: Lara Cottingham **Phone:** (832) 393- 8503 Naelah Yahya **Phone:** (832) 393- 8530	**Date and identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary)
Approve an ordinance granting commercial solid waste operator franchise to ICM Martinez Interprises, Inc., DBA Bin There Dump That – Humble

Amount of Funding:	**FIN Budget:**
N/A	

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[ ] Other**
(Specify) **N/A**

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to ICM Martinez Interprises, Inc., DBA Bin There Dump That – Humble. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be $7,188,167.37.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

REQUIRED AUTHORIZATION

Finance Director:

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/30/2015

ARA-Franchise - Kordie Enterprises, Inc. SWF

Agenda Item#: 44.

Summary:

ORDINANCE granting to **KORDIE ENTERPRISES, INC dba BIN THERE DUMP THAT, A Texas Corporation,** the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code Of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Kordie Enterprises, Inc. dba Bin There Dump That. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director **Administration & Regulatory Affairs Department**	**Other Authorization**

Contact Information:

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
9.30.2015 Kordie Enterprises SWF RCA.pdf	Signed Cover sheet
Kordie Enterprises Ordinance	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT:	**Category #**	**Page 1 of 1**	**Agenda Item#**
AN ORDINANCE GRANTING TO KORDIE ENTERPRISES, INC. DBA BIN THERE DUMP THAT, A TEXAS CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.			

FROM: (Department or other point of origin):	**Origination Date**	**Agenda Date**
Tina Paez, Director Administration & Regulatory Affairs	9/29/2015	

DIRECTOR'S SIGNATURE:	**Council Districts affected:**
30 Sep 2015	ALL

For additional information contact:	**Date and identification of prior authorizing Council Action:**
Lara Cottingham **Phone:** (832) 393- 8503 Naelah Yahya **Phone:** (832) 393- 8530	

RECOMMENDATION: (Summary)

Approve an ordinance granting commercial solid waste operator franchise to Kordie Enterprises, Inc. dba Bin There Dump That.

Amount of Funding:	**FIN Budget:**
N/A	

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[ ] Other**

(Specify) **N/A**

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Kordie Enterprises, Inc. dba Bin There Dump That. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be $7,188,167.37.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

REQUIRED AUTHORIZATION

Finance Director:

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/16/2015

ARA-Robert H. Miller, Jr. DBA Miller & Sons Dumpster Service
SWF

Agenda Item#: 45.

Summary:

ORDINANCE No. 2015-919, passed first reading September 30, 2015
ORDINANCE granting to **ROBERT H. MILLER, JR., dba MILLER & SONS DUMPSTER SERVICE, A Texas Sole Proprietorship**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas providing for related terms and conditions - **SECOND READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Robert H. Miller, Jr. DBA Miller & Sons Dumpster Service. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 184 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
9.23.2015 Robert Miller SWF RCA.pdf	Signed Cover sheet
Robert Miller SWF Ord	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 9/29/2015
ALL

Item Creation Date: 9/16/2015

ARA-Robert H. Miller, Jr. DBA Miller & Sons Dumpster Service SWF

Agenda Item#: 14.

Summary:

ORDINANCE granting to **ROBERT H. MILLER, JR. DBA MILLER & SONS DUMPSTER SERVICE**, a Texas Corporation, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Robert H. Miller, Jr. DBA Miller & Sons Dumpster Service. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 184 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Contact Information:

Lara Cottingham	**Phone:** (832) 393- 8503
Naelah Yahya	**Phone:** (832) 393- 8530

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/16/2015

ARA-Franchise - Synagro of Texas-CDR, Inc. SWF

Agenda Item#: 46.

Summary:

ORDINANCE No. 2015-920, passed first reading September 30, 2015
ORDINANCE granting to **SYNAGRO OF TEXAS-CDR, INC., A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas providing for related terms and conditions - **SECOND READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Synagro of Texas-CDR, Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 184 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
9.23.2015 Synagro SWF RCA.pdf	Signed Cover sheet
Synagro Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 9/29/2015
ALL

Item Creation Date: 9/16/2015

ARA-Synagro of Texas-CDR, Inc. SWF

Agenda Item#: 13.

Summary:

AN ORDINANCE GRANTING TO SYNAGRO OF TEXAS-CDR, INC., A TEXAS CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Synagro of Texas-CDR, Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 184 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

The proposed ordinance grants the franchisee 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 four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement 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.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
Synagro Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District H
Item Creation Date: 9/29/2015

MYR - Motion establishing a public hearing date on Oct 21, 2015 for a sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights)

Agenda Item#: 47.

Summary:

SET A PUBLIC HEARING DATE relating to the sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE)** - **DISTRICTS C - COHEN and H - GONZALEZ SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

Background:

SUBJECT: Motion establishing a public hearing date on October 21, 2015 for a sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone)

RECOMMENDATION: (Summary)
Set a public hearing date for the sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone)

SPECIFIC EXPLANATION:
On November 11, 2014, the Board of Directors of both the Memorial Heights Zone and the Memorial Heights Redevelopment Authority approved amendments to the Project Plan and Reinvestment Zone Financing Plan (" the Amended Plan") for the Zone then forwarded the proposed Amended Plan to the City for consideration. The Amended Plan will address future infrastructure, mobility and quality of life projects within the Memorial Heights Zone.

Pursuant to Texas Tax Code Section 311.011(e), a public hearing must be held prior to the adoption of an ordinance approving the Sixth Amended Plan. The Administration recommends setting the public hearing date on Wednesday, October 21, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1996-1337, 12/18/96; Ord. No. 1997-0594, 5/21/97; Res. No. 1997-0067, 12/10/97; Ord. No. 1999-823, 8/11/99; Ord. No. 2008-784, 9/03/08; Ord. No. 2009-299, 4/08/09; Ord. No. 2010-997, 12/08/10, Ord. No. 2011-0907, 10/26/11, Ord. No. 2011-0908, 10/26/11

Amount of Funding:

No funding required

Contact Information:

Gwendolyn F. Tillotson **Phone:** (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 05 Memorial Heights Amend 6	Signed Cover sheet
1996-1337 TIRZ 05 Memorial Heights Creation	Backup Material
1997-594 TIRZ 05 Memorial Heights Project Plan	Backup Material
1997-067 TIRZ 05 Memorial Heights AOI	Backup Material
1999-823 TIRZ 05 Memorial Heights PP Amend 1	Backup Material
2008-784 TIRZ 05 Memorial Heights PP Amend 2	Backup Material
2009-299 TIRZ 05 Memorial Heights PP Amend 3	Backup Material
2010-997 TIRZ 05 Memorial Heights PP Amend 4	Backup Material
2011-907 TIRZ 05 Memorial Heights Boundary Reduction	Backup Material
2011-908 TIRZ 05 Memorial Heights PP Amend 5	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Action to amend Motion 2015-0636 establishing a public hearing date on September 30, 2015 for a sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone) to defer the public hearing to a future date.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	**Origination Date**		**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council Districts affected:** C, H		
For additional information contact: Gwendolyn F. Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1996-1337, 12/18/96; Ord. No. 1997-0594, 5/21/97; Res. No. 1997-0067, 12/10/97; Ord. No. 1999-823, 8/11/99; Ord. No. 2008-784, 9/03/08; Ord. No. 2009-299, 4/08/09; Ord. No. 2010-997, 12/08/10, Ord. No. 2011-0907, 10/26/11, Ord. No. 2011-0908, 10/26/11, Motion No. 2015-0636, 9/16/15		

RECOMMENDATION: (Summary)

To request council to take an action to amend Motion 2015-0636 establishing a public hearing date on September 30, 2015 for a sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone) to defer the public hearing to a future date

Amount of Funding: No Funding Required	**Finance Budget:**

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] N/A**

SPECIFIC EXPLANATION:

On November 11, 2014, the Board of Directors of both the Memorial Heights Zone and the Memorial Heights Redevelopment Authority approved amendments to the Project Plan and Reinvestment Zone Financing Plan ("the Amended Plan") for the Zone then forwarded the proposed Amended Plan to the City for consideration.

The Amended Plan provides for the enlargement of the Zone's boundaries by approximately 696.75 acres of territory primarily located between Durham Drive and Shepherd Drive from Interstate 610 on the North and White Oak Bayou on the South; 18th, 19th, and 20th Streets between T.C. Jester Boulevard and Shepherd Drive; 6th and 7th Streets between Buffalo Bayou and Yale Street; Heights Boulevard and Yale Street between Interstate 10 and Memorial Drive. The Administration is reviewing the proposed boundary for possible inclusion of additional territory and therefore is requesting to reschedule the public hearing date to allow sufficient time to confirm the annexation boundary.

Pursuant to Texas Tax Code Section 311.011(e), a public hearing must be held prior to the adoption of an ordinance approving the Sixth Amended Plan. The Administration recommends resetting the public hearing date from September 30, 2015 to a later date to be scheduled.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District C, District G
Item Creation Date: 9/29/2015

MYR - Motion establishing public hearing date for a fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nineteen (Upper Kirby Zone)

Agenda Item#: 48.

Summary:

SET A PUBLIC HEARING DATE relating to the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE)** - **DISTRICTS C - COHEN and G - PENNINGTON SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

Background:

SUBJECT: Motion establishing a public hearing date for a fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nineteen (Upper Kirby Zone).

RECOMMENDATION: (Summary)
To establish a public hearing date regarding the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nineteen (Upper Kirby Zone).

SPECIFIC EXPLANATION:
On July 16, 2014, the Board of Directors of both the Upper Kirby Redevelopment Authority and Reinvestment Zone Number Nineteen ("Upper Kirby Zone") approved amendments to the Project Plan and Reinvestment Zone Financing Plan for the Upper Kirby Zone and transmitted a proposed Fourth Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration by City Council. The Amended Plan will address future infrastructure, mobility and quality of life issues resulting from existing and projected densities within the Upper Kirby Zone.

In accordance with Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to City Council's consideration of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for October 21, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney

Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord.1999-0773,07/28/1999; Ord.2007-0140,01/31/2007; Ord.2008-0976, 11/05/2008; Ord. 2009-1215,12/02/2009; Ord.2009-1216,12/02/2009

Amount of Funding:

No funding required

Contact Information:

Gwendolyn F. Tillotson **Phone:** (832) 393-0987

ATTACHMENTS:

Description	Type
RCA TIRZ 19 Upper Kirby PP Amend 4 PH	Signed Cover sheet
1999-773 TIRZ 19 Upper Kirby Project Plan	Backup Material
2007-140 TIRZ 19 Upper Kirby PP Amend 1	Backup Material
2008-976 TIRZ 19 Upper Kirby PP Amend 2	Backup Material
2009-1216 TIRZ 19 Upper Kirby PP Amend 3	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Motion establishing a public hearing date for a fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nineteen (Upper Kirby Zone).	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council Districts affected:** C, G		
For additional information contact: Gwendolyn F. Tillotson **Phone:** (832) 393-0987	**Date and identification of prior authorizing Council Action:** Ord.1999-0773,7/28/99; Ord.2007-0140,1/31/07; Ord.2008-0976,11/05/08; Ord. Ord.2009-1216,12/02/09		

RECOMMENDATION: (Summary)
To establish a public hearing date regarding the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Nineteen (Upper Kirby Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] N/A**

SPECIFIC EXPLANATION:

On July 16, 2014, the Board of Directors of both the Upper Kirby Redevelopment Authority and Reinvestment Zone Number Nineteen ("Upper Kirby Zone") approved amendments to the Project Plan and Reinvestment Zone Financing Plan for the Upper Kirby Zone and transmitted a proposed Fourth Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration by City Council. The Amended Plan will address future infrastructure, mobility and quality of life issues resulting from existing and projected densities within the Upper Kirby Zone.

In accordance with Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to City Council's consideration of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for October 21, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
District F, District J
Item Creation Date: 10/1/2015

MYR - Motion establishing a public hearing date for a third amendment to the project plan and reinvestment zone financing plan for Reinvestment Zone Number Twenty (Southwest Zone)

Agenda Item#: 49.

Summary:

SET A PUBLIC HEARING DATE relating to the third amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST ZONE)** - **DISTRICTS F - NGUYEN and J - LASTER SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015**

Background:

SUBJECT: Motion establishing a public hearing date for a third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty (Southwest Zone).

RECOMMENDATION: (Summary)
To establish a public hearing date regarding the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty (Southwest Zone).

SPECIFIC EXPLANATION:
On October 14, 2015, the Board of Directors of both the Southwest Redevelopment Authority and Reinvestment Zone Number Twenty ("Southwest Zone") will approve amendments to the Project Plan and Reinvestment Zone Financing Plan for the Southwest Zone and transmitted a proposed Third Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration by City Council. The Amended Plan will address future infrastructure, mobility and quality of life issues resulting from existing and projected densities within the Southwest Zone.

In accordance with Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to City Council's consideration of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for October 21, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney

Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord.2000-0310,04/19/2000;Ord.2009-0111, 02/18/2009; Ord. 2013-212,03/20/2013; Ord. 2013-213, 03/20/2013

Amount of Funding:

No funding required

Contact Information:

Gwendolyn F. Tillotson **Phone:** (832) 393-0987

ATTACHMENTS:

Description	Type
RCA TIRZ 20 Southwest PP Amend 3 PH	Signed Cover sheet
2000-310 TIRZ 20 Southwest Project Plan	Backup Material
2013-212 TIRZ 20 Southwest Boundary Enlargement	Backup Material
2013-213 TIRZ 20 Southwest PP Amend 2	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Motion establishing a public hearing date for a third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty (Southwest Zone).	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council Districts affected:** F, J		
For additional information contact: Gwendolyn F. Tillotson **Phone:** (832) 393-0987	**Date and identification of prior authorizing Council Action:** Ord.2000-0310,04/19/2000;Ord.2009-0111, 02/18/2009; Ord. 2013-212,03/20/2013; Ord. 2013-213, 03/20/2013		

RECOMMENDATION: (Summary)
To establish a public hearing date regarding the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty (Southwest Zone).

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] N/A**

SPECIFIC EXPLANATION:

On October 14, 2015, the Board of Directors of both the Southwest Redevelopment Authority and Reinvestment Zone Number Twenty ("Southwest Zone") will approve amendments to the Project Plan and Reinvestment Zone Financing Plan for the Southwest Zone and transmitted a proposed Third Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration by City Council. The Amended Plan will address future infrastructure, mobility and quality of life issues resulting from existing and projected densities within the Southwest Zone.

In accordance with Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to City Council's consideration of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for October 21, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/21/2015

PR - HPARD Parks Master Plan Phase II

Agenda Item#: 50.

Summary:

RECOMMENDATION from Director Parks & Recreation Department to adopt the Houston Parks & Recreation Department Parks Master Plan Phase II
TAGGED BY COUNCIL MEMBERS GREEN and LASTER
This was Item 7 on Agenda of September 30, 2015

Background:

The proposed Parks Master Plan Phase II is an expansion of the current Parks Master Plan adopted by City Council in April 2008 (Motion 2008-0230). The Parks Master Plan is revisited every 5 - 7 years to evaluate and make recommendations based on existing conditions, data analysis, and public input. The proposed 2015 Parks Master Plan Phase II is the result of a two year assessment of the City's park system by individual Park Sectors developed through the Parks and Open Space Ordinance (2007-1141), which divided the City into 21 Park Sectors. The Park Sectors were reviewed and assessed separately to create the individual Park Sector plans which comprise the complete 2015 Parks Master Plan Phase II. This plan will become a part of the City's General Plan.

As part of the community input process, Houston Parks and Recreation Department (HPARD) staff provided information and solicited comments at 28 CIP meetings in 2014 and 2015 and attended various community events. HPARD also solicited input through an online survey in Spring 2014, and to complement the online survey, Rice University's Center for Civic Leadership student team collected over 400 in-person surveys at City parks. Public outreach was conducted via the HPARD website, CitizensNet, TV, Radio, Facebook, and Twitter. To complete the public input process, HPARD hosted a presentation of the planning methodology and findings on June 22, 2015, at The Museum of Fine Arts Houston Brown Auditorium, followed by a 30 day public comment period.

HPARD partnered with The Trust for Public Land, Rice University Center for Civic Leadership, Rice University Center Shell Center for Sustainability, Houston-Galveston Area Council, Houston Planning and Development Department, Houston Health Department, Houston Housing and Community Development Department and Houston Parks Board to gather and analyze data to support the Parks Master Plan Phase II.

The purpose of the Parks Master Plan is to serve as a decision-making guide for expanding and improving the parks system, to provide equitable distribution of park space for all communities and to provide parks and green spaces for citizens within a half mile or within a ten minute walk from their residence. The public input process for the Parks Master Plan Phase II was presented to the

City Council Quality of Life Committee on May 14, 2015, and a summary of the final draft of the Plan was presented to the Quality of Life Committee on August 26, 2015.

The proposed Parks Master Plan Phase II is available for review at http://www.houstontx.gov/parks.

Prior Council Action:

April 2, 2008
Motion 2008-0230

Amount of Funding:

No funding required

Contact Information:

Luci Correa 832-395-7057
luci.correa@houstontx.gov

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Motion to adopt the Houston Parks and Recreation Department Parks Master Plan Phase II		Page 1 of 1	Agenda Item
FROM (Department or other point of origin): Houston Parks and Recreation Department	**Origination Date:** September 11, 2015	**Agenda Date**	
DIRECTOR'S SIGNATURE: Joe Turner, Director	**Council District(s) affected:** All		
For additional information contact: Luci Correa 832-395-7057 luci.correa@houstontx.gov	**Date and Identification of prior authorizing Council Action:** April 2, 2008 Motion 2008-0230		

RECOMMENDATION:

Approve a motion to adopt the Houston Parks and Recreation Department Parks Master Plan Phase II

Amount and Source of Funding: No funding required	**Finance Budget:**

SPECIFIC EXPLANATION:

The proposed Parks Master Plan Phase II is an expansion of the current Parks Master Plan adopted by City Council in April 2008 (Motion 2008-0230). The Parks Master Plan is revisited every 5 - 7 years to evaluate and make recommendations based on existing conditions, data analysis, and public input. The proposed 2015 Parks Master Plan Phase II is the result of a two year assessment of the City's park system by individual Park Sectors developed through the Parks and Open Space Ordinance (2007-1141), which divided the City into 21 Park Sectors. The Park Sectors were reviewed and assessed separately to create the individual Park Sector plans which comprise the complete 2015 Parks Master Plan Phase II. This plan will become a part of the City's General Plan.

As part of the community input process, Houston Parks and Recreation Department (HPARD) staff provided information and solicited comments at 28 CIP meetings in 2014 and 2015 and attended various community events. HPARD also solicited input through an online survey in Spring 2014, and to complement the online survey, Rice University's Center for Civic Leadership student team collected over 400 in-person surveys at City parks. Public outreach was conducted via the HPARD website, CitizensNet, TV, Radio, Facebook, and Twitter. To complete the public input process, HPARD hosted a presentation of the planning methodology and findings on June 22, 2015, at The Museum of Fine Arts Houston Brown Auditorium, followed by a 30 day public comment period.

HPARD partnered with The Trust for Public Land, Rice University Center for Civic Leadership, Rice University Center Shell Center for Sustainability, Houston-Galveston Area Council, Houston Planning and Development Department, Houston Health Department, Houston Housing and Community Development Department and Houston Parks Board to gather and analyze data to support the Parks Master Plan Phase II.

The purpose of the Parks Master Plan is to serve as a decision-making guide for expanding and improving the parks system, to provide equitable distribution of park space for all communities and to provide parks and green spaces for citizens within a half mile or within a ten minute walk from their residence. The public input process for the Parks Master Plan Phase II was presented to the City Council Quality of Life Committee on May 14, 2015, and a summary of the final draft of the Plan was presented to the Quality of Life Committee on August 26, 2015.

The proposed Parks Master Plan Phase II is available for review at http://www.houstontx.gov/parks.

Other Authorization:	Other Authorization:	Other Authorization:

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date:

WRITTEN MOTION Sec. 33-253. Appeal

Agenda Item#: 51.

Summary:

WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:
"Sec. 33-253. Appeal.

(a) The Historic Preservation Appeals Board ("HPAB") is hereby created. The HPAB shall consist of 5 members and shall consist of two former members of the planning commission, two former members of the HAHC, and one citizen representative that has not served on either commission and who owns a historic landmark or contributing structure in a designated historic district designated pursuant to this division. Each member shall have extraordinary knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city. Members of the HPAB shall be appointed by the mayor, subject to confirmation by the city council. Each member shall serve for a term of two years and shall hold over until the member's successor is appointed. A member may be appointed to serve consecutive terms. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HPAB. Three members of the HPAB shall constitute a quorum; however, in the event of vacancies on the HPAB, a majority of the members of the HPAB shall constitute a quorum. The HPAB shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the HPAB and the mayor's office. The HPAB shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC.

(b) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the HPAB by filing a written notice of appeal, stating the grounds f the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate of appropriateness by the HAHC as provided for in section 33-247(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the HPAB of the rece of a notice of appeal and shall schedule a meeting of the HPAB to consider the appeal.

(c) The HPAB shall consider the appeal within 45 days after a notice of appeal is filed with the director. The HPAB shall consider the application, the findings of the HAHC, written comments fro the public, and any evidence presented at the meeting at which the appeal is considered. The HP shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificat of appropriateness. If the HPAB does not make a decision on the appeal within 45 days after a notice of appeal is filed with the director, the decision of the HAHC with respect to the application the certificate of appropriateness shall be deemed affirmed.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.

(e) An applicant aggrieved by a decision of the HPAB may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the HPAB. The decision of the city council shall be final and exhaust the applicant's administrative remedies."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date:

WRITTEN MOTION Sec. 33-222.1

Agenda Item#: 52.

Summary:

WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:

"Sec. 33-222.1

"(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director shall determine if response forms were returned for more than 50 percent of the tracts within the proposed district and also whether 67 percent of tracts for which response forms were returned indicate support the designation of the district in accordance with the following rules:

(1) If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned response forms in accordance with this section; and

(2) Tracts of publicly owned land, utility easements, and streets that are included within the boundaries of the proposed district shall not be counted toward determining support for or against the designation of an historic district.

(g) If the director is able to make the determination required by subsection (f) of this section, the application will be considered final and the boundaries of the proposed district shall be the boundaries of the proposed historic district. If the director is not able to make this determination, then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries of one or more historic districts containing one or more non-contiguous areas in which response forms were returned from owners of at least 50 percent of the tracts within the proposed district, and where response forms for owners representing 67 percent of the tracts for which response forms were returned indicated support for designation of a proposed historic district. If the director modifies the boundaries, the application shall be considered final, the boundaries of the reduced proposed district shall be the boundaries of the proposed historic districts, and any property excluded from the proposed district shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the proposed district pursuant to this item; or

(2) Determine that the application fails and that no further action will be taken by the HAHC. If an application fails pursuant to this section, the director shall mail notice to the owners of all property within the proposed historic district that the application has failed and that no further

action will be taken. Any property within the proposed district is ineligible for inclusion within a historic district for a period of one year from the date of the determination pursuant to this section."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015
ALL
Item Creation Date: 9/24/2015

2015 Amendments to the Historic Preservation Ordinance

Agenda Item#: 53.

Summary:

ORDINANCE **AMENDING CHAPTERS 10, 33, AND 44 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability
TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD
This was Item 16 on Agenda of September 30, 2015

Background:

In October of 2010, the City amended its Historic Preservation Ordinance (HPO). The update significantly changed the way Houston's historic districts were created and protected. By 2014, through feedback from the Houston Archaeological and Historical Commission (HAHC), applicants and planning staff, the Planning & Development Department (P&D) had identified a number of improvements that would make the HPO operate more smoothly for city staff and customers.

In the fall of 2014, Mayor Parker appointed a HPO Review Committee, comprised of three members of the HAHC and the two members of the Planning Commission, to review the ordinance and recommend improvements. The Mayor asked that the committee correct and clarify the HPO and "provide applicants with additional options for a streamlined approval, provide the Commission with improved guidance on which to base their decisions and create a more efficient/user-friendly process."

P&D, working closely with the Committee, administered a transparent, inclusive process for improving the HPO. The HPO Review Committee met 13 times from September 2014 through April 2015. Each meeting was held in the evening so that more members of the public could attend. Meetings were held at the City Hall annex and broadcast live via internet streaming. P&D posted links to every broadcast and placed all notes and distribution materials on P&D's website. Each Committee meeting reserved time for interested members of the public to address the Committee. P&D allowed the public to sign up for related emails, and the email distribution list grew to approximately 100 people. CitizensNet emails and other tools were also used spread information to an additional 7,000 people.

The Committee issued their final recommendations report in April 2015, and P&D began working with stakeholders to develop proposed ordinance language. P&D published draft "redline" language on June 26, 2015, and allowed public comment until July 27, 2015. HAHC held a public hearing on the changes on July 22, 2015. P&D presented recommendations on over 80 public comments to the HAHC on August 5, 2015, and received HAHC input on these

recommendations. P&D then presented a revised draft of the HPO to the HAHC on August 27, 2015. On August 27, the HAHC requested time for further study.

P&D presented a summary of the proposed changes to the City Council Quality of Life Committee on September 2, 2015. A copy of that presentation is also attached.

On September 24, 2015, the HAHC voted to unanimously recommend City Council adopt amendments to the HPO. These amendments presented for Council consideration include the recommendations put forth by the HAHC with one modification. This modification is regarding the appeals process.

_____

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

Ord. 2010-0814, 10-13-10

Contact Information:

Margaret Wallace
832-393-6588

ATTACHMENTS:

Description	Type
Coversheet for HPO Amendments	Signed Cover sheet
Summary of Proposed Revisions	Backup Material
Quality of Life Committee Presentation	Backup Material
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 9/29/2015
ALL
Item Creation Date: 9/24/2015

2015 Amendments to the Historic Preservation Ordinance

Agenda Item#: 22.

Summary:
ORDINANCE **AMENDING CHAPTERS 10, 33, AND 44 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability

Background:
In October of 2010, the City amended its Historic Preservation Ordinance (HPO). The update significantly changed the way Houston's historic districts were created and protected. By 2014, through feedback from the Houston Archaeological and Historical Commission (HAHC), applicants and planning staff, the Planning & Development Department (P&D) had identified a number of improvements that would make the HPO operate more smoothly for city staff and customers.

In the fall of 2014, Mayor Parker appointed a HPO Review Committee, comprised of three members of the HAHC and the two members of the Planning Commission, to review the ordinance and recommend improvements. The Mayor asked that the committee correct and clarify the HPO and "provide applicants with additional options for a streamlined approval, provide the Commission with improved guidance on which to base their decisions and create a more efficient/user-friendly process."

P&D, working closely with the Committee, administered a transparent, inclusive process for improving the HPO. The HPO Review Committee met 13 times from September 2014 through April 2015. Each meeting was held in the evening so that more members of the public could attend. Meetings were held at the City Hall annex and broadcast live via internet streaming. P&D posted links to every broadcast and placed all notes and distribution materials on P&D's website. Each Committee meeting reserved time for interested members of the public to address the Committee. P&D allowed the public to sign up for related emails, and the email distribution list grew to approximately 100 people. CitizensNet emails and other tools were also used spread information to an additional 7,000 people.

The Committee issued their final recommendations report in April 2015, and P&D began working with stakeholders to develop proposed ordinance language. P&D published draft "redline" language on June 26, 2015, and allowed public comment until July 27, 2015. HAHC held a public hearing on the changes on July 22, 2015. P&D presented recommendations on over 80 public comments to the HAHC on August 5, 2015, and received HAHC input on these recommendations. P&D then presented a revised draft of the HPO to the HAHC on August 27, 2015. On August 27, the HAHC requested time for further study.

P&D presented a summary of the proposed changes to the City Council Quality of Life Committee on September 2, 2015. A copy of that presentation is also attached.

On September 24, 2015, the HAHC voted to unanimously recommend City Council adopt amendments to the HPO. These amendments presented for Council consideration include the recommendations put forth by the HAHC with one modification. This modification is regarding the appeals process.

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:
Ord. 2010-0814, 10-13-10

Contact Information:
Margaret Wallace
832-393-6588

ATTACHMENTS:

Description	Type
Quality of Life Committee Presentation	Backup Material

Historic Preservation Ordinance
Summary of Proposed Revisions

September 24, 2015

PLANNING & DEVELOPMENT DEPARTMENT

The following is a summary of the proposed changes to the City's historic preservation ordinance. These changes have been drafted into code language which can be found in the public comment ordinance redline dated August 31, 2015. The corresponding page numbers in the ordinance where the code language may be found is included in each description below.

1. **Create a pathway for developing and presenting to Council Design Guidelines for districts created before 2010.** Identifies that design guidelines for Heights East, Heights West and Heights South will be developed and presented to Council within 16 months. Allows the Houston Archaeological and Historical Commission (HAHC) or Council to initiate the process to create design guidelines for other districts. This proposal also allows individual district design guidelines to override certain provisions within this ordinance, such as removing items from the list of exemptions or mandatory approvals and requiring that certain projects be considered by the HAHC instead of being eligible for administrative approval. The proposal stipulates that district design guidelines may be stricter, but not more lenient, than the ordinance, unless specified otherwise. (page 34)

2. **Increase the scope of projects that can be approved by the director rather than requiring review by HAHC.** Included on this list is the removal of non-historic materials, the removal and replacement of historic items that are damaged beyond repair, the installation of burglar bars, accessibility ramps or other such materials, the construction of freestanding garages or outbuildings, alterations to non-contributing structures, and the mandatory approvals (also known as shall approves). (page 22)

3. **Clarify some terminology used in the ordinance with new or revised definitions.** The definition for "alterations" is now clear that it includes replacing historic material, changing the type of foundation, signs that are attached to a building, and the painting of previously unpainted masonry surfaces. The definition for "demolition" is broadened to include demolition by neglect. The definition for "exterior feature" is clarified (see item 5). The definition for "ordinary maintenance and repair" is changed to exclude the replacement of historic materials and the leveling of a foundation. The definition of "streets" replaces "public right-of-way" and now includes public rights-of-way, but not alleys or shared driveways. Definitions were added for a number of terms, including "context area" and "typical" (see item 17). (page 1)

4. **Expand and clarify exemptions from the Ordinance.** The proposal adds a number of architectural features, such as window screens and gutters, to the exempt list. Fences remain exempt, unless a district's design guidelines stipulate differently. (page 18)

5. **Clarify the regulation of structural elements of exterior walls such as interior shiplap.** Historic structures rely on the three components of the exterior wall assembly – the exterior siding, the studs and the shiplap – for structural integrity. Shiplap on exterior walls may be removed only with a Certificate of Appropriateness and documentation from that a licensed engineer that its removal will not damage the structure. (page 2, 25)

6. **Improve the remedies for enforcement of violations of the ordinance, including illegal demolition.** Currently, a property owner who illegally demolishes a structure may not obtain a building permit for that location for two years. This proposed change maintains the two year prohibition and further requires that any potential new construction on that site be no larger in footprint or square footage than the structure that was illegally demolished for a total period of ten years from the date of the illegal demolition. It also allows the Commission to issue a Certificate of Remediation to property owners who perform inappropriate work outside the scope of their Certificate of Appropriateness in cases where the historic material has been destroyed. This Certificate of Remediation will allow the property to receive building permits for future construction projects but will make it ineligible for historic tax exemption (see item 20). (page 4)

7. **Improve the technical expertise of persons appointed to the Historic Commission and provide more flexibility for appointing and retaining highly qualified commissioners.** This proposal changes Position 9 from a citizen representative to a person with knowledge in preservation construction and technology. The proposal also clarifies the definition of Position 6, identifying that person as someone with commercial interests in a historic district. The proposal also eliminates the limitation on the number of two-year terms that the mayor or Council can appoint a commissioner to serve. (page 5)

8. **Identify a current employee as a Historic Preservation Officer.** This position will make Houston eligible for the Certified Local Government program with the Texas Historic Commission. In doing so, Houston will be eligible for grants, technical assistance and other support programs for historic preservation. This change is a title that will apply to existing staff and does not require the creation of a new staff position. (page 5)

9. **Modified some aspects of the process for creating historic districts.** Residents of proposed historic districts currently evidence their support by submitting a "card." This language was confusing; this proposal changes that term to "response form." In order to create more cohesively-shaped districts, the director will have the flexibility to propose one or more non-contiguous areas within a proposed district. The limitation that a proposed district may not include more than 400 tracts is removed. This proposal still requires that owners of 67 percent of the tracts located in the proposed district must support the creation before it may be sent to the HAHC or City Council for designation. (page 9)

10. **Limit the publication of maps indicating the location of archaeological sites**. In keeping with state standards, the location of designated significant archaeological sites will not be disclosed to the public and instead will be kept by the City Secretary. (page 13)

11. **Allow for City Council to expand the boundaries of a historic district or to change the classification of a structure located in a historic district**. This proposal allows for property owners to request the enlargement of a historic district by following the same process required to create a new district. In addition, upon request from the HAHC, the City Council may change the classification of properties located within historic districts. This includes properties that were mis-classified when the district was created and those that no longer should be considered historic properties, as long as the re-classification is not due to the neglect of the owner. (page 14)

12. **Provide additional notification to the community for Certificate of Appropriateness applications.** This proposal requires that applicants for a Certificate of Appropriateness place a small yard sign in their front

yard as a means of notifying the neighborhood that an application has been filed. These signs provide contact information for the Planning Department in case neighbors desire to learn about or comment on an application. This proposal also requires the placement of a 4'x8' sign in the yard for any property that the applicant has requested an appeal. (page 19)

13. **Change one of the criteria for designating a structure as a Protected Landmark from "constructed before 1905" to "constructed more than 100 years before application."** (page 16)

14. **Require the director to promulgate the form and requirements of an application for a Certificate of Appropriateness, and allow City Council to establish an application fee in the future.** Currently, some application requirements are specified in the ordinance while others are not. This proposal requires that the director determine what is required and provide that information to all applicants. It also gives the director flexibility to revise the required list when necessary. This proposal also removes the prohibition for charging a fee and allows City Council to set one in the future. (page 18)

15. **Clarify the criteria for obtaining a Certificate of Appropriateness for alterations and additions**. This proposal separates Criterion 9 into two distinct criteria and removes Criterion 11 from HAHC consideration. It also clarifies what items are considered "significant historic material." (page 21)

16. **Clarify and refine the criteria for those simple additions that qualify for mandatory approval (also known as shall approves) and designate them as administrative approvals**. The proposal allows the shall approves to be approved through administrative approval, instead of a hearing at the HAHC. It also clarifies the review criteria for the projects and allows that a property may only be eligible for a shall approve once. It requires that, to qualify for a shall approve, any second story additions must be constructed without the removal of any existing exterior walls of the historic structure. (page 22)

17. **Clarify the criteria for obtaining a Certificate of Appropriateness for alterations to non-contributing structures.** This proposal identifies an alteration of a non-contributing structure as an administrative approval. It also provides more options for alterations in that they may be compatible with either the original structure or the historic district. It requires that, upon removing more than 67 percent of the structural elements of a non-contributing structure, the resulting project shall be considered under the new construction criteria. Finally, it requires that additions to non-contributing structures be compatible to the context area in terms of setbacks, exterior features, proportions and scale. (page 23)

18. **Clarify the criteria for obtaining a Certificate of Appropriateness for new construction**. This proposal removes all references to land uses when considering the height limitation for new construction. It also requires that new construction be appropriate in size, scale and exterior architectural elements to the local "context area" instead of the entire historic district. It allows historic districts to develop design guidelines that will consider the context area differently than defined in the ordinance. (page 26)

19. **Revise the criteria for obtaining a Certificate of Appropriateness for relocation of landmarks and contributing structures.** This proposal identifies different criteria for the relocation of a landmark or protected landmark, or a contributing structure being relocated within the district (including on its own site) and for a contributing structure being relocated outside a district. (page 27)

20. **Revise the criteria for obtaining a Certificate of Appropriateness for demolition of landmarks and contributing structures.** This proposal identifies specific criteria for obtaining permission to demolish a contributing structure or landmark. It stipulates the materials that must be submitted with the application. It also stipulates what steps the applicant may take upon denial of an application to demolish a structure. (page 28)

21. **Provide additional criteria for the excavation of an archaeological site.** (page 15)

22. **Establish a Planning Commission subcommittee to hear appeals.** This proposal calls for the Mayor to appoint a five-member committee acting as a subcommittee of the Planning Commission who have a knowledge and interest in historic preservation to hear appeals from the HAHC. The subcommittee shall rule on the appeal within 45 days from the applicant's request, as opposed to the current 90 days. The subcommittee shall affirm the decision of the HAHC unless the subcommittee finds that the project meets the criteria under which the HAHC denied the application. The subcommittee shall identify the ways in which the project meets the criteria. If the subcommittee upholds the HAHC's decision, the applicant retains the right to appeal to the City Council. (page 32)

23. **Refine the list of eligible projects for which a property owner may receive City of Houston tax incentives to further incentivize historic restoration.** Unlike the State and Federal programs, Houston's historic tax incentive program allows property owners to receive exemptions on building additions to the historic property. This proposal will align Houston's program with state and local programs by limiting eligible costs to the existing historic structure only, rather than for additions. In addition, this proposal increases the incentive to reinvest in historic structures by lowering the minimum investment to 25% of the base value, down from 50%. (page 37).

Historic Preservation Ordinance

Quality of Life Committee
September 2, 2015

Historic Preservation in Houston

Last changed in 2010

- Removed the 90-day waiver
- Changed the way districts are created
- Added Shall Approve criteria

5

Historic Preservation in Houston

Since 2010

- More than 1,600 applications for Certificates of Appropriateness
- Greater than 90% approval rate
- Three new historic districts
- 50 new Landmarks
- 9 new Protected Landmarks

10

Historic Preservation in Houston

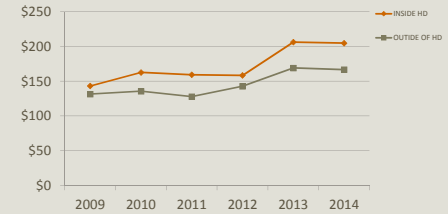
Historic Preservation ordinance covers approximately 0.4% of property in Houston city limits.

11

Historic Preservation in Houston

Old Sixth Ward Historic District

	2009	2010	2011	2012	2013	2014
INSIDE HD	$143	$162	$159	$158	$206	$205
OUTSIDE OF HD	$131	$136	$128	$143	$169	$167



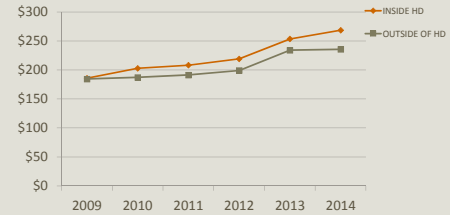
Source: Houston Association of Realtors, July, 2015

12

Historic Preservation in Houston

Heights Historic Districts combined

	2009	2010	2011	2012	2013	2014
INSIDE HD	$186	$203	$208	$219	$254	$269
OUTSIDE OF HD	$185	$187	$192	$199	$234	$236



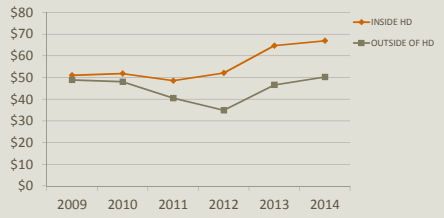
Source: Houston Association of Realtors, July, 2015

13

Historic Preservation in Houston

Glenbrook Valley Historic District

	2009	2010	2011	2012	2013	2014
INSIDE HD	$51	$52	$49	$52	$65	$67
OUTSIDE OF HD	$49	$48	$41	$35	$47	$50



Source: Houston Association of Realtors, July, 2015

14

2014 Review Committee

The Mayor's instructions:

"to correct and clarify…create greater consistency"

and

"streamlined approval…improved guidance…more efficient/user-friendly process"

and

"do not weaken the protections…refinements to, not an overhaul of"

17

2014 Review Committee

Committee appointed by the Mayor

HAHC members

- Rob Hellyer
- Douglas Elliott
- Anna Mod

Planning Commission members

- Sonny Garza
- Truman Edminster

19

The Committee process

Committee meetings were transparent and inclusive:

- Held in the evening in the Annex chambers
- Recorded, streamed, rebroadcast
- Notes and handouts distributed by email to interested parties
- CitizensNet distribution to 7,000
- Public comment at every meeting

25

Public Comment Period

Redline released to the public	June 26
HAHC public hearing	July 22
Presentation to Planning Commission	July 23
Accept public comment	Through July 27
HAHC work session	August 5
Final changes to HAHC for approval	August 27
Council Committee: Quality of Life	September 2

26

Key changes to Code

Proposal includes:

1. Create Design Guidelines Process
2. Increase Administrative Approvals
3. Clarify Terminology
4. Clarify Exemptions
5. Clarify Definition Of Exterior Structural Elements

32

Key changes to Code

Proposal includes:

6. Improve Enforcement
7. Increase The Technical Expertise On The Commission
8. Designate A Historic Preservation Officer
9. Historic District Creation
10. Limit The Public's Access To The Location Of Archaeological Sites

37

Key changes to Code

Proposal includes:

11. District Boundaries and Structure Classification
12. Provide Additional Notification to the Community
13. Change Criteria Designating Protected Landmarks
14. Materials Required for Applications

41

Key changes to Code

Proposal includes:

15. Criteria for Alterations and Additions
16. Criteria for Mandatory Approvals
17. Criteria for alterations to Non-Contributing Structures
18. Criteria for New Construction
19. Criteria for Relocation

46

Key changes to Code

Proposal includes:

20. Criteria for Demolition
21. Criteria for Excavation of Archaeological Sites
22. The Appeals Process
23. Historic Tax Incentives

50

Public Comments

Historic.Ordinance@houstontx.gov

PLANNING & DEVELOPMENT DEPARTMENT

51

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

AN ORDINANCE AMENDING CHAPTERS 10, 33, AND 44 OF THE CODE OF ORDINANCES RELATING TO HISTORIC PRESERVATION; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * * * *

WHEREAS, the City Council finds that the conservation, preservation, protection, enhancement, and perpetuation of sites, landmarks and areas or historical, cultural, architectural, paleontological or archaeological interest is a public policy and public necessity, is required to protect and promote the public health, safety and general welfare of the public and the cultural, economic and educational well being of the public, and represents a compelling public interest; and

WHEREAS, the quality and character of a city is not merely its hope for the future development, but also its retention of the elements of its past; and

WHEREAS, in the exercise of this power, the City Council has adopted Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, (the "Historic Preservation Ordinance") providing for the recognition, protection, enhancement, perpetuation and use of sites, landmarks and areas of historical or archeological interest within the City; and

WHEREAS, the City Council finds that the Historic Preservation Ordinance is necessary and appropriate and is in the public interest as a means to preserve and protect the historic heritage of the City and to protect and promote the health and economic well-being, safety and welfare of the people of the City, and

WHEREAS, the City Council has determined that the Historic Preservation Ordinance should be amended to better protect the historic resources of the City and to ensure the preservation of the public health, safety and welfare of the citizens of the City; **NOW, THEREFORE,**

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

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 Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definitions of "*Construction*," "*Front façade*," and "*Public right of way*."

Section 3. That Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by adding in appropriate alphabetical order the definitions of "*certificate of remediation,*" "*context area*," "*height*," "*historic preservation officer*," "*massing*," "*new construction*," "*street*," and "*typical*," which shall read as follows:

> "*Certificate of remediation* means a current and valid permit issued by the HAHC authorizing the issuance of a building permit for construction, alteration, rehabilitation, restoration, relocation or demolition intended to correct action taken contrary to the requirements of this article, and shall serve as a certificate of appropriateness for the enforcement and violation of this article, and is granted by the same standards that a certificate of appropriateness is granted."
>
> *"Context area* means the blockface and the opposing blockface within the district where the proposed activity is located. Context area may include a different geographic area if the commission finds that unusual and compelling circumstances exist or that context area is described differently in design guidelines."
>
> "*Height* means the vertical distance from the existing natural grade."
>
> *"Historic preservation officer* means a person designated by the director to perform the duties of the director under this article."
>
> "*Massing* means the arrangement of the overall shape and volume of a building."
>
> "*New construction* means a free-standing building or structure proposed to be constructed within a historic district designated by city

council, whether that building or structure is on the location of a vacant lot or a lot with another structure on it."

"*Street* means a public or private street or roadway that is not an alley or a shared driveway."

"*Typical* means being within commonly occurring values in a group. Extreme values within a group are not necessarily typical of that group."

Section 4. That Section 33-201 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of "*alteration*," "*contributing structure*," "*demolition*," "*design guidelines*," "*exterior feature*," "*mandatory repair*," and "*ordinary maintenance and repair*" to read as follows:

"Alteration means any change to the exterior of a building, structure, object or site. Alteration shall include, but is not limited to, replacing historic material; changing to a different kind, type or size of roofing or siding materials or foundation; changing, eliminating, or adding exterior doors, door frames, windows, window frames, shutters, railings, columns, beams, walls, porches, steps, porte-cocheres, balconies, signs attached to the exterior of a building, or ornamentation; or the dismantling, moving or removing of any exterior feature. Alteration includes expanding an existing structure or the construction of an addition to an existing structure. Alteration includes the painting of unpainted masonry surfaces. Alteration does not include ordinary maintenance and repair, or the addition or replacement of fences that are not otherwise regulated by this article."

"*Contributing structure* means a building, structure, object or site that reinforces, or that has conditions, which, if reversed, would reinforce, the cultural, architectural or historical significance of the historic district in which it is located, and that is identified as contributing upon the designation of the historic district in which it is located. The term also includes any structure that was identified as "potentially contributing" in any historic district."

"*Demolition* means an act or process that destroys, in whole or in part, or permanently impairs the structural integrity of any building, structure, object or site. The term also includes demolition by neglect, which is defined as inaction or a series of inactions that result in the destruction or irreversible deterioration of a building, structure, object, or site."

"Design guidelines means an inventory and analysis of historic resources within a geographic area of the city designated or proposed for

designation as one or more historic districts pursuant to the provisions of this article that contains standards for alteration, rehabilitation, restoration, new construction, relocation and demolition of buildings, structures, objects or sites in an historic district, and approved by the city council."

"*Exterior feature* means an element of the architectural character and general arrangement of the external portion of a building, structure or object, including building material, that is visible from a street, as well as those portions of the building that are essential to support the building envelope; including parts of the exterior wall assembly such as siding, wall studs, and interior shiplap; as well as the foundation. The term does not include purely interior structural elements including interior load-bearing walls or interior non-structural elements such as sheetrock."

"*Mandatory repair* means a repair of a building or structure that is necessary to comply with chapter 10 of this Code as evidenced by an order of the hearing official or the building and standards commission or by a citation."

"*Ordinary maintenance and repair* means any work to correct or prevent deterioration, decay or damage to a building, structure, object or site (or any part thereof), provided that the work does not change the design, character, texture or material of any exterior feature or constitute an 'alteration' as defined above. Ordinary maintenance and repair does not include replacement of historic material. Ordinary maintenance and repair does include the leveling of a foundation in a way that does not raise or lower the foundation."

Section 5. That Subsection (b) of Section 33-203 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) The building official shall not issue a building permit for any activity that requires a certificate of appropriateness pursuant to this article unless the applicant for the building permit presents a certificate of appropriateness or a 90-day waiver certificate issued pursuant to section 33-250 of this Code. The building official shall use any and all available enforcement mechanisms to enforce and require compliance with the provisions of this Code."

Section 6. That Subsection (d) of Section 33-203 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) If a landmark or protected landmark, archaeological site, or a contributing structure located in an historic district is demolished without a

certificate of appropriateness required by this article or, in the case of a landmark or archaeological site only, a 90-day waiver certificate issued pursuant to section 33-250 of this Code, or is ordered to be demolished by the city for public safety reasons after the property owner has received notice of neglect pursuant to section 33-254 of this Code, the building official shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of two years after the date of the demolition. After the period of two years after the date of demolition has elapsed, the HAHC may approve a certificate of appropriateness for new construction on the site of the demolished structure only if the size and dimensions of the new construction are substantially similar, and not larger, than the demolished structure. After a period of ten years after the date of demolition has elapsed, the HAHC may approve a certificate of appropriateness for new construction on the site of the demolished structure without the limitation imposed by this section. New construction approved pursuant to this section shall not be eligible to receive a certificate of appropriateness for demolition or relocation before ten years after the date of demolition."

Section 7. That Section 33-203 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a Subsection (e) to read as follows:

"(e) If activity that requires a certificate of appropriateness is performed outside the scope of a certificate of appropriateness, which for purposes of this section shall include work done without a certificate of appropriateness, the building official shall not issue a permit, and no other person shall issue any other city permit, except as required to perform work required under a certificate of remediation under this subsection, for the site where the activity occurred until either:

(1) The commission issues a certificate of appropriateness for the work that was performed outside the scope of a certificate of appropriateness; or

(2) The commission finds that the work that was performed outside the scope of a certificate of appropriateness does not satisfy the criteria of this article and issues a certificate of remediation for the work that was performed outside the scope of a certificate of appropriateness; and the commission may, as a condition of granting the certificate of remediation, also require that the applicant repair, reconstruct, or restore all or part of the work that was done without a certificate of appropriateness prior to the issuance of any permits besides those required for the reconstruction or restoration, using as

many historically appropriate or salvage materials as are reasonably available."

Section 8. That Chapter 33 of the Code of Ordinances, Houston, Texas is hereby amended by adding a Section 33-205 which shall read as follows:

"**Sec. 33-205. Historic preservation officer.**

The director shall appoint a qualified city official, or staff person to serve as historic preservation officer ("HPO"). The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, archeology, or other disciplines related to historic preservation. The director may delegate the responsibilities of the director in this article to the HPO, in which case the HPO shall administer the duties and responsibilities of the director under this article, maintain and hold open for public inspection all documents and records pertaining to the provisions of this article, and review and help coordinate the city's historic preservation activities with other public and private entities."

Section 9. That Section 33-211 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-211. Composition; qualifications of members.**

(a) The creation of the Houston Archaeological and Historical Commission is hereby reaffirmed. The HAHC shall consist of 13 members. Each member shall be a person who has knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated, competence, or knowledge in historic preservation within the city. The mayor shall assign a staff member to serve as a liaison between the HAHC and the mayor's office. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HAHC. The archivist of the Houston Public Library System shall serve as an ex officio member of the HAHC, but shall not have a vote. When HAHC business requires the involvement of other departments, representatives of those departments shall attend meetings of the HAHC upon notice by the executive secretary. The HAHC shall elect its own chair and vice-chair."

(b) The 13 members of the HAHC shall hold specific positions as follows:

(1) Position 1 shall be filled by a professional archaeologist with knowledge of and interest in archaeology of the city.

(2) Position 2 shall be filled by a professional historian with knowledge of and interest in the history of the city.

(3) Position 3 shall be filled by an architectural historian.

(4) Position 4 shall be filled by a person who has knowledge of and interest in the cultural history of the city.

(5) Position 5 shall be filled by a registered architect.

(6) Position 6 shall be filled by a person with commercial interests in a historic district.

(7) Position 7 shall be filled by a professional real estate appraiser certified to perform appraisals for the city.

(8) Position 8 shall be filled by a representative of an organization for remodelers or builders who has knowledge of and interest in restoration, historic building renovation and compatible new construction.

(9) Position 9 shall be filled by a person who has professional knowledge in preservation construction and technology.

(10) Positions 10 through 13 shall be filled by citizen representatives.

(c) At least four members of the HAHC shall own or reside in a historic landmark or contributing structure in a designated historic district designated pursuant to this division.

(d) Members holding Positions 1 through 9 of the HAHC shall be appointed by the mayor, subject to confirmation by the city council. Members holding Positions 10 through 13 shall be appointed by the city council. The terms of each even-numbered position shall end on March 1 of even-numbered years, and the terms of each odd-numbered position shall end on March 1 of odd-numbered years.

(e) Each member shall serve for a term of two years and shall hold over until the member's successor is qualified."

Section 10. That Subsection (b) of Section 33-212 of the Code of Ordinances, Houston, Texas, is hereby amended to delete the phrase "mayor or a member of the mayor's staff who is designated as liaison to the HAHC" and replace it with "director."

Section 11. That Subsection (c) of Section 33-212 of the Code of Ordinances, Houston, Texas, is hereby amended to delete the phrase "but not more than three full consecutive terms."

Section 12. That Section 33-222 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the final sentence of Subsection (b).

Section 13. That Section 33-222.1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-222.1. Application for designation of an historic district.**

(a) Application for designation of an historic district shall be initiated by either:

(1) 10 percent of the owners of tracts in the proposed district; or

(2) The HAHC upon instructing the director to prepare an application for designation.

(b) The application for designation of an historic district shall be filed with the department in the form prescribed by the director, and shall be subject to the following rules:

(1) The application shall include:

a. A map indicating the boundaries of the proposed historic district;

b. A description and a photograph of each of the properties in the proposed district;

c. A written statement outlining the historical, cultural, or architectural significance of the proposed district which shall address each of the applicable criteria for designation contained in section 33-224 of this Code;

(2) The application shall identify with respect to each building, structure, object or site within the proposed historic district whether it is proposed for designation as a contributing structure or a noncontributing structure;

(3) The boundaries of the proposed district must comprise a continuous land mass without out tracts inside of it;

(4) Tracts of publicly owned land, utility easements, and streets shall not be counted towards determining support for or against the designation of an historic district, but may be included within the historic district; and

(5) If a tract of land is owned by more than one person, only the signature of one owner is required to indicate support for initiating an application in accordance with this section.

(c) The director shall review each application for initial completeness. Upon determining that the application includes the items required by subsection (b) of this section, the director shall determine that the application is initially complete, and the director shall schedule and conduct at least one public meeting on the application for the historic district. The director shall give notice of the public meeting in accordance with subsection (d) of this section, including procedures for giving notice of any additional public meeting.

The director shall establish rules for the conduct of public meetings, and shall endeavor to conduct the meeting within or near the proposed historic district, subject to the availability of appropriate space for public assembly. The director will present information on the proposed application and the process for approval at the public meeting.

(d) The director will establish the process for notice and for determining the evidence of support of the application, which shall include the following:

(1) Within 30 days after determining the application is initially complete, the director shall mail a notice to the owners of each property within the proposed historic district as indicated on the most current appraisal district records. The director shall endeavor to give notice to a civic association registered with the city whose area is included, in whole or in part, in the proposed district.

(2) The notice shall include the following:

a. The date, time, and location of the public meeting described in subsection (c) of this section;

b. Any other information the director determines may be useful to the property owners.

(e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a response form to be returned by the property owner which shall indicate whether the property owner does or does not support designation of the historic district. The response form must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice

(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director shall determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district in accordance with the following rules:

(1) If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned response forms in accordance with this section; and

(2) Tracts of publicly owned land, utility easements, and streets that are included within the boundaries of the proposed district shall not be counted toward determining support for or against the designation of an historic district.

(g) If the director is able to make the determination required by subsection (f) of this section, the application will be considered final and the boundaries of the proposed district shall be the boundaries of the proposed historic district. If the director is not able to make this determination, then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries of one or more historic districts containing one or more non-contiguous areas where the response forms for owners of 67 percent of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application shall be considered final, the boundaries of the reduced proposed

district shall be the boundaries of the proposed historic districts, and any property excluded from the proposed district shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the proposed district pursuant to this item; or

(2) Determine that the application fails and that no further action will be taken by the HAHC. If an application fails pursuant to this section, the director shall mail notice to the owners of all property within the proposed historic district that the application has failed and that no further action will be taken. Any property within the proposed district is ineligible for inclusion within a historic district for a period of one year from the date of the determination pursuant to this section.

(h) If the director determines that an application is final, the director shall give notice to all property owners within the proposed district of a hearing before the HAHC in accordance with the provisions of section 33-226 of this Code. The notice shall include the boundaries of one or more proposed historic districts.

(i) The director may conduct a public workshop for the HAHC on any application for designation of a historic district in which the director reviews the application, the results of response forms received by the department, the boundaries of the proposed districts as modified in accordance with subsection (g) of this section, and any other information the director determines is relevant to the application.

(j) The HAHC will conduct a public hearing on each final application for designation of a historic district. Following the public hearing, the HAHC may:

(1) Approve the proposed boundaries and forward them to city council for approval;

(2) Amend the boundaries in accordance with the provisions of this Article, in which case the HAHC may defer the application and continue the public hearing to a later meeting; or

(3) Disapprove the application, after which no further action shall be taken."

Section 14. That Section 33-223 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-223. Property pending designation.**

(a) Upon initiation of an application for designation of a landmark, archaeological site or historic district that satisfies the minimum age criteria of section 33-224(b) of this Code, the building, structure, object or site proposed for designation as a landmark or archaeological site and any building, structure, object or site located in an area proposed for designation as an historic district shall be subject to the requirements of division 4 of this article as though the building, structure, object, site or area had been designated by the city council. If the HAHC denies an application for certificate of non-designation for any property pursuant to section 33-228 of this Code, the property shall also be subject to the provisions of this section.

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates:

(1) The day after an action of the city council or the HAHC rejecting an application for designation;

(2) In the case of an application for designation of a landmark or archaeological site, the day after the withdrawal of the application by the property owner;

(3) In the case of an application for designation of an historic district, the 181st day after the director determines the application is initially complete, or:

a. If the HAHC defers the application once in accordance with section 33-222.1(j)(2), the 211th day after the director determines the application is initially complete;

b. If the HAHC defers the application two or more times in accordance with section 33-222.1(j)(2), the 241st day after the director determines the application is initially complete;

c. If the city council defers the application or remands the application back to HAHC for reconsideration, 60 days will be added to the number of days of the protected status provided for by this subsection.

(4) In the case of an application for designation of an historic district, the day after the director determines that the application fails; or

(5) In the case of the denial of a certificate of non-designation by the HAHC, the 181st day after the decision of the HAHC.

For purposes of this article, an application for designation is initiated immediately upon the occurrence of either the filing of an application for designation by the requisite owners pursuant to section 33-222 or section 33-222.1 of this Code or, in the case of an application initiated by the HAHC, the date a majority of the HAHC votes to authorize the preparation of an application."

Section 15. That Subsection (c) of Section 33-225 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the phrase "or historic district" to the end of the final sentence.

Section 16. That Subsection (d) of Section 33-225 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) The city secretary shall maintain a copy of a map identifying each landmark, protected landmark, and historic district designated by the city council, and additional copies shall be maintained by the director and the building official. The director shall file for recordation in the real property records of the county or counties in which the designated property is located each action of the city council designating a landmark, protected landmark, and historic district. The city secretary shall maintain a copy of a map identifying each archaeological site designated by city council which shall not be made available to the public."

Section 17. That Section 33-226 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-226. Notice requirements for public hearings.**

(a) The director shall give notice of a public hearing before the HAHC on the designation of a landmark or archaeological site initiated by the HAHC not less than 30 days before the date of the public hearing to the owner of the property at the name and address as shown on the most

current appraisal district records. If the notice address for the owner as shown on the most current appraisal district records does not coincide with the street address of the property, then the director shall also send a notice addressed occupant to the street address for the proposed landmark or archaeological site. The director shall also publish notice of the public hearing in a newspaper of general circulation in the city not less than 30 days before the date of the public hearing.

(b) The director shall provide notice of a public hearing on the designation of a landmark or archaeological site by letter, first class mail, postage paid, by facsimile transmission or by electronic mail no later than the fifth day before the date of the public hearing to the owner of the landmark or archaeological site.

(c) The director shall give notice of a public hearing before the HAHC on the designation of an historic district not less than 30 days before the date of the public hearing on designation as follows:

(1) Notice shall be given by mail to each property owner within the proposed historic district, as shown on the most current appraisal district records.

(2) Notice shall be published in a newspaper of general circulation in the city; and

(3) Notice shall be posted by sign in at least four locations within the district selected by the director at locations reasonably calculated to be seen easily by residents of the district and where each sign will be visible from at least one street. In addition, where, in the opinion of the director, because of the size, configuration, traffic patterns or other characteristics of the proposed historic district, additional signs would be beneficial in providing notice, the director shall cause an appropriate number of additional signs to be posted. The signs shall conform to specifications prescribed by the director.

(d) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed constitutes prima facia evidence that notice has been given as required by this section.

(e) Additional notice need not be given if the public hearing is adjourned or continued to another date, provided that the date, time and

place to which the public hearing is adjourned or continued are specified in the public hearing."

Section 18. That Section 33-227 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-227. Amendment; changes in boundary.**

(a) Amendment of any designation of any landmark, protected landmark, or archaeological site shall require action by the city council and shall follow the procedures for application, notice, public hearing and recommendation by HAHC used for the designation of the landmark, protected landmark, or archaeological site.

(b) Enlargement of the boundaries of a historic district shall require action by the city council and shall follow the procedures for application, notice, public hearing and recommendation by HAHC used for the designation of a historic district with respect to the property to be added to the district and not the property within the existing district except that the requirements of section 33-224 of this Code shall be applied to the entire district as modified by the enlargement of the boundaries.

(c) Amendment of any classification of a building, structure, object, or site within a historic district may be initiated by the director only upon finding that a building, structure, object, or site is incorrectly classified as contributing or non-contributing or that the existence of unusual or compelling circumstances, such as the presence of significant and irreversible changes not caused by the owner of the building, structure, or object, justifies the changing of the classification of the building, structure, object, or site. The director shall not recommend the change in classification of a building, structure, object, or site that has deteriorated due to any action or negligence of the owner. The director shall present the findings at a regularly scheduled meeting of the HAHC after giving notice to the property owner of the proposed change not later than 15 days before the meeting, The HAHC shall either disapprove the director's recommended change, or approve the change and refer the change to city council for approval.

(d) Nothing herein shall be construed to require the city council to follow all of the procedures used in the designation if the amendment is solely for the purpose of correcting minor technical errors, including, but not limited to, errors in property descriptions, that are necessary to implement the intent of the city council with respect to the designation."

Section 19. That Subsection (a) of Section 33-228 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The owner or owner's agent of any property may submit an application for a certificate of non-designation with respect to any building, structure, object, site, property or area that has not been designated as a landmark, protected landmark, or structure in an historic district or an archaeological site. Applications shall be filed with the director and shall contain the following information:

(1) The name, address and daytime telephone number of the owner and the applicant, if different from the owner;

(2) The address and general description of the property that is the subject of the application;

(3) A current photograph of the property that is the subject of the application; and

(4) Information demonstrating whether the property is eligible for designation as a landmark or protected landmark or as a contributing structure in an historic district.

(5) For an archaeological site, an assessment from a professional archaeologist that demonstrates whether the archaeological site is eligible for designation as an archaeological site.

The application for a certificate of non-designation shall be accompanied by a nonrefundable fee of $25.00."

Section 20. That Section 33-229 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-229. Designation of protected landmark.**

(a) An application for designation of a protected landmark may only be submitted by the property owner. The HAHC shall review each application and shall recommend a property to be designated as a protected landmark if the property:

(1) Meets at least three of the criteria for designation in section 33-224 of this Code;

(2) Was constructed more than 100 years before application for designation was received by the director;

(3) Is listed individually or as a contributing structure in an historic district on the National Register of Historic Places; or

(4) Is recognized by the State of Texas as a Recorded State Historical Landmark.

(b) The recommendation of the HAHC shall be submitted to the city council pursuant to section 33-225 of this Code.

(c) The city secretary shall maintain a copy of a map identifying each protected landmark designated by the city council, and additional copies shall be maintained by the director and the building official. The director shall file for recordation in the real property records of the county or counties in which the designated property is located notice of each action of the city council designating a protected landmark and the form submitted by the owner pursuant to subsection 33-222(c) of this Code."

Section 21. That Subsection (g) of Section 33-236 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the phrase "building, structure or object" with the phrase "contributing structure."

Section 22. That Section 33-237 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-237. Exemptions.**

(a) A certificate of appropriateness is not required for ordinary maintenance and repair, or for the alteration, rehabilitation, restoration, or construction of the following:

(1) Reroofing with in-kind materials with no change to the structure, shape, or pitch of the roof;

(2) An alteration that is obscured from view from the street by the original structure and not merely obscured by fencing,

landscaping, non-historic additions, or other impermanent obstructions;

(3) Gutters, downspouts, storm windows and doors, window screens, screen doors, temporary emergency weatherization features such as plywood coverings over windows, porch ceiling fans, light fixtures, HVAC units, landscaping;

(4) Fences;

(5) Removal of burglar bars, satellite dishes, antennae, solar panels, free-standing signs, and accessibility ramps and lifts;

(6) Installation of solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and installation of free-standing signs; and

(7) Painting non-masonry surfaces, and repainting previously painted masonry surfaces.

(b) A certificate of appropriateness is not required for the reconstruction of the portion of a contributing or noncontributing structure that was completely or partially destroyed by a fire, natural disaster, or other damage not intentionally caused by the owner of the structure only if the reconstruction is built within the same footprint and has the same exterior features as the contributing or noncontributing structure.

(c) A certificate of appropriateness is not required for the demolition of a non-contributing structure in a historic district.

(d) The operation of this section shall constitute an affirmative defense to prosecution under section 33-236 of this Code.

(e) The design guidelines for an individual historic district may require that an alteration exempted by this section require a certificate of appropriateness pursuant to provisions contained in the design guidelines."

Section 23. That Section 33-238 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-238. Application.**

No application shall be deemed to be filed unless it is submitted in the form promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The fee for an application for a certificate of appropriateness shall be as prescribed in the fee schedule and may vary depending on the type of activity proposed."

Section 24. That Section 33-238.1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-238.1. Notice requirements.**

(a) The applicant for a certificate of appropriateness for a landmark, protected landmark, or any contributing structure in an historic district, or for an appeal from a decision of the HAHC, shall give notice of the application for a certificate of appropriateness by posting at least one sign on the property for which the certificate of appropriateness is requested. A sign shall face each street bordering the site; provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign required under this subsection shall comply with the following:

(1) For an application for a certificate of appropriateness for demolition, relocation, or for an appeal from the decision of the HAHC, each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the street. Each sign shall be posted not less than ten days before the date of the meeting at which the certificate of appropriateness will next be considered. The lettering on each sign shall be legible from the street. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the application for certificate of appropriateness or appeal is considered. Each sign shall include:

a. The application number and the type of certificate of appropriateness being requested;

b. The date, time, and place of the meeting at which the application or appeal will next be considered, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's request is deferred, continued, or otherwise postponed;

c. A telephone number of the applicant to call for additional information; and

d. A department telephone number to call for additional information.

(2) For an application for a certificate of appropriateness not mentioned by item (1) of this subsection, each sign shall be the size of a typical yard sign or as prescribed by the director and shall be posted no more than 15 feet from the street. Each sign shall be posted within three days of submission of an application for a certificate of appropriateness. The lettering on each sign shall be legible from the street. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the application for certificate of appropriateness is considered, if applicable. Each sign shall include:

a. The application number and the type of certificate of appropriateness being requested; and

b. A department telephone number to call for additional information.

(b) Notice under this section is not required for a certificate of appropriateness pursuant to sections 33-241.1(c)(1)-(4)."

Section 25. That Item (3) of Subsection (a) of Section 33-240 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the phrase "design guidelines shall control" with the phrase "more restrictive criteria shall control."

Section 26. That Section 33-240 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a Subsection (c) to read as follows:

"(c) In reviewing applications for certificates of appropriateness under this article, the HAHC or the director, respectively as appropriate, shall also consider any elements of the proposed activity that may be necessary to enable the property to comply with any other applicable city ordinances or state or federal law so as to facilitate compliance with this ordinance and other applicable laws."

Section 27. That Section 33-241 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-241. Same—Exterior alteration, rehabilitation, restoration, and addition.**

The HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, or (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a historic district, upon finding that the application satisfies the following criteria, as applicable:

(1) The proposed activity must retain and preserve the historical character of the property;

(2) The proposed activity must contribute to the continued availability of the property for a contemporary use;

(3) The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance;

(4) The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment;

(5) The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site;

(6) New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale;

(7) The proposed replacement of exterior features, if any, should be based on accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures;

(8) Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site;

(9) The proposed design for any exterior alteration or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors, and porch elements;

(10) The proposed alteration or addition must be compatible with the massing, size, scale, material and character of the property and the context area; and

(11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area."

Section 28. That the Code of Ordinances, Houston, Texas is hereby amended by adding a Section 33-241.1 which shall read as follows:

"**Sec. 33-241.1. Same—Administrative approvals.**

(a) The director shall approve a certificate of appropriateness for the construction of any one, but no combination of the following additions to a contributing structure in a historic district:

(1) A rear addition that:

a. Is not taller than the existing structure;

b. Is set back from the side property lines at least as much as the structural walls of the existing structure;

c. Is not wider than the wall to which it is attached;

d. Does not require the demolition of any portion of the existing structure except for the rear wall to which the addition will be attached;

e. Has a roof pitch that is less than or equal to the existing structure; and

f. Is not constructed on a building that has had an addition approved under this chapter.

(2) A side addition that:

a. Is not taller than the existing structure;

b. Is attached only to one exterior wall of the existing structure and does not extend past the existing rear wall of the side to which it is attached;

c. Is set back from the front of the wall to which it is attached at least thirty percent of the distance between the front of the wall to which it is attached to the rear of the wall to which it is attached;

d. Is not wider than half the distance that the addition is set back from the front of the wall to which it is attached. For example, if the addition is set back 20 feet from the front wall to which it is attached, the addition may not be wider than 10 feet;

e. Does not require the demolition of any portion of the existing structure except for the exterior wall to which the addition will be attached; and

f. Does not deviate from the roof pitch of the existing structure except for cross gable or hip roofs; and

g. Is not constructed on a building that has had an addition approved under this chapter.

(3) A partial second-story addition that:

a. Is constructed on top of a one-story structure;

b. Does not extend outside the footprint of the existing structure;

c. Is set back from the front wall of the existing structure at least half the distance between the front wall of the existing structure and the farthest point of the rear of the existing structure;

d. Has a plate height that does not exceed the plate height of the story beneath the proposed addition;

e. Has a roof pitch that is less than or equal to the existing structure;

f. Is constructed without the removal of any existing exterior walls; and

g. Is not constructed on a building that has had an addition approved under this chapter.

(b) The director shall issue a certificate of appropriateness for the alteration, rehabilitation, or restoration of a non-contributing structure or an addition to a noncontributing structure in an historic district upon finding that the application satisfies the following criteria, as applicable:

(1) For an alteration, rehabilitation, or restoration that does not require the removal or replacement of the structural elements, not including the foundation, within 67 percent of the structure:

a. The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; and

b. The proposed activity must match the architectural features, materials, and character of either the existing noncontributing structure or the contributing structures within the context area.

(2) For an alteration, rehabilitation, or restoration that requires the removal or replacement of the structural elements, not including the foundation, within 67 percent or more of the structure, the director shall refer the application to the HAHC, which shall approve a certificate of appropriateness if the result

of the project conforms to the requirements for new construction in a historic district in section 33-242 of this Code.

(3) For an addition to a noncontributing structure:

a. The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance from the property line of similar elements of existing contributing structures in the context area; and

b. The noncontributing structure with the constructed addition is compatible with the typical proportions and scale of existing contributing structures in the context area.

(c) The director is authorized to issue a certificate of appropriateness for the following activities if the director finds that the proposed activity will be performed in a manner that satisfies the criteria for alterations, additions, or new construction in this article, as applicable. If the director finds that an application for a certificate of appropriateness pursuant to this subsection does not satisfy the applicable criteria, or that the application does not satisfy the general intent and purposes of this article, the director shall refer the application to the HAHC for consideration:

(1) Removal of a window or door element that was not original to the contributing structure and replacement with a window or door element that:

a. Is appropriate to the historic significance of the structure; and

b. Does not change the size, shape or location of any opening, including the trim, molding or other features associated with the opening, from which the window or door elements are to be removed;

(2) Removal of:

a. Exterior wall cladding that was not an original feature or characteristic of the structure and replacement with appropriate cladding;

b. Non-historic additions, including attached garages or carports;

c. Non-historic decorative elements, such as shutters or brackets; and

d. Non-historic low-profile skylights, canopies, awnings, or signs attached to the building.

(3) Replacement of historic materials that are damaged beyond repair with materials of the same size, shape, material, and pattern;

(4) Installation of:

a. Burglar bars;

b. Accessibility ramps or lifts;

c. Low-profile skylights, shutters, solar panels, antennae, satellite dishes, or other roof equipment installed on the front half of the roof; and

d. Awnings and canopies;

(5) Construction of:

a. Freestanding garages, including garage apartments, freestanding carports, and other secondary structures, that have a footprint of 600 square feet or less, located at the rear of the lot,

b. A rear porch that is not taller than the existing structure and that does not extend beyond the existing side walls of the structure;

(6) Installation of any details including porch elements or detailing that have been partially lost or removed but whose existence has been substantiated by the remaining elements still in existence or historical documentation such as architectural plans or historic photographs; and

(7) Installation of signs attached to the exterior of a building that

a. Do not compromise historic exterior features on the structure;

b. Are 25 square feet or less in total area; and

c. Are installed without damage to significant historic material.

(d) The director shall issue a certificate of appropriateness for repair or reconstruction of those internal structural elements that are essential to support the building's envelope to which they are attached, for example, interior shiplap, if the applicant demonstrates to the satisfaction of the director that the structural repair or reconstruction can be accomplished without harm to the exterior features of the building or structure visible from the right-of-way. In support of an application for repair or reconstruction under this subsection, the applicant shall include a written statement from a structural engineer licensed by the State of Texas that the proposed repair or reconstruction can be accomplished without harm to the exterior features of the building or structure visible from the right-of-way.

(e) If the director does not approve the application for a certificate of appropriateness pursuant to this section within 15 business days of receipt of a complete application, the director shall refer the application to the HAHC for consideration. The HAHC shall review the application according to the criteria for alterations, additions, or new construction, as applicable, or as otherwise provided by this section. The schedule for consideration of an application for a certificate of appropriateness provided by section 33-239 of this Code shall apply to an application considered under this section and the administrative process authorized herein shall not suspend any time required for consideration. The director may promulgate rules for the receipt and processing of applications under this section.

(f) The director may administratively approve an amendment to a certificate of appropriateness approved by the HAHC if the amendment has an insignificant and non-substantive impact on the project for which a certificate of appropriateness was granted and does not affect the historic character of the structure, if applicable.

(g) Design guidelines for an individual historic district may provide that administrative approvals under this section must instead be approved by the HAHC using the criteria of this section, or of this article, as appropriate. Design guidelines for an individual historic district remove the administrative approval of additions provided in subsection (a) of this section and instead

require that additions be approved in accordance with the provisions of section 33-241 of this Code."

Section 29. That Section 33-242 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-242. Same—New construction in historic district.**

(a) The HAHC shall issue a certificate of appropriateness for new construction in an historic district upon finding that the application satisfies the following criteria:

(1) The distance from the property line of the front and side walls, porches, and exterior features of any proposed new construction must be compatible with the distance from the property line of similar elements of existing contributing structures in the context area;

(2) The exterior features of the new construction must be compatible with the exterior features of existing contributing structures in the context area;

(3) The scale and proportions of the new construction, including the relationship of the width, overall height, eave height, foundation height, porch height, roof shape, and roof pitch, and other dimensions to each other, must be compatible with the typical scale and proportions of existing contributing structures in the context area unless special circumstances, such as an atypical use, location, or lot size, warrant an atypical scale and proportions;

(4) The height of the new construction must not be taller than the typical height of existing contributing structures in the context area unless special circumstances, such as an atypical use, location, or lot size, warrant an atypical height, except that;

a. Design guidelines for an individual historic district may provide that a new construction with two stories maybe be constructed in a context area with only one-story contributing structures as long as the first story of the new construction has proportions compatible with the contributing structures in the context area, and the

second story has similar proportions to the first story; and

b. A new construction shall not be constructed with more than one story in a historic district that is comprised entirely of one-story contributing structures, except as provided for in design guidelines for an individual historic district.

(b) Nothing in the foregoing shall be construed to require or impose a single architectural style in any historic district."

Section 30. That Section 33-243 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-243. Same—Relocation of landmark, protected landmark, or contributing structure.**

(a) The HAHC shall issue a certificate of appropriateness for the relocation of any landmark, protected landmark, or contributing structure only upon finding that the application satisfies one or more of the following criteria:

(1) For a landmark or protected landmark that is not located in a historic district, the structure:

a. Has architectural or historical value independent of its physical location that will not be diminished by relocation;

b. Can be moved without significant damage to its physical integrity; and

c. Will be relocated to an area that is compatible with the historical and architectural character of the landmark or protected landmark.

(2) For a contributing structure located in a historic district that is being located within the same historic district, the relocation must also meet the following criteria:

a. The structure can be relocated without significantly diminishing the integrity of the historic district in which it is located;

b. The structure can be moved without significant damage to its physical integrity;

c. The structure will be located to an area that is compatible with and retains the distinguishing qualities and historical and architectural character of the contributing structure;

d. There are compelling circumstances justifying the relocation of the structure; and

e. The distance from the property line to the front and side walls, porches, and exterior features of the structure on the new location shall be compatible with the distance from the property line of similar elements of existing contributing structures in the context area of the new location.

(3) For contributing structures being relocated outside of the historic district, in addition to the criteria of item (2) of this section, the applicant must also establish that the relocation is necessary to prevent an unreasonable economic hardship pursuant to the criteria of section 33-247(c) of this Code.

(4) The relocation is necessary to protect the landmark, protected landmark, or contributing structure from demolition resulting from a public improvement project;

(b) Alternatively, the HAHC shall issue a certificate of appropriateness for relocation if relocation of the landmark, protected landmark, or contributing structure has been identified as an alternative to demolition pursuant to section 33-247(f) of this Code."

Section 31. That Section 33-246 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-246. Same—Excavation.**

(a) The HAHC shall issue a certificate of appropriateness for the excavation of an archaeological site that does not propose to disturb, modify, remove, or destroy archaeological resources upon finding that the application meets the following criteria:

(1) The excavation must be monitored by a professional archaeologist, and conducted so as to protect and preserve archaeological resources affected by, or adjacent to, the excavation; and

(2) The applicant must commit to make reasonable efforts to mitigate and stabilize archaeological resources if they are disturbed.

(b) For a certificate of appropriateness for the excavation of an archaeological site that proposes to disturb, modify, remove, or destroy archaeological resources, the applicant shall provide a scope of work prepared by a professional archaeologist that includes the archaeological significance of the site and the methodology utilized for the excavation, that demonstrates that the site will not be adversely affected by the proposed excavation.

(c) An application under this section shall include a cultural resources review prepared by a professional archaeologist that includes an inventory of the archaeological resources within a 1-mile radius of the archaeological site, as well as any surveys, evidence of test excavations, mitigation measures that will be taken, and a curation plan describing how and where artifacts and archaeological resources and data will be stored."

Section 32. That Section 33-247 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-247. Same—Demolition of landmark, protected landmark or contributing structure, or within archaeological site.**

(a) The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for demolition of a building, structure or object on or in an archaeological site shall be granted only if:

(1) The building, structure, or object has seriously deteriorated to an unusable state and is beyond reasonable repair; and

(2) The HAHC finds, based on the preponderance of credible evidence presented by the applicant, the existence of an unreasonable economic hardship under subsection (c) of this section or the establishment of an unusual and compelling circumstance pursuant to subsection (d) of this section.

(b) An application for a certificate of appropriateness for demolition shall contain the following information:

(1) Photographs and other documented evidence detailing the deteriorated state of the property and the inability to reasonably repair the property;

(2) A certified appraisal of the value of the property conducted by a certified real estate appraiser that takes into account that the property is a landmark, protected landmark or contributing structure in a historic district as well as the two most recent assessments of the value of the property unless the property is exempt from local property taxes;

(3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property;

(4) All listings for the sale or lease of the property by the owner within the last year, and a statement by the owner of any bids and offers received and counteroffers given on the property;

(5) Evidence of any consideration by the owner of uses and adaptive reuses of the property;

(6) Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates;

(7) Any financial statements showing revenue and expenses incurred for the property;

(8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable;

(9) Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted;

(10) An applicant who is a nonprofit organization shall provide the following additional information:

a. A comparison of the cost of performance of the mission or function of the nonprofit organization in the existing building and in a new building;

b. The impact of the reuse of the existing building on the organization's program, function or mission;

c. The additional cost, if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area;

d. Grants received, applied for or available to maintain or improve the property; and

e. The nonprofit organization's budget for the current and immediately past fiscal years.

(11) Any additional information the director determines is reasonably necessary to the review the application.

(c) Determination of an unreasonable economic hardship shall be based upon the following criteria:

(1) That the property is incapable of earning a reasonable return, regardless of whether the return is the most profitable return, including without limitation, regardless of whether the costs of maintenance or improvement of the property exceed its fair market value;

(2) That the owner has demonstrated that the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;

(3) That the owner has demonstrated reasonable efforts to find a purchaser or lessee interested in acquiring the property and preserving it, and that those efforts have failed; and

(4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.

(d) Determination of the existence of an unusual or compelling circumstance shall be based upon the following criteria:

(1) That current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of an historic district, if applicable;

(2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the context area; and

(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.

(e) If the HAHC denies an application for a certificate of appropriateness for demolition, the director and the applicant shall have 90 days for which to explore alternatives to demolition. The applicant may not appeal the decision of the HAHC during this period. It shall be the duty of an applicant for a certificate of appropriateness for demolition to participate in good faith in a diligent effort to identify alternatives to demolition. The HAHC, the director and the applicant may consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens to determine the feasibility of:

(1) Public or other acquisition of the property, structure, building or object;

(2) Relocating one or more of the structures or features of the property if to do so would preserve its historic or architectural value and that the property meets the criteria for relocation in section 33-243 of this Code; or

(3) Any other reasonable means of preserving the property, structure, building or object's historic or architectural value."

Section 33. That Section 33-248 of the Code of Ordinances, Houston, Texas, is hereby deleted and reserved.

Section 34. That Section 33-249 of the Code of Ordinances, Houston, Texas, is hereby deleted and reserved.

Section 35. That Section 33-250 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-250. Ninety-day waiver certificate.**

(a) The director shall not issue a 90-day waiver certificate for any protected landmark or for any property located within the OSWPHD.

(b) The director shall not issue a 90-day waiver certificate for any property located within any historic district other than a place of worship.

(c) Only for landmarks and archaeological sites located outside of historic districts, and places of worship within an historic district, if for any reason a certificate of appropriateness has not been issued on or before the ninetieth day following the scheduled submittal deadline at which a complete application for a certificate of appropriateness was received by the director, then the applicant, upon request to the director, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

(d) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any landmark or architectural site for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.

(e) An application for a certificate of appropriateness may be filed before, at the same time as or after the filing of an application for a building

permit, but the 90-day period provided for in this section shall not begin until a completed application for a certificate of appropriateness is filed with the director. An applicant for a building permit may request the building official to review and process the application for a building permit during the 90-day period provided for in this section, but no building permit shall be issued until the applicant for the building permit presents a certificate of appropriateness or a 90-day waiver certificate issued pursuant to this section."

Section 36. That Section 33-251 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-251. Emergency action, securing dangerous buildings; mandatory repair.**

(a) Nothing in this division shall limit the ability of the city to demolish, to order the demolition of, or to order any other action with respect to, any building, structure or object that the building standards official, as that term is defined in article IX of chapter 10 of this Code, determines to be an imminent danger to the health, life or safety of any person. No certificate of appropriateness shall be required for any action required by the city pursuant to division 7 of article IX of chapter 10 of this Code, or the securing of a building required by the city pursuant to article IX of chapter 10 of this Code.

(b) The building standards official shall not issue an order for, authorize, or set a hearing before the hearing officer or the building and standards commission for, the demolition of a building, structure, or site for which a certificate of appropriateness is required by this article without first obtaining a certificate of appropriateness from the HAHC.

(c) The director shall issue a certificate of appropriateness for mandatory repair of a landmark, protected landmark, or of a building, structure or object within an historic district or archaeological site upon application and review of the order or citation requiring the mandatory repair if the director finds that the proposed mandatory repair is necessary to comply with the order or citation and will not result in a change in the architectural, historical, archaeological or cultural character of the landmark, protected landmark, or of the building, structure or object in the historic district or archaeological site that existed prior to the issuance of the order or citation. The director shall consider the criteria in section 33-241 in reviewing the application and making the findings required by this section.

(d) If the director does not issue a certificate of appropriateness for mandatory repair within three working days following receipt of the

application or a later date mutually agreeable to the applicant and the director, or if the director denies the application, the application shall be submitted to the HAHC for consideration as if it were an application for a certificate of appropriateness for alteration, rehabilitation, restoration or construction pursuant to section 33-241 of this Code."

Section 37. That Section 33-253 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-253. Appeal.**

(a) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to a subcommittee of the planning commission tasked with hearing appeals under this section. The subcommittee shall consist of five members that have an extraordinary interest in and knowledge of historic preservation. The members shall be appointed by the mayor. Vacancies on the subcommittee may be filled by appointment of the chairman of the planning commission until such time as the mayor appoints a substitute. The term of each member of the subcommittee shall run concurrently with the term on the planning commission. Three members of the subcommittee shall constitute a quorum; however, in the event of vacancies on the subcommittee, a majority of the members of the subcommittee shall constitute a quorum. The subcommittee shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the subcommittee and the mayor's office. The subcommittee shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC. The members of the subcommittee shall attend training on a recurring basis on historic preservation and on this article.

(b) Applicants may appeal to the subcommittee by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate of appropriateness by the HAHC as provided for in section 33-247(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the subcommittee of the receipt of a notice of appeal and shall schedule a meeting of the subcommittee to consider the appeal.

(c) The subcommittee shall consider the appeal within 45 days after a notice of appeal is filed with the director. The subcommittee shall consider the application, the findings of the HAHC and any evidence presented to the HAHC. The subcommittee shall affirm the decision of the HAHC unless the subcommittee finds that the HAHC erred in its application of the criteria applicable to the certificate of appropriateness. The subcommittee, upon finding error in the decision of the HAHC, shall explain how the HAHC erred in its decision as a part of reversing the decision of the HAHC. If the subcommittee does not make a decision on the appeal within 45 days following the subcommittee's hearing on the appeal, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(d) An applicant aggrieved by the decision of the subcommittee on an appeal from a decision of the HAHC may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the subcommittee. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(e) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting."

Section 38. That Section 33-254 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 33-254. Demolition by neglect.**

(a) The owner of a contributing structure located within an historic district or of a protected landmark shall not permit the contributing structure or protected landmark to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature. This section applies to a structure regardless of whether it is occupied or vacant. An owner shall prevent or repair the following when necessary:

(1) A deteriorated or inadequate foundation;

(2) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed with safety;

(3) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed with safety;

(4) Fireplaces and chimneys which bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed with safety;

(5) Deteriorated, crumbling, or loose exterior stucco, mortar, or siding;

(6) Leaks and other conditions that allow the penetration of water into the structure; and

(7) Damage caused by termites and other pests that contribute to the deterioration of the structure.

(b) The director shall investigate complaints regarding deteriorated or poorly maintained contributing structures and may refer complaints to the appropriate city department for investigation. If needed, the director will notify the property owner of the findings of any investigation and repairs required to comply with this article. If repairs are required, the property owner must develop a plan acceptable to the director to remedy the contributing structure or protected landmark within a specified amount of time, including plans to obtain any required certificates of appropriateness and other city permits. Failure to prepare a plan acceptable to the director or to comply with the provisions of an approved plan shall be a violation of this article."

Section 39. That Section 33-255 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the word "one" with "two" and replacing the word "year" with "years."

Section 40. That Division 5 of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as follows:

"DIVISION 5. DESIGN GUIDELINES

Sec. 33-266. Application.

(a) The applicants for the designation of an historic district may prepare and submit proposed design guidelines as part of the application. If the applicants do not submit proposed design guidelines, the director shall prepare design guidelines for consideration by city council within one year after the creation of an historic district.

(b) The HAHC or city council may direct the director to prepare design guidelines for one or more historic districts for which no design guidelines have been adopted in accordance with subsection (a) of this section if the HAHC or city council finds that the adoption of design guidelines would benefit the review of certificates of appropriateness for the historic district. The director shall prepare design guidelines for the historic district in accordance with the following:

(1) The director shall conduct one or more public meetings within or near the historic districts for which design guidelines are proposed to enable the public to provide input on the proposed guidelines;

(2) The director shall mail notice to all property owners within the historic districts for which design guidelines are proposed not less than 15 days before each public meeting; and

(3) The director shall present design guidelines to the HAHC within one year of the request for design guidelines, or if the director is unable to do so, the director shall report on the progress of the design guidelines to the HAHC and include a timeline for completion of the design guidelines.

(c) The director shall present design guidelines to city council for consideration for the Heights East, Heights West, and Heights South historic districts within sixteen months of the passage of Ordinance No. [editor shall insert ordinance number], after which time, the design guidelines previously submitted to the director shall be automatically adopted for any of the districts mentioned in this section for which design guidelines have not been adopted by city council.

Sec. 33-267. Requirements.

(a) The purpose of design guidelines is to provide guidance on how to interpret the criteria of this article within individual historic districts.

(b) The proposed design guidelines shall contain:

(1) A map and description of the proposed historic district, including boundaries; photographs of buildings in the district; an inventory of the age, setting, character and architectural, cultural or historical significance of structures in the district; and objectives to be achieved in the historic district;

(2) A statement of the architectural, cultural or historical significance of the proposed historic district and a description of structures and features to be preserved; and

(3) A set of specific standards that illustrate compliance and noncompliance with the criteria for certificates of appropriateness for demolition, new construction, alteration, rehabilitation, restoration and relocation that are tailored to the specific characteristics and features of the district for which the design guidelines are written. These standards may be stricter than the provisions of this article, and shall not be more lenient except as provided for by this article.

(c) The proposed design guidelines shall not contain any standards for reviewing applications for certificates of appropriateness that allow for activity specifically prohibited by the criteria for certificates of appropriateness in this article, except as provided for by this article. Design guidelines shall not provide for alternative rules and regulations except as provided for in this article.

Sec. 33-268. Approval; effect of approval; amendment.

(a) The director shall present the proposed design guidelines for adoption to the HAHC, who shall conduct a public hearing on the adoption of the design guidelines. The director shall mail notice to all property owners within the historic districts to be affected by the design guidelines not less than 15 days before the public hearing before the HAHC. At the public hearing, interested parties may comment in person or in writing on the proposed design guidelines. At the close of the public hearing, the HAHC shall vote to disapprove, defer, or recommend that city council approve the proposed design guidelines in the form presented to the HAHC or as

amended by HAHC during the public hearing. The director shall present any recommended design guidelines to city council as soon as is reasonably possible.

(b) The city council shall consider the recommendation of the HAHC and shall vote to approve or disapprove the design guidelines in the form in which they are recommended by the HAHC. If city council disapproves the design guidelines, the director shall revise the design guidelines in accordance with any suggested changes made by city council, and resubmit the design guidelines to HAHC in accordance with the provisions of subsection (a) of this section as soon as is reasonably possible. After approval by city council, the HAHC shall use the criteria within the design guidelines for granting or denying applications for certificates of appropriateness for applicable activities within the boundaries of the historic district.

(c) Amendments to design guidelines that have been approved by city council shall be considered in accordance with the process for the adoption of design guidelines in this section.

(d) A copy of the design guidelines is to be maintained in the office of the city secretary and on the website of the department."

Section 41. That Section 44-5 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 44-5. Tax relief for the restoration or preservation of historical sites.**

(a) Scope. The city council may, by ordinance, grant tax relief in the form of an exemption from ad valorem taxation to any "historic site," which for purposes of this section means a structure that has been designated as a landmark, protected landmark, or as a contributing structure in a historic district pursuant to article VII of chapter 33 of this Code ("Historic Preservation Ordinance").

(b) Eligibility. A property is eligible for tax exemption under this section in accordance with the following:

(1) The tax exemption is only being sought for eligible work under subsection (e) of this section;

(2) The eligible work performed must be at a cost of at least 25 percent of the "base value," which for purposes of this section means the assessed value of the historic structure or improvements, not including the value of any land associated with the historic site;

(3) The eligible work is performed not earlier than five years before the application for tax exemption; and

(4) The eligible work is performed pursuant to a certificate of appropriateness granted by the Houston Archaeological and Historical Commission (“HAHC”).

(c) Application. An application for tax exemption under this section shall be filed with the director of the Finance Department, or his designee (“director of finance”) in the form prescribed by the director of finance, and shall contain documentary evidence, including photographs and other documentation, of:

(1) All completed work for which a tax exemption is sought;

(2) Itemized accounting of eligible costs, shown as distinct from any ineligible costs, associated with any interior and exterior construction for which a tax exemption is sought; and

(3) Compliance with the requirements of any certificates of appropriateness issued pursuant to the Historic Preservation Ordinance.

Any application that does not contain sufficient documentary evidence under this section, including insufficiently itemized accounting of eligible costs as show distinctly from ineligible costs, shall be rejected by the director of finance and considered incomplete.

(d) Procedure. The director of finance shall establish and promulgate procedures for the implementation of the exemption granted under this section, the review of applications for tax exemption pursuant to this section, including deadlines for submission and consideration of applications required for a tax exemption to be effective for the next tax year. The director of finance shall calculate the projected tax exemption in accordance with this section, and forward the recommendation and projected tax exemption to city council. The city council shall approve an application for tax exemption upon receipt of a recommendation and a projected tax exemption from the director of finance.

(e) Eligible work. The following work qualifies for tax exemption under this section:

(1) Restoration performed pursuant to a certificate of appropriateness granted under the Historic Preservation Ordinance;

(2) Repair or reconstruction of the historic portion of the structural components, which includes parts of a building such as walls, partitions, floors, ceilings; windows and doors; all components of a central air conditioning or heating system, whether within or adjacent to a building, including motors, compressors, pipes and ducts; plumbing and plumbing fixtures, such as sinks and bathtubs; electric wiring and lighting fixtures; chimneys; stairs, escalators, and elevators; interior sprinkler systems; fire escapes; and other components relating to the operation or maintenance of a building;

(3) Interior remodeling of the historic portion of the structure's paint, flooring, permanent coverings such as paneling or tiling;

(4) Professional services such as architectural, engineering, and other development fees; and

(5) Construction management and labor, materials, and reasonable overhead.

(f) Ineligible work. The following work does not qualify for tax exemption under this section:

(1) Appliances, consumer and industrial machinery, including machinery needed for the preparation and storage of food;

(2) Furniture, including cabinetry and countertops;

(3) Decks, fencing, retaining walls, swimming pools, and any exterior work such as sidewalks, driveways, and landscaping;

(4) Acquisition costs;

(5) Demolition and relocation costs;

(6) All costs, both exterior and interior, associated with the construction of a new addition or new construction, as those terms are defined in the Historic Preservation Ordinance;

(7) Work done outside the scope of a certificate of appropriateness required by the Historic Preservation Ordinance; and

(8) Work done pursuant to a certificate of remediation issued by the HAHC.

(g) Annual review of tax exemption. The director of finance shall conduct an annual review of each property granted an exemption under this section and may recommend revocation of the tax exemption granted under this section to city council if:

(1) The historic site is or has been the subject of a certificate of appropriateness issued pursuant to sections 33-247 or 33-250 of this Code;

(2) The owner of a historic site exceeds the scope of a certificate of appropriateness or takes any action without a certificate of appropriateness required by article VII of chapter 33 of this Code;

(3) The owner causes the property to be demolished by neglect under section 33-254 of this Code or as a dangerous building under chapter 10 of this Code; or

(4) City taxes assessed against the property are delinquent, as confirmed by the director of finance.

(h) Calculation of tax exemption. An exemption granted hereunder by the city council shall exempt the historic structure or improvements not including the value of any land associated with this historic site from ad valorem taxation and shall be computed on the following basis:

(1) If the said qualifying expenditures are at least 25 percent but less than 100 percent of the base value, then the exemption for each tax year on the assessed value of the structure shall be equal to the amount of the qualifying expenditures; or

(2) If the said qualifying expenditures are 100 percent or more of the base value of the improvements, then the exemption for

each tax year shall be one hundred percent of the assessed value of the historic structure or improvements not including the value of any land associated with this historic site.

In any event, however, the exemption granted to any historic site pursuant to this section shall be subject to a limitation in the form of a maximum dollar amount. The maximum dollar amount shall be the assessed value of the historic structure in the year following demonstration of completion of the restoration or preservation work and demonstration of the qualifying expenditures to the director of finance. The amount of the exemption allowed on a historic structure shall not exceed the aforesaid maximum dollar amount in any tax year for the duration of the exemption period.

(i) Term. An exemption granted under this section shall begin on January 1 of the year following the date that the director of finance makes the determination that the owner of the historic site has met all of the requirements of this section for an exemption. The duration of the exemption shall be for a period of 15 years if the restoration project receives no financial incentive from the city funded by municipal hotel occupancy taxes, or ten years if the restoration project receives a financial incentive from the city funded by municipal hotel occupancy taxes. The exemption shall be automatically continued as of January 1 of each year succeeding the year the exemption was first granted for the duration of the ten- or 15-year period. The exemption shall be continued in the event of a transfer of an ownership interest or a portion of an ownership interest in the historic structure during such ten or 15-year period.

(j) Recordation. A person who has an ownership interest in property that has been granted a historic site exemption from ad valorem taxation shall record a copy of the ordinance providing for such exemption in the form prescribed by the city attorney in the real property records of the county in which the property is located. Failure on the part of the applicant to deliver a copy of such recorded ordinance, showing the date of recordation in the appropriate real property records, to the director of finance within 90 days of the date of passage of the ordinance providing for a tax exemption shall cause the expiration of the exemption at the end of such 90-day period.

(k) Recapture. Tax receipts and tax certificates issued for any historic site receiving tax relief pursuant to this section shall be clearly marked: "Historic site—Subject to recapture of additional taxes under Code of Ordinances." Each year during which the property is granted tax relief, the director of finance shall note on his records the valuation which would have been made and the taxes that would have been due had the historic site not

qualified for tax relief under this section. If the historic site is subsequently damaged, demolished, or destroyed, or if the tax exemption is revoked under this section, then the property shall be subject to a recapture of taxes and subject to penalties and interest calculated under pertinent provisions of the Texas Tax Code. The additional tax shall be equal to the total amount of tax relief granted under this section over the life of the structure.. Such additional taxes shall be deposited in the Historic Preservation Fund. Until paid, there shall be a lien for additional taxes, penalty, and interest on the property granted tax relief under the provisions of this section. An obligation to pay recaptured taxes is extinguished by operation of force majeure. Force Majeure means: fires, floods, hurricanes, tornadoes, ice storms and other natural disasters, explosions, war, terrorist acts, riots, and the acts of superior governmental or military authority, and which the affected party is unable to prevent by the exercise of reasonable diligence. The term does not include any changes in general economic conditions such as inflation, interest rates, economic downturn or other factors of general application, bankruptcy or an event that merely makes performance more difficult, expensive or impractical.

(l) A historic site for which an exemption has expired or has been withdrawn, revoked, or terminated may not requalify for a tax exemption under this section. Only one tax exemption at a time under this section may apply to a property.

(m) Notwithstanding any other provision of this code, a structure that has been designated as a landmark or as a contributing structure in a historic district pursuant to the Historic Preservation Ordinance and that is owned by the State of Texas or a political subdivision thereof is entitled to an exemption equal to 100 percent of the assessed value of the historic structure and the land necessary for access and use of such structure. If an application for an exemption pursuant to this subsection is granted prior to the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of that tax year. If such an application is granted after the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of the tax year following the date the application was granted. An exemption granted pursuant to this subsection shall remain effective until the property is sold."

Section 42. That Section 10-374 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"**Sec. 10-374. Administrative hearing.**

(a) If a property other than a dwelling is in violation of this division, the building official shall schedule a public hearing before the hearing officer to present evidence of the violation and to request any relief authorized by this article.

(b) If a dwelling is in violation of this division, the neighborhood protection official shall schedule a public hearing to present evidence of the violation and to request any relief authorized by this article. The hearing shall be scheduled before the commission unless the commission is unable to conduct the hearing on a date and at a time reasonably necessary to protect the health and safety of any occupants of the property or of the public in general, in which case the hearing shall be scheduled before the hearing officer.

(c) Neither the building official or the neighborhood protection official shall schedule a public hearing before the hearing officer or the commission to request any relief authorized by this article that involves the demolition of a landmark, protected landmark, archaeological site, or a building, structure, or object in a historic district, as those terms are defined in article VII of chapter 33 of this Code, without first obtaining a certificate of appropriateness as required by article VII of chapter 33 of this Code."

Section 43. That 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 applicability 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 44. That 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 552 of the 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 has 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 45. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make sure 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 46. That 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 such date and shall take effect on the thirtieth day next following the date of its passage and approval by the Mayor, except that the amendments to Section 44-5 of the Code of Ordinances in **Section 41** of this Ordinance shall not take effect for the current tax year but shall take effect on January 1, 2016.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Mayor of the City of Houston

Prepared by Legal Dept. _____
SOI September 29, 2015 Assistant City Attorney
Requested by Patrick Walsh, P.E. Director, Planning & Development Department
L.D. File No. 0421000048002

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

Item Creation Date: 9/10/2015

MYR ~ 2015 Public Safety Advisory Committee Memo 9-10-15

Agenda Item#: 54.

Summary:

MOTION to receive nominations for Position I on the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1, 2018
DELAYED BY MOTION #2015-675, 9/30/2015
This was a portion of Item 57 on Agenda of September 30, 2015

Background:

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from September 16, 2015, to receive nominations for the Public Safety Advisory Committee, for a three-year staggered term ending July 1, 2018:

Position At-Large 1	Teri LaRose	Nominated by Council Member Costello
Position At-Large 4	Robert Crane	Nominated by Council Member Bradford
Position C	Patricia Ann Nicholls	Nominated by Council Member Cohen
Position F	Sandy Christian Reyes	Nominated by Council Member Hoang
Position I	Johnny Sessums	Nominated by Council Member Rodriguez

JC/jsk

cc: Ms. Marta Crinejo, Agenda Director

ATTACHMENTS:

Description	Type
MYR ~ 2015 Public Safety Advisory Committee Memo 9-10-15	Signed Cover sheet