

**AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 18, 2012 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

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

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**NOTE: If a translator is required, please advise when reserving time to speak**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - DECEMBER 19, 2012 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 42**

**MISCELLANEOUS** - NUMBERS 1 through 5A

1. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **PLANNING COMMISSION**, for terms to expire September 30, 2014:

- |                     |                                |
|---------------------|--------------------------------|
| Position Four       | - <b>SUSAN ALLEMAN</b>         |
| Position Nine       | - <b>LISA M. CLARK</b>         |
| Position Eleven     | - <b>SHAUKAT ZAKARIA</b>       |
| Position Eighteen   | - <b>PAUL R. NELSON</b>        |
| Position Twenty     | - <b>ANTOINE BRYANT</b>        |
| Position Twenty-one | - <b>MEDARDO "SONNY" GARZA</b> |

**MISCELLANEOUS** - continued

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) BOARD OF DIRECTORS:**  
    **KAREN J. DORRIS**, reappointment, to serve as Chair, for a term to expire 12/31/2013  
    Position One - **WILLIAM E. MORFEY**, appointment, for a term to expire 12/7/2014  
    Position Three - **MATTHEW K. ZEVE**, appointment, for a term to expire 12/7/2014  
    Position Five - **ROBBI J. JONES**, reappointment, for a term to expire 12/7/2014
3. RECOMMENDATION from Deputy Director Mayor's Office of Intergovernmental Relations for renewal of Annual Membership in the **HOUSTON-GALVESTON AREA COUNCIL** - \$83,978.04 General Fund
4. RECOMMENDATION from Director Houston Information Technology Services for allocation of funds in the amount of \$781,213.18 for FY13 Microsoft Software and License Maintenance Services for the fleet of City Desktops awarded to **DELL FINANCIAL SERVICES, LLC** - Central Services Revolving Fund
5. ORDINANCE appropriating \$450,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for West Little York Paving from T.C. Jester to Alabonson/Deep Forest under Construction Contract with **CONRAD CONSTRUCTION CO., LTD.** (Approved by Ordinance No. 2011-0525) - **DISTRICTS A - BROWN and B - DAVIS**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$372,619.49 for the West Little York Paving from T.C. Jester to Alabonson/Deep Forest - **DISTRICTS A - BROWN and B - DAVIS**

**PROPERTY** - NUMBERS 6 through 12

6. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and settle the case in connection with eminent domain proceeding styled City of Houston v. Shady Village, Inc., et al., Cause No. 1014943; for acquisition of Parcels AY8-291, LY8-038 & LY8-039; for the **YALE STREET PAVING & DRAINAGE PROJECT (Tidwell - W. Parker)** - **DISTRICT H - GONZALEZ**
7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and settle the case in connection with eminent domain proceeding styled City of Houston v. Balearia L.L.C., a Texas Limited liability corporation, et al., Cause No. 1009726; for acquisition of Parcel AY10-219; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610)** - **DISTRICT H - GONZALEZ**
8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and settle the case in connection with eminent domain proceeding styled City of Houston v. Bao Van Ngo., d/b/a Happyland Food, et al., Cause No. 1015302; for acquisition of Parcel AY11-130; for the **RECONSTRUCTION OF PARKER ROAD PROJECT (Hardy Toll Road - Eastex Fwy.)** **DISTRICT H - GONZALEZ**
9. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Green & Fresh Produce, Inc., a Texas corporation, et al., Cause No. 994,116; for acquisition of Parcel AY10-205; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610)** - **DISTRICT H - GONZALEZ**

**PROPERTY** - continued

10. RECOMMENDATION from City Attorney to purchase Parcels AY9-414 and KY10-132 in lieu of eminent domain proceedings styled City of Houston v. Son Hoang Nguyen & Cindy Lam, et al., Cause No. 1014098; for the **LONG POINT RECONSTRUCTION PROJECT (Pech - Hollister) DISTRICT A - BROWN**
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brian Nawara, Texas Engineering and Mapping, on behalf of Tommie Vaughn Motors, Inc (Jim Janke, President), and V & G Realty Company, Inc (Jim Janke, President), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition, Parcel SY13-030 - **DISTRICT C - COHEN**
12. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel LY10-045, located at the 7400 block of Northline Drive, owned by Turning Point Center, Inc., a Texas corporation f/k/a Rehab Mission, Inc., a Texas corporation, Isha Desselle, President, for the **NORTHLINE RECONSTRUCTION PROJECT from Parker to Canino - DISTRICT H - GONZALEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 14A

13. **THE FIBAR GROUP, LLC** for Surface Materials for Playgrounds and Jogging Trails for Parks & Recreation Department - 3 Years with two one-year options - \$256,669.30 - General Fund
14. ORDINANCE appropriating \$502,207.50 out of Metro Projects Construction DDSRF for purchase of Wi-Max Radio System Equipment for Public Works & Engineering Department
  - a. **CONSOLIDATED TRAFFIC CONTROL, INC** for Wi-Max Radio System Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Department of Public Works & Engineering

**ORDINANCES** - NUMBERS 15 through 42

15. ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of vehicles for hire; containing findings and other provisions related to the foregoing subject; declaring certain conduct to be unlawful; containing a repealer; containing a savings clause; providing for severability
16. ORDINANCE creating a Pilot Program and authorizing the suspension of vehicle for hire age limitations for certain Manufacturer Model Year Taxicabs and Chauffeured Limousines
17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as public street rights-of-way of McGee Street, from Hoffman Road West approximately 1,042 feet, a portion of Troost Street, from Hoffman Road West approximately 987 feet, and Hoffman Road, from Interstate Highway 610 north to Kelley Street; vacating and abandoning the rights-of-way to the Harris County Hospital District, abutting owner, in consideration of its conveyance to the City of Houston, Texas, of a 60-foot-wide street right-of-way easement, construction of a street to City standards, payment to the City of \$92,041.00, and other consideration - **DISTRICT B - DAVIS**

**ORDINANCES** - continued

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as public street rights-of-way of (1) Wheeler Street, from Deems Street to Lidstone Street, (2) Wheeler Street, from Lidstone Street to Brays Bayou, (3) Wheeler Street, from the northern boundary line of Tract 37, Luke Moore Survey, A-51, Harris County, Texas, to Old Spanish Trail, (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of said Tract 37, and (5) Lidstone Street, from the former Lidstone Street to Brays Bayou; vacating and abandoning the rights-of-way to the Harris County Flood Control District and the Houston Parks Board, abutting owners, in consideration of (a) 12,402 square feet of right-of-way for the relocation of Lidstone Street, and (b) Five fee-owned parcels for park purposes; approving a form of Special Warranty Deed - **DISTRICT I - RODRIGUEZ**
19. ORDINANCE relating to employment terms and conditions of Classified Fire Fighters of the City of Houston; ratifying the amendment to the 2011 Agreement between the City of Houston and the **HOUSTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION, also known as the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-CLC, LOCAL UNION 341**, containing provisions relating to promotional testing of Classified Fire Fighters and containing other provisions relating of the foregoing subject; suspending the operation of certain ordinances; providing for severability
20. ORDINANCE relating to the Retail Gas Utility Rates of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex and as CenterPoint Energy Texas Gas; requiring a rate filing; maintaining current rates in effect until changed
21. ORDINANCE approving and authorizing agreement between the City of Houston and **JOHNSON & JOHNSON ACTIVITIES, INC** to provide a \$975,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition and construction of a facility to be located in the vicinity of 14750 Fondren Road, Houston, Texas, which will serve low to moderate income seniors with special needs and persons with mental disabilities - **DISTRICT K - GREEN**
22. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES**, to provide up to \$70,000.00 for the continuing administration and operation of a Supportive Services Program under the Housing Opportunities for Persons With AIDS Program - **DISTRICT D - ADAMS**
23. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON**, providing up to \$600,000.00 in Housing Opportunities for Persons With AIDS for the continuing operation of multiple Rental Assistance Programs with supportive services - **DISTRICTS C - COHEN and H - GONZALEZ**
24. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, to extend the contract and provide up to \$92,490.00 for the continuing administration and operation of a community residence and the provision of supportive services for low-income and homeless persons under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - COHEN and D - ADAMS**
25. ORDINANCE approving and authorizing Pre-Qualified Contractors for the City of Houston's Single-Family Home Repair Programs, including the Community Development Block Grant Disaster Recovery Program
26. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **STUDENT AID FOUNDATION ENTERPRISES** to settle a lawsuit \$120,000.00 - Property & Casualty Fund

**ORDINANCES** - continued

27. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **JORGE MEDRANO, Individually, and FERNANDO MEDRANO as the Independent Administrator of the Estate of Estela E. MEDRANO, ALEJANDRO MEDRANO, FEDERICO MEDRANO, MARIANO MEDRANO and FERNANDO MEDRANO, Individually**; to settle a lawsuit related to a vehicular accident between an on-duty HPD Officer driving an HPD vehicle and vehicle driven by Jorge Medrano - \$262,500.00 - Property & Casualty Fund
28. ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program \$200,000.00 - CDBG Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; D - ADAMS; E - SULLIVAN; I - RODRIGUEZ and K - GREEN**
29. ORDINANCE appropriating \$685,168.04 out of Reimbursement of Equipment / Projects Fund for purchase of 75 parking pay stations for the Administration and Regulatory Affairs Department
  - a. **DIGITAL PAYMENT TECHNOLOGIES, INC** for 75 parking pay stations for the Administration and Regulatory Affairs Department
30. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863)
31. ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **G4S SECURE SOLUTIONS (USA) INC (Formerly the WACKENHUT CORPORATION)** (Approved by Ordinance 2009-572) for Security Guard Services for the City of Houston
32. ORDINANCE appropriating \$539,064.20 out of Police Consolidated Construction Fund for Purchase and Sale Agreement between **HOANG T. WOUNG** and **TULE VAN WOUNG** and the City of Houston for purchase of 3.291 acres of land located on Westplace Drive near South Gessner Road, for the purchase price of \$530,000.00 and associated closing costs in the amount of \$9,064.20 - **DISTRICT K - GREEN**
33. ORDINANCE appropriating \$1,237,507.00 out of Parks Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Sam Houston Park; 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 and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, and Texas Parks and Wildlife Department Fund - \$895,500.00 - Grant Fund **DISTRICT I - RODRIGUEZ**
34. ORDINANCE approving and authorizing Lease Agreement between **UNION PACIFIC RAILROAD COMPANY, as Landlord**, and the City of Houston, Texas, as tenant, for approximately 33,820 square feet of unimproved land for parking for the Houston Permitting Center; approving a payment of \$109,900.00 - Building Inspection Fund - **DISTRICT I - RODRIGUEZ**
35. ORDINANCE consenting to the addition of 15.4229 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district
36. ORDINANCE consenting to the addition of 17.3409 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district

**ORDINANCES** - continued

37. ORDINANCE consenting to the addition of 48.1450 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
38. ORDINANCE consenting to the addition of 83.503 acres of land to **NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT**, for inclusion in its district
39. ORDINANCE appropriating \$500,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TEDSI INFRASTRUCTURE GROUP, INC** for Traffic Signal Management Program / Intelligent Transportation Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF
40. ORDINANCE appropriating \$12,000.00 out of Metro Projects Construction DDSRF; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **SOWELLS CONSTRUCTION MANAGEMENT & INSPECTION, LLC** for Traffic Signalization and Intersection Redesign
41. ORDINANCE appropriating \$750,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Services Engineering Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Work Orders for Pre-Engineering of Thoroughfare Improvements; providing funding for construction of facilities financed by the Metro Projects Construction DDSRF
42. ORDINANCE appropriating \$592,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **LBG-GUYTON ASSOCIATES, INC** for services associated with the rehabilitation of water wells at various locations (Approved by Ordinance No. 2008-0086) and approving and authorizing third amendment to the contract; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN and K - GREEN**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 43

**MISCELLANEOUS**

43. **SET A HEARING DATE** regarding the granting of a pipeline easement at Lake Houston Wilderness Park - **DISTRICT E - SULLIVAN**  
**HEARING DATE - 9:00 A.M. - WEDNESDAY - JANUARY 16, 2013**

**MATTERS HELD** - NUMBERS 44 through 49

44. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,392,363.11 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2010 (675) ES, etc. - 0.002% over the original contract amount and under the 5% contingency - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; F - HOANG; G - PENNINGTON; H - GONZALEZ; I - RODRIGUEZ and J - LASTER**  
**TAGGED BY COUNCIL MEMBER DAVIS**  
This was Item 6 on Agenda of December 12, 2012
45. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,889,172.50 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Riverwood Estates & John Alber Areas 0.04% under the original contract amount - **DISTRICT B - DAVIS**  
**TAGGED BY COUNCIL MEMBER DAVIS**  
This was Item 8 on Agenda of December 12, 2012
46. ORDINANCE approving and authorizing agreement for Professional Legal Services between the City of Houston and **ZUCKERT SCOUTT & RASENBERGER, LLP** for Specialized Aviation Legal Services for the benefit of the Houston Airport System; providing a maximum contract amount \$4,450,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 39 on Agenda of December 12, 2012
47. ORDINANCE approving and authorizing agreement for Professional Legal Services between the City of Houston and **KAPLAN KIRSCH & ROCKWELL, LLP** for Specialized Aviation Legal Services for the benefit of the Houston Airport System; providing a maximum contract amount \$1,400,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 40 on Agenda of December 12, 2012
48. ORDINANCE approving and authorizing contract between the City of Houston and **INTERVISTAS CONSULTING LLC** for Professional Aviation Consulting Services for the Houston Airport System; providing a maximum contract amount - \$1,875,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 43 on Agenda of December 12, 2012
49. ORDINANCE appropriating \$2,182,000.00 out of HAS Consolidated 2001 NONAMT Construction Fund and \$16,748,000.00 out of Airports Improvement Fund as an additional appropriation for Construction Phase Services for the Design Building Agreement between the City of Houston and **MICA CORPORATION** (Approved by Ordinance No. 2012-472) for Exterior Way-Finding Roadway Signage at George Bush Intercontinental Airport/Houston (Project No. 684); providing funding for engineering testing services and for contingencies; providing funding for the Civic Art Program - **DISTRICT B - DAVIS** - **TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 44 on Agenda of December 12, 2012

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Cohen first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
DECEMBER 18, 2012 – 2:00 PM**

**AGENDA**

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3MIN

3MIN

3MIN

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**NON-AGENDA**

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3MIN

3MIN

3MIN

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MS. SHITONDA JOHNSON – 6402 Goforth - 77021 – 713-829-3342 – Abandoned properties 6320 Sidney and 6330 Sidney

MR. JOHN CIESLEWICZ – 1250 Dubarry – 77018 – 713-906-1725 - Drainage Legalities

MS. GAIL WHITCOMB – 3011 Locke – 77019 – 713-522-9554 – Water Department hearing process

MS. MARGARET KALLSEN – 1331 Tulane – 77008 – 713-869-0820 – Thank you card

MR. WILLIAM PARHAM – 7718 Joplin – 77087-3818 – 713-640-1777 – Dogs at large in Community – I've been bitten twice

MR. JOSEPH JACKSON – 5111 Chenevert – 77004 – 713-522-9341 – Getting paid for working for work done as a contractor – past due 2mths.

MS. JILL PURCELL – 1117 Texas Ave – 77002 – 713-388-6817 – Complaint against HPD

MS. DEBORAH ELAINE ALLEN – Post Office Box 263252 – 77207-3252 – 713-264-0127 – MLK Road repair East Orem to Selinsky

MS. JUNE ADAMS – 6730 Crosswell St. – 77087 – 832-754-0813 – Angela's House Incidents in our Community

MS. ANITA SERRANO – 6411 Beldart – 77087 – 713-204-9321 – Angela's House – don't want in our Community

MS. ROSE OLSEN – 7435 Stanwick Dr. – 77087 – 713-204-9331 – Angela's House – don't want in our Community

MS. LESLIE SMITH – 2823 N. Main – Stafford – TX – 77477 – 832-746-7869 – Regulatory fees for Ambulances

MR. JOSEPH OMO OUMARI – 3939 N. Frwy, Ste. 210 – 77022 – 832-696-9204 – Finishing Houston's Master Plan

MR. WILLIAM BEAL – 4718 Boicewood – 77016 – no phone – Ronald Wilson Reagan – Reaganomics

MS. ANNIE GARCIA – 6721 Dillon – 77061 – 713-645-6401 – Problem in neighborhood Southeast area

MS. LETICIA SALINAS – 2322 Straight Creek – 77017 – 713-505-5363 – Son-in-law murder investigation Francisco Vela III

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy my born little girl from birth

**PREVIOUS**

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1MIN

1MIN

1MIN

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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – US PRESIDENT JC  
Declare absolute – Marshall Law upon – S/taxes governments M/U.S. gov.



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

DEC 19 2012

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 11-29-12  
date

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

November 26, 2012

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to City of Houston Code of Ordinances, Chapter 33, I am nominating the following individuals for reappointment to the Planning Commission, subject to Council confirmation:

Susan Alleman, reappointment to Position Four, for a term to expire September 30, 2014;  
Lisa M. Clark, reappointment to Position Nine, for a term to expire September 30, 2014;  
Shaukat Zakaria, reappointment to Position Eleven, for a term to expire September 30, 2014;  
Paul R. Nelson, reappointment to Position Eighteen, for a term to expire September 30, 2014;  
Antoine Bryant, reappointment to Position Twenty, for a term to expire September 30, 2014; and  
Medardo "Sonny" Garza, reappointment to Position Twenty-One, for a term to expire September 30, 2014.

Members of the Planning Commission also serve as members of the Airport Commission.

Résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

Attachments

cc: Ms. Marlene Gafrick, Director, Planning and Development Department  
Mr. Mario Diaz, Director, Houston Airport System





ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

DEC 19 2012

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 11-29-12  
date

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

November 30, 2012

The Honorable City Council  
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for appointment or reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors:

- William E. Morfey, appointment to Position One, for a term to expire December 7, 2014;
- Karen J. Dorris, reappointment to serve as Chair for a term to expire December 31, 2013;
- Matthew K. Zeve, appointment to Position Three, for a term to expire December 7, 2014;
- and
- Robbi J. Jones, reappointment to Position Five, for a term to expire December 7, 2014.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor



AP:JC:jsk

Attachments

cc: Mr. Ralph De Leon, Division Manager, Tax Increment Reinvestment Zone (TIRZ) Program,  
Mayor's Office of Economic Development

2

**SUBJECT:** Annual Membership Renewal in the Houston-Galveston Area Council

Category #	Page 1 of	Agenda Item # <b>3</b>
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**FROM** (Department or other point of origin):  
 Kippy Caraway  
 Deputy Chief of Staff

Origination Date <b>12/13/12</b>	Agenda Date <b>DEC 19 2012</b>
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**DIRECTOR'S SIGNATURE:**  


Council District affected: All

For additional information contact: Kippy Caraway, Deputy Chief of Staff  
 Phone: (832) 393-0977

Date and identification of prior authorizing Council action:

**RECOMMENDATION:** (Summary) Adopt motion approving renewal of membership in the Houston-Galveston Area Council.

Amount of Funding: \$83,978.04

Finance Budget:

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

Other (Specify)

**SPECIFIC EXPLANATION:**

The Houston-Galveston Area Council (H-GAC) was organized in 1966 by local leaders from Brazoria, Galveston and Harris counties and the cities of Galveston and Houston. H-GAC now covers a 13-county region made up of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton counties. H-GAC provides opportunities for local elected officials to work together to resolve significant public issues. The City of Houston has numerous appointments held by elected officials and City staff to various committees and the Board of Directors covering issues such as transportation, criminal justice, homeland security, economic development and the environment.

H-GAC is an important funding resource for Houston. As a state Metropolitan Planning Organization, H-GAC passes through important federal and state grants to the City of Houston. In 2011-2012, examples of pass-through grants include: Transportation Improvement Program (TIP) funding of \$35,002,878 for various construction projects in Houston; \$104,550 for homeland security programs; and \$160,000 for the Houston Police Department. H-GAC was responsible for creating the distribution formula the state will use for allocating Disaster Recovery Round 2.2 funding for non-housing projects. As a result, the City expects to receive \$26,148,986 in federal funding from the State in 2013. The City of Houston also benefits from participating in H-GAC's cooperative purchasing program, saving millions of dollars in the purchase of vehicles, fire trucks, ambulances, radios and construction equipment.

Local government dues, state appropriations, and state and federal grants and contracts finance H-GAC activities to fulfill its mission to: (1) promote efficient and accountable use of local, state, and federal dollars, (2) serve as a problem-solving and information forum for local governments and (3) help local governments, business, and civic organizations analyze trends and conditions affecting the area. Annual renewal for H-GAC membership in the amount of \$83,978.04 is calculated using the City of Houston's population from the 2010 Census. This reflects an increase of \$5,832.80 from last year when the 2000 census figure was still in use.

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:



**REQUEST FOR COUNCIL ACTION**

**RCA# 0000**

**TO:** Mayor via City Secretary

**Subject:** Approval to allocate funds for the FY13 payment to Dell Financial Services, LLC for Microsoft software licenses for the fleet of City desktops.

Category #  
1

Page 1 of 2

Agenda Item

4

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

Charles T. Thompson  
Chief Information Officer  
Houston Information Technology Services

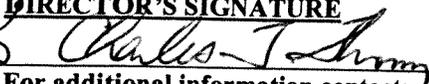
**Origination Date**

December 10, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

*CUT*  
 12-14-2012

**Council District(s) affected**

All

**For additional information contact:**

Somayya Scott Phone: (832) 393-0082

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

Ordinances: 2012-68: 01/25/12, 2012-607: 06/27/12, 2012-0621:07/03/12, 2012-1053

**RECOMMENDATION: (Summary)**

RECOMMENDATION from Director Houston Information Technology Services for Microsoft Software and License Maintenance Services for the Fleet of City Desktops awarded to DELL FINANCIAL SERVICES, LLC \$781,213.18 – Central Services Revolving Fund

**Amount & Source of Funding:**

\$781,213.18– Central Services Revolving Fund (1002)

**Finance Budget**

**SPECIFIC EXPLANATION:**

In 2009, HITS on behalf of the City of Houston, negotiated and entered into a tiered, multi-year Microsoft Enterprise License Agreement to purchase licenses and software maintenance services for a fleet of 14,000PCs. The purpose of this agreement was to begin the process of updating the City's technology to current software standards and ensure that the City remains in compliance with stringent software licensing requirements. This master agreement was divided into 5 separate annual tier agreements of approximately 2800 PCs each, which would be consolidated into a master maintenance agreement once all of the tiered agreements have been purchased.

Under the agreement, the City was able to procure the 0% financing package through Dell Financial Services, LLC in order to remain in compliance with Microsoft licensing and continue the use of both the Windows operating system and Microsoft Office suite products.

The original agreement was awarded on January 25, 2012 by Ordinance No. 2012-68 to replace the existing 2009 commitment with Dell Financial Services, LLC. On June 26, 2012, after a license count revealed a compliance issue, an amending agreement was awarded by Ordinance No. 2012-607 to increase the spending authority from \$9,162,971.92 to \$12,934,902.22.

The FY13 payment is made up of 3 actions: Ordinance No. 12-0621 appropriated \$859,266.40 on July 3, 2012; Council approved the appropriation of \$1,338,415.48 out of Equipment Acquisition Consolidated Funds on December 12, 2012; this requested motion would approve the allocation of the final \$781,213.18 out of Central Service Revolving Funds.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/16/2012	Subject: Ordinance approving the appropriation of funds for the Enterprise Agreement with Dell Financial Services, LLC for Microsoft software licenses for the fleet of City desktops.	Originator's Initials LS	Page 2 of 2
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Fiscal Year	Payment Date	Opening Balance	Payment	Balance
2012	11/01/2011	\$ 12,934,902.22	\$ 518,617.20	\$ 12,416,285.02
2012	12/01/2011	\$ 12,416,285.02	\$ 1,036,793.00	\$ 11,379,492.02
2013	** 12/01/2012	\$ 11,379,492.02	\$ (3,054,425.26)** \$ 2,978,895.06	\$ 8,325,066.76
2014	12/01/2013	\$ 8,325,066.76	\$ 4,022,237.71	\$ 4,302,829.05
2015	12/01/2014	\$ 4,302,829.05	\$ 4,302,829.05	\$ -

\*\* One-time Payment reduction of \$75,530.20.

**MWBE Goal:**

MWBE Zero-Percent Goal Document Approved by the Mayor's Office of Business Opportunity.



# CITY OF HOUSTON

Information Technology  
Department

RECEIVED  
ADMINISTRATOR'S OFFICE

JAN 12 2012

Interoffice

Correspondence

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

From: Gary Morris  
Acting Director & CIO

Date: January 11, 2012

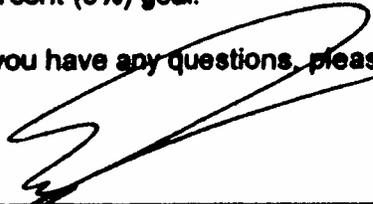
Subject: Request for 0% MWDBE Participation

The Information Technology Department will be entering in an Enterprise Master Agreement with Dell Financial Services, XLP. The total value of this agreement is \$9,162,971.92.

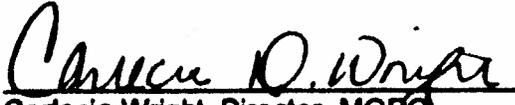
This Enterprise Management Agreement will replace a previous commitment with Microsoft for the purchase of licenses and maintenance services for approximately 14,000 desktops managed by the Information Technology Department.

This agreement is to finance the purchase of licenses and software maintenance and there is no opportunity to apportion the work. Therefore, there is no opportunity for MWDBE subcontracting. The Information Technology Department is requesting approval of a zero percent (0%) goal.

If you have any questions, please contact me or Joseph Badell at (832) 393-0209.

  
\_\_\_\_\_  
Gary Morris, Acting Director / CIO

READ AND APPROVED

  
\_\_\_\_\_  
Carlecia Wright, Director, MOBO

1-11-2012

\_\_\_\_\_  
Date

<b>SUBJECT:</b> Additional Appropriation and Approval of Change Order No. 3 for West Little York Paving from T.C. Jester to Alabonson/ Deep Forest; WBS No. N-000687-0003-4 and S-000500-0108-4.	<b>Page</b> 1 of 2	<b>Agenda Item</b> # <i>5-5A</i>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 12/13/12	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> A, B (A, B) <span style="float: right;"><i>Jm</i></span>
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<b>For additional information contact:</b> <i>[Signature]</i> J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone:</b> (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b> Ord. # 2011-0525 dated: 06/22/2011
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**RECOMMENDATION:** (Summary) Adopt an Ordinance approving additional appropriation of \$450,000.00 and adopt a Motion approving Change Order No. 3 in the amount of \$372,619.49. *H.P. 10/23/2012*

**Amount and Source of Funding:** \$450,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500. Total (original) appropriation of \$5,926,415.00 from Metro Projects Construction Fund No. 4040, and \$527,065.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

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

**DESCRIPTION/SCOPE:** The project consists of the reconstruction of approximately 7,400 linear feet of undivided concrete roadway on West Little York from T. C. Jester to Alabonson/ Deep Forest, replacement of existing storm sewer system, sidewalks, driveways and necessary underground utilities. Atkins North America, Inc. designed the project with 400 days calendar days allowed for construction. The project was awarded to Conrad Construction Co., Ltd. with an original Contract Amount of \$5,357,303.30.

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

**PREVIOUSLY APPROVED CHANGE ORDERS:**

No.	Amount	Description
C.O. #1	\$7,437.33	This Change Order includes the payment to store and re-install under-bridge lighting and related appurtenances at White Oak Bayou.
C.O. #2	\$ 250.00	This Change Order includes the cost of the Harris County Flood Control District's Outfall permit which exceeded the allotted amount of \$500.00.

**PROPOSED CHANGE ORDER NO. 3:** An appropriation of \$372,619.49 in excess of the total cost of the project and extension of 60 days of contract time, for additional work required to furnish and install 16-inch diameter waterline by open cut along the south side of West Little York from Station 156+91 to 176+00, due to the conflict with proposed RCP Storm leads and is located under the proposed pavement.

LTS NO. 3873 REQUIRED AUTHORIZATION 20HA194 *MA*

<b>Finance Department:</b>	<b>Other Authorization:</b> <i>[Signature]</i> Jun Chang, P.E., D.WRE Deputy Director, Public Utilities	<b>Other Authorization:</b> <i>[Signature]</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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*4-4A*

<b>Date</b>	<b>SUBJECT:</b> Additional Appropriation and Approval of Change Order No. 3 for West Little York Paving from T. C. Jester to Alabanson/ Deep Forest; WBS No.N-000687-0003-4 and S-000500-0108-4.	<b>Originator's Initials</b> JM	<b>Page</b> 2 of 2
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**TOTAL ADDITIONAL COST:** The total additional cost of this project is \$450,000.00 to be appropriated as follows:

- Change Order No. 3 Amount           \$372,619.49
- Construction Management           \$77,380.51

Additional appropriation will cover the additional work identified, leaving the contingencies balance for the completion of remaining work and Construction Management Services cost.

Construction Management Services will be provided by AIA Engineers, Ltd. under a previously approved Contract.

**PAY OR PLAY PROGRAM:** The 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/SBE PARTICIPATION:** The M/SBE goal established for the overall project is set at 17%. The original Contract approved by Ordinance No. 2011-0525 totals \$5,357,303.30. The Contractor has been paid \$3,699,820.64 or 69.06% to date. Of this amount \$1,151,001.60 (31.10%) has been paid to M/SBE sub-contractors to date. Assuming approval of the request for additional appropriation, the Contract amount will increase to \$5,729,922.79 and Contractor has updated their program to achieve the M/SBE goal for this project. The Contractor proposes the following program to meet the goal:

<u>M/SBE – Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
	Paid Prior Commitment	\$1,151,001.60	20.09%
1. Jimerson Underground, Inc.	Underground Utility Construction	<u>\$225,500.00</u>	<u>3.93%</u>
	<b>Total</b>	<b><u>\$1,376,501.60</u></b>	<b><u>24.02%</u></b>

*ESM JM*  
 DWK:DRM:JTL:RJM:JM:ha  
 H:\E&C Construction\North Sector\PROJECT FOLDER\N-000687-0003-4 (W. LITTLE YORK PAVING FROM T.C. JESTER TO ALABANSON DEEP FOREST)\RCA\RCA for C.O. #3.doc

N-0687-03-2.dwg

T C JESTER

T C JESTER

BIRCH TREE

ATHLONE

CYPRESS GROVE

W LITTLE YORK

VOGEL

Creek

BAYOU VIEW

Vogel

CHERRY OAK

SHINGLE OAK

CYPRESS GROVE

GUM GROVE

WINDING WAY

SHERATON OAKS

VIEW

MAPLE HILL

VICTORY

CYPRESS GROVE

GUM GROVE

PROJECT LOCATION

HOLLY

ANTOINE

Whiteoak

PINES

PAR FOUR

TALL

GUM GROVE

BLACK MAPLE

W LITTLE YORK

BURLINGTON

ALABONSON

ROSSLYN



KEY MAP: 411 T.X.Y.& Z

CITY OF HOUSTON

GFS No. N-0687-03-2

File No. N-0687-03

West Little York Paying Alabonson to T.C. Jester

DISTRICT "A"

LEGEND:

PROJECT LOCATION



Drawn: [illegible]

Document 00941

CHANGE ORDER No. 3

PROJECT: W. Little York Reconstruction from T.C. Jester to Alabonson

CONTRACT No.: 4600011059 PROJECT No.: N-000687-0003-4 (SB9246-01)

TO: Conrad Construction Co., Inc.

Contractor and  
Address for Written Notice

P.O. Box 841134  
Houston, TX 77284

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

Amount	Time
\$372,619.49	60 Days

**ITEM 1 SCOPE:** Furnish and install 16-inch diameter waterline by open cut along the south side of West Little York from Station 156+91 to 176+00.

**JUSTIFICATION:** Existing 16-inch diameter waterline is in conflict with proposed RCP storm leads and is located under the proposed pavement. It is recommended a new waterline be installed to avoid the storm sewer lead conflicts and avoid the potential issues caused by having a 40-year old waterline located under new pavement.

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
152	4" PVC Waterline (DR14 C900)	LF	60.00	\$117.23	\$7,033.95
153	18" Wel Connection	EA	2.00	\$5,018.67	\$10,037.34
154	Remove and Salvage Existing Fire Hydrant	EA	4.00	\$334.95	\$1,339.80
155	Additional Traffic Control for Extended Contract Time	LS	1.00	\$10,150.00	\$10,150.00
156	Cut and Plug Existing 16-Inch Waterline	EA	33.00	\$1,283.98	\$42,371.18
157	Trench Safety Systems	LF	2048.00	\$1.12	\$2,286.59
158	16" PVC Waterline (DR18 C905 Restrained Joint)	LF	154.00	\$129.51	\$19,945.16
159	Reconnect Existing 3/4" to 1" Water Service	EA	2.00	\$553.78	\$1,107.56
160	Cut and Plug Existing 8" Waterline	EA	4.00	\$825.09	\$3,300.37
161	16" PVC Waterline (DR18 C905)	LF	1755.00	\$117.23	\$205,743.04
162	8" Wel Connection	EA	4.00	\$1,285.09	\$5,140.37
163	Cut and Plug Existing 6" Waterline	EA	8.00	\$855.24	\$6,841.91
164	Relocate Existing Fire Hydrant	EA	4.00	\$1,674.75	\$6,699.00
165	6" Connection to Existing Fire Hydrant	EA	8.00	\$1,251.80	\$10,012.77
166	Install New Fire Hydrant	EA	4.00	\$4,710.51	\$18,842.05
167	Remove and Dispose of Waterline (16-Inch DIP)	LF	330.00	\$17.51	\$5,777.90
168	Cut and Plug Existing 4" Waterline	EA	1.00	\$531.45	\$531.45
169	8" PVC Waterline (DR14 C900)	LF	79.00	\$158.54	\$12,524.90
170	Reconnect Existing 2" Water Service	EA	2.00	\$1,091.94	\$2,183.87
171	4" Wel Connection	EA	1.00	\$750.28	\$750.28

00941-1

TOTALS: \$372,619.49 60 Days

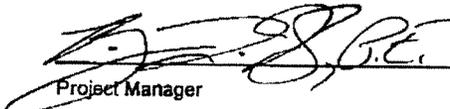
1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

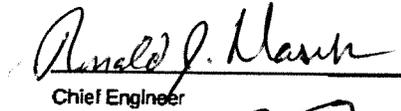
  
Contractor Signature and Title vice president

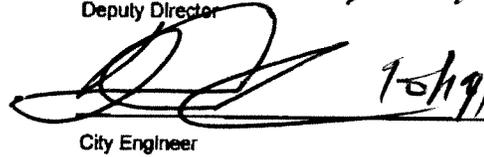
10/18/12  
Date

1.03 ACCEPTANCE BY THE CITY

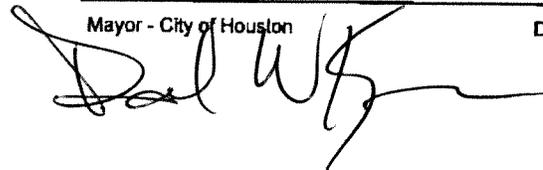
  
Project Manager 10-17-12  
Date

  
Deputy Director 10/26/12  
Date

  
Chief Engineer 10/19/12  
Date

  
City Engineer 10/19/12  
Date

  
Assistant Director 10/26/12  
Date

  
Mayor - City of Houston 10/26/12  
Date

cc:  
File No. (SB9246-01)

**EXECUTIVE SUMMARY**

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$5,357,303.30	100.00%
B. Previous Change Orders	\$7,687.33	0.14%
C. This Change Order	\$372,619.49	6.96%
D. Contract Price	<b>\$5,737,610.12</b>	<b>107.10%</b>

1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	400 Days	Tuesday, December 18, 2012
B. Previous Change Orders	59 Days	Friday, February 15, 2013
C. This Change Order	60 Days	Tuesday, April 16, 2013
D. Contract Time	<b>519 Days</b>	<b>Tuesday, April 16, 2013</b>

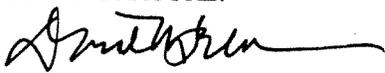
1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$7,437.33	0.14%
2	\$250.00	0.00%
3	\$372,619.49	6.96%
<hr/>		
TOTALS	\$380,306.82	7.10%

SUBJECT: Parcels AY8-291, LY8-038 & LY8-039; City of Houston v. Shady Village, Inc., et al., Cause No. 1014943; Yale Street Paving & Drainage Project (Tidwell - W. Parker) WBS/CIP No. N-000592-0001-2-01; Legal Department File No. 052-1000036-012.		Page 1 of 2	Agenda Item # <b>6</b>
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 11/14/12	Agenda Date DEC 19 2012
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DIRECTOR'S SIGNATURE:  DFA	Council District affected: "H" Edward Gonzalez; Key Map# 452D
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For additional information contact: <b>Ondrea U. Taylor</b> Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: 2011-1088, psd. 12/7/11; 2011-7, psd. 1/5/11
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**RECOMMENDATION:** (Summary)  
 Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle the case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.

**Amount and Source of Funding:**  
 \$196,712.00; No additional funding is required. (Funds were appropriated under Blanket Appropriation Ordinance No. 2011-1088)  
*M.P. 12/10/2012*

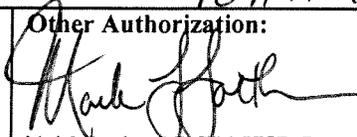
**SPECIFIC EXPLANATION:**  
 The Yale Street Paving & Drainage Project (Tidwell - W. Parker) provides for right-of-way acquisition, design and construction of a four-lane undivided concrete roadway with storm drainage, curbs, sidewalks, driveways street lighting, traffic control and the necessary underground utilities. The project also includes two detention ponds. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade the existing roadway to MTFP standards. (Project partially funded through IKE Recovery CDBG)

**Landowner:** Shady Village, Inc.

**Property Being Acquired:** Parcel AY8-291 9,727 s.f. permanent easement; Parcel LY8-038 1,137 s.f. permanent easement and LY8-039 367 s.f. permanent easement. The property is located at 5711 Yale Street, Houston, Texas. The property is improved with a mobile home park known as Shady Village. The City's taking will impact four (4) existing mobile homes sites, as well as ingress and egress of trailers at the trailer park.

During the course of preparing for the hearing, the parties were able to reconcile their respective differences and arrive at a settlement of all issues and matters in controversy, subject to City Council's approval. The proposed settlement was announced to the Special Commissioners and an Award was returned for the settlement amount. The landowner granted a Right of Entry onto the needed property to facilitate the City's construction time line.

**Agreed Award of Special Commissioners:** \$185,000.00.  
 The Legal Department filed objections to the Award of Special Commissioners to preserve the City's legal and procedural options pending City Council's review and consideration of the matter.

h:\mark\shadyvillageyalerca1.wpd		
<b>REQUIRED AUTHORIZATION</b>		
Other Authorization:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

*aug*

*AND*

*M.P. 12/10/2012*

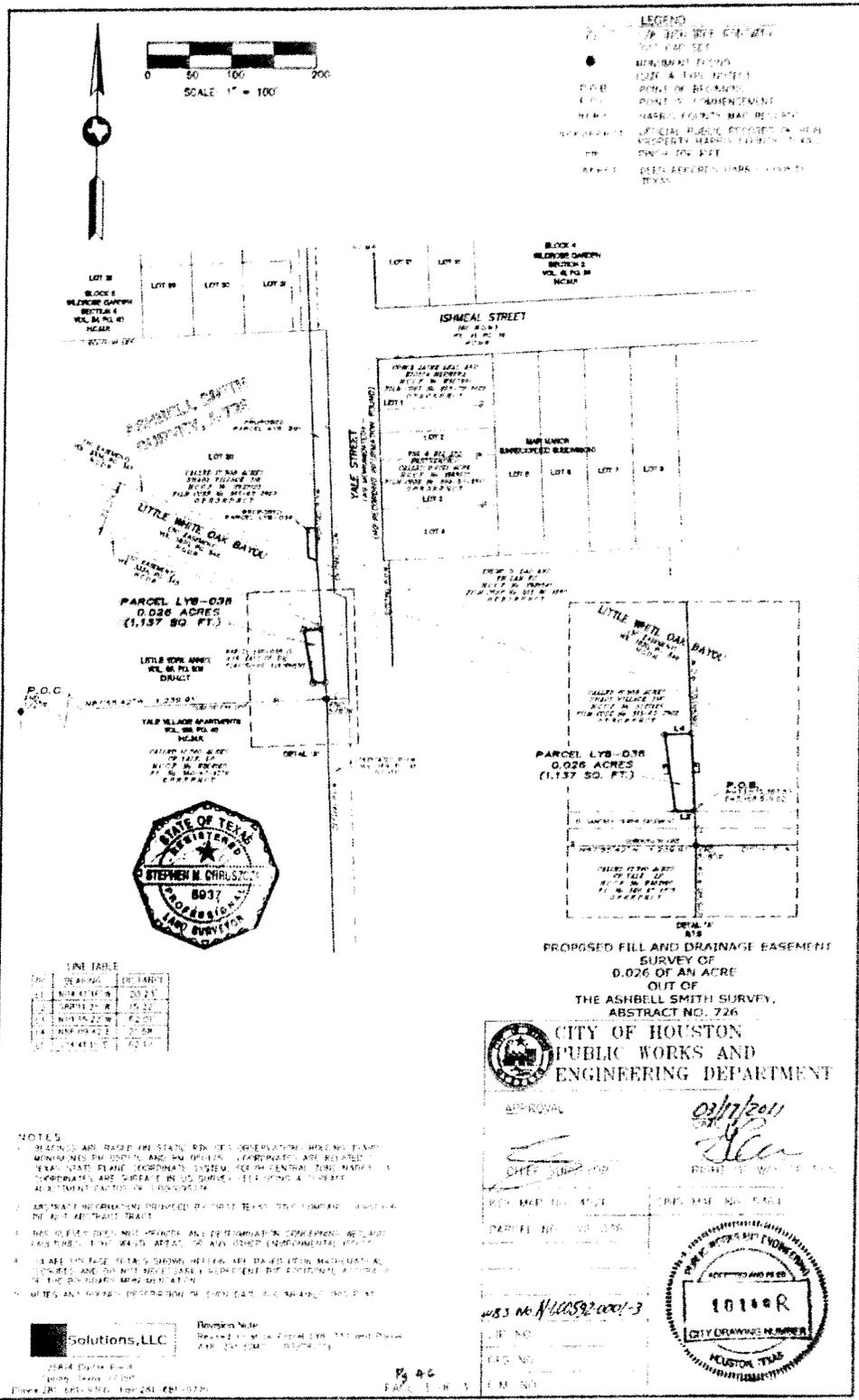
*90A H 267*

Date 11/14/12	SUBJECT: Parcels AY8-291, LY8-038 & LY8-039; City v. Shady Village Inc., et al; Yale Street Paving & Drainage Project; LD No. 052-1000036-012;	Originator's Initials OUT/JNQ	Page 2 of 2
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The "**Costs of Court**" are: \$187.00 Filing fee; \$275.00 Service of Process fee; \$3,000.00 Special Commissioners' fees (i.e. \$1,000.00 x 3); \$8,250.00 Appraiser's fee; **Total: \$11,712.00**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle this case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.





LINE TABLE

LINE	BEARING	DISTANCE
1	N 89° 41' 14" W	20.21
2	S 89° 41' 14" W	15.22
3	N 89° 41' 14" W	62.01
4	S 89° 41' 14" W	7.58
5	N 89° 41' 14" W	72.17

- NOTES
1. BEARINGS AND DISTANCES FOR STATE DEPARTMENT OF TRANSPORTATION HIGHWAY PLANS WORKSHIPPED FOR DESIGN AND CONSTRUCTION. REFERENCED AND RELATED TO TEXAS STATE PLANE COORDINATE SYSTEM, SEE THE CENTRAL ZONE MAPS. ALL COORDINATES AND DISTANCES IN THIS SURVEY ARE BASED ON A HORIZONTAL ALIGNMENT FACTOR OF 1.000000000.
  2. ANY DATA INFORMATION PROVIDED BY OTHER TEXAS TITLE COMPANIES, SURVEYORS OR THE REAL ESTATE TRACT.
  3. THIS SURVEY DOES NOT PROVIDE ANY INFORMATION CONCERNING ANY OTHER SURVEYS, EASEMENTS OR RIGHTS OF ANY OTHER INSTRUMENTAL PARTY.
  4. THIS SURVEY DOES NOT SHOW NECESSARY UTILITIES, ENCUMBRANCES, EASEMENTS, OR RIGHTS OF ANY OTHER PARTY. THE SURVEYOR HAS MADE A VISUAL CHECK OF THE SURVEYED AREA FOR ANY SUCH ENCUMBRANCES, EASEMENTS, OR RIGHTS.
  5. NOTES AND GENERAL DESCRIPTION OF THIS SURVEY ARE CONTAINED ON PLAT.

**Solutions, LLC**  
 2014 Delta Blvd  
 Spring, Texas 77381  
 Phone 281-681-6366 Fax 281-681-6330

Division No. 1  
 Registered Professional Surveyor  
 No. 8037

**CITY OF HOUSTON**  
**PUBLIC WORKS AND**  
**ENGINEERING DEPARTMENT**

APPROVAL: *[Signature]* 02/17/2011

CITY ENGINEER: *[Signature]*

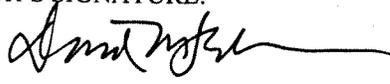
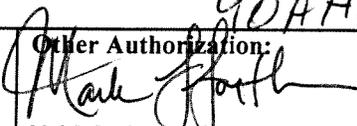
PROJECT NO. 10-026

DATE: 02/17/2011

FILE NO. 10-026

10118R  
 CITY DRAWING NUMBER  
 HOUSTON, TEXAS



SUBJECT: Parcel AY10-219; City of Houston v. Balearia L.L.C., a Texas limited liability corporation, et al., Cause No. 1009726; Airline Drive Paving & Drainage Project (N. Main - North Loop 610) WBS/CIP No. N-000697-0001-2-01; Legal Department File No. 052-1000038-014.		Page 1 of 2	Agenda Item #  7
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney		Origination Date 11/21/12	Agenda Date DEC 19 2012
DIRECTOR'S SIGNATURE: 		Council District affected: "H" Edward Gonzalez, Key Map#453P	
For additional information contact: Joseph N. Quintal Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6286)		Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2010-675, psd. 8/18/10; 2011-5, psd. 1/5/11	
RECOMMENDATION: (Summary) Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle the case for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$113,787.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2011-1088) <i>M.P. 12/10/2012</i>			
SPECIFIC EXPLANATION: <p>The Airline Paving &amp; Drainage Project (N. Main - North Loop 610) provides for the right-of-way acquisition, design and construction of a four lane undivided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade the existing roadway to Major Thoroughfare and Freeway standards.</p> <p>This eminent domain proceeding involves the acquisition of a permanent easement in and to 1,025 square feet (0.0235 acre) of land from a parent tract containing 31,816 square feet (0.73 acre). The property is located at 2811 Airline Drive and is improved with a 9,720 square foot, six (6) tenant, retail strip center built in 2008. The City's taking ranges from 4 feet to 21.08 feet in depth, and runs 202.55 feet along the property's entire street frontage. Situated within the City's taking are 500 square feet of concrete paving and curbs, 525 square feet of landscape area and the roof of the on-site sign will encroach into the new right-of-way. The City's taking will result in the loss of 18 of the 45 currently marked parking spaces.</p> <p>The landowner's legal representative rejected the City's final offer of \$81,061.00 to purchase the needed property and submitted a counter-offer of \$125,000.00. Efforts by Public Works &amp; Engineering to negotiate a purchase of the needed property were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department retained the same appraiser utilized by Public Works &amp; Engineering in making the City's final offer to testify before the Special Commissioners. The parties were cited and served as required by law and the matter was set for a Special Commissioners' Hearing.</p>			
h:\baleariarca.wpd		REQUIRED AUTHORIZATION	
Other Authorization:		Other Authorization:  Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE	

Date 11/21/12	SUBJECT: Parcel AY10-219; City v. Balearia, LLC, et al; Airline Drive Paving & Drainage Project; LD# 52-1000038-014	Originator's Initials JNQ/OUT	Page 2 of 2
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During the course of preparing for the Special Commissioners' Hearing, the parties engaged in negotiations and were able to reconcile their differences and arrive at a proposed settlement of all issues and matters in controversy. The proposed settlement was announced to the Special Commissioners and an Award was returned for the amount of the proposed settlement.

**Award of Special Commissioners:** \$110,000.00.

The "**Costs of Court**" are: \$187.00 filing fee; \$200.00 Service fee; \$900.00 Special Commissioners' fees (i.e. \$300.00 x 3); \$2,500.00 Appraiser's fee; **Total: \$3,787.00.** These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter and settle the case for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

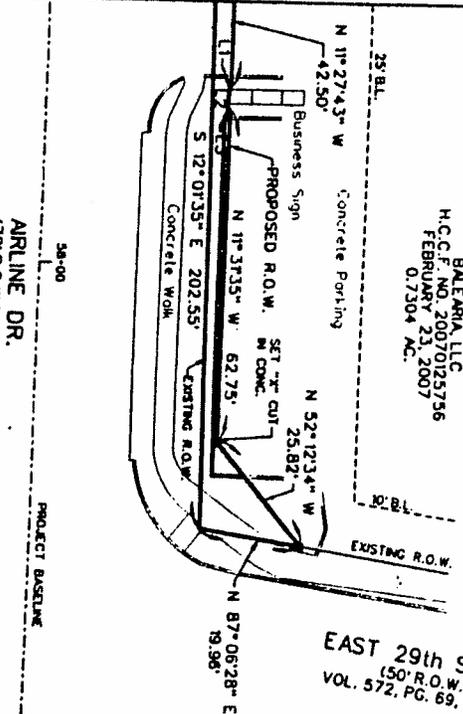
**JOHN AUSTIN SURVEY  
ABSTRACT 1**

SUNSET HEIGHTS PLACE  
SECTION 2 REPLAT NO. 1  
FILM CODE NO. 818088, H.C.M.R.  
RESTRICTED RESERVE -A-

BLOCK 1  
BALEARIA, LLC  
H.C.C.F. NO. 2007025756  
FEBRUARY 21, 2007  
0.7304 AC.

MATCH LINE STA. 57+50.00

PER HARRIS COUNTY COMMISSIONERS COURT  
ADOPTED FEB. 19, 1995, VOL. 114, PG. 18 & 19  
HARRIS COUNTY PUBLIC ROAD RECORDS AND  
VOL. 572, PG. 225, H.C.D.R.



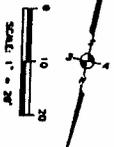
EAST 29th STREET  
(50' R.O.W.)  
VOL. 572, PG. 69, H.C.D.R.

- NOTES:
1. ALL COORDINATES AND BEARINGS SHOWN HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (CONR).
  2. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999999.
  3. THIS SURVEY IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION OF EWM DATE.

LINE	BEARING	DISTANCE
L1	N 78° 47' 31" E	0.35'
L2	N 09° 13' 07" W	4.00'
L3	S 80° 48' 53" W	0.55'

- LEGEND / ABBREVIATIONS
- FOUND MONUMENT AS NOTED
  - SET 5/8" IR W/V PLASTIC CAP STAPLED TO METEON CONSULTANTS' UNLESS OTHERWISE NOTED

- ABBREVIATIONS
- R = PROPERTY LINE
  - I.R. = IRON ROD
  - I.P.P. = IRON PIPE
  - P.I.P. = PINCHED TOP PIPE
  - P.O.B. = POINT OF BEGINNING
  - P.O.C. = POINT OF COMMENCING
  - H.C.D.R. = HARRIS COUNTY DEED RECORDS
  - H.C.M.R. = HARRIS COUNTY MAP RECORDS
  - H.C.C.F. = HARRIS COUNTY CLEM FILE
  - (C.M.) = CONTROL MONUMENT
  - R.O.W. = RIGHT OF WAY



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY

*Leo M. Delatorre*  
4/27/2011

LEO M. DELATORRE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS REGISTRATION NO. 5113

LANDTECH CONSULTANTS, INC.  
Civil Engineering • Land Surveying  
2525 North Loop West  
Suite 300  
Houston, Texas 77008  
Tel: (713) 861-7900 Fax: (713) 861-4111

CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT

APPROVAL  
DATE: 4/13/2011  
CHIEF SURVEYOR: [Signature]  
RIGHT OF WAY SECTION

REVISION: 3/29/2011  
REVISED: 9/8/2010  
P.O.B. TO COH MON. NO. 5359-1113  
S 19° 17' 47" E, 545.74'

EXISTING	TAKING	REMAINING
0.7304 ACRE	0.0235 ACRE	0.7069 ACRE
31,818 SQ. FT.	1,029 SQ. FT.	30,789 SQ. FT.

PARCEL AV10-219  
BALEARIA, LLC

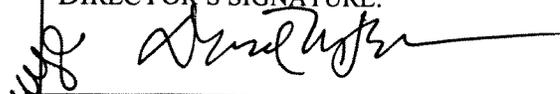
KEY MAP NO. 453P	CMS MAP NO. 93598
PARCEL NO. AV10-219	
SCALE: 1" = 20'	
DATE: MARCH 1, 2010	
CP NO.	
GFS NO.	
FILE NO.	
SHEET 2 OF 2	

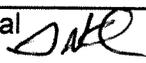




SUBJECT: Parcel AY11-130; City of Houston v. Bao Van Ngo,, d/b/a Happyland Food, et al., Cause No. 1015302; Reconstruction of Parker Road Project (Hardy Toll Road - Eastex Fwy.) WBS/CIP No. N-000708-0001-2-01; Legal Department File No. 052-1100030-010.	Page 1 of 1	Agenda Item #  8
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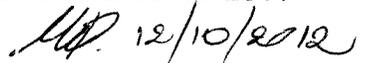
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 11/26/12	Agenda Date DEC 19 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: "H" Edward Gonzalez, Key Map#414W
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For additional information contact: Joseph N. Quintal  Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6280)	Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2011-1148, psd. 12/14/11
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**RECOMMENDATION:** (Summary)

Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court and settle the case for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

**Amount and Source of Funding:**  
 \$91,332.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2011-1088).  


**SPECIFIC EXPLANATION:**

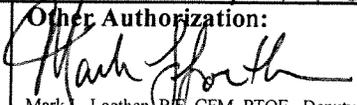
The Reconstruction of Parker Road Project (Hardy Toll Road - Eastex Frwy.) will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roads with curbs, sidewalks and necessary underground utilities. These improvements will upgrade the existing roadway to major thoroughfare standards.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,909 square feet (0.0668 acre) of land for street purposes. The landowner's representative rejected the City's final offer of \$62,126.00 to purchase the needed property. Efforts by Public Works & Engineering to negotiate the purchase failed, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property.

During the course of preparing for the Special Commissioners' Hearing, the parties engaged in negotiations and were able to arrive at an amount of compensation agreeable to all parties. The agreement was announced to the Special Commissioners and an Award was returned for \$87,000.00.

The "Costs of Court" are: \$187.00 filing fee; \$295.00 service fee; \$900.00 Special Commissioners' fees (i.e. \$300.00 x 3); Appraiser's fee \$2,950.00 **Total: \$4,332.00**. These "costs of court" account for the monetary difference between the amount of the Award and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court and settle the case for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

h:\mark\ngoparkerrca.wpd <span style="float: right;">90AH266</span>		
Other Authorization:	Other Authorization:	Other Authorization:  Mark Loethen, DE CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

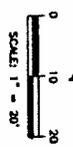
**E. JOHNSON SURVEY  
ABSTRACT 1092**

BONITA HOPE APARTMENTS  
P.C. NO. 565087, H.C.M.R.

FND 5/8" I.R. (C.M.)

- LEGEND / ABBREVIATIONS
- FOUND ALIGNMENT AS NOTED
  - SET 5/8" I.R. W/ PLASTIC CAP STAMPED "LANDTECH CONSULTANTS" UNLESS OTHERWISE NOTED

- ABBREVIATIONS
- P. = PROPERTY LINE
  - I.R. = IRON ROD
  - I.P. = IRON PIPE
  - P.T.P. = PINCHED TOP PIPE
  - P.O.B. = POINT OF BEGINNING
  - P.O.C. = POINT OF COMMENCING
  - H.C.D.R. = HARRIS COUNTY DEED RECORDS
  - H.C.M.R. = HARRIS COUNTY MAP RECORDS
  - H.C.C.F. = HARRIS COUNTY CLERK FILE (C.M.) = CONTROL ALIGNMENT
  - R.O.W. = RIGHT OF WAY
  - F.C. = FILM CODE



JAMES E. PETERSON  
H.C.C.F. NO. 2007/0560787  
JUNE 4, 2007  
CALLED 0.2748 ACRE

P.O.B.  
PARCEL AY11-130  
X-3,127.40364  
Y-13,878.24207  
SET NAL. W/SINKER

SHADY LANE  
(CALLED 40' R.O.W. PER  
VOL. 711, P.C. 16, H.C.D.R.)



*Leo M. Delatorre*  
2/12/2011

LEO M. DELATORRE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5113

LANDTECH CONSULTANTS, INC.  
Civil Engineering & Land Surveying  
2525 North Loop West  
Suite 300  
Houston, Texas 77008  
Tel. (713) 861-7068 Fax (713) 861-4131



CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT

APPROVAL

05/11/2011  
DATE

*Robert of Way Section*  
ROBERT OF WAY SECTION

KEY MAP NO. 414 W GIMS MAP NO. 59618

PARCEL NO. AY11-130

SCALE: 1" = 20'

DATE: 8/12/2010

CIP NO.

GFS NO.

FILE NO.

SHEET 1 OF 1



PARKER ROAD  
(CALLED 40' R.O.W. PER  
VOL. 711, PG. 16, H.C.D.R.)

PROJECT BASELINE

P.C. STA. 58+12.96

P.T. STA. 59+62.08

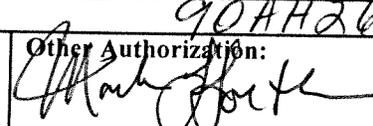
8479/08117

LINE	BEARING	DISTANCE
L1	N 01° 52' 56" W	15.00'

PARCEL AY11-130  
JAMES E. PETERSON

NOTES:  
1. ALL COORDINATES AND BEARINGS SHOWN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, MAD 83 (CORS1).  
2. ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.99990665.  
3. THIS SURVEY IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN SURVEY DATE (AUG. 12, 2010).

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY10-205; City of Houston v. Green & Fresh Produce, Inc., a Texas corporation, et al., Cause No. 994,116; Airline Drive Paving & Drainage Project (N. Main - North Loop 610) WBS/CIP No. N-000697-0001-2-01; Legal Department File No. 052-1000038-008.		Page 1 of 2	Agenda Item # <b>9</b>
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney		Origination Date 10/04/12	Agenda Date DEC 19 2012
DIRECTOR'S SIGNATURE:  <i>DFM</i>		Council District affected: "H" Edward Gonzalez, Key Map#453T	
For additional information contact: <b>Ondrea U. Taylor</b> <i>OUT</i> Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2012-0367, psd. 5/16/12; 2011-5, psd. 1/5/11	
<p><b>RECOMMENDATION:</b> (Summary)                  Authorize the City Attorney, by Motion, to settle this eminent domain case for \$71,500.00 and pay the City's appraisal costs incurred during trial preparation. The proposed settlement reflects an increase of \$19,469.00 over amount of the Award of Special Commissioners. Funding will be provided by previously approved blanket Appropriation Ordinances.</p>			
Amount and Source of Funding: \$20,844.00; No additional funding is required. (Funds were appropriated under Ordinance Number 2011-1088) <i>M.P. 12/10/2012</i>			
<p><b>SPECIFIC EXPLANATION:</b>                  The Airline Paving &amp; Drainage Project (N. Main - North Loop 610) provides for the right-of-way acquisition, design and construction of a four lane undivided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. The improvements will upgrade the existing roadway to MTFP standards.</p> <p>This eminent domain proceeding involves the acquisition of a permanent easement in and to 1,323 square feet (0.0304 acre) of land from a parent tract containing 76,799 square feet (1.7631 acres). The parent tract is improved with a 23,240 square-foot office warehouse building situated outside of the area being acquired in this proceeding. The property is located at 1900 Airline Drive and is owned by the Green &amp; Fresh Produce, Inc., a Texas corporation.</p> <p>The landowner's legal representative rejected the City's final offer of \$45,931.00 to purchase the needed property and did not submit a counter-offer. Efforts by Public Works and Engineering to negotiate a purchase of the needed property were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings.</p> <p>The landowner, although cited and served as required by law, did not attend the Special Commissioners Hearing. Consequently, the Special Commissioners returned an Award for \$52,031.00 based solely upon the City's testimony. Both parties filed objections to the Award and the matter was placed on the Court's trial docket. The City deposited the amount of the Award of Special Commissioners into the registry of the Court on June 14, 2012 in order to gain physical possession of the land for construction purposes.</p>			
h:\mark\green&freshrca2.wpd		REQUIRED AUTHORIZATION	
Other Authorization:	Other Authorization:	Other Authorization: <i>90AH263</i>  Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE	

Date 10/4/12	SUBJECT: Parcel AY10-205; City v. Green & Fresh Produce, Inc., et al; Airline Drive Paving & Drainage Project; LD# 52-1000038-008	Originator's Initials OUT/JNQ	Page 2 of 2
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During the course of trial preparation, the parties were able to reconcile their differences and arrive at a proposed settlement of all issues and matters in controversy. The proposed settlement, subject to City Council's approval, reflects an increase of \$19,469.00 over the amount of the Award of Special Commissioners. The proposed settlement is within the range of and supported by the evidence available to this office. It is doubtful the City would benefit from further litigating this matter. The Legal Department incurred an appraisal expense totaling \$1,375.00 during trial preparation and the expense accounts for the monetary difference between the amount needed to settle this matter and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to settle this matter for the total consideration of \$71,500.00, and pay the City's appraisal costs incurred during trial preparation. Funding will be provided by previously approved blanket Appropriation Ordinances.

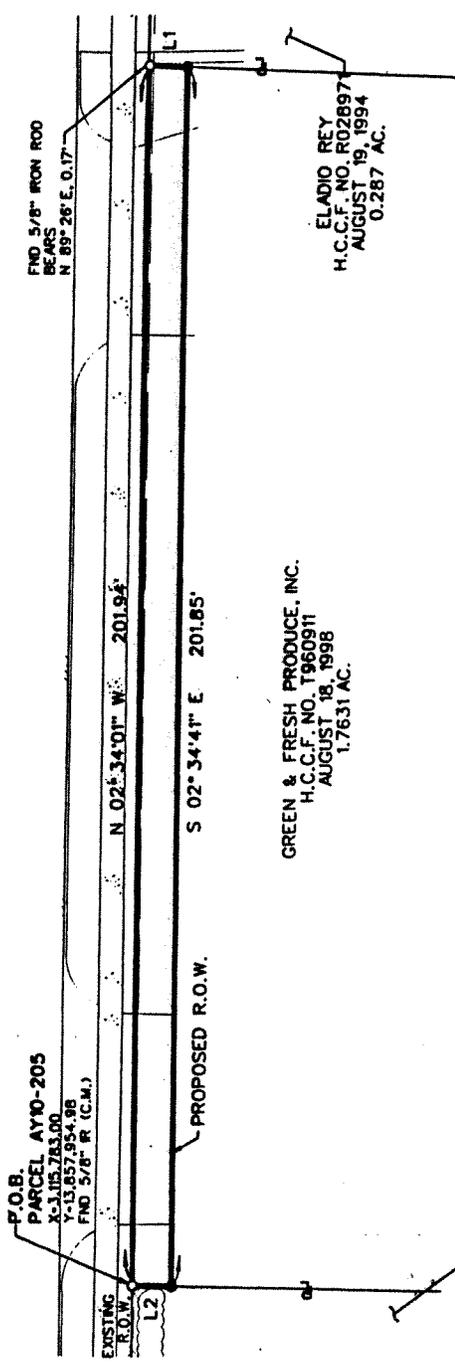
**JOHN AUSTIN SURVEY  
ABSTRACT 1**

AIRLINE DR.  
(70' WIDE AS MONUMENTED AND RECOGNIZED)  
CALLED 60' WIDE PER HARRIS COUNTY  
COMMISSIONERS COURT  
ADOPTED FEB. 19, 1895  
VOL. 111, PG. 18 & 19 HARRIS COUNTY  
PUBLIC ROAD RECORDS

**LEGEND / ABBREVIATIONS**

- FOUND MONUMENT AS NOTED
- SET 5/8" IR W/ PLASTIC CAP STAMPED "LANDTECH CONSULTANTS" UNLESS OTHERWISE NOTED
- PROPERTY LINE
- I.-R. = IRON ROD
- I.-P. = IRON PIPE
- P.-T.-P. = PINCHED TOP PIPE
- P.-O.-B. = POINT OF BEGINNING
- P.-O.-C. = POINT OF COMMENCING
- H.-C.-D.-R. = HARRIS COUNTY DEED RECORDS
- H.-C.-M.-R. = HARRIS COUNTY MAP RECORDS
- H.-C.-C.-F. = HARRIS COUNTY CLERK FILE (C.M.) = CONTROL MONUMENT
- R.-O.-W. = RIGHT OF WAY

28-00 PROJECT BASELINE 29-00 30-00

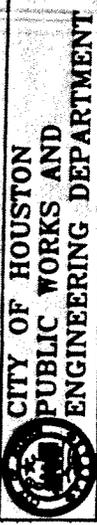


I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY

*Leo M. Delatorre*  
6-15-10

LEO M. DELATORRE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS REGISTRATION NO. 5113

LANDTECH CONSULTANTS, INC.  
CMI Engineering & Land Surveying  
2525 North Loop West  
Suite 300  
Houston, Texas 77008  
Tel. (713) 961-7000 Fax (713) 961-4131



APPROVAL  
*[Signature]*  
DATE 3/1/2010  
RIGHT OF WAY SECTION  
CHIEF SURVEYOR

KEY MAP NO. 453T	GMS MAP NO. 5359D
PARCEL NO. AY10-205	
SCALE: 1" = 20'	
DATE: MARCH 1, 2010	
CIP NO.	
GFS NO.	
FILE NO.	
SHEET 1 OF 1	



Sheet of 39

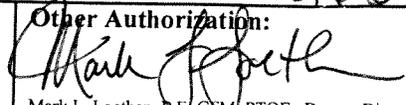
P.O.B. TO COH MON. NO. 5359-1108		
S 02° 31' 54" E, 426.55'		
EXISTING	TAKING	REMAINING
1.7631 ACRES	0.0304 ACRE	1.7327 ACRES
76,799 SQ. FT.	1,323 SQ. FT.	75,476 SQ. FT.

PARCEL AY10-205  
GREEN & FRESH PRODUCE, INC.

LINE	BEARING	DISTANCE
L1	N 89° 26' 24" E	6.53'
L2	S 88° 37' 08" W	6.57'

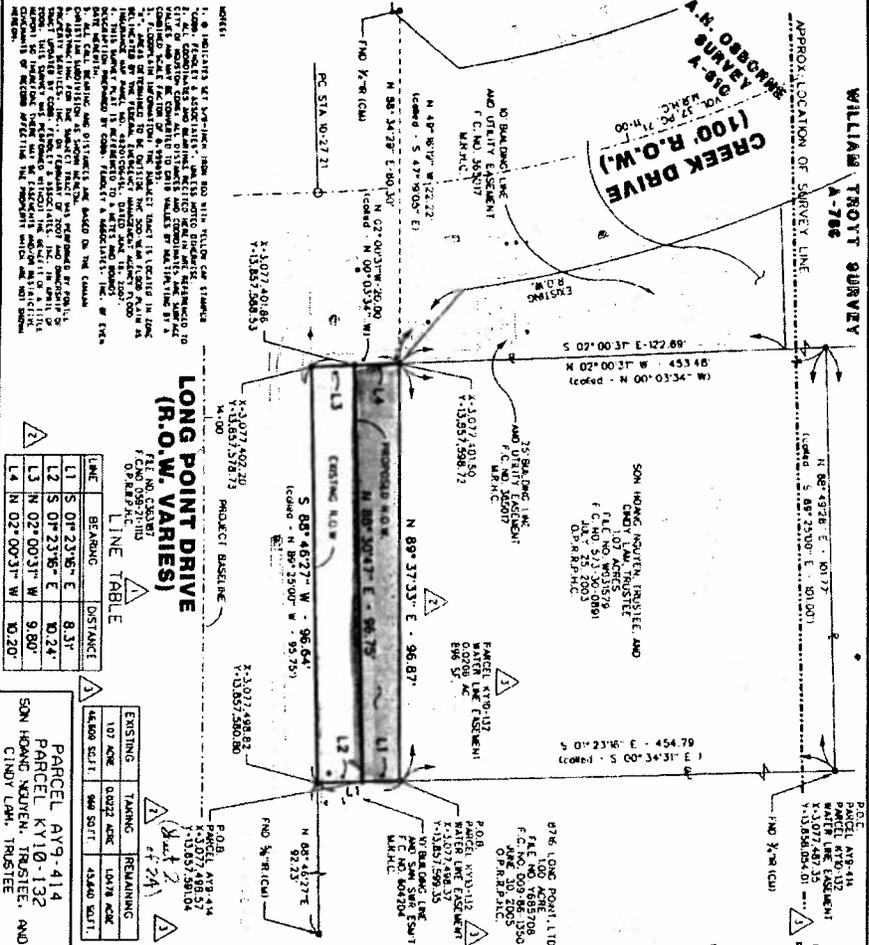
- NOTES:
- ALL COORDINATES AND BEARINGS SHOWN HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (CORS).
  - ALL DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999898.
  - THIS SURVEY IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE.

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcels AY9-414 & KY10-132; City of Houston v. Son Hoang Nguyen & Cindy Lam, et al., Cause No. 1014098; Long Point Reconstruction Project (Pech - Hollister) WBS/CIP No. N-000674-0003-2-01; Legal Department File No. 052-1000060-011.		Page 1 of 2	Agenda Item #  10
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney		Origination Date 10/10/12	Agenda Date DEC 19 2012
DIRECTOR'S SIGNATURE:  DFAL		Council District affected: "A" Helena Brown, Key Map#450V	
For additional information contact: Ondrea U. Taylor Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2009-706, psd. 7/29/09; 2010-381, psd. 5/19/10	
RECOMMENDATION: (Summary) Authorize the City Attorney, by Motion, to purchase the needed parcels of land for the total consideration of \$98,500.00 from Son Hoang Nguyen and Cindy Lam, Trustees for the Son Hoang Nguyen & Cindy Lam Living Trust. Funding will be provided by previously approved blanket Appropriation Ordinances.			
Amount and Source of Funding: \$98,500.00; No additional funds required. (Funds were appropriated under Blanket Ordinance Numbers. 2011-1088 and 2009-0706).			
SPECIFIC EXPLANATION: <p>The Long Point Reconstruction Project (Pech - Hollister) will improve traffic mobility, drainage and traffic congestion. The project consists of a four-lane divided concrete roadway from Pech Road to Hollister Street. The project will include raised medians, curbs, sidewalks, driveways and necessary underground utilities.</p> <p>The property being acquired consists of two (2) adjacent rectangularly shaped easements located along the street right of way. The whole property is at 8718 Long Point Drive and improved with a 3,600 square-foot, two (2) tenant, commercial building with a free standing single family residence located at the rear of the site.</p> <p>Parcel AY9-414; 989 square feet (0.0222 acre); street right-of-way easement                  Parcel KY10-132; 896 square feet (0.0206 acre); waterline easement</p> <p>The landowners rejected the City's final offer of \$79,928.00 to purchase the property, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The landowners cited concerns over lost parking, business interruption and business loss. The landowners' submitted counter-offers ranging from \$183,428.00 - \$446,165.00.</p> <p>After extensive negotiations with the landowners' attorney, the parties were able to reconcile their differences and reach an agreement to convey, by deed, the needed property to the City for \$98,500.00. The agreement to purchase is subject to City Council's approval, and in lieu of further eminent domain action by the City. The landowners granted the City an immediate Right of Entry to facilitate the City's construction time line.</p>			
h:\mark\nguyenlamrca.wpd		REQUIRED AUTHORIZATION	
Other Authorization:	Other Authorization:	Other Authorization:  90AH265 Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division, PWE	

Date 10/10/12	SUBJECT: Parcels AY9-414 & KY10-132; Son Hoang Nguyen and Cindy Lam; Long Point Reconstruction Project; L.D. No. 52-1000060-011	Originator's Initials OUT/JNQ	Page 2 of 2
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We recommend that the City Attorney be authorized, by Motion, to purchase the needed parcels of land for the total consideration of \$98,500.00 from Son Hoang Nguyen and Cindy Lam, Trustees for the Son Hoang Nguyen & Cindy Lam Living Trust. Funding will be provided by previously approved blanket Appropriation Ordinances.



**LONG POINT DRIVE (R.O.W. VARIES)**

FILE NO. 099-2110  
 PLAN NO. 099-2110  
 DATE 04/20/2009

LINE	BEARING	DISTANCE
L1	S 01° 23' 56" E	8.31'
L2	S 01° 23' 56" E	10.24'
L3	N 02° 00' 31" W	9.80'
L4	N 02° 00' 31" W	10.20'

EXISTING	TAKING	REMAINING
107' 00"	107' 00"	107' 00"
434' 00"	434' 00"	434' 00"

PARCEL A19-414  
 PARCEL K110-132  
 SON HOANG NGUYEN, TRUSTEE, AND  
 CINDY LAM, TRUSTEE

KEY MAP NO. 450V  
 DATE 04/20/2009  
 PARCEL NO. 199-414/110-132  
 SCALE: 1"=20'  
 CIP NO. 09-21-09  
 FILE NO. 09-21-09  
 SHEET 1 OF 1

**CITY OF HOUSTON**  
**PUBLIC WORKS AND**  
**ENGINEERING DEPARTMENT**

APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CHIEF SURVEYOR: \_\_\_\_\_  
 (RIGHT OF WAY SECTION)

REV	DESCRIPTION	DATE
1	REV. COR. OF PARCEL AND ADJ. B.L. EASEMENT	12-23-09
2	ADDED RIGHT OF WAY DEED IMPROVEMENT	04-23-09

**SURVEYOR'S CERTIFICATION**

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as conducted and approved by me on the date hereon stated.

DATE: 04/20/2009  
 SURVEYOR: \_\_\_\_\_  
 STATE OF TEXAS

**LEGEND**

- MARKER
- LINE
- SLOPE
- WATER VALVE
- WATER METER
- POWER POLE
- CONTROL MONUMENT

Scale: 1"=20'

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

<b>SUBJECT:</b> Request for a motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition. <b>Parcel SY13-030</b>	<b>Page</b> <u>1</u> of <u>1</u>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em;">//</div>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  12/13/12	<b>Agenda Date</b>  DEC 19 2012
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> C  Key Map 452Y/452Z
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (832) 395-3130 Senior Assistant Director-Real Estate 	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition. **Parcel SY13-030**

<b>Amount and Source of Funding:</b> Not Applicable	
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**SPECIFIC EXPLANATION:**  
 Brian Nawara, Texas Engineering and Mapping, 12810 Century Drive, Stafford, Texas 77477, on behalf of Tommie Vaughn Motors, Inc. (Jim Janke, President), and V & G Realty Company, Inc. (Jim Janke, President), requested the non-acceptance of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition. The alley was never paved or used for utility purposes. Further, the City has identified no future need for this alley. Tommie Vaughn Motors, Inc. and V & G Realty Company, Inc., the abutting property owners, plan to incorporate their portion of the alley into their abutting property to construct a new automobile retail showroom. The other abutting property owners have been notified of applicants' request. The Joint Referral Committee reviewed the request and determined the request could be processed as a non-acceptance.

Therefore, it is recommended City Council approve a motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition.

NPC:WSB:tp

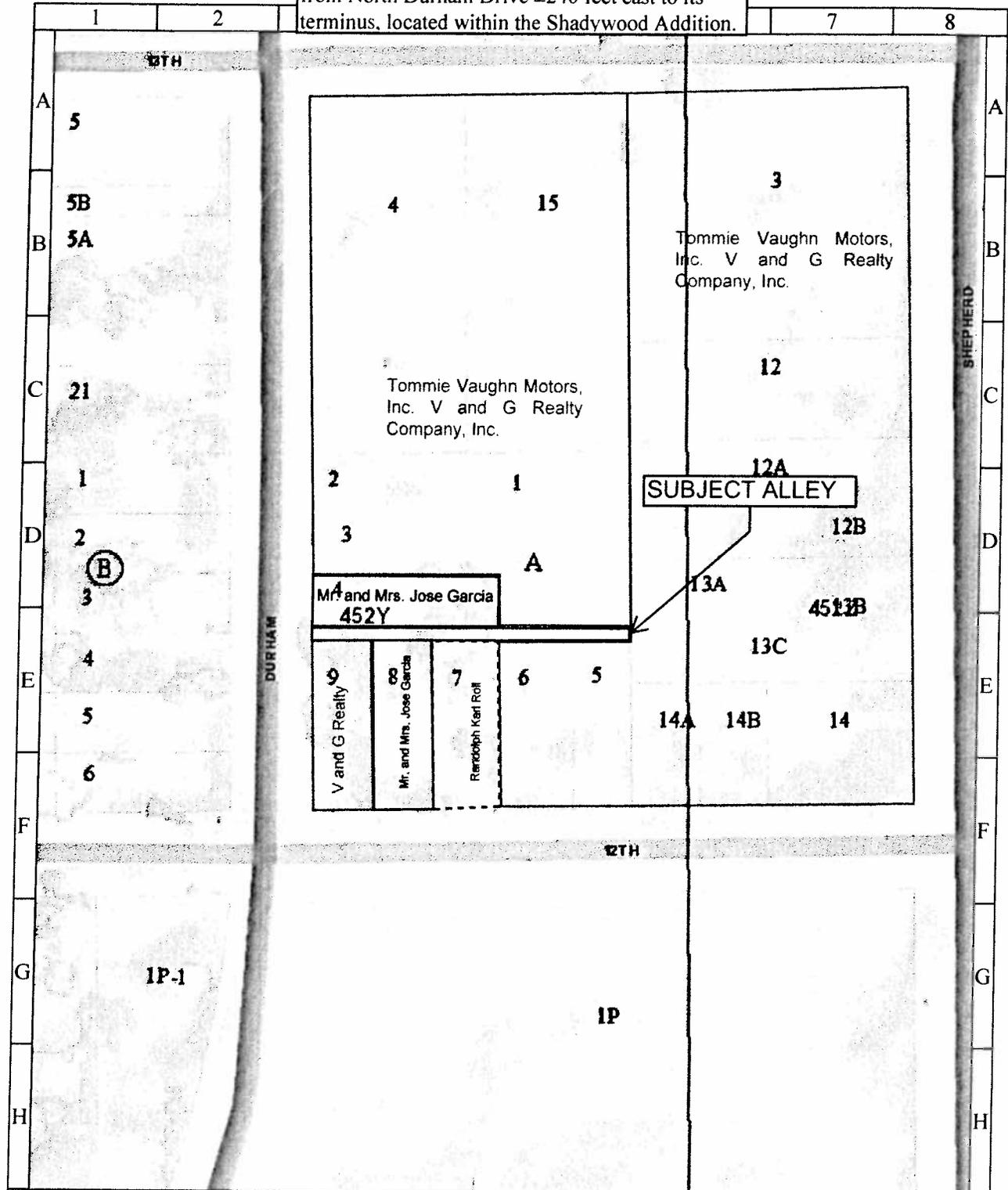
c: Marta Crinejo  
 David M. Feldman  
 Marlene Gafrick  
 Terry A. Garrison  
 Daniel Menendez, P.E.  
 Jeffrey Weatherford, P.E., PTOE

tp\sy13-030.rc1.doc	CUIC #20TP9330
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**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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**Parcel SY13-030 - Parcel Map**  
 Motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition.



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

1 inch = 108 feet

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.

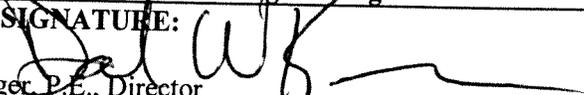


To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: PROPERTY: PURCHASE</b> of Parcel LY10-045, located at the 7400 block of Northline Drive for the NORTHLINE RECONSTRUCTION PROJECT (from Parker to Canino) WBS N-000696-0001-2-01 Owner: Turning Point Center, Inc., a Texas corporation f/k/a Rehab Mission, Inc., a Texas corporation, Isha Desselle, President	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  125
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 12/13/12	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> H Key Map 413S and W 
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<b>For additional information contact:</b> Nancy P. Collins Phone: (832) 395-3130  Senior Assistant Director - Real Estate Planning and Development Services Division	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2012-521, passed 5/30/2012
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion for the PURCHASE of Parcel LY10-045.

<b>Amount and</b> \$274,430.00
<b>Source of Funding:</b> No additional funding required (Funds were appropriated under Ordinance 2012-521) <i>N.P. 12/5/2012</i>

**SPECIFIC EXPLANATION:**  
NORTHLINE RECONSTRUCTION PROJECT (from Parker to Canino) provides for the reconstruction of approximately 5,800 feet of four-lane undivided concrete roadway with storm sewer system, curbs, sidewalks, street lighting, and other utilities. In addition, construction will include a two-lane asphalt street between Rosamond and Parker that includes sub-regional stormwater detention basins with an extended offsite stormwater system along Rosamond from Northline to Yale.

The City desires to acquire 98,825 square feet of vacant land in fee. The City's offer was based on an appraisal by William D. Kvinta, MAI, SRA. The valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel LY10-045 (Fee)	
98,825 square feet @ \$2.75 per square foot .....	\$ 271,769.00 (R)
Title Policy and Services .....	\$ 2,661.00
<b>TOTAL AMOUNT</b> .....	<b>\$ 274,430.00</b>

It is recommended that authority be given through Council Motion to PURCHASE Parcel LY10-045 located at the 7400 block of Northline Drive, owned by Turning Point Center, Inc., a Texas corporation f/k/a Rehab Mission, Inc., a Texas corporation, Isha Desselle, President for the NORTHLINE RECONSTRUCTION PROJECT (from Parker to Canino). Parcel LY10-045 is a tract of land containing 2.2687 acres or 98,825 square feet of land situated in the John Durkee Survey (also called H. T. & C. R.R. Co. Survey, Block 1, Section 8), A-1070, Harris County, Texas, being a part of Tract 16, Little York Subdivision, as recorded under Volume 93, Page 214 of the Harris County Deed Records (H.C.D.R.) and being all that certain tract of land described by deed dated September 1, 1994, from Albert H. Herzstein to Rehab Mission, Inc. as recorded in Harris County Clerk's File R775397, Harris County Deed Records, Harris County, Texas according to the City of Houston field notes.

DWK:NPC:eg  
cc: Marta Crinejo

REQUIRED AUTHORIZATION

CUIC #20ELG46

<b>Finance Department:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9533**

**Subject:** Formal Bids Received for Surface Materials for Playgrounds and Jogging Trails for the Parks and Recreation Department S21-S24354

Category #  
4

Page 1 of 2

Agenda Item

13

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

November 19, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to The Fibar Group, LLC on its low bid in an amount not to exceed \$256,669.30 for surface materials for playgrounds for the Parks and Recreation Department.

Estimated Spending Authority: \$256,669.30

**Finance Budget**

\$256,669.30 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department Director and the City Purchasing Agent recommend that City Council approve an award to The Fibar Group, LLC on its low bid in an amount not to exceed \$256,669.30 for surface materials for playgrounds for the Parks and Recreation Department. It is further requested that authorization be given to make purchases, as needed, for a 36-month period with two one-year options to extend.

This award consists of approximately 15,490 cubic yards of engineered wood fiber chips to be used by the Department to maintain and resurface the exposed concourses in playgrounds for neighborhood park communities citywide.

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

**The Fibar Group, LLC:** Award on its low bid for Group I, Line Item No. 1 (wood chips) in an amount not to exceed \$256,669.30.

<u>Company</u>	<u>Total Amount</u>
1. The Fibar Group, LLC	\$256,669.30
2. American Parks Company	\$309,025.50
3. The LETCO Group, LLC	\$376,716.80
4. Champion Landscape	\$433,720.00
5. 216 Resources, Inc.	\$867,285.10

Group II, Line Item No. 1 (decomposed crushed granite) intended for jogging trails will not be awarded. This item will be purchased on a three-bid basis.

**Hire Houston First:**

The proposed awards require compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed Supplier does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NOT

12

Date:  
11/19/2012

Subject: Formal Bids Received for Surface Materials for Playgrounds  
and Jogging Trails for the Parks and Recreation Department  
S21-S24354

Originator's  
Initials  
LM

Page 2 of 2

Buyer: Laura A. Marquez

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

**Estimated Spending Authority**

<b>Department</b>	<b>FY13</b>	<b>Out Years</b>	<b>Total</b>
Parks & Recreation	\$10,000.00	\$246,669.30	\$256,669.30

City of Houston



Administration & Regulatory Affairs

# Memorandum

To: Calvin D. Wells, Deputy Director  
City Purchasing Agent

From: Laura A. Marquez

Date: April 11, 2012

Subject: MWBE Participation Form

RECEIVED

APR 11 2012

OBO

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: S21-S24262 Estimated Dollar Amount: \$418,502.90

Anticipated Advertisement Date: 4/20/2012 Solicitation Due Date: 5/10/2012

Goal On Last Contract: 0% Was Goal met: Yes  No

If Goal was not met, what did the vendor achieve: \_\_\_\_\_

**Name and Intent of this Solicitation:**

The surface materials consist of engineered hard wood chips and decomposed crushed granite to be used to surface playgrounds and jogging trails.

**Rationale for requesting a Waiver or Revision (0% goal or revision after advertisement) to be completed by SPD:**

Historically, these type of commodities have been delivered by non-local third party off loader trucks for distributors in the Houston area. SPD recently surveyed the Houston market for these commodities and identified (3) distributors, American Parks, Lindig Construction and Champion Landscape. Currently, these competitive bidders and awarded suppliers fulfill the City's requirements with a zero percent approved goal. (Please see attachment.) In addition, SPD searched the MWDBE/SBE directory for additional vendors specializing in these commodities (NIGP No. 75035 and 39595) and no suppliers were located.

Concurrence:

SPD Initiator

Division Manager

Marsha E. Murray, Asst. Director

\*Office of Business Opportunity

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



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9503**

**Subject:** Approve an Appropriating Ordinance and Approve the Purchase of WI-Max Radio System Equipment through the Houston-Galveston Area Council for the Public Works and Engineering Department\S17-H24406

Category #  
4

Page 1 of 1

Agenda Item

*14-14A*

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

October 04, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Adopt ordinance to 1) approve an ordinance authorizing the appropriation of \$502,207.50 from the Metro Projects Construction Fund (4040); and 2) approve the purchase of WI-Max radio system equipment in the total amount not to exceed \$502,207.50 through the interlocal agreement for cooperative purchasing with the Houston-Galveston Area Council for the Public Works & Engineering Department.

Award Amount - \$502,207.50

**Finance Budget**

\$502,207.50 - Metro Projects Construction Fund DDSRF (4040) WBS - N000650-0069-5-01-01

**SPECIFIC EXPLANATION:**

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council 1) approve an ordinance authorizing the appropriation of \$502,207.50 from the Metro Projects Construction Fund (4040); 2) approve the purchase of WI-Max radio system equipment in the total amount not to exceed \$502,207.50 through the interlocal agreement for cooperative purchasing with the Houston-Galveston Area Council (H-GAC) for the Public Works & Engineering Department (PWE); and 3) that authorization be given to issue purchase orders, as necessary, to the H-GAC contractor, Consolidated Traffic Control, Inc.

This purchase will include time switch upgrades, ethernet time switch converters, processors and DC to DC converters to allow PWE to provide each school zone beacon with the capability to communicate with the central control software, currently located at Houston Transtar, via the City of Houston's Wi-Max system. The central control software allows remote changes to be made to each school zone beacon without requiring costly site visits by PWE staff to each school zone. Currently, during all time changes and summer break, PWE staff must visit each school zone beacon location to change and/or reprogram the timing. Therefore, this new system upgrade will eliminate the costly site visits to each school zone and increase the overall efficiencies of programming the various beacons citywide.

The City is eligible to participate in the H-GAC cooperative as set out in Section 791.011 of the Texas Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

**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 Cooperative Purchasing Agreement for this purchase.

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MST*  
*13-A*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** APPROVE AN ORDINANCE AMENDING CHAPTER 46 OF THE HOUSTON CODE OF ORDINANCES, RELATING TO VEHICLES-FOR-HIRE

Category #

Page 1 of 2

Agenda Item

15

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

Alfred J. Moran, Jr., Director  
Administration & Regulatory Affairs Department

**Origination Date**

December 13, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

All

**For additional information contact:**

Tina Paez Phone: (713) 837-9630  
Kathryn Bruning Phone: (832) 394-9414

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

**RECOMMENDATION: (Summary)**

Approve an Ordinance amending Chapter 46 of the Houston Code of Ordinances relating to Vehicles-for-Hire

**Amount of Funding:** N/A

**ARA Budget**

**SOURCE OF FUNDING:** N/A

**SPECIFIC EXPLANATION:**

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

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality, and encourage the operation of professional transportation services. Regulations also serve to maintain a balanced playing field within the vehicle-for-hire market. Chapter 46 establishes the standards, regulations, and permitting and licensing requirements for the vehicle-for-hire industry operating within the city of Houston. ARA's Regulatory Affairs Division is responsible for administration and enforcement of these provisions. Of the eight vehicle-for-hire categories, seven are regulated under Chapter 46 — charter/sightseeing, jitneys, limousines, low speed shuttles, pedicabs, school buses and taxicabs.

In 2010, ARA initiated a process to improve the vehicle-for-hire regulatory framework. This five-year, multi-part initiative impacts all categories of vehicles-for-hire regulated by the City. Part I focused on jitneys, pedicab, and low speed shuttles — the "Green Vehicle Initiative." Part II is a multi-phase initiative involving taxicabs. Part III centers on chauffeured limousine services, housekeeping amendments, the proliferation of smart phone dispatch applications, and the uniform application of regulations across vehicle-for-hire categories. ARA's current recommendations are captured under Part III. All proposed changes are intended to improve the effectiveness of vehicle-for-hire regulations and to further protect the health, safety and welfare of persons utilizing vehicle-for-hire services in the city of Houston.

**Proposed Amendments Related to Chauffeured Limousines**

Chapter 46 chauffeured limousine provisions have not been amended, as a whole, since 2000. Until recently, a comprehensive line-by-line review has not been necessary. Escalating enforcement issues and increasing industry complaints were key factors triggering the current review. Throughout the review, ARA worked closely with Houston Airport System (HAS) representatives, board members of the Houston Limousine Association, and other interested industry stakeholders. Through several discussions ARA identified key issues and concerns, which the proposed amendments were drafted to address. Key issues and concerns included solicitation and the proliferation of 'bandit' limousine operators and 'repeat offenders,' outdated and obsolete regulations and requirements, and the perceived disparity among requirements across vehicle-for-hire categories. Among the requirements addressed herein are provisions related to driver attire; driver responsibilities with respect to vehicle rental agreements; the elimination of the pro-rata inspection fee; clarification of permit applicability to in-city passenger pick-up/ drop-off; and regulations to address the use of smartphone dispatch applications to ensure dispatch services correspond to legitimate permitted taxicab and limousine operations.

An additional proposal is to establish uniform business requirements consistent with HAS Airport Use Permits (AUP) to allow an operator to obtain a limousine license with either four limousine eligible vehicles or an extended body vehicle plus at least two other limousine service eligible vehicles.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 12/13/12	<b>Subject:</b> APPROVE AN ORDINANCE AMENDING CHAPTER 46 OF THE HOUSTON CODE OF ORDINANCES, RELATING TO VEHICLES FOR HIRE	Originator's Initials TP	Page 2 of 2
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**Proposed Amendments Necessary to Establish Regulatory Uniformity and Consistency**

ARA is also recommending several changes to standardize certain regulations and requirements across vehicle for-hire categories. Through the application of uniform regulations and requirements, ARA intends to improve regulatory consistency, and as a result, improve the overall effectiveness of vehicle-for-hire regulation. ARA also proposes adding a “general” vehicle-for-hire section to capture, when appropriate, the common vehicle-for-hire elements to be applied across categories.

Among these proposed “regulatory consistency” changes are amendments that: standardize drug testing and medical evidence requirements across all vehicle-for-hire categories; allow for termination of a license or permit for failure to pay any regulatory fee or for failure to maintain required insurance; require vehicle re-inspection for permit reissuance of lost or stolen vehicle permits; require all vehicle-for-hire operators to pay business personal property ad valorem taxes consistent with current taxicab requirements; establish notice requirements; allow for termination of a vehicle-for-hire permit for failure to submit replacement insurance policies within ten days of insurance policy cancellation/termination; allow the City to revoke or refuse to renew a license or permit after three substantiated violations within a one-year period; and, allow the City to institute a one-year black-out period — suspending reapplication after revocation or denial for one year.

**Chapter 46 Housekeeping Amendments**

In addition to the changes discussed above, ARA also proposes “housekeeping” amendments to correct errors or oversights observed in Chapter 46 during our comprehensive review. Proposed housekeeping changes impact taxicabs, charter/sightseeing, school vehicles, and jitneys. Minor amendments capture necessary updates, procedural codifications, and clarifying and clean-up language. Amendments are also intended to remove certain obsolete franchise language and to ensure ordinance provisions correspond with state law. The more significant changes are summarized below.

**Taxicab Housekeeping Amendments**

- Require City approval of the placement of vehicle identification to ensure vehicle identifying information is posted in a conspicuous manner and is easy to read.
- Establish regulations to address the use of smartphone dispatch applications (also recommended for limousine operations).
- Change the taxicab inspection cycle from February/March to March/April.
  - Change in the annual permit/medallion period from April 1 through March 31 to May 1 through April 30;
  - Change the vehicle age calculation date from March 31 to April 30; and,
  - Change the fee due date from on or before April 1 to on or before May 1.

**School Vehicle Housekeeping Amendments**

- Require a school vehicles driver’s license consistent with all other vehicle-for-hire categories.
- Require a criminal history check every six years versus every five years consistent with all other vehicle-for-hire.

**Jitney Housekeeping Amendments – Sections 46-321 through 46-370**

- Amend the inspection period from October 1 to June 1 to correspond with the June 1 permit fee deadline.

The Chapter 46 proposed amendments were presented to stakeholders on November 9, 2012. Approximately 6,000 stakeholders were invited across all Chapter 46 vehicle-for-hire industries. Only 165 stakeholders attended. The proposed changes specific to each industry, as well as changes affecting all industries, were presented at three separate stakeholder meetings and feedback was solicited.

On Wednesday, December 5, 2012 ARA presented the Chapter 46 recommendations to the Housing, Sustainable Growth & Development Committee.

**Recommendation:**

ARA recommends City Council approval of the recommended revisions to Chapter 46 of the Code of Ordinances. These recommendations are based on extensive research and consultation with industry and other stakeholders, and are necessary to further protect the health and welfare of the riding public, while enhancing enforcement and customer service.

15

DEC 19 2012

## Chapter 46

### VEHICLES FOR HIRE

#### ARTICLE I. IN GENERAL

##### 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 northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

*Certification decal* means a metal tag, decal, or other evidence of a permit issued by the director for attachment on a vehicle for hire operated pursuant to a permit.

*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.

*Director* means the director of the department of administration and regulatory affairs and his duly authorized representatives.

*Disability* has the meaning assigned in section 17-11 of this Code.

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

*Metropolitan area* means Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

*Mobile dispatch service* means and refers to the operation of a scheduling service that enables prospective passengers to request immediate or schedule pre-arranged vehicle for hire transportation services by electronic, radio or telephonic communication from a portable or handheld device, monitor,

smartphone, or other electronic device or unit indicating the location of the passenger for immediate or pre-arranged vehicle for hire transportation services which information is then relayed to a vehicle for hire by radio or data communication of any type.

*Pre-arranged transportation service* means transportation that is scheduled by or through a mobile dispatch service that issues a trip confirmation not less than 30 minutes before a vehicle for hire picks up a passenger who requested to be transported.

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

*Vehicle for hire*, when describing a class of vehicles, means a taxicab, pedicab, sightseeing and charter vehicle, chauffeured limousine, school vehicle, jitney, or low-speed shuttle 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 driver of any vehicle for hire to refuse to transport a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to transport any service animal or medical equipment utilized in conjunction with a passenger's disability. It shall be unlawful for any driver of any vehicle for hire to refuse to transport a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.

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

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

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

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

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

(a) Permits 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 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 or license was issued through error;

(2) The applicant provided materially false or incomplete information on the permit or license application; or

(3) There are three or more instances within any one year period in which the permittee or permittee's employee or licensee violates any provision of this article or regulation issued by the director hereunder. Consistent with sections 1-9 and 1-10 of this Code and applicable state laws, the director shall promulgate regulations for any required hearings and procedures.

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

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

(a) Each applicant for a license issued pursuant to this chapter shall have at all times on file in the office of the director a certificate from a duly licensed physician, which certificate is not more than two years old, showing that the physician has examined the person and that the person has no disability or ailment that would prevent the person from safely operating the vehicle for hire for which the applicant has sought a license. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a licensee or driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.

(b) Additionally, each applicant for a permit or license issued pursuant to this chapter shall:

- (1) Submit himself to be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense(s) listed in subsection (a) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested; and
- (2) Provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for issuance or renewal. The director shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.

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

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

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

It shall be the duty of each permittee, licensee, and all applicants for a permit 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 article. Any change in information shall be submitted within ten calendar days of the change on the form prescribed by the director. Notices under this article shall be effective if mailed to the last address provided to the director. The failure of a permittee, licensee, or applicant for a permit 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, the licensee shall report the accident or collision to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents and collisions upon forms to be promulgated by the director, which shall include the following information:

- (1) The permittee's and the licensee's names;
- (2) The licensee's driver license number; and
- (3) The time and location of the accident or collision.

(b) 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.

**Sec. 46-10. Deficient service; 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 is not being operated so as to serve fully the public safety or welfare, including but not limited to unsuitable or unsafe equipment or any other matter incident to such operation, the director shall notify the permittee of his concerns by clearly delineating the respects in which the service is deficient and require that the conditions complained of be remedied within such time as he may designate. In the event the conditions are not remedied within the time specified, the director may either suspend the permit 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 permittee.**

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

**Sec. 46-11.1. Mobile dispatch services.**

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

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

**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.

**Secs. 46-14--46-15.Reserved.**

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

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

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

~~*Director* means the director of the department of administration and regulatory affairs and his duly authorized representatives.~~

~~*Disability* has the meaning ascribed in section 17-11 of this Code.~~

~~*Driver or taxicab driver* means any person who has a current and valid taxicab driver's license issued under this article and has been duly employed to drive a taxicab by a permittee or has entered into a written agreement for use of a taxicab with a permittee in accordance with the requirements of this article.~~

*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 this article.

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

~~*Medallion* means a metal tag, decal, or other evidence of a permit as issued by the director for attachment on a taxicab that is operated pursuant to the permit.~~

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

*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 ~~the~~ 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.

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

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

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

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

*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 ~~he be~~ as an employee or ~~other person operating under a written agreement~~ 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~~ ~~furnish to the director~~, for the director's approval, the vehicle, the certificate of title showing the ~~then~~ 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 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 vehicle to be placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2008, must meet one or more of the following criteria:

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

**Sec. 46-19. Reserved Taxes to be paid.**

~~No person shall use the streets of the city for the operation of a taxicab unless the ad valorem taxes due and owing on all properties used in the furnishing of taxicab service shall have first been paid.~~

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

No ~~licensee driver~~ or permittee shall drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six years old, provided that no vehicle may be placed in service for the first time as a taxicab if it has been driven more than 100,000 actual miles, which shall be determined from the odometer and from odometer and title records. For purposes of this requirement, a taxicab will be considered to be six years old on April 30<sup>th</sup> March 31 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.

**Sec. 46-21. Identification of vehicles generally.**

(a) No permittee or licensee driver shall 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 ~~in letters of~~ not less than three inches in height and not less than five-sixteenths of one inch in width and shall be a solid color that contrasts with the background. The name and numbers on the front door of the taxicab shall be placed in a location approved by the director. The telephone number shall also be placed where plainly visible on the rear of the taxicab.

(b) No permittee shall operate or cause or suffer or allow to be operated a taxicab in the city unless and until a certification decal number has been assigned by the director at the time the permit is issued under this article. The number shall remain in full force and effect for each permit so long as the permit remains valid. The number shall be displayed on the taxicab in four separate and plainly visible locations as follows: ~~One shall be placed where plainly visible~~ on the right of the trunk lid when viewed from the rear of the taxicab; ~~one shall be placed~~ on the left of the hood ~~where plainly visible~~ when viewed from the front of the taxicab; and ~~the remaining two shall be placed~~ 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 as designated by the director. The number, in each instance, shall be not less than three inches high and not less than five-sixteenths of one inch in width.

**Sec. 46-22. Vehicle color scheme.**

(a) No ~~driver or permittee~~ or licensee shall drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the color

scheme that he proposes to use under his ownership or radio service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(b) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a taxicab of his color scheme, and he shall not change the color scheme without approval of the director.

**Sec. 46-23. Certification decals~~Medallions~~.**

At the time a taxicab permit is issued or renewed under this article, the director shall issue one certification decal ~~medallion~~ to the permittee for the taxicab covered by the permit. The certification decal ~~medallion~~ shall be attached by the permittee to the taxicab for which it is issued, at the place on the taxicab as shall be designated by the director. It shall further be unlawful for any person to drive a taxicab without the certification decal ~~medallion~~ being so attached.

**Sec. 46-24. Stool light.**

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

**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 ~~taxicab driver~~ 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 ~~taxicab driver~~ licensee to cause his vehicle to stand upon any area of IAH other than in a designated standing line. It is a defense to prosecution under this subsection that the operator has lawfully stopped his vehicle in order to comply with a traffic control device or that the operator is actually and lawfully engaged in the loading or unloading of passengers or baggage.

(d) Except where the passenger may request the service of a particular taxicab, departing passengers at IAH terminals will be assigned to taxicabs waiting in the standing lines by starters who have been designated by the director of aviation to operate the various departure zones and standing lines. Taxicabs will be assigned from the standing lines on a first-in-line-first-to depart basis, provided that the director of aviation shall administratively provide by rule for the priority reassignment of any taxicab operating from a standing line that receives a short trip. For purposes of this provision a "*short trip*" means a trip within an area immediately adjacent to IAH as defined on a map promulgated for that purpose by the director of aviation.

(e) A licensee ~~The driver of each taxicab~~ carrying a passenger or passengers from IAH shall pay to the city the airport use fee established from time to time by division 53 of article II of chapter 9 of this Code. The licensee ~~driver~~ shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the ~~taxicab driver~~ licensee to metered fares and flat rate fares for trips originating from IAH when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any licensee ~~taxicab driver~~ to depart from the IAH with a passenger without having deposited the required fee.

**Sec. 46-27. Operation at William P. Hobby Airport.**

(a) The director of the department of aviation is hereby authorized to designate one or more locations on the airport adjacent to the airline terminal building at the William P. Hobby Airport (HOU) as standing and loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for ~~a licensee the driver of any taxicab~~ 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 ~~The driver of each taxicab~~ 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 ~~53~~ of article II of chapter 9 of this Code. The ~~licensee driver~~ shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the ~~licensee taxicab driver~~ to metered fares and flat rate fares for trips originating from HOU when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any ~~licensee taxicab driver~~ to depart from the HOU with a passenger without having deposited the required fee.

**Sec. 46-28. ReservedPenalty for violation.**

~~Any person who fails or refuses to comply with the terms and provisions of this article 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. 46-29. Carrying additional passengers.**

Any passenger who engages the services of a taxicab shall have the exclusive right to the passenger compartment of the taxicab, and it shall be unlawful for a licensee taxicab driver to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the taxicab.

**Sec. 46-30. Taximeter.**

(a) No licensee driver or permittee shall drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning taximeter. Except for trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(~~409~~) of this Code is being charged, no licensee driver shall 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 ~~taxicab driver's~~ license issued by the city at the time he was so riding as a passenger;
- (2) The passenger had not driven a taxicab for 30 days or more within the city 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 taxicab driver. The sign must ~~have been~~ located so that it would be visible to any person who might ride in the vehicle as a passenger for hire.

(b) Except as otherwise provided in this article, all charges and collections for hire shall be based upon the taximeter reading. The dial showing the fare shall be in full view and readily visible and readable by the passenger or passengers at all times taxi service is being rendered.

(c) The taximeter shall be inspected and sealed by the director when the taxicab is 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) No permittee shall drive or cause or suffer or allow to be driven and no licensee driver shall drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. No permittee shall drive or cause or suffer or allow to be driven and no licensee driver shall 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 cause rates other than those authorized in this division to be recorded and shown on the taximeter.

(e) The director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal in lieu of a city-installed seal if a taximeter is installed repaired, modified, or adjusted during the period commencing at noon on a Friday or on the day preceding a city-observed holiday and extending until 8:00 a.m. on the next day that is not a Saturday, Sunday, or city-observed holiday. Use of a temporary seal during the aforesaid period in a manner authorized by the regulations is an affirmative defense to prosecution under this section, provided that the taximeter is functioning in accordance with all requirements of this division.

#### **Sec. 46-31. Rates prescribed.**

(a) All taxicab permittees and licensees drivers 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 one-eleventh of a mile or less plus \$0.20 for each additional one-eleventh of a mile or less.
- (2) *Nighttime metered travel.* For nighttime trips, the metered travel fee shall be \$3.75 for the first one-eleventh of a mile or less plus \$0.20 for each additional one-eleventh of a mile or less.
- (3) *IAH flat rates.* Alternative flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$ 45.00	\$ 46.00
II	52.50	53.50
III	60.00	61.00
IV	65.00	66.00
V	73.00	74.00
VI	81.00	82.00
VII	87.50	88.50
VIII	104.50	105.50
IX	34.00	35.00
X	41.00	42.00

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates shall remain ~~is~~ on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (4) *HOU flat rates.* Alternative flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$32.00	\$33.00
II	26.00	27.00
III	38.50	39.50
IV	54.50	55.50
V	61.50	62.50
VI	70.00	71.00
VII	80.50	81.50
VIII	71.00	72.00
IX	37.50	38.50
X	86.00	87.00
XI	79.50	80.50

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates shall remain ~~is~~ on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing

rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (5) *Waiting time.* An amount not to exceed \$24.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed \$24.00 per hour.
- (6) *Hand luggage.* No charge will be made for hand luggage.
- (7) *Reservation and billing service fee:*

- a. A reservation and billing service fee may be added to the total trip charges authorized in this section, provided:
  - 1. The trip originates with an advance reservation; and
  - 2. At the request of the account holder or his authorized agent the fare and other charges are billed on account by the permittee, rather than being paid at the end of the trip.

The reservation and billing service fee shall not exceed ten percent of the total trip charges imposed, including the tip, if any.

- b. Notwithstanding the foregoing, this item (7) shall not be construed to authorize the operation of a taxicab service in such manner as to constitute a chauffeured limousine service. In the event of conflict, the provisions of article IV of this chapter shall prevail.
- (8) Toll road fee. In addition to the fees prescribed in this section, the permittees and licensees ~~driver of a taxicab~~ may impose a toll road fee in an amount exactly equal to any fees imposed by the Harris County Toll Road Authority for use of its facilities during the trip, provided that the imposition of the fee is noted on the posted rate card, and further provided that the passenger(s) are notified of the fee before the taxicab enters the toll road. Where passengers are being carried to two or more destinations, the toll road fees shall be prorated among them, per destination.
- (9) ~~[Alternate central business district flat rate.]~~ An alternate flat rate of \$6.00 shall be imposed for trips entirely within the central business district.
- (10) Annual TCI Taxicab rate review. On or before December 31<sup>st</sup> ~~November 15~~ of each year, the director shall conduct a review of the TCI, which shall be used to determine if whether taxicab rates need to be adjusted. The TCI shall be weighted as indicated in ~~the~~ 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.

(~~4112~~) *Annual automatic rate adjustment.* Except for years in which a rate adjustment adopted by city council under item (~~4011~~) of this subsection will take effect, the director shall make an automatic rate adjustment if:

- a. The TCI has changed by more than ~~5%~~ five percent since the last rate adjustment; or
- b. The last rate adjustment was at least three years ago;

provided however, an increase in the TCI resulting in a rate adjustment of ~~10%~~ 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, ~~available on or about November 15,~~ 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 each the following year. Written notice of the automatically adjusted rates shall be provided by regular mail to taxi permittees not later than the 30<sup>th</sup> day before the rates go into effect.

This ~~subsection~~ item does not apply to the flat rate specified in ~~subsection~~ 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 driver shall collect only one fare as recorded on the taximeter. If the passengers are going to different destinations, the licensee driver 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 ~~driver or permittee~~ 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 ~~taxicab driver~~ 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 ~~subsection~~ 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 ~~taxicab driver~~ 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's 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
  - ~~e. A border crossing card issued by the United States Immigration Service.~~

- (3) *Posting of notice in taxicab.* No person shall operate a taxicab unless a notice regarding the discount set out in this subsection is posted in the passenger area of the taxicab ~~pursuant to specifications established by the director.~~ The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed.

**Sec. 46-32. Posting of ~~taxicab driver's~~ license and other information.**

(a) Each permitted taxicab shall be equipped with a license and rate card holder ~~of a type 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 driver ~~to place have posted in the this holder a taxicab driver's license~~ containing a picture of the licensee driver, the licensee's driver'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 ~~taxicab driver's~~ license and the rate cards shall be approved by the director.

(b) It shall be the duty of the permittee and licensee driver of each taxicab to ensure that the taxicab has cards posted showing the rates for travel to and from ~~George Bush Intercontinental Airport/Houston (IAH) and to and from William P. Hobby Airport (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 driver 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 driver to post a card that indicates whether smoking is permitted or prohibited in the taxicab. The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.

**Sec. 46-33. Payment method~~Refusal to convey; refusal to convey at posted rates; receiving more than posted rates.~~**

~~(a) It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability. It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.~~

~~(b) It shall be unlawful for any licensee driver of any taxicab to refuse to accept a passenger's payment of posted rates by credit card. For trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(409) of this Code is being charged, it is an affirmative defense to prosecution under this subsection that the licensee driver was operating a taxicab that was marked with signage, as prescribed by the director, that indicates "cash only" rides.~~

**Sec. 46-34. Receipt for payment of fare.**

No licensee driver 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. The permittee of the taxicab shall make available to each licensee taxicab driver a receipt book to be used for this purpose.

**Sec. 46-35. Required operation; taking vehicles out of service generally.**

(a) Permittees shall pick up or accept delivery of any permit(s) initially granted under division 2 of this article and place the taxicab(s) into service as follows:

- (1) The permittee shall pick up or accept delivery of the permit(s) and place the taxicab(s) into service within 180 days subsequent to the date of the granting of the permits; and
- (2) If any permit is not obtained or any taxicab is not placed into service as provided herein, the permit shall be automatically revoked, and the director shall cause ~~advise~~ the permittee to surrender any certification decals ~~medallions~~ 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 operators having ten or more taxicab permits must have 60 percent of their taxicabs in operable condition at all times. Operators having fewer than ten taxicab permits must have 50 percent of their taxicabs in operable condition 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 ~~or business~~. 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 cause the record of the inspection to be reduced to writing and a permanent record made thereof. The record shall be kept by the director for a period of at least two years.

(b) If the inspection reveals that a vehicle is not in a reasonably good operating condition, from the standpoint of the safety, health, and comfort of passengers, the

taxicab shall be ordered out of service until remedial repairs and corrections have been made. When the repairs and corrections have been made, the vehicle shall be reinspected to determine whether or not proper repairs and corrections have been made and in no case shall the taxicab be permitted to resume its operation until the repairs and corrections have been made. It shall be unlawful for a permittee to utilize any taxicab that has been ordered out of service until the vehicle has been reinspected and the director authorizes resumption of its use.

(c) Inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; date of purchase; foot brakes; emergency brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; current state inspection sticker; rearview mirror; all glasses; cleanliness; safety; condition of paint; color scheme; certification decals ~~medallions~~; taximeter seals and readings; 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. 46-39. Accident reports.**

~~When a taxicab is involved in an accident or is in collision with any other vehicle of any kind whatsoever that results in any injury or damage to any person or property, including, but not limited to, damage to the taxicab or injury of the driver of the taxicab, the driver shall report the accident to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents upon forms to be promulgated by the director, which shall include the following information: The permittee's and the driver's names, the driver's taxicab driver's license number, and the time and location of the accident. Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available for inspection and copying.~~

**Sec. 46-40. Preferences and soliciting of business prohibited.**

(a) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, whether or not the vehicle is identified as a taxicab, at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city. It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures that could be construed as soliciting a passenger for hire. Violators of this section, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00.

(b) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of

granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.

**Secs. 46-41. ~~Records to be kept by permittee.~~**

~~Permittees shall maintain business and operations records in a manner that demonstrates compliance with this article as provided by regulation of the director.~~

**Sec. ~~46-42.~~ ReservedAddresses.**

~~It shall be the duty of each driver, permittee and applicant for a license or permit to advise the director immediately of any change of mailing address. Notices under this article shall be effective if mailed to the last address provided to the director. The failure of a permittee, driver or applicant to receive any notice that is properly addressed and mailed to his 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. 46-43. Passenger comfort; courtesy.**

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

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

(c) No licensee ~~driver~~ while operating a taxicab with passengers present shall:

(1) Use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;

(2) Make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;

(3) Create by chemical means any noxious and unreasonable odor;

(4) Threaten another person in an obviously offensive manner;

- (5) Fight with another person; or
- (6) Engage in any other conduct that is a violation of law.

**Sec. 46-44. Taxicab condition.**

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

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

**~~Secs. 46-45. Regulations.~~**

~~The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.~~

**~~Secs. 46-46--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 ~~ascribed~~assigned to them in this section:

*Airport taxicab usage adjustment factor* means the percentage increase or decrease between the mean annual airport taxicab usage and the base year airport taxicab usage.

*Available permit number* means the number of permits made available for distribution, if any, as computed for a permit computation year pursuant to section 46-63 of this Code.

*Base year airport taxicab usage* means either (1) the mean annual airport taxicab usage for the last preceding permit computation year in which the issuance of permits was considered, or (2) the mean annual airport taxicab usage calculated for any preceding permit computation year in which the issuance of permits was considered, wherever is greater. Notwithstanding the foregoing, the base year airport taxicab usage for permit computation year 2011 shall be 600,270.

*Base year population* means the mean annual population of the city for the last preceding permit computation year in which the issuance of permits was considered. Notwithstanding the foregoing, the base year population for permit computation year 2011 shall be 2,076,189.

*Mean annual airport taxicab usage* means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental Airport/Houston and William P. Hobby Airport during the three calendar years preceding each permit computation year as counted and compiled by the department of aviation and provided to the director. By example, the formula for determining the mean annual airport taxicab usage for permit computation year 2011 is expressed as follows:

$$\text{Mean annual airport taxicab usage} = (\text{airport taxicab usage 2008} + \text{airport taxicab usage 2009} + \text{airport taxicab usage 2010}) / 3$$

*Mean annual population* means the mathematical average of the population for the city published by the United States Census Bureau as of June 30 for the three years preceding the permit computation year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census

Bureau data, the population in the annexed territory. By example, the formula for determining the mean annual population for permit computation year 2011 is expressed as follows:

$$\text{Mean annual population} = (\text{Population estimate 2008} + \text{population estimate 2009} + \text{population estimate 2010}) / 3$$

~~Metropolitan area means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.~~

*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 each a permit computation year.

~~Permit distribution year shall~~ 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 officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

*Taxicab permit adjustment factor* means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor.

**Sec. 46-62. Required.**

(a) It shall be unlawful for any person to operate or drive or cause to be operated or driven any taxicab upon and over the streets of the city unless a current permit has been issued for the taxicab by the director in accordance with this article. ~~Violators of this section, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.~~

(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 ~~taxicab driver's license holder~~ at the permittees' and licensees' ~~drivers'~~ 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 one-half 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 ~~2%~~ 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 ~~taxicab driver's license holders~~ 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 under oath:

- (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) Each applicant and principal shall provide fingerprints in a manner specified by the director within five days following the application filing deadline. The director shall make arrangements for the fingerprints to be taken without charge by the director or by the city police department or another agency and, for the convenience of persons who may not reside in the city, shall accept finger prints taken by law enforcement agencies of other jurisdictions, provided that they are taken and transmitted to the director under methods specified by the director to prevent falsification. Each person who is required to provide fingerprints shall also complete any state or federal request and release forms that are required to obtain the criminal history and authorize it to be forwarded to the director.~~

(be) 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.

(~~cd~~) The director shall review applications received and on or before March 1 of the permit distribution year 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.

(~~de~~) 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. ~~With respect to the financial ability requirement of item (a)(5) above, an applicant shall be unqualified for purposes of the entire application unless the director is able to verify compliance in the total amount required for all permits requested, and the applicant shall not be allowed to reduce the number of permits requested if the verified financial ability is insufficient.~~

(ef) 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(ef) of this Code and the number of permits reserved for new entrant applicants in section 46-64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. Each new entrant applicant may receive no more than one permit.

(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.

(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.

(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the

petition that is independently verifiable by the director that each of the following criteria has been satisfied:

- (1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records; and
- (2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period preceding the filing date of the petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d).

(e) The total number of additional permits granted to all petitioners under this subsection (d) may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection (d) are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

- (1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and
- (2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

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

**Sec. 46-67. Insurance as prerequisite.**

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

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 160th 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 that has been promulgated by the city and adopted by the Texas Department of Automobile Insurance for that purpose~~ Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

**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 ~~shall be \$500.00 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 \$50.00 per month or fraction of a month, not to exceed the full amount of the annual fee. The A-replacement fee of \$0.00 shall be charged for reissuance of any each certification decal medallion 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 1<sup>st</sup>, June 1<sup>st</sup>, and June 15<sup>th</sup> of each calendar year in amounts prescribed in the city fee schedule. ~~at the offices of the city's department of administration and regulatory affairs as follows: \$200.00 paid on or before April 1 of each calendar year, \$150.00 paid on or before May 1 of each calendar year, and \$150.00 paid on or before June 15 of each calendar year. Failure to pay permit fees when due shall be grounds for taxicab permit revocation.~~

(b) Within 90 days following the expiration of any calendar year a permittee may apply to the director for a refund of a portion of his permit fees if the permit fees paid for the previous calendar year exceed two percent of the permittee's gross receipts. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of gross receipts records maintained by the permittee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application or supplement and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating the refund request, the director shall either:

- (1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or
- (2) Deny the refund.

**Sec. 46-69. Issuance.**

Taxicab permits shall be issued by the director upon determination that the applicant is entitled to receive a taxicab permit and has otherwise complied with all of the requirements of this article, and upon payment by the applicant of the fee prescribed by section 46-68 of this Code.

**Sec. 46-70. Term; renewal.**

A permit issued under this division shall be valid for a one-year permit term commencing on ~~May~~ April 1 and extending through the succeeding April 30<sup>th</sup> ~~March 31~~. 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 thirtieth day following notice of denial and any appeal therefrom, unless the permittee divests itself of the new principal or otherwise returns to compliance with this article.

**Sec. 46-72. Transfer of permits.**

(a) When used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

*New permit* means any permit that has been issued for a period of less than five years, as computed from the date of its initial issuance by the city.

*Old permit* means any permit that is not a new permit.

*Transfer* means any sale, lease, lease assignment, or other arrangement by contract or otherwise whereby a permittee allows another person on a temporary or permanent basis to make use of one or more permits that are held by the permittee except an arrangement in the nature excepted in subsection (b).

(b) The terms of this section do not apply to a license, lease, or subcontractor arrangement in conformity with section 46-17 of this Code between a permittee and an individual driver-operator that allows the driver-operator to operate a taxicab under one of the permittee's permits, provided that:

- (1) The permittee remains fully responsible to the city for the actions of the driver-operator as provided by this article;
- (2) The arrangement does not convey any right to purchase or acquire the permit or option to do so;
- (3) The arrangement provides by its terms that it may not be used in any manner as collateral or as a guarantee to support any loan or extension of credit.

(c) A permit may only be transferred to:

- (1) A person who is an existing permittee; or
- (2) A person who would be qualified to obtain a permit as a new entrant applicant under this division.

(d) Any transfer to a person who is not an existing permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be allowed to the extent that the applicant is determined to be qualified thereunder. The director may authorize the transfer on a temporary basis

pending the completion of the processing of the application, subject to the same provisions set forth in section 46-71 of this Code.

(e) Except as provided in this subsection, a new permit may not be transferred in any manner or by any means, whether at law, by contract or otherwise, and may only be held by the person with the same principals named as the applicant in the application filed under section 46-65 of this Code. Any alienation of a new permit or use of any taxicab operated thereunder other than in the business owned and operated by the lawful holder of the new permit shall render the permit void.

A new permit shall constitute a privilege to which no property interests or rights of any kind or character shall appertain. However, in the case of the death, disability, or unavailability of any new permittee or principal thereof or for other good cause, the city council may, by motion, upon request duly filed with the city secretary, authorize the reassignment of the new permit to a spouse, child, or other close relative of the new permittee who will carry on the business. The proposed transfer shall be first referred by the city secretary to the director of administration and regulatory affairs for a determination that the proposed transferee is qualified to receive the transfer of the new permit under the applicable provisions of this Code. A new permit shall be subject to revocation and shall be unlawful to possess to the extent that it is used in contravention of this subsection. The new permittee shall be entitled to notice and a hearing in the same manner as provided in this article for revocation of permits for other grounds.

(f) A permit that is subject to a suspension or revocation proceeding may not be transferred, nor may a suspended permit be transferred during the period of suspension.

**Secs. 46-73--46-85.Reserved.**

### DIVISION 3. TAXICAB DRIVER'S LICENSES

**Sec. 46-86. Required.**

(a) It shall be unlawful for any person who does not hold a current and valid city taxicab driver's license issued under this division to operate a taxicab on the streets of the city. Duly authorized licensees ~~The operator~~ shall have a current and valid the taxicab driver's license in his possession at all times when operating a taxicab and shall display the taxicab driver's license to any peace officer or city inspector upon request. ~~Violators of this section, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.~~

(b) No permittee shall suffer or allow any of his taxicabs to be driven by anyone who does not possess a current and valid city taxicab driver's license.

**Sec. 46-87. License Application.**

Applications for a ~~taxicab driver's~~ 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 under oath or conform to minimum state law requirements for unsworn declarations:

- (1) The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;
- (2) Whether the applicant is a citizen of the United States, and his record of employment for the past five years, social security number, and marital status;
- (3) Whether the applicant has ever been convicted of a felony or misdemeanor;
- (4) ~~Whether the applicant now stands charged with the commission of a felony or misdemeanor;~~
- (~~5~~) Whether the applicant has previously been a licensee licensed as a taxicab driver;
- (~~5~~6) Whether the applicant has ever been denied a ~~taxicab driver's~~ license or has had one or more ~~taxicab driver's~~ licenses revoked or suspended;
- (~~6~~7) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver's license or a chauffeur's license revoked;
- (~~7~~8) The permittee that the applicant intends to work for; and
- (~~8~~9) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.

**Sec. 46-88. Qualifications of applicant.**

Each applicant for a ~~taxicab driver's~~ license required by this division must:

- (1) Have a valid state class A, B or C Texas driver's license.
- (2) Be 18 years of age or older.
- (3) Be a person of good moral character.
- (4) Be able to read and write the English language.

- (5) Produce, on forms to be provided by the director, affidavits of his character from two reputable citizens who have known him personally and observed his conduct for at least one year.
- (6) ~~As provided by section 46-112 of this Code,~~ Submit to medical examination by a licensed physician and provide the report of the physician, which must be signed by the physician, on forms to be provided by the director.
- (7) Have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a ~~taxicab driver's~~ license and at renewal intervals of six years, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the report and provide funding to the director in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.
- (8) Provide evidence, in a form to be specified by the director, that he is either (i) a citizen of the United States of America by birth or naturalization or (ii) an alien legally residing in the United States of America who has the legal right to engage in employment as a licensee ~~taxicab driver~~.
- (9) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.
- (10) Demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of this article of this Code as well as city streets.
- (11) Demonstrate the attendance and successful completion of a training course approved by the director regarding public relations and communication skills. A licensee ~~taxicab driver~~ must successfully complete a refresher training course complying with this item prior to the renewal of a ~~taxicab driver's~~ license.

**Secs. 46-89. — Fingerprints of applicant.**

~~Each applicant for a taxicab driver's license shall submit himself to be fingerprinted at the location indicated by the director.~~

**Sec. ~~46-90~~. ReservedDrug screening.**

~~In addition to the other requirements of this division, each applicant for an original or renewal taxicab driver's license 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.~~

**Sec. 46-91. Issuance or denial.**

The director, upon consideration of the application and reports submitted under this division, as reflecting the applicant's character, and the applicant's reputation in the community for character, shall, subject to applicable requirements of this article, issue the ~~taxicab driver's license~~ or deny the application. If the application is denied, the applicant shall be notified in writing by the director within five days that his application has been denied and the grounds therefor. If the grounds are based in whole or in part upon section 1-10 of this Code, then the notice shall comply with section 1-9 of this Code and applicable state laws.

**Sec. 46-92. License Tterm; renewal.**

~~Each taxicab driver's license shall expire two years from the date of issuance. The taxicab driver's license may be renewed by making application to the director upon forms provided by the director for that purpose 30 days prior to the date of expiration of the taxicab driver's license.~~

**Sec. 46-93. Fee.**

No fees shall be charged for the issuance of any ~~taxicab driver's~~ license, or for renewal thereof.

**Sec. 46-94. Appeal from denial of application.**

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

part upon section 1-10 of this Code. Subject to any further appeal authorized by state law, the hearing examiner's decision shall be final.

**Sec. 46-95. State driver's license status.**

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

**Sec. 46-96. Waiting period before becoming eligible to reapply ~~for taxicab driver's~~ license.**

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

**~~Secs. 46-97, 46-98. Reserved.~~**

**~~Secs. 46-99--46-110. Reserved.~~**

DIVISION 4. MISCELLANEOUS LICENSEE DRIVER-REQUIREMENTS

**Sec. 46-111. Licensee Driver appearance.**

(a) It shall be the duty of every licensee taxicab driver to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody.

(b) Male licensees drivers shall be clean-shaven, and hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) Subject to the limitations of subsection (e) below, the term "*suitably dressed*" shall be interpreted to mean the licensee driver, if male, shall wear trousers or slacks, a shirt, with or without a tie, shoes, and, if desired, appropriate outer garments.

(d) Subject to the limitations of subsection (e) below, the term "*suitably dressed*" shall be interpreted to mean the licensee driver, if female, shall wear a skirt, trousers, or slacks, a shirt or a blouse, shoes, and, if desired, appropriate outer garments.

(e) Clothing that is not considered appropriate and is not permitted, whether the licensee is a male or female, driver is driving a taxicab includes: (1) T-shirts,

underwear, tank tops, body shirts, swim wear, jogging suits, or similar types of attire when worn as an outer garment; or (2) any form of shorts.

**Sec. 46-112. ReservedPhysician's certificate; medical examinations.**

~~Each person licensed to drive a taxicab shall have at all times on file in the office of the director a certificate from a duly licensed physician, which certificate is not more than four years old, showing that the physician has examined the person and that the person has no disability or ailment that would prevent the person from safely operating a taxicab. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a 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.~~

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

(a) No licensee ~~taxicab driver~~ shall drive more than 12 hours in any one consecutive 24 hour period.

(b) No taxicab permittee shall suffer or allow any licensee ~~taxicab driver~~ to drive a taxicab for more than 12 hours in any consecutive 24 hour period.

**Sec. 46-114. Duty to transport passengers by shortest route.**

~~Each licensee driver of a taxicab in the city 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 ~~taxicab driver~~ to pull his vehicle to the curb when loading or unloading passengers.

**Sec. 46-116. Refusal to discharge passenger at designated place.**

(a) No licensee ~~taxicab driver~~ shall 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 taxicab driver 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 ~~the driver~~ from assisting passengers in loading and unloading.

**Sec. 46-118. Duty to inspect vehicle; procedure when passenger leaves article in cab.**

(a) Each licensee taxicab driver shall inspect his taxicab before going on duty and after discharging each passenger to see that the taxicab is free of cigars, cigarettes, papers, bottles, and anything that could cause offensive or objectionable odors. He shall check the interior of the taxicab and the trunk to see that no articles have been left in the vehicle after each passenger reaches his destination. In the event a passenger should leave any article in the taxicab, the licensee taxicab driver shall immediately notify the taxicab dispatcher, and ~~the driver~~ shall immediately return the article to the owner, the company dispatcher, or a company representative, before making another trip. When a licensee driver delivers the article to the owner or the dispatcher, a receipt for the article shall be prepared in triplicate. The original copy of the receipt shall be mailed to the director, the second copy retained by the licensee driver of the taxicab, and the third copy shall be furnished to the permittee.

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

**Sec. 46-119. Duty to transport within the corporate limits.**

It shall be unlawful for a licensee taxicab driver to refuse to transport a person to a requested destination located within the corporate limits of the city.

**~~Secs. 46-120--46-125. Reserved.~~**

**~~DIVISION 5. REVOCATIONS, SUSPENSIONS~~**

**~~Sec. 46-126. Revocation; suspension.~~**

~~(a) Taxicab permits and driver licenses may be denied, revoked, suspended, or denied for renewal:~~

~~(1) Based upon criminal convictions in accordance with section 1-10 of this Code; or~~

~~(2) For failure to comply with this article.~~

~~(b) 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.~~

~~Secs. 46-127--46-135. Reserved.~~

~~Secs. 46-136--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.

~~*Certification decal* means a metal tag, decal, or other evidence of a permit issued by the director for attachment on a pedicab that is operated pursuant to a permit.~~

*Daytime* means the period between sunrise and sunset.

~~*Director* means the director of the department of administration and regulatory affairs or his duly authorized representatives.~~

~~*For hire* means providing, or offering to provide, a service in exchange for any form of payment or gratuity, whether monetary or otherwise.~~

*License* means a pedicab driver's license issued pursuant to this article.

*Licensee* means any person in physical control of a pedicab who is the holder of a current and valid pedicab driver's license issued pursuant to division 2 of this article.

~~*Metropolitan area* means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.~~

*Nighttime* means the period between sunset and sunrise.

*Pedicab* means a bicycle or tricycle used to transport passengers for hire, including a bicycle to which is attached a trailer, sidecar, or similar device.

*Pedicab service* means the business of transporting passengers for hire by means of a pedicab. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs and jitneys licensed by the city;
- (3) Vehicles operating under a contract with the city; and
- (4) Sightseeing or charter vehicles licensed by the city.

*Permit* means a permit to operate a pedicab service pursuant to this article.

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

*Tricycle* means a belt-, chain-, or gear-driven device that is propelled by human power and on which a person may ride and that has three wheels in contact with the ground, any of which is more than 14 inches in diameter.

**Sec. 46-142. ReservedPenalty for violation.**

~~Any person who fails or refuses to comply with the terms and provisions of this article 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. 46-143. Article cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve the operation of a pedicab upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of pedicabs.

**Secs. 46-144--46-150. Reserved.**

## DIVISION 2. PERMITS AND LICENSES

### **Sec. 46-151. Permit required.**

(a) It shall be unlawful for any person to operate a pedicab service without first obtaining a permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense listed in subsection (c) of section 1-10 of this Code;
- (2) Identify each pedicab the applicant desires to receive a certification decal for, including trade name, if any, serial or identification number and body style of the pedicab;
- (3) Identify the proposed route(s) or area(s) where the applicant desires to operate the pedicab service;
- (4) Provide proof of insurance pursuant to the requirements of this article;
- (5) If a natural person:
  - a. Be 18 years of age or older;
  - b. Be able to read and write the English language;
  - c. Provide written character references from two persons who have known the applicant for at least two years attesting to the applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period; and
  - d. Hold a current and valid class A, B, or C Texas driver's license.
- (6) Not have had a license or, permit, ~~or franchise~~ issued under this chapter denied, revoked or refused for renewal, not renewed for cause by the city within the one ~~five~~-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 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. 46-152. License required.**

It shall be unlawful for any person to operate a pedicab without a license issued pursuant to this article. ~~In addition to the permit requirements provided in section 46-151, each applicant for a license required by this article shall also:~~

- ~~———— (1) Provide a medical examiner's certificate from a Texas licensed physicians on a certificate form promulgated by the director attesting that the applicant is physically qualified to safely operate a pedicab; and~~
- ~~———— (2) Provide evidence that the applicant has passed a drug screening test within the 30-day period preceding the date of filing of the application for license 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 screening for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The applicant shall bear all costs associated with the drug screening test.~~

**Sec. 46-153. Fees.**

(a) There shall be a fee in the amount stated for this provision in the city fee schedule of ~~\$10.00~~ for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule of ~~\$100.00~~ payable upon the filing of an application for a permit.

(c) In addition to the application processing fee provided in subsection (b) of this section, an annual permit fee in the amount stated for this provision in the city fee schedule of ~~\$200~~ shall be payable for each pedicab before it is placed into service and annually thereafter on before May 1 of each year.

**Sec. 46-154. Application.**

(a) Each person desiring to obtain a license or permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each license and permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director, or holder of ten percent or more of the outstanding stock if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-155. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit or license.

(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 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 days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the license or permit.

(d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date the director's decision regarding the amended application is deposited in the United States mail.

(e) A license shall be issued upon the approval of the application therefor. ~~No~~A permit shall not be issued until the applicant has identified each pedicab, if not provided with the application, and has also obtained a satisfactory inspection and certification decal, provided proof of insurance, and provided proof of ownership or lease of each pedicab.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

**Sec. 46-156. Transfer; nonexclusive; fee.**

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer, director, or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the

change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code. The fee for filing an application amendment is stated for this provision in the city fee schedule ~~shall be \$100.00.~~

(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. Terms of licenses and permits; ~~suspension.~~**

(a) A license shall be valid for two years from the date of issuance. A permit shall be valid for five years from the date of issuance.

~~(b) A license or permit may be terminated at any time for failure to pay any fees imposed pursuant to this article or failure to maintain the requisite insurance pursuant to section 46-176.~~

~~(c) A license or permit may be revoked, or refused for renewal, based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code. Additionally, a license or permit may be revoked or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:~~

~~(1) The license or permit was issued in error;~~

~~(2) The applicant provided materially false or incomplete information on the license or permit application; or~~

~~(3) There are three or more instances within any one-year period in which the licensee or permittee or any permittee's employee violates any provision of this article or regulation issued by the director hereunder.~~

~~(d)~~

In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of pedicabs; provided however, the addition, deletion, or substitution of any pedicabs pursuant to a current and valid permit shall require an inspection as provided for in section 46-161 of this Code, including the payment of the inspection fee.

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

**~~Secs. 46-158. Change of information.~~**

~~It shall be the duty of each permittee and licensee to submit to the director any change in information required to be submitted pursuant to this article. Any change in information shall be submitted on the form prescribed by the director within ten calendar days of any change.~~

**~~Secs. 46-159--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 of ~~\$50.00~~ 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) Each pedicab shall be inspected before it is initially placed into service and thereafter before May 1 of each year at such location as the director may specify. The director shall approve the pedicab if he determines that:

- (1) The pedicab is of the approved color scheme and is marked as provided in this article;
- (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and
- (3) The pedicab complies with all other requirements of this article.

(c) Upon satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the pedicab and payment of the applicable inspection fee provided in subsection (a) of this section.

- (e) It shall be unlawful to:
  - (1) Remove, move, alter, or deface a certification decal;
  - (2) Transfer a certification decal from the pedicab for which it was issued to another pedicab;
  - (3) Operate a pedicab with a certification decal that was not issued for that pedicab; or
  - (4) Operate a pedicab with a fictitious or fraudulent certification decal.

(f) The director may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the licensee in order to determine compliance with the provisions of this article and the regulations adopted by the director.

**Sec. 46-162. Authorized operators.**

No pedicab shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the pedicab under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for any person operating under his permit whether the person is an employee or is a person operating under a written agreement. Any person operating a pedicab on the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person operating a pedicab on the streets or other public property of the city shall be required to secure a license pursuant to this article.

**Sec. 46-163. Rate structure and fares.**

A permittee shall file all rate structure and fare information with the director. It shall be unlawful for a permittee or licensee to charge a passenger a fare that was not agreed upon with the passenger in advance or to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

**Sec. 46-164. Receipt for payment of fare.**

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The permittee of the pedicab shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record for this purpose.

**Sec. 46-165. Posting of pedicab driver's license, fares, and other information.**

(a) Each permitted pedicab shall be equipped with a holder mounted in a conspicuous location on the pedicab to ensure that its contents are visible by the passengers. It shall be the duty of the permittee and licensee to post in this holder a photograph of the licensee, the licensee's name, and a copy of the licensee's pedicab license. Each permitted pedicab shall also display the name, trademark, logo, or other identifying information of the permittee and the specific fares charged for services rendered. The size and content of the permittee's information and the posted fares shall be affixed to the pedicab in a manner approved by the director.

(b) It shall be the duty of each permittee and licensee to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding pedicab services or charges. The card shall be mounted adjacent to licensee's pedicab license information and shall inform any passenger that wishes to file a complaint to obtain the pedicab certification decal number as posted on the pedicab, and the date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers.

**Sec. 46-166. Carrying additional passengers.**

Any passenger who engages the services of a pedicab shall have the exclusive right to the passenger compartment of the pedicab. It shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the pedicab.

**Sec. 46-167. Operation of pedicabs on roadways.**

(a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.

(b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

- (1) The pedicab is passing another vehicle moving in the same direction;
- (2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway;
- (3) A condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or

- (4) The person is operating a pedicab in an outside lane that is:
  - a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
  - b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.
- (c) A licensee operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.
- (d) Licensees operating pedicabs on a roadway may ride two abreast. Licensees riding two abreast on a laned roadway shall ride in a single lane. Licensees riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Licensees may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.
- (e) Each licensee shall pull his or her pedicab to the curb when loading or unloading passengers.

**Sec. 46-168. Pedicab condition.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:

- (1) Exposed rust;
- (2) Ripped upholstery or fabric;
- (3) Visible chips or scratches on any painted surface;
- (4) Exposed wood that is not painted and in good condition;
- (5) Exposed sharp edges; or
- (6) Dirt or debris on any surface accessible to patrons.

**Sec. 46-169. Licensee appearance.**

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with the requirements of this section at all times while operating a pedicab for hire.

(b) Licensees shall be clean-shaven or facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.

(c) The term "suitably dressed" shall mean wearing appropriate outer garments, including, at minimum, shorts, slacks or trousers, a shirt with collar or blouse with or without a tie, and shoes. A licensee operating a pedicab shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.

(d) Clothing that is not considered appropriate and is not permitted when the licensee is in charge of a pedicab includes: underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, athletic shorts or trunks (jogging or bathing), or sandals.

**Sec. 46-170. Pedicab lighting and reflectors.**

It shall be unlawful for any permittee or licensee to operate, or cause to be operated, a pedicab that does not have the following:

- (1) A lamp on the front that emits a white light visible from a distance of at least one hundred feet to the front during daytime;
- (2) A lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front during nighttime;
- (3) A red reflector on the rear of a type approved by the Texas Department of Transportation that is visible from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime; and
- (4) One lamp that emits a red light visible from a distance of five hundred feet to the rear during nighttime.

**Sec. 46-171. Pedicab brakes.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the licensee from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement.

**Sec. 46-172. Pedicab seat belts.**

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a lap seat belt for each passenger.

**Sec. 46-173. Pedicab trailer; limitation on number.**

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

**Sec. 46-174. Pedicab width.**

It shall be unlawful to operate a pedicab that is wider than 54 inches at its widest point.

**Sec. 46-175. Pedicab operation; conduct.**

(a) It shall be unlawful for a licensee operating a pedicab, or a permittee operating a pedicab service, to cause, suffer, or permit a licensee to:

- (1) Operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab;
- (2) Carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection;
- (3) Operate a pedicab in a manner that results in damage to public or private property;
- (4) Fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk;
- (5) Operate a pedicab that is not equipped with an audible signaling device approved by the director and a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency;
- (6) Permit a person riding on a bicycle, coaster, sled, toy vehicle or roller skates to attach to the pedicab;
- (7) Operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars;

- (8) Operate a pedicab on any street or adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier;
  - (9) Permit or allow passengers to ride in or on a pedicab in such a position that the licensee's vision forward or to the side is blocked;
  - (10) Refuse to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability; or
  - (11) Stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles.
- (b) It shall be unlawful for any person to operate a pedicab on a street where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that street.
- (c) It shall be unlawful for any person, while operating a pedicab, to pick up or drop off passengers on a street where the posted speed limit exceeds 35 miles per hour.
- (d) It shall be unlawful for any person to operate a pedicab upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.
- (e) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers.
- (f) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.
- (g) It shall be unlawful to remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.

**Sec. 46-176. Pedicab insurance.**

- (a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) of this section.

(b) The insurance required in subsection (a) shall be in the form of commercial general liability policy. The required policy shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. The insurance shall be a policy of commercial general liability insurance, including broad form coverage, products and completed operations, and personal injury and advertising injury in an amount not less than \$1,000,000.00 12-month aggregate, and \$1,000,000.00 per occurrence.

(c) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ~~10~~ 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. ~~director. A copy of the authorized form shall be placed on file for inspection in the offices of the director and city secretary.~~

**~~Secs. 46-177.— Records to be kept by permittee.~~**

~~Permittees shall maintain business and operations records in compliance with this article and any regulations of the director.~~

**~~Sec. 46-178.— Accident reports.~~**

~~— (a) When a pedicab 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 pedicab, or injury of the licensee, 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 pedicab driver's license number; and~~
- ~~— (3) The time and location of the accident or collision.~~

~~— (b) Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available for inspection and copying.~~

**Sec. 46-179. Regulations.**

~~The director is authorized to adopt regulations necessary to implement the provisions of this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase for the fees prescribed by law.~~

**Secs. 46-180--46-190. Reserved.**

**ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES**

**DIVISION 1. GENERALLY**

**Sec. 46-191. Definitions.**

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

*Chauffeured limousine* shall mean:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements.
- c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (i) has a passenger capacity of not less than six persons nor more than nine persons, including the driver; (ii) has a manufacturer's suggested base retail selling price of not less than \$37,600.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1<sup>st</sup>; and (iii) is either less than or equal to six years of age;

- d. A van with a manufacturer's rated passenger capacity of 9 to 15 persons (including the driver), which vehicle is less than or equal to seven years of age; or
- e. An antique, classic, or special interest vehicle.

For the purposes of this article, "*antique*" shall mean a vehicle that is 25 years old or older; "*classic*" shall mean a vehicle recognized by the Classic Car Club of America; and "*special interest*" shall mean a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to six years of age, seven years of age, ten years of age, or is an antique, classic or special interest vehicle within the meaning of this article. In no event will a vehicle other than an antique vehicle be allowed in service for the first time with mileage in excess of 100,000 miles for vehicles, which mileage shall be determined from the odometer and from odometer and title records.

*Chauffeured limousine service* shall mean the business of renting or leasing a '*chauffeured limousine*,' as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, for any period of time not less than two hours to be used by the person or persons hiring the vehicle or under their direction and authority for the period of time the vehicle is rented or leased. Specifically excluded from this definition are the following:

- a. Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- b. All taxicabs licensed by the city.
- c. All vehicles operating under a contract with the city.
- d. All sightseeing or charter vehicles licensed by the city.

~~*Director* shall mean the director of administration and regulatory affairs or the director's designee(s).~~

*Extended body* shall mean that a vehicle shall have been modified to extend its original factory wheelbase by 40 inches or more in conformity with any applicable state or federal safety laws, standards, and regulations.

*Gross receipts* shall mean the aggregate of all sums collected by the licensee in the operation of either a sightseeing or charter service or a chauffeured limousine service; provided, however, that in the case of a chauffeured limousine service, the term "gross receipts" shall not include or apply to revenues derived from providing chauffeured limousine services involving a vehicle leased or rented from another chauffeured limousine agency that makes a similar charge to the licensee providing the service to the customer.

*License* shall mean ~~an authority as described herein to operate a sightseeing or charter service or chauffeured limousine service~~ driver's license issued pursuant to, duly granted by the director under this article.

*Licensee* shall mean the person in physical control of, firm, partnership, corporation, association, or society to whom a license has been duly issued under this article for either a motor vehicle operated as a sightseeing or charter vehicle service or a chauffeured limousine who is the holder of a current and valid sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to the applicable provisions of this article.

*Luxury motor vehicle* shall mean a vehicle that has a manufacturer's suggested base retail selling price of not less than \$33,000.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1<sup>st</sup>.

*Permit* shall mean authorization to operate a sightseeing or charter service or chauffeured limousine service pursuant to this article.

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

*Sightseeing or charter service* shall mean the transporting of passengers by charter between points within the city and between such points and points without the city upon a route including stops at various points of public interest and providing for eventual discharge at the place at which such passengers are picked up. From such definition is specifically excluded the discharge of passengers from points other than those at which they are picked up.

*Sightseeing or charter vehicle* shall mean 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. Rules and regulations; director's authority.~~**

~~The director is hereby granted the authority to promulgate, from time to time, reasonable rules and regulations to carry out the intent and purposes of this article, which rules and regulations shall be adhered to by all charter and sightseeing service licensees and chauffeured limousine service licensees hereunder.~~

**~~Sec. 46-193. Penalty.~~**

~~Any person guilty of violating any of the terms of this article shall, upon conviction, be punished as provided by section 1-6 of this Code. Each day a violation of any of the terms or provisions of this article is allowed to continue shall be deemed a separate offense.~~

**~~Secs. 46-194--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 ~~licensees~~ thereof.

**Sec. 46-201. ~~Refusal to convey;~~ Permit and license required.**

(a) ~~It shall be unlawful for any driver or licensee of a sightseeing or charter service or chauffeured [chauffeured] limousine service to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with the passenger's disability.~~

~~(b) 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 the issuance of a permit license for such service and a license, has been issued, or at a time when a license previously issued has been suspended or canceled. Violators of this subsection, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each instance of so operating such vehicle shall be deemed a separate offense.~~

**Sec. 46-202. Permit License term; operations authorized.**

(a) A ~~permit charter and sightseeing service license~~ shall be issued for a term of ten years and shall authorize the ~~permittee licensee~~ to operate in a manner a sightseeing service 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 licensee~~ are discharged and leave the motor vehicle bus at points other than those at which they are picked up shall constitute grounds for termination of the ~~permit license~~ under the provisions hereinafter stated for notice and hearing; provided, that should a ~~permittee licensee~~ 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 license~~.

(b) A ~~permit for a charter and sightseeing service license~~ 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) The rates charged by a licensee shall not compete with the local transit system;~~

~~(12) A permittee licensee shall not advertise locally except by use of posters or notices in said motels and hotels; and~~

~~(23) A permittee licensee shall wait for the passengers and bring them back to the point of origin.~~

**Sec. 46-203. License term; issuance procedure. Application for license.**

A license shall be valid for two years from the date of issuance. Licenses shall be issued in a manner consistent with the requirements established in division 3 of article II of this chapter regarding the issuance of taxicab driver's licenses. ~~Applications for a charter or sightseeing service license shall be submitted on forms to be furnished by the director and the applicant shall furnish the following information with each such application, that shall be sworn to before a notary public public:~~

~~(1) The name and form of business under which the service will be operated (if a partnership or corporation, copy of the partnership agreement or articles of incorporation must be attached).~~

~~(2) A complete balance sheet showing all of the assets and all of the liabilities of the applicant.~~

~~(3) A schedule showing the model, type and make of each motor vehicle that the applicant desires to place into operation.~~

~~(4) A description of the sightseeing tours that the applicant proposed to furnish and a schedule of the routes he proposes to follow.~~

**Sec. 46-204. Permit application; License-issuance procedure.**

(a) An application for a permit charter and sightseeing service license 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 shall always be kept current).

(3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle that the applicant desires to place into operation and a statement as to the legal ownership of each vehicle.

(4) A description of the sightseeing tours that the applicant proposes to furnish and a schedule of the routes proposed to be followed.

(b) An applicant for a permit license under this division must:

(1) Be not less than 18 years of age and of good moral character.

(2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.

(3) 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) The director shall forward each application received, whether original or amended, to the chief of police for an investigation as to whether the license applicant has been convicted of any applicable offense(s) as specified in section 1-10 of this Code.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_~~ 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, a director or a holder of ten percent or more of the outstanding shares, shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer, director, or shareholder. 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.

(ed) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit charter and sightseeing service license issued by the city shall require a permit license amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for permits charter and sightseeing service licenses. The director shall consider the information supplied regarding the new or proposed member or officer of the permittee licensee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit charter and sightseeing service license would be issued under the terms of this article, he shall change his records to reflect the new member or officer of the permittee licensee.

(fe) 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 of any vehicle to the license, removal of any vehicle from the license, or substitution of any vehicle with a replacement vehicle under the license, shall also require a permit license amendment.

**Sec. 46-205. Vehicle certification decals ~~Identification certificates for vehicles.~~**

Upon the director's issuance of a permit ~~issuing a charter and sightseeing service license~~, the permittee licensee 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 licensee shall furnish to the director similar descriptions and details when he proposes to place any additional vehicle in operation or withdraw from operation any vehicle theretofore operated. The director shall determine the number of vehicles a permittee licensee shall be authorized to operate at any one time. The director shall devise a system of identification for such vehicles and prescribe and issue a certification decal form of certificate identifying each vehicle as one lawfully operated under the permit license. ~~A vehicle shall be deemed in operation whenever there is in force covering the vehicle an identification certificate, whether or not such vehicle may on all days and at all times be in actual operation upon the streets. The council finds that in the interest of an efficient service, it is not practicable for it to designate or prescribe the precise type or description of the vehicles that shall from time to time be operated, provided that the vehicles are designed by the manufacturer to accommodate 16 persons or more, including the driver.~~

**Sec. 46-206. Waiting period before being eligible to reapply—Reserved.**

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

**Sec. 46-207. Insurance requirements.**

(a) Every vehicle operated under a permit charter and sightseeing service license issued pursuant to the provisions of this division shall at all times be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain a provisions for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and that for the giving of 30 days written notice shall be given 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. In the matter of cancellation of such policies, replacements thereof by new policies, and all such related matters, the licensee shall have the responsibility to comply with the provisions of section 46-140 of this Code, and the mayor and the director shall have all of the powers given them by such section.

(c) The insurance required in subsection (a) shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form approved that has been promulgated by the Texas Department of Insurance city for that purpose. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

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

(a) No permittee operator of any sightseeing or charter service shall permit or cause to be driven, nor shall any licensee driver of any sightseeing or charter service drive, on any street of the city any vehicle which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any permittee operator of a sightseeing or charter service and licensee on the part of any driver of a sightseeing or charter service to fail to comply and to fail to require compliance with any of the provisions of this article.

(b) All vehicles operating as a sightseeing or charter service shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(c) All vehicles operating as a sightseeing or charter service shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights ~~which shall always be in good working condition, and which shall be lit from one-half hour after sunset to one-half hour before sunrise, and. If the sightseeing or charter service vehicle is being driven, all four-wheel brakes employed may be either hydraulic or air brakes in good and shall always be kept in first-class working condition order.~~

(d) Every vehicle operating as a sightseeing or charter service shall have posted in a conspicuous place in the vehicle the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial number indicating the sightseeing or charter service vehicle's route in accordance with the classification and enumeration of routes as the director may devise and order.

(e) The director, or his duly appointed representative, may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if, as a result of such inspection, any vehicle is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same 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 such operator shall not thereafter cause or permit such 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 6 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 Drivers of a sightseeing or charter service~~ shall not smoke or use tobacco during the time they are driving vehicles that are operating as a sightseeing or charter service.

(g) ~~No licensee driver of a sightseeing or charter service shall drive for more than 12 hours in any twenty-four-hour period and no permittee licensee of any sightseeing or charter service shall permit or cause a licensee any person to drive a vehicle operating as a sightseeing or charter service more than 12 hours in any 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 received or discharged in the traveled portion of any street, Licensees but if passengers are to be received or discharged, the driver 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) No licensee driver of a sightseeing or charter service 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 any licensee ~~he~~ permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

~~(k) Sightseeing or charter service operators shall make immediate report to the director regarding each and every accident in which any sightseeing or charter service vehicle is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.~~

~~(l) Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.~~

**Sec. 46-209. Schedule of fares.**

~~A sightseeing and charter service licensee shall observe such reasonable schedule of fares to be charged by him as the city council may from time to time fix, subject to re-determination by it in the event of a change in conditions making the schedule theretofore fixed unreasonable. Upon being issued a permit license, a permittee licensee shall forthwith file with the director a complete schedule of fares to be charged, by him, which schedule shall be accepted by the director before the license shall become operative, and ~~in~~ the event any changes are made in such fares, the permittee shall licensee will file with the director such changes with the director not later than 30 days before the effective date of such changes; ~~provided that if the director fails to act thereon within said 30 day period, such changes in fares shall become effective.~~ A licensee shall observe at all times such schedule of fares as may from time to time be in effect and approved by the director.~~

**Sec. 46-210. Routes and schedules.**

~~The council finds that it is not practicable for it to prescribe detailed schedules or routes upon which sightseeing vehicles used by a sightseeing and charter service licensee shall be operated. Accordingly, in the matter of routes and schedules, a licensee Permittees shall operate sightseeing and charter service motor vehicles buses only over and along routes and schedules filed with and theretofore approved by the director and make and observe such changes in such routes as the director may from time to time~~

require. 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 license fee.**

(a) *Fees.* ~~The annual fee for a permit license under this division shall be \$500.00 for each sightseeing or charter vehicle is stated for this provision in the city fee schedule and is, payable to the department of administration and regulatory affairs in two installments as follows: \$250.00 paid on or before January 1st and June 1<sup>st</sup> of each calendar year in amounts prescribed in the city fee schedule, and \$250.00 paid on or before June 1st of each year. In the event the permit license 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 \$50.00 per month or fraction thereof remaining in the calendar year, not to exceed the full annual fee \$500.00. The A replacement fee of \$0.00 shall be charged for reissuance of each certification decal medallion that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the sightseeing or charter service vehicle. Failure to pay the license fees when due shall result in termination of the license as provided in section 46-215 of this Code.~~

(b) *Refunds.* Within 90 days of the expiration of any calendar year a permittee licensee may apply to the director for a refund of a portion of its permit license fees if the permit license fees paid for the previous calendar year exceed two percent of the permittee's licensee's gross receipts. The refund application shall be made on the form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee licensee 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 licensee the amount by which the total permit license fees paid for the previous calendar year exceed two percent of the permittee's licensee'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~~ A sightseeing and charter service licensee shall furnish and render to the director such statements and reports incident to the operation of a sightseeing or charter service ~~conduct by him of the business hereby authorized as the director,~~ including but not limited to ~~may prescribe.~~ He shall also keep such records of such operation as shall be sufficient ~~not only to show the amount of his gross receipts during any and every monthly period but also to show the expenses of operation in such detail as may be sufficient to enable the city council from time to time to pass upon the reasonableness of his fares and to fix and determine reasonable fares.~~ He shall permit such persons as the city council, mayor or the director may, from time to time, appoint to examine such books and records at any and all reasonable times.

**Secs. 46-213. Deficient service; action by director.**

~~Should the director determine upon his own initiative or upon complaint of any person whomsoever that the business and service authorized to be provided by any sightseeing and charter service licensee is not being operated so as to serve fully the public safety, convenience, necessity or welfare (whether from insufficient, unsuitable or unsafe equipment, infrequency of schedules or any other matter incident to such operation), the director shall notify the licensee of his determination, pointing out the respects in which the service is deficient and requiring that within such time as he may designate, the conditions complained of be remedied. In the event the conditions are not remedied within the time specified the director may either suspend the license for a period not to exceed 15 days or issue an order cancelling the license after providing a hearing in the manner contemplated by section 46-215.~~

**Sec. 46-214. Right of council to investigate.**

~~The city council may, upon its own initiative or upon the reporting thereof to it by the director or upon the complaint of any interested person, inquire into any matter related to the operations conducted under a sightseeing and charter service license and the fares or charges therefor; and may, upon such inquiry, make such determination and finding as is proper, to the end that the transportation furnished by a licensee shall be such as to serve suitably and adequately the public's needs at fair and reasonable rates for an adequate and dependable sightseeing bus service.~~

**Sec. ~~--~~46-215. Reserved Procedure relating to termination of license.**

~~(a) If the director has reason to believe that a sightseeing and charter service licensee has violated any of the terms of this article, he may notify (or upon motion of council to that effect, he shall notify) the licensee that on a date to be stated in such notice he, the said director will, at a place also to be stated therein, determine whether his license should be terminated because of such default. At such hearing the licensee shall have the right to appear and show cause, if any exists, why his license should not be~~

~~terminated. Such notice need not do more than state generally the grounds upon which such termination is proposed to be declared. The decision of the director at such hearing shall be final.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ Notwithstanding the foregoing, if a sightseeing and charter service licensee fails to pay when due the license fee, or any installment thereof, provided for in section 46-211 of this Code, his license shall automatically be canceled 30 days after the due date of such installment unless, before the expiration of such time, the licensee shall pay the amount of such installment plus interest thereon at the rate of ten percent per annum from such due date until paid.~~

**Sec. 46-216. Transfer of license.**

No transfer of a sightseeing and charter service license issued shall be effective unless it be in writing, in duplicate, signed by the transferor and by the transferee, stating the true consideration of such transfer, accompanied by the transferee's application substantially in the form prescribed in section 46-203 of this Code, which shall be filed with the city secretary, and also accompanied by the certificate of the director that he has found and determined that the public necessity and convenience will be justified and served by such transfer. No transfer of a license shall be effective until the transferee has complied in all respects with the terms of this division.

**Sec. 46-217. Reserved~~Existing~~ franchises.**

~~No provision of this Code or of the ordinance adopting this Code shall be construed to repeal any franchise for the operation of a sightseeing and charter service heretofore granted by an ordinance of the city council.~~

**Sec. 46-218. Temporary certification decals~~vehicle medallions~~.**

In addition to the vehicles regularly operated by a permittee-licensee, the permittee licensee 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 ~~vehicle medallions~~ shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at the a-fee stated for this provision in the city fee schedule of \$100.00 per vehicle, per certification decal ~~medallion~~, 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 ~~temporary medallion~~ 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 licensee'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 licensees~~ thereof.

**Sec. 46-231. Permit License 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 license 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 license fee; other fees and taxes to be paid.**

(a) *Required.* The annual fee for a permit license under this division ~~shall be \$500.00 for each limousine is stated for this provision in the city fee schedule, and is payable to the department of administration and regulatory affairs in two installments as follows: \$250.00 paid on or before January 1st and June 1<sup>st</sup> of each calendar year in amounts prescribed in the city fee schedule and \$250.00 paid on or before June 1st of each year.~~ In the event the permit license 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 \$50.00 per month or fraction thereof remaining in the calendar year, not to exceed the full amount of the annual fee \$500.00. ~~The A replacement fee of \$0.00 shall be charged for reissuance of any certification decal each medallion that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the limousine.~~ Failure to pay the permit license fees when due shall result in license revocation of the permit, as provided in section 46-244(d) of this Code.

(b) *Refunds.* Within 90 days of the expiration of any calendar year a permittee licensee may apply to the director for a refund of a portion of its permit license fees if the permit license fees paid for the previous calendar year exceed two percent of the

~~permittee's licensee's~~ gross receipts. The refund application shall be made on the form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the ~~permittee licensee~~ 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 licensee~~ the amount by which the total ~~permit license~~ fees paid for the previous calendar year exceed two percent of the ~~permittee's licensee'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. 46-233. Application for permit license--Form.**

(a) An application for a ~~permit chauffeured limousine service license~~ 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 shall always be kept current.);
- (3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle, ~~that the applicant desires to place into operation and a statement as to the legal ownership of each vehicle proposed to be placed into operation as a chauffeured limousine; Except as provided in subsection (c) below, at least one vehicle to be operated by the applicant must be an extended body type.~~

(4) Documentary evidence from an insurance company indicating a willingness to provide insurance or proof of current coverage of insurance as required in section 46-238 of this Code; and

(5) Any additional information as requested by the director for the administration of this division.

(b) An applicant for a license under this division must:

(1) Be not less than 18 years of age and of good moral character.

(2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.

(3) Not have had a permit issued under this division denied, revoked, or not renewed for cause by the city within the one-year period preceding the date of filing the application.

(4) Be able to read and write the English language.

~~(c) The director shall forward each application received, whether original or amended, to the chief of police for an investigation as to whether the license applicant has been convicted of any applicable offense(s) as specified in section 1-10 of this Code.~~

~~(d) 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, a director or a holder of ten percent or more of the outstanding shares, shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer, director, or shareholder. 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.~~

~~(de) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit chauffeured limousine service license issued by the city shall require a license amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for permits chauffeured limousine service licenses. The director shall consider the information supplied regarding the new or proposed member or officer of the permittee licensee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit chauffeured limousine service license would be issued under the terms of this article, he shall change his records to reflect the new member or officer of the permittee licensee.~~

(ef) Except as provided in section 46-235(b) of this Code, the addition, ~~removal, or substitution~~ of any vehicle to the license, ~~removal of any vehicle from the license, or substitution of any vehicle with a replacement vehicle pursuant to a permit under the license,~~ shall also require a permit license amendment.

(fg) Each ~~permittee chauffeured limousine service licensee~~ is required to maintain and operate ~~at least one extended body type vehicle~~ at all times as part of his city authorized vehicle fleet of either:

- (1) Not less than three chauffeured limousines, including at least one extended body type vehicle; or
- (2) Not less than four chauffeured limousines.

The provisions of this requirement shall not extend to renewals or amendments of ~~permits licenses~~ that were originally issued on the basis of applications that were filed on or before January 1, 2013 ~~November 1, 2000~~; provided however, the revocation of a permit operated pursuant to a licensee operating under this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services in the city may not increase the number of vehicles authorized under his license unless and until he adds at least one extended body type vehicle to his authorized vehicle fleet. Failure to comply with the provisions of this section shall be grounds for license revocation.

(gh)(1) In addition to any other information required to be provided under this section, each applicant for issuance, renewal, or amendment of a ~~permit limousine service license~~ 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 license upon the property of city airports.

(2) Each ~~permittee licensee~~ who desires privileges to operate upon city airports is required to maintain and operate at all times under the permit limousine service license a city authorized fleet of either:

- a. Not less than three chauffeured limousines, including at least one extended body type vehicle, or
- b. Not less than four ~~licensable chauffeured limousines vehicles, as defined in this article.~~

The provisions of this requirement shall not extend to renewals or amendments of permits limousine service licenses that were originally

issued on the basis of applications that were filed on or before November 1, 2000; provided however, the revocation of a permit operated pursuant to a licensee operating under this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services upon city airports may not increase the number of vehicles authorized under his license unless and until he adds at least one extended body type vehicle to his authorized vehicle fleet.

- (3) The director shall cause each permit limousine service license that is issued, renewed, or amended and any permits, certification decals medallions, or other evidence of authorization to operate a chauffeured limousine licensure to indicate whether or not the permittee licensee and vehicles have city airport privileges under this subsection ~~(h)~~.
- (4) 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 ~~(h)~~ upon any city owned or operated airport. Additionally, violation of this subsection ~~(h)~~ shall be grounds for revocation or suspension of the offender's permit limousine service license and limousine driver license.

#### **Sec. 46-234. Permit License issuance procedure.**

(a) The director shall initially review each application for issuance or amendment of a permit license 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 director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and of other applicable provisions, including section 1-10 of this Code. If so, the director shall issue the permit license 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 ~~as provided in subsection (c)~~, 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 thirty days following the date of deposit of the notice in the mail request a hearing. Where the grounds are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds. ~~Hearings shall be conducted by a hearing officer designated by the director for that purpose. 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 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.~~

(d) In the event that the permit license is approved, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, inspection of vehicles to be utilized, and submission of proof of insurance.

(e) A ~~permit chauffeured limousine service license~~ does not entitle the permittee licensee to act as the driver of covered vehicles. A separate ~~limousine driver license~~ is required for that purpose as provided in section 46-239 of this Code.

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

**Sec. 46-235. Permit--License; term; renewal; number of vehicles; identification certificate.**

(a) ~~Permits Licenses~~ shall be issued for a term of five years. ~~Permittees Licensees~~ desiring to have reissuance of their permit license shall, at least 60 days prior to the expiration of the permit license, file with the director a written application for a renewal of their permit license. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new permits licenses. A permit license 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 licensee, the permittee licensee 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 vehicle medallions shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at the a-fee stated for this provision in the city fee schedule of \$100.00 per vehicle, per certification decal medallion, 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 temporary certification decal ~~medallion~~ 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 ~~licensee'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 ~~licensee~~ shall cause each limousine operated under his permit ~~license~~ 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 ~~licensee~~ shall be given an inspection compliance decal for the limousine, which shall be valid for 12 months from the date of its issuance. The inspection compliance decal shall be affixed by the director to the windshield of the vehicle. It shall be unlawful to drive or to cause to be driven any limousine permitted ~~licensed~~ under this division that does not have a current inspection compliance decal affixed by the director.

Each permittee ~~licensee~~ 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 in the amount of \$50.00 per limousine operated pursuant to this division, per calendar year, provided that the fee for the balance of the calendar year shall be reduced to \$25.00 for any limousine that is initially placed in service or after July 1.

(b) All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in good working ~~first-class-mechanical~~ 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 after sunset to one-half hour before sunrise when the limousine is in operation. The inspection shall include, but not be limited to, the following items: Vehicle identification number; date of purchase; foot brakes; emergency brake, headlights; taillights; brake lights; turn signal lights; license plate lights; horn; two-speed windshield wipers; interior and exterior rear vision mirrors; air conditioner; tires; muffler and tail pipe; condition of the body; condition of the fenders; condition of the paint; condition of the interior; current state inspection sticker; state license plates; speedometer readings; mileage; steering. Brakes, seat belts and all other safety, noise and antipollution requirements specified by the United States Government and the state shall be complied with at all times. The brakes shall always be kept in good first-class-working condition ~~order~~.

**Sec. 46-237. Tests and inspections of limousine vehicles.**

The director ~~or his duly appointed representative,~~ may at any time, and shall at least once each year, make tests and inspections of all limousine vehicles then in operation to assure that they are in compliance with the terms of section 46-236 of this Code, and if as a result of the inspection or test any limousine vehicle is found not to comply with any of the requirements therein set out, the permittee licensee shall be notified of the defects observed and he shall immediately correct same to the satisfaction of the director. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The director ~~and any employee to whom he may designate the duty of inspection of limousine vehicles~~ shall be given ready 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 ~~inspection compliance decal assigned to that vehicle for a period of three days for the first offense, 15 days for the second offense, and revocation upon the third offense.~~

**Sec. 46-238. Insurance requirements.**

(a) Notwithstanding any other provision of this article to the contrary, no permit chauffeured limousine service license shall become effective nor shall chauffeured limousine services be provided until the person to whom the permit license is granted has ~~shall have~~ filed with the director the requisite proof of standard policy of public liability and property damage insurance executed by an insurance company duly and legally authorized to do business in this state insuring the general public against any loss or damage that may result to any person or property from the operation of chauffeured limousine vehicles covered by his permit license.

(b) The public liability insurance required in subsection (a) shall be in a form of commercial automobile liability coverage with limits of not less than \$500,000 combined single limit per occurrence, or herein provided for ~~shall have~~ limits of not less than \$250,000.00 for bodily injury to one person or the death of one person, and \$500,000.00 for bodily injury to or death of all persons injured or killed in any one accident and \$100,000.00 for property damage.

(c) The insurance shall be for the protection of the passengers of limousine vehicles as well as for the general public, but shall not be required to cover personal injuries sustained by the servants, agents or employees of the permittee licensee. 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 ~~by certified mail, return receipt requested,~~ to the permittee licensee and demand that such permittee licensee 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 licensee before the cancellation or expiration of the original insurance, the permit chauffeured limousine service license shall automatically be suspended, and the permittee licensee 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. ~~In addition to the automatic suspension, the director may revoke the license following ten days written notice to the licensee and an opportunity for a hearing.~~

(f) The insurance required in this section shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form approved that has been promulgated by the Texas Department of Insurance ~~city~~ for that purpose. ~~A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.~~

#### **Sec. 46-239. Driver License; other driver requirements.**

(a) No person shall operate a limousine upon the streets of the city unless he holds a current and valid ~~city limousine driver~~ 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 driver ~~to~~ conspicuously display his ~~limousine driver~~ 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 ~~limousine driver~~ license if the license card was not conspicuously displayed as aforesaid.

(c) ~~Limousine driver~~ licenses shall be issued in all respects on the same basis and subject to all of the same requirements established in division 3 of article II of this chapter for the issuance of taxicab driver licenses.

(d) Each licensee driver shall, while operating a permittee's licensee's limousine, wear a ~~men's or women's business attire suit~~ (a dress shirt jacket 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, provided that the jacket need not be worn during the months of May through October, or at any time while the limousine is in motion. Additionally, each licensee shall be authorized to wear other appropriate attire prescribed by the director pursuant to section 46-192 of this Code.~~

(e) It is an affirmative defense to prosecution under this section that the person driving a limousine had been engaged by the permittee licensee 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 agreementsReserved.**

(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; the name(s) of the passenger(s); the date and time of hiring; the scheduled pickup address or location; 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. A copy of the vehicle rental agreement shall be delivered to the renting or leasing party at the time the vehicle is released or, if a monthly statement is submitted, at that time. A completed copy of the bill submitted showing the total fare charged and received shall be retained by permittee for a period of two years from the date of contract. Upon request, the permittee shall make available to the director or his designated agent completed copies of the vehicle rental agreements retained within the two-year period.

(b) A copy of the vehicle rental agreement form shall be filed with the director who shall approve the form before the permittee may operate his vehicles under this article.

**Sec. 46-241. Operation from permittee's licensee's usual place of business, etc.**

(a) ~~A permittee chauffeured limousine service licensee shall operate only from his usual place of business, and his vehicles shall be dispatched therefrom; provided, however, if any permittee licensee has a written agreement authorizing the permittee licensee 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 licensee shall not operate, house, 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's drivers shall not approach potential customers in any public place for the purpose of soliciting their business, and no advertising sign shall be displayed inside the limousine at any time; and the only advertising that may be displayed outside the limousine shall be limited to the name and telephone number of the permittee licensee on the front and rear license plate frames in individual letters not to exceed one inch in height and width with the cumulative size not to exceed beyond one inch the length and width of the license plates.~~

(d) ~~All mobile dispatch services or any person acting in concert therewith shall operate only on a pre-arranged vehicle for hire transportation service basis in providing chauffeured limousine services.~~

**Sec. 46-242. Schedule of fares.**

~~(a) The minimum fare of \$70.00 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than \$15.00 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited.~~

~~(b) Licensees shall file with the director a schedule of fares, which schedule must be approved or denied within 15 days after receipt by the director. Failure of the director to act on the request shall be deemed to be a denial by him.~~

~~(c) It shall be unlawful for any person to operate a chauffeured limousine service, or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service, for less than the minimum fare prescribed in subsection (a).~~

**Sec. 46-243. Operation upon city airport propertyWritten vehicle rental agreements.**

~~(a) A written or electronic instrument of hire shall be entered into by the chauffeured limousine service licensee and any person renting or leasing any limousine. The instrument shall include, among other things: the date and time of hiring; the date and time of release of the vehicle; the rates applicable to the vehicle; a signature line for the chauffeur; and the names of the leasing or renting party. The instrument of hire for service originating at city airports shall also include the passengers' names, airline name, flight number, airport terminal and scheduled date and time of arrival. A copy of the instrument shall be delivered to the renting or leasing party at the time the vehicle is released, or if a monthly statement is submitted, at that time. A completed copy of the bill submitted showing total fare charged and received, shall be retained by licensee for a period of two years from the date of contract. The licensee shall make available to the director or his~~

~~designated agent completed copies of the instrument at any time within the two-year period.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ A copy of the vehicle rental instrument form shall be filed with the director, who shall approve the form before the licensee may operate his vehicles under this article.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ No licensee limousine driver 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 limousine driver shall park or stand his limousine upon airport property except for the purpose of actually loading or unloading passengers in accordance with an rental agreement instrument executed under subsection 46-240(a) of this Code, nor shall any licensee limousine driver 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 driver to present a copy of the rental agreement instrument required under subsection 46-240(a) 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 driver fails to produce the rental agreement instrument evidencing compliance, it shall be presumed in any prosecution under this subsection that the licensee's driver's presence upon the airport property was unlawful.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ Violation of any provision of this section shall, consistent with the revocation and suspension procedures established in section 46-244 of this Code, be grounds for suspension of the limousine driver license for not less than 15 nor more than 30 days on first offense, and revocation of the limousine driver license on second offense.~~

#### **Sec. 46-243. Schedule of fares.**

\_\_\_\_\_ (a) \_\_\_\_\_ The minimum fare of \$70.00 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than \$15.00 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited.

\_\_\_\_\_ (b) \_\_\_\_\_ Permittees shall file with the director a schedule of fares, which schedule must be approved or denied within 15 days after receipt by the director. Failure of the director to act on the request shall be deemed to be a denial by him.

\_\_\_\_\_ (c) \_\_\_\_\_ It shall be unlawful for any person to operate a chauffeured limousine service, or to offer or agree to provide chauffeured limousine service, or to rent or lease

motor vehicles, including the service of a driver, for chauffeured limousine service, for less than the minimum fare prescribed in subsection (a) of this section.

**Sec. 46-244. Waiting period before becoming eligible to reapply~~Revocation or suspension of license.~~**

~~(a) — A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license. Should the director determine upon his own initiative or upon complaint that any licensed chauffeured limousine service is not being operated in compliance with the terms of this article, or that any licensed driver has violated the terms of this article, the director shall notify the licensee or driver of his determination, pointing out the respects in which the licensee or driver is not complying with the article and notifying the licensee or driver of the date, time, and place of a hearing on the matter.~~

~~(b) — The director shall, within ten days after the hearing, render his decision on the hearing, which decision may revoke or suspend the chauffeured limousine service license or limousine driver license, as applicable. The decision of the director shall be based upon the clear and convincing weight of the evidence adduced at the hearing and upon the standards set forth herein, and the decision shall be final.~~

~~(c) — The chauffeured limousine service license or limousine driver license may be revoked if the licensee is convicted of an offense as specified in section 1-10 of this Code. If it appears that the licensee has been convicted of such an offense, the director shall follow the procedures set forth in section 1-9 of this Code.~~

~~(d) — Notwithstanding the foregoing, if a limousine service licensee fails to pay when due any semiannual license fee installment(s) provided for in section 46-232 of this Code, his license shall automatically be revoked.~~

**Sec. 46-245. Transfer of permit or license.**

A permit or chauffeured limousine services-license may not be transferred.

**Sec. 46-246. Inspection--After accident.**

A limousine involved in an accident shall not thereafter be used in limousine operations until it has been inspected by the director. If the director's inspection reveals that the limousine has been damaged to an extent that it is not in a reasonably good operating condition from the standpoint of the safety, health and comfort of passengers, or that the limousine has suffered damage in excess of \$1,000.00, the limousine shall be ordered out of service until the director has authorized the return of the limousine to limousine operations, which authorization shall not be given until proper repairs or corrections have been made.

**Secs. 46-247.— Accident reports.**

~~When a limousine is involved in an accident or is in a collision with any other vehicle of any kind whatsoever that results in any injury or damage to any person or property, including the limousine but not limited thereto, the driver of the limousine, if a person other than the licensee, shall report the accident to the licensee without delay. The licensee shall report to the director all accidents upon forms to be designated by the director, which shall include the following information: The owner of the limousine, the driver's name, his license number, and the time and location of the accident.~~

**Secs. 46-248--46-275. Reserved.**

**ARTICLE V. SCHOOL VEHICLES**

**DIVISION 1. GENERALLY**

**Sec. 46-276. Definitions.**

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

~~*Director* means the director of administration and regulatory affairs or his designee.~~

~~*For hire* means in exchange for monetary or other valuable consideration. The term expressly excludes car pooling or ride sharing arrangements for which no fee is imposed.~~

~~*License* means a school vehicle service driver's license issued pursuant to this article.~~

~~*Licensee* means any person in physical control of a school vehicle who is the holder of a current and valid school vehicle driver's license issued pursuant to this article.~~

~~*Permit License* means authorization to operate a current and valid license school vehicle service pursuant to issued under this article.~~

~~*Permittee Licensee* 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 the holder of a license.~~

*School* means a public or private facility offering any one or more of: (i) day care or preschool programs, (ii) kindergarten, (iii) regular grades 1 through 12 or (iv) alternative programs for students under 21 years of age who have physical or learning disabilities or other special needs. The term also includes governmentally-sponsored job training centers, regardless of the age of persons attending the centers.

*School vehicle* means any motorized vehicle, whether a conventional sedan, station wagon, van, bus or other type, with a manufacturer's rated seating capacity of not more than 15 passengers, including the driver, that is used for hire to transport students to or from any school that is situated in the city or that is used under the sponsorship of the school to transport students to or from any school-sponsored activity of a school that is situated in the city. The term excludes any vehicle owned or leased by the person who operates the school and operated by that person's employees for the primary purpose of providing transportation to students of the school, and any intrastate or interstate motor bus operating under Texas Department of Transportation or federal licensing jurisdiction.

*School vehicle service* means the business of transporting passengers for hire by means of a school vehicle. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, and low speed shuttles permitted 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 as required by Texas Revised Civil Statutes article 6687b, § 5(a) to evidence 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. ReservedPenalty.**

~~Any person who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than \$100.00 nor more than \$500.00. Each day that any violation continues shall constitute a separate offense.~~

**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. Regulations.~~**

~~The director is authorized to promulgate regulations that are not inconsistent with state law or this Code, for the purpose of carrying out the provisions of this article. The regulations shall be made available for inspection in the offices of the director, and a copy may be obtained by payment of the fee prescribed by law.~~

**~~Secs. 46-280--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 license 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 the a licensee driver of a school vehicle unless the person receives a license and is designated as a licensee driver on the permit license that pertains to that school vehicle. It is a defense to prosecution under this subsection that the vehicle was not being used for the transport of any student at the time of the alleged offense.

**Sec. 46-287. Permit and license Applications.**

(a) ~~Each person desiring to obtain a permit license shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article. The application shall be completed by and, if granted, issued in the name of the person who owns the entity that will operate the school vehicles. A nonrefundable application process fee in an amount stated for this provision in the city fee schedule fee of \$100.00 shall be payable upon the filing of required to be paid for each application filed. Each application shall be accompanied by:~~

- (1) A list of vehicles proposed to be utilized;
- (2) A list of the licensees persons who will act as the drivers of the school vehicles proposed to be operated pursuant to under the permit license;

- (3) A copy of each licensee's proposed driver's state certificate; and
- (4) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.

(b) Licenses shall be issued in a manner consistent with the requirements established in division 3 of article II of this chapter regarding the issuance of taxicab driver's licenses; provided however, compliance with the requirements of items (10) and (11) of section 46-88 of this Code shall not be applicable to an applicant for a license issued pursuant to this article. ~~Upon notification by the director, the applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director or holder of ten percent or more of the outstanding stock if a corporation) and all drivers proposed in the application shall present themselves to the police department for identification and fingerprinting to determine if any of them has been convicted of any applicable offense(s) as set forth in item (4) of subsection (a) 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.~~

**Sec. 46-288. Review.**

(a) Following review of the application, the director shall notify the applicant of intent to issue the permit license ~~unless~~:

- (1) The applicant or any proposed licensee driver 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 driver 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 under this chapter or a school bus license issued by ordinance denied, revoked or refused for renewal not renewed for cause by the city within the one five-year period next 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 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 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license.

~~(c) If the reason for the denial of an application is curable, the director shall allow the applicant upon the applicant's request to submit an amendment within the time allowed in subsection (b) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date that notice of the director's decision regarding the amended application is deposited in the United States mail, addressed to the applicant.~~

~~(d) If the application is approved, the actual permit license 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 license-fee prescribed in section 46-289 of this Code.~~

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

#### **Sec. 46-289. Annual permit license-fee.**

(a) There is hereby assessed an annual fee which shall be payable by each permittee licensee on or before November 1 of each year, provided that the director shall alternatively allow the fee to be paid in installments, with one half due by November 1 and the balance by the following February 1.

(b) The amount of the fee is stated for this provision in the city fee schedule shall be equal to \$200.00 for each licensed school vehicle having a capacity of 15 or fewer passengers, \$90.00 for each licensed school vehicle having a capacity of at least 16 but not more than 59 passengers, and \$115.00 for each school vehicle having a greater capacity. Each of the foregoing capacities shall be computed as including the driver. There shall be no fee for replacement of a vehicle with another vehicle of equivalent capacity. In the event that a permit license 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 one-half of the foregoing fees shall be payable for the balance of the annual fee period

~~(c) In the event that any licensee fails to pay the fee or any installment before the applicable due date, his license shall be suspended, and no school vehicle may be operated under the license. If the fee or installment is not paid by the thirtieth day following the due date, the license shall terminate and not thereafter be subject to renewal, provided that the former license holder may apply for a new license in the manner specified in this article.~~

~~(d) 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 licensee 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 license year (November 1 to October 31 of the following year) a permittee licensee 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 license year that exceeds two percent of the permittee's licensee's gross receipts from the operation of all permitted licensed 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 licensee 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 licensee. The permittee licensee 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 licensee either: (i) has personal knowledge of each matter affirmed, or (ii) as 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 licensee the amount by which the total fees paid for the previous calendar year exceed two percent of the permittee's licensee'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 licensee an informal hearing on the matter before a disinterested hearing official.~~

~~(e) The fees provided in this section are also made expressly applicable to school bus licenses issued by ordinance and shall apply in lieu of any other fees that may be stated in the license ordinance.~~

**~~Sec. 46-289.1 Physician's certificate; medical examinations.~~**

~~For each person designated as a driver in an application for a license, an applicant shall have at all times on file in the office of the director a certificate from a duly licensed physician, which certificate is not more than two years old, showing that the physician has examined the person and that the person has no disability or ailment that would prevent the person from safely operating a school vehicle. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a licensee or driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.~~

**~~Sec. 46-289.2~~ — ~~Drug screening.~~**

~~For each person designated as a driver in an application for a license, an applicant shall provide or cause to be provided evidence that each person 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 director may require an annual drug screening test for all persons designated as a driver in an application. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.~~

**~~Sec. 46-289.3~~ — ~~Criminal history check.~~**

~~Upon initial application for a license, upon the filing of an amended application adding one or more new drivers, and at license renewal intervals of five years, the director shall cause the criminal history of each person designated as a driver in an application to be researched by the Texas Department of Public Safety and the FBI. 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, along with funding in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.~~

**Sec. 46-290. Vehicle inspection.**

(a) It shall be unlawful for any licensee or permittee ~~person holding a school vehicle license issued under this article or a school bus license issued by ordinance 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 Drivers, vehicles.**

(a) ~~A permit license 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 driven by the licensees persons designated as drivers in the application, provided that each licensee driver designated continues to maintain a current and valid state certificate. No permittee licensee 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 driver on the application. It shall also be the duty of each permittee licensee to ensure that no licensee driver designated on the application continues to operate any school vehicle in the event that the licensee's driver's state certificate expires without renewal or is revoked or suspended by the state.~~

(b) ~~A permittee licensee may add or delete licensees drivers from those listed on the application by filing an amended application with the director for that purpose, which shall be accompanied by the a-filing fee stated for this provision in the city fee schedule of \$10.00. A copy of the state certificate shall be furnished for each person proposed to be added as a licensee driver. Each proposed new driver shall also present himself to the police department for identification and fingerprinting to check for compliance with section 1-10 of this Code. The procedures established in section 1-9 of this Code shall be followed if it appears that any proposed driver has been convicted of~~

~~any prohibited offense(s). The director shall act on each amendment to add drivers within ten days following its filing.~~

(c) School vehicles may be added to or deleted from a permit license 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 licensee to return the certification decal or remnants thereof for any vehicle that is removed from the permittee's licensee's authorized fleet.

**Sec. 46-292. Insurance.**

(a) Each school vehicle operated by any permittee licensee under his license shall be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) The policy must be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then the permit license to which it pertains shall be suspended, and no school vehicle may be operated under the permit license. If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit license shall automatically terminate.

(c) Proof of the insurance required in this section shall be accepted only in the authorized form approved that has been promulgated by the city and adopted by the Texas Department of Automobile Insurance for that purpose. ~~Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.~~

**Sec. 46-293. Ownership of vehicles, use of licensees drivers.**

(a) Each school vehicle must be registered to or leased on a long-term basis of at least a year to the permittee licensee who operates the vehicle, a copy of which title or lease shall be provided to the director.

(b) ~~Each driver of a school vehicle, other than the proprietor of a proprietorship licensee or partner of a partnership licensee, shall be a salaried employee of the licensee.~~

~~(c) It is the express intent of the city council in establishing the requirements of this section to ensure that licensees are fully responsible for the maintenance and operation of their school vehicles and to avoid any sort of scheme or artifice in which~~

school vehicles are operated by persons who "lease" licenses or drive vehicles as "independent contractors." The director shall promulgate any regulations that are necessary to carry out this section. Without limitation, the regulations may require that each licensee make his drivers' payroll records available for inspection and copying by the director to verify compliance.

**Sec. 46-294. Transfer, non-exclusive.**

(a) A permit license is personal to the permittee licensee to whom it is issued and may not be sold, transferred or conveyed by operation of law or otherwise.

(b) Each permit license 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 licensed, ~~provided that each must be operated pursuant to a license and in accordance with all applicable requirements of this article.~~

~~**Secs. 46-295. Terms, suspension.**~~

~~(a) A license shall be valid for five years from the date of its initial issuance.~~

~~(b) A license may be sooner terminated by operation of law as provided in sections 46-289 and 46-292 of this Code for failure to pay annual fees or maintain required insurance.~~

~~(c) A license may be revoked or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code.~~

~~(d) Additionally, a license may be revoked or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:~~

~~(1) The license or any amendment thereto was issued through error;~~

~~(2) The applicant provided materially false or incomplete information on the license application or any amendment thereto; or~~

~~(3) There are three or more instances within any period of one year in which the licensee or any employee violates any provision of this article or regulation issued by the director hereunder.~~

**Secs. 46-296--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 licensee~~ and the ~~permittee's licensee's~~ local telephone number. The information shall be in characters at least three inches high and having a brush stroke width of at least three-eighths of an inch.

#### **Sec. 46-302. Contracts required.**

Each ~~permittee licensee~~ 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 driver~~ shall ensure that students are loaded and offloaded in a safe manner that does not invite hazardous exposure to traffic or other hazards.

#### **Sec. 46-304. Standees, seat belts.**

(a) To the extent required by state law, each school vehicle shall be equipped with a functioning seat belt for each passenger seating space.

(b) It shall be unlawful for a licensee ~~the driver of a school vehicle~~ 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 ~~the driver of each school vehicle~~ to exercise reasonable caution to ensure that the vehicle is not in motion at any time when any person is not seated and does not have his seat belt attached, if seatbelts are required by state law.

#### **Secs. 46-305--46-320. Reserved.**

### ARTICLE VI. JITNEYS

#### DIVISION 1. GENERALLY

#### **Sec. 46-321. Definitions.**

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

~~Director~~ means ~~the director of administration and regulatory affairs or his designee.~~

*Jitney* means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than nine nor more than 15 persons including the driver, that is operated upon a closed loop route following specified streets and highways in a specified direction, and is operated without a fixed schedule, carrying passengers from place to place in exchange for a fee.

*Jitney service* means the business of renting, leasing, or owning a 'jitney,' as defined in this section, including the services of a driver, for the use and convenience of the general public. Specifically excluded from this definition are the following:

- (1) Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- (2) All taxicabs licensed by the city.
- (3) All vehicles operating under a contract with the city.
- (4) All sightseeing or charter vehicles licensed by the city.

*License* means a current and valid jitney driver's license issued under division 2 of this article.

*Licensee* means any person who is the holder of a current and valid jitney driver's license issued under division 2 of this article.

*Permit* means a current and valid jitney permit issued under division 2 of this article.

*Permittee* means any person, entity, business, partnership, joint venture, or corporation that holds a current and valid permit to operate a jitney service issued under division 2 of this article.

*Route* means the route for a jitney, as filed with the director in accordance with section 46-340 of this Code.

**Sec. 46-322. Reserved Penalty.**

~~Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each day that any violation continues shall constitute a separate offense.~~

**Sec. 46-323. Article is cumulative.**

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve a route that involves the operation of a jitney upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of that jitney upon that route.

**Sec. 46-324. Exception for existing permits.**

The minimum seating capacity of a jitney prescribed in section 46-321 of this Code shall not apply to any permit issued on or before August 4, 2010. The minimum seating capacity requirements provided in this article shall be immediately applicable to all permittees who received a permit on or before August 4, 2010 upon:

- (1) The expiration of the vehicle age limitations set forth in section 46-353 of this Code; or
- (2) A finding that the permittee has failed to comply with all other applicable provisions of this article resulting in the suspension, revocation, or refusal for renewal of a permit.

**Secs. 46-325--46-330. Reserved.**

DIVISION 2. LICENSES AND PERMITS

**Sec. 46-331. Permit required.**

- (a) It shall be unlawful for any person to operate a jitney service unless a permit has been issued for the operation of the jitney service under this article.
- (b) Each applicant for a permit required by this division must:
  - (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
  - (2) Identify the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle the applicant desires to receive a permit for and operate as a jitney;
  - (3) Be 18 years of age or older, if a natural person;
  - (4) Be able to read and write the English language, if a natural person;
  - (5) Provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the

city unless the applicant has not resided in the city or county for the preceding five-year period;

- (6) Hold a current and valid class A, B or C Texas driver's 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 five-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 for the driving of a jitney under this article. ~~In addition to the permit requirements provided in section 46-331, each applicant for a license required by this division must provide medical evidence from a Texas licensed physician on a certificate form promulgated by the director attesting that the applicant is not subject to any disability that would cause the applicant to be unable to safely operate a jitney.~~

**Sec. 46-333. Fees.**

(a) There shall be a fee in the amount stated for this provision in the city fee schedule of ~~\$10.00~~ for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule of ~~\$100.00~~ payable upon the filing of each application for one or more permits, regardless of the number of permits requested.

(c) In addition to the application processing fee provided in subsection (b) 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. Application.**

(a) Each person desiring to obtain a license or one or more permits shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article.

(b) Upon notification by the director, each permit and license applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director or holder of ten percent or more of the outstanding stock if a corporation) shall present himself at the location identified by the director for identification and fingerprinting to determine if he has been convicted of any applicable offense(s) as

set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-335. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit(s) or license.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any other information reasonably requested by the director, shall be immediate grounds for denial of the application. In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. The applicant shall be entitled to appeal the decision if the application is denied in whole or in part upon section 1-10 of this Code. Notice of denial in whole or in part upon section 1-10 of this Code shall comply with section 1-9 of this Code and applicable state laws. If the application is denied in whole or in part on the basis of any other criteria stated in sections 46-331 and 46-332 of this Code, the applicant may request a hearing regarding the denial by submitting a written notice of appeal to the director within 15 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 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.

(c) If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed in subsection (b) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date that notice of the director's decision regarding the amended application is deposited in the United States mail, addressed to the applicant.

(d) If the application is for a license, then the license shall be issued upon the approval of the application. Following approval of an application for one or more permits, the actual permits shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each jitney, if not provided with the application, and also has paid the annual fee, obtained an certification decal inspection certificate, provided proof of insurance, provided proof of ownership or lease and filed routes and rate data for each jitney in a manner consistent with sections 46-336 through 46-340 of this Code.

**Sec. 46-336. Annual permit fee.**

(a) There is hereby assessed the an annual permit fee stated for this provision in the city fee schedule of ~~\$500.00~~ 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 one half 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 1/2 of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

~~(c) In the event that any permittee fails to pay the fee or any installment before the applicable due date for any permit, the permit shall be suspended, and no jitney may be operated under the permit. If the fee or installment is not paid by the 30<sup>th</sup> day following the due date, the permit shall terminate and not thereafter be subject to renewal, provided that the former permittee may apply for a new permit in the manner specified in this article.~~

~~—(d)—~~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 of

~~\$50.00~~ 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~~ ~~October~~ ~~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 the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in subsection (a) shall be accepted only in the authorized form ~~approved that has been promulgated by the city and adopted by the Texas Department of Automobile Insurance Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.~~

**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 division 2 of this article.

**Sec. 46-340. Rates; routes.**

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) The permittee shall submit all proposed rates and route cards for review and approval by the director. Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee stated for this provision in the city fee schedule ~~of \$30.00~~ 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.

(e) It shall be unlawful for a licensee or permittee to impose a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any jitney without the current rate cards posted as provided by the director for the jitney.

(g) Following notice and a hearing, the director may cancel any route that was authorized in error.

**Sec. 46-341. Transfer; nonexclusive.**

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an application amendment is stated for this provision in the city fee schedule shall be ~~\$100.00~~.

(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. Terms; suspension.**

(a) A license shall be valid for two years from the date of its issuance. A permit shall be valid for five years from the date of its issuance.

~~(b) A license or permit may be sooner terminated by operation of law as provided in sections 46-336 and 46-338 of this Code for failure to pay annual permit fees or maintain required insurance.~~

~~\_\_\_\_\_ (c) A license or permit may be revoked or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code.~~

~~\_\_\_\_\_ (d) Additionally, a license or permit may be revoked or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:~~

~~\_\_\_\_\_ (1) The license or permit was issued through error;~~

~~\_\_\_\_\_ (2) The applicant provided materially false or incomplete information on the license or permit application; or~~

~~\_\_\_\_\_ (3) There are three or more instances within any period of one year in which the licensee or permittee or any permittee's employee violates any provision of this article or regulation issued by the director hereunder.~~

~~\_\_\_\_\_ (e) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting jitney vehicles.~~

**Secs. 46-343--46-350. Reserved.**

### DIVISION 3. OPERATING REQUIREMENTS

#### **Sec. 46-351. Licensee appearance and conduct.**

(a) It shall be the duty of every licensee to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a jitney is in his or her custody.

(b) Licensees shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) The term "*suitably dressed*" shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a jitney includes: T-shirts, underwear (as an outer garment), tank

tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the right front or left is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

**Sec. 46-352. Jitney equipment.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney that is not marked in a manner and location approved by the director and equipped as provided in this section.

(b) No licensee or permittee shall drive or cause to be driven any jitney in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the jitney service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a jitney of his color scheme, and he shall not change the color scheme without approval of the director.

(d) Additionally, each jitney shall:

- (1) Be equipped with a light-equipped roof sign, which shall have the word "jitney" visible from the front and rear in red letters at least three inches tall with a brush stroke of at least 5/16 inch upon a white background and shall be illuminated at all times while the jitney is in service;

- (2) Have no taxi meter;
- (3) Have the word "jitney" painted on each side of the vehicle in black in letters at least 6 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 height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:
  - a. The name and telephone number of the permittee and rate structure on both front doors;
  - b. The telephone number of the permittee on the rear deck or trunk lid;
  - c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and
  - d. The street names or route name below the permit number on each side of the vehicle. In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing. The current route and rate structure for each must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers.
- (5) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator and one set of rate and route cards approved by the director under section 46-340 of this Code; and
- (6) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in items (1), (3) and (4) above shall be painted upon the vehicle, provided that the director may allow the street name or route name information only to be posted upon a magnetic sign or other removable sign of durable materials.

**Sec. 46-353. Age of vehicle.**

No person shall drive or operate or cause to be driven or operated any jitney that is more than ten years old. For purposes of this requirement, a jitney is considered to be ten years old on the 31<sup>st</sup> day of May of the tenth year following the manufacturer's model year of the jitney, regardless of the date of its original purchase or the date it was first placed into service.

**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. No licensee shall operate a jitney for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in a 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.

**~~Sec. 46-356. Regulations.~~**

~~The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.~~

**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:

~~*Certification decal* means a metal tag, decal, or other evidence of a permit issued by the director for attachment on a low-speed shuttle that is operated pursuant to a permit.~~

~~*Director* means the director of the department of administration and regulatory affairs or his duly authorized representatives.~~

~~*For hire* means providing, or offering to provide, a service in exchange for any form of payment or gratuity, whether monetary or otherwise.~~

*License* means a current and valid low-speed shuttle driver's license issued pursuant to division 2 of this article.

*Licensee* means any person in engaged in the act of driving a low-speed shuttle who is the holder of a current and valid low-speed shuttle driver's license issued pursuant to this article.

*Low-speed shuttle* means a motorized non-fossil fuel powered vehicle with a seating capacity of four to eight passengers, including the driver, that has an attainable speed of more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, conforms to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500), and is used to transport passengers for hire. The term does not include:

- (1) A vehicle modified after its original manufacture to meet the speed requirements or safety equipment requirements contained in 49 C.F.R. Section 571.500;
- (2) A golf cart, moped, motorcycle, or tractor;
- (3) An electric bicycle or motor-driven cycle, as defined by § 541.201 of the Transportation Code;
- (4) A motorized mobility device, as defined by § 542.009 of the Transportation Code;

- (5) An electric personal assistive mobility device, as defined by § 551.201 of the Transportation Code; or
- (6) A motor-assisted scooter, as defined in § 551.351 of the Transportation Code.

*Low-speed shuttle service* means the business of transporting passengers for hire by means of a low-speed shuttle. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs and jitneys licensed by the city;
- (3) Vehicles operating under a contract with the city;
- (4) Sightseeing or charter vehicles licensed by the city; and
- (5) Pedicabs licensed by the city.

~~*Metropolitan area* means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.~~

*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 Penalty for violation.**

~~Any person who fails or refuses to comply with the terms and provisions of this article 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 be punishable as a separate offense.~~

**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;

c. Provide written character references from two persons who have known the applicant for at least two years attesting to the applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period; and

d. Hold a current and valid class A, B, or C Texas driver's 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 five-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 article. ~~In addition to the permit requirements provided in section 46-391, each applicant for a license required by this division shall also:~~

- ~~(1) Provide a medical examiner's certificate from a Texas licensed physicians on a certificate form promulgated by the director attesting that the applicant is physically qualified to safely operate a low-speed shuttle; and~~
- ~~(2) Provide evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for license 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 screening for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The applicant shall bear all costs associated with the drug screening test.~~

**Sec. 46-393. Fees.**

(a) There shall be a fee in the amount stated for this provision in the city fee schedule ~~of \$10.00~~ for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule ~~of \$100.00~~ payable upon the filing of an application for a permit.

**Sec. 46-394. Annual permit fee.**

(a) The An annual permit fee in the amount stated for this provision in the city fee schedule ~~of \$500.00~~ per low-speed shuttle shall be payable on or before June 1 of each year.

(b) There shall be no fee for the replacement of a low-speed shuttle with another low-speed shuttle.

(c) ~~In the event that any permittee fails to pay the annual permit fee, the permit shall be suspended and no low-speed shuttle may be operated under the permit. If the fee is not paid by the 30th day following the due date, the permit shall terminate and not~~

~~thereafter be subject to renewal, provided that the former permittee may apply for a new permit in the manner specified in this article.~~

———(d)———The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by the permittee. The permittee shall state that the application and all attachments are correct and complete and do not omit any material item, and that the permittee: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall:

- (1) Refund or credit to the account of the permittee the amount stated on the application; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before an impartial hearing official.

**Sec. 46-395. Application.**

(a) Each person desiring to obtain a license or permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each license and permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director, or holder of ten percent or more of the outstanding stock if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

**Sec. 46-396. Review.**

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit or license.

(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 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 days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the license or permit.

(d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date the director's decision regarding the amended application is deposited in the United States mail.

(e) A license shall be issued upon the approval of the application therefor. Following approval of an application for a permit, the actual permit shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each low-speed shuttle, if not provided with the application, and has paid the annual permit fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease of each low-speed shuttle, and filed and received approval of all requested zones and rate data for each low-speed shuttle with the director.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

**Sec. 46-397. Vehicle inspection; fee.**

(a) It shall be unlawful for any person to operate or cause to be operated any low-speed shuttle, unless the low-speed shuttle has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule of \$50.00 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 ~~article~~ Code;
- (3) The low-speed shuttle is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;
- (4) The low-speed shuttle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent the vehicle is so equipped by the manufacturer;
- (5) The low-speed shuttle has no seats that have been added in excess of the manufacturer's specifications; and
- (6) The low-speed shuttle complies with all other requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the low-speed shuttle. In any prosecution under this section, it shall be presumed that a low-speed shuttle has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the low-speed shuttle.

(e) The director may inspect any low-speed shuttle and any records or documents required to be carried in or upon the low-speed shuttle at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

**Sec. 46-398. Insurance.**

(a) Before any permit shall be issued, or before renewal of any permit shall be granted, the applicant shall file proof of insurance coverage evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including a certificate of self-insurance issued

pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in an amount not less than \$500,000.00 combined single limit per occurrence. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those low-speed shuttles may not be operated. If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in this subsection shall be carried by licensees at all times while operating a low-speed shuttle and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose. ~~director. A copy of the authorized form has been placed on file for inspection in the offices of the director and city secretary, and it is adopted as a part of this Code by reference.~~

**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 of \$30.00 shall be imposed for each zone, per low-speed shuttle and. ~~A fee of \$30.00 shall be assessed~~ for the amendment of all zone or rate information submitted to the director. Each zone application that involves use of airport facilities shall be accompanied by the proof required under section 46-373 of this Code.

(c) Approved zones and all rate information, including compensation by gratuity only, for each low-speed shuttle shall be conspicuously posted on each side of the vehicle in a manner and location approved by the director. The director may assign zone numbers and may assign different colors to signify rate amounts.

(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the zone as filed with the director for that low-speed shuttle.

(e) It shall be unlawful for a licensee or permittee to impose a rate structure or collect a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any low-speed shuttle without the current structure or fare posted as provided by the director.

(g) Following notice and a hearing, the director may cancel, alter, or amend any zone authorized in error.

**Sec. 46-401. Receipt for payment of fare.**

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger making a payment. The permittee of the low-speed shuttle shall make available to each licensee a receipt book or other electronic instrument capable of creating a record to be used for this purpose.

**Sec. 46-402. Transfer; nonexclusive.**

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an amended application shall is stated for this provision in the city fee schedule ~~be \$100.00.~~

(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. Terms of licenses and permits; suspension.**

(a) A license shall be valid for two years from the date of issuance. A permit shall be valid for five years from the date of issuance.

~~(b) A license or permit may be terminated by operation of law as provided in sections 46-336 and 46-398 of this Code for failure to pay annual permit fees or maintain required insurance.~~

~~(c) A license or permit may be revoked or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code. Additionally, a license or permit may be revoked, or refused for renewal, following notice and a hearing conducted by an impartial hearing officer appointed by the director if:~~

~~(1) The license or permit was issued in error;~~

~~(2) The applicant provided materially false or incomplete information on the license or permit application; or~~

~~(3) There are three or more instances within any period of one year in which the licensee or permittee or any permittee's employee violates any provision of this article or regulation issued by the director.~~

~~(d) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of low-speed shuttle vehicles; provided however, the addition, deletion, or substitution of any low-speed shuttles pursuant to a current and valid permit shall require an inspection as provided for in section 46-397 of this Code, including the payment of the inspection fee.~~

**Secs. 46-404--46-420. Reserved.**

**DIVISION 3. LOW-SPEED SHUTTLE OPERATING REQUIREMENTS**

**Sec. 46-421. Operating restrictions.**

(a) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle in a zone that has not approved by the director or on any roadway in the city where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that roadway. It shall be unlawful for a low-speed shuttle to be operated on a roadway at a speed that exceeds the lesser of the posted speed limit or 25 miles per hour.

(b) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to a roadway through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

**Sec. 46-422. Licensee appearance and conduct.**

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while operating a low-speed shuttle for hire.

(b) Licensees shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.

(c) The term "suitably dressed" shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a low-speed shuttle includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals; provided however, a licensee operating a low-speed shuttle that is not equipped with an interior air-conditioning system shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the side is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

**Sec. 46-423. Low-speed shuttle equipment.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any low-speed shuttle that is not marked in a manner and location approved by the director and equipped as provided in this division.

(b) No licensee or permittee shall drive or cause to be driven any low-speed shuttle in the city until the permittee has filed with the director, for approval, the color

scheme that he proposes to use in conjunction with the provision of the low-speed shuttle service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a low-speed shuttle of his color scheme, and the permittee shall not change the color scheme without approval of the director.

(d) Additionally, each low-speed shuttle shall:

- (1) Have no taxi meter;
- (2) Have the following signage in letters not less than three inches in height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:
  - a. The name and telephone number of the permittee and rate structure on the exterior of both front doors;
  - b. The telephone number of the permittee on the rear deck or trunk lid;
  - c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and
  - d. The zone name below the permit number on each side of the vehicle. In the event one low-speed shuttle serves multiple zones, a changeable electronic or analog sign shall indicate the zone the vehicle is currently serving. The current zone and rate structure or fare for each low-speed shuttle must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers;

- (3) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator, and the telephone numbers of the director and the permittee for complaint purposes regarding low-speed shuttle services or charges, including instructions that if the passenger wishes to file a complaint, he should obtain the low-speed shuttle permit number as posted on the low-speed shuttle, date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers; and
- (4) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in item (2) above shall be painted upon the vehicle, provided that the director may allow the zone information only to be posted upon a magnetic sign or other removable sign of durable materials.

**Sec. 46-424. Age of vehicle.**

No person shall drive or operate or cause to be driven or operated any low-speed shuttle that is more than six years old. For purposes of this requirement, a low-speed shuttle is considered to be six years old on the 31st of May of the sixth year following the manufacturer's model year of the low-speed shuttle, regardless of the date of its original purchase or the date it was first placed into service.

**Sec. 46-425. Carrying additional passengers.**

Any passenger who engages the services of a low-speed shuttle shall have the exclusive right to the passenger compartment of the low-speed shuttle, and it shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the low-speed shuttle.

**Sec. 46-426. Operating requirements.**

(a) It shall be the duty of the licensee to ensure that his low-speed shuttle is operated in accordance with this section.

(b) It shall be unlawful for a licensee to seek or solicit a passenger or passengers in an attempt to engage the services of a low-speed shuttle.

(c) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles. It shall be the duty of each licensee when loading or unloading passengers to pull the low-speed shuttle to the curb and ensure that the low-speed shuttle does not impede normal vehicular and pedestrian movement.

(d) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger at any place that is not on a street or roadway with a zone submitted to and approved by the director.

(e) It shall be unlawful for a low-speed shuttle to stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) A log shall be maintained for each low-speed shuttle in a form prescribed by the director setting forth the hours of work of each licensee. No licensee shall operate a low-speed shuttle for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a low-speed shuttle more than 12 hours in a 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. ~~Records to be kept by permittee.~~**

~~Permittees shall maintain business and operations records in a manner that demonstrates compliance with this article and regulations of the director.~~

**Sec. 46-428. ~~Accident reports.~~**

~~When a low-speed shuttle is involved in an accident or is in a collision with any other vehicle of any kind whatsoever that results in any injury or damage to any person or property, including, but not limited to, damage to the low-speed shuttle, or injury of the licensee, the licensee shall report the accident to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents upon forms to be promulgated by the director, which shall include the following information: The permittee's and the licensee's names, the licensee's low-speed shuttle license number, and the time and location of the accident. Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available for inspection and copying.~~

**Sec. 46-429. ~~Regulations.~~**

~~The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.~~

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** AN ORDINANCE SUSPENDING VEHICLE-FOR-HIRE AGE LIMITATIONS FOR CERTAIN MANUFACTURER MODEL YEAR TAXICABS AND CHAUFFEURED LIMOUSINES AS ESTABLISHED IN CHAPTER 46 OF THE CODE OF ORDINANCES

Category #

Page 1 of 2

Agenda Item

16

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

Alfred J. Moran, Jr., Director  
Administration & Regulatory Affairs Department

**Origination Date**

December 13, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

All

**For additional information contact:**

Tina Paez Phone: (713) 837-9630  
Kathryn Bruning Phone: (832) 394-9414

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

Ordinance No. 2011-35

**RECOMMENDATION: (Summary)**

Adopt an Ordinance suspending vehicle-for-hire age limitations established in Chapter 46 of the Code of Ordinances.

**Amount of Funding:** N/A

**ARA Budget**

**SOURCE OF FUNDING:** N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt an ordinance suspending vehicle-for-hire age limitations established in Chapter 46 of the Code of Ordinances, applicable to 2007 and 2008 manufacturer year model taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines.

On January 12, 2011 Houston City Council approved a non-codified ordinance temporarily suspending the vehicle age limitations established in Chapter 46 for taxicab and limousine vehicles and creating a pilot program consisting of third-party inspections for vehicles that reached the end of their statutory operating lives. Recognizing the continuing economic downturn and the substantial capital investment required to replace fleet vehicles, the ordinance was intended to provide temporary economic relief to the industry. The extension applied to 2005/2006 model year taxicab vehicles and 2006/2007 model year limousine vehicles. To qualify vehicles were required to undergo and successfully pass a rigorous third party inspection.

The current ordinance suspending the age limitations for taxis and limousine expires in December 2012. In May 2012, the City received a request from the United Houstonian Taxicab Drivers Association (UHTDA) for a program extension. The UHTDA requested that the City consider extending the program for another two years to capture 2007 and 2008 model year taxicab vehicles.

As a result of this request and as required by ordinance, ARA reviewed the program and analyzed the program results. Based on this review, ARA determined that the inspection pilot program was a success. The program accomplished the two objectives presented to Council in 2011. The program:

- 1) Provided a form of economic relief to the industry during a period in which capital investment in new vehicles would be very difficult for all operators; and
- 2) Ensured, to the best of our ability, that qualifying vehicles allowed to remain online for an extra year were roadworthy, thus safeguarding the health and safety of the riding public.
- 3)

In addition, the program appeared to have a positive impact on the taxicab industry, incentivizing drivers to improve vehicle maintenance in anticipation of the second year of inspections. To date, 781 of 950 eligible taxicabs have participated in the program. Another 86 out of 300 limousines participated.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

<b>Date:</b> 06/13/12	<b>Subject:</b> AN ORDINANCE SUSPENDING VEHICLE-FOR-HIRE AGE LIMITATIONS ESTABLISHED IN CHAPTER 46 OF THE CODE OF ORDINANCES	<b>Originator's Initials</b> TP	Page 2 of 2
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Chapter 46 limits the number of years a vehicle may be operated as a vehicle-for-hire. These age limitations are in place for the health and safety of the riding public. Recognizing the public safety issue inherent in the operation of older vehicles on City streets, ARA does not support changes in the maximum vehicle age. However, ARA remains sensitive to the economic difficulties faced by the industry. While the local economy has improved since the initial approval of the inspection program, the UHTDA has requested a program extension. The drivers — who often own their own vehicles — have faced substantial increases in lease payments to company owners.

Furthermore, it is our understanding that the large fleet owners would continue to participate in the program if extended. Considering industry support for program continuation combined with the positive program results, ARA recommends the pilot program be extended for an additional two years. The program will remain voluntary and inspection will continue to be performed at no cost to the City. Operators participating in the program will continue to pay the third party company for the inspection.

ARA recommends City Council adopt an ordinance suspending vehicle for hire age limitations established in Chapter 46 of the Code of Ordinances, applicable to 2007 and 2008 manufacturer year model taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines. This recommendation was presented to stakeholders at three stakeholder meetings held on November 9, 2012, and to the Housing, Sustainable Growth & Development Committee on December 5, 2012.

16

DEC 19 2012

City of Houston, Texas, Ordinance No. 2012-\_\_\_\_\_

**AN ORDINANCE CREATING A PILOT PROGRAM AND AUTHORIZING THE SUSPENSION OF VEHICLE FOR HIRE AGE LIMITATIONS FOR CERTAIN MANUFACTURER MODEL YEAR TAXICABS AND CHAUFFEURED LIMOUSINES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\*\*\*\*\*

**WHEREAS**, Chapter 46 of the Code of Ordinances contains permit-based regulatory provisions regarding the operation of vehicles for hire within the city limits, including rigorous inspection processes to ensure that vehicles for hire are equipped, operated, and maintained in a manner sufficient to provide safe, clean, efficient, and reliable transportation service to the riding public; and

**WHEREAS**, the Administration and Regulatory Affairs Department ("ARA") is responsible for the oversight and implementation of the city's regulations concerning the inspection of vehicles for hire; and

**WHEREAS**, on January 12, 2011, city council passed Ordinance No. 2011-35, authorizing ARA to implement a pilot program authorizing certain model year vehicles operated as taxicabs and chauffeured limousines to remain in service for two additional years if the vehicles passed a rigorous inspection conducted on behalf of the city by a third party; and

**WHEREAS**, ARA indicates that the aforementioned pilot program:

- (1) Successfully encouraged economic relief within the industry;
- (2) Ensured that the vehicles allowed to remain in service for a period in excess of the applicable limits set forth in Chapter 46 were roadworthy;
- (3) Produced the additional benefit of improved vehicle maintenance by the taxicab industry and;
- (4) Facilitated the collection of statistics to be used by ARA in making recommendations to city council concerning appropriate life cycles for certain vehicles for hire; and

**WHEREAS**, ARA recommends that city council authorize the implementation of an additional pilot program for the operation of additional model year vehicles for hire; **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 undertake the testing of the use of vehicles for hire that exceed the age limits set forth in Sections 46-20 and 46-191 of the Code of Ordinances.

**Section 3.** That, in order to carry out the testing recommended in the Section 2 above, the application of Section 46-20 of the Code of Ordinances, Houston, Texas, relating to the age of taxicab vehicles is hereby suspended with respect to 2007 and 2008 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The suspension established in this Section shall expire at 11:59 p.m. on April 30, 2014 and April 30, 2015, respectively. All operators of 2007 and 2008 manufacturer model year taxicab vehicles desiring to participate in the testing recommended in Section 2 above shall submit their taxicab vehicles for inspection on or before April 30, 2013 and April 30, 2014, respectively.

**Section 4.** That, as part of the testing referred to in Section 2 above, the application of Section 46-191 of the Code of Ordinances, Houston, Texas, relating to the age of sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines is hereby suspended with respect to 2008 and 2009 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The

suspension established in this section shall expire on 11:59 p.m. on December 31, 2014 and December 31, 2015, respectively. All operators of 2008 and 2009 manufacturer model year sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines desiring to participate in the testing recommended in Section 2 above shall submit their sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines for inspection on or before December 31, 2013 and December 31, 2014, respectively.

**Section 5.** That City Council hereby authorizes and instructs the Director of ARA to administer a program not to exceed two years from the date of passage of this Ordinance authorizing the operation of 2007 and 2008 manufacturer model year taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines for an additional one-year period provided the vehicle permit holder submits the vehicle and it passes an inspection to be conducted by a third-party entity authorized to provide vehicle for hire inspection services on behalf of the city in accordance with all applicable requirements prescribed in Chapter 46 of the Code of Ordinances, Houston, Texas, and all rules and regulations promulgated by the Director.

**Section 6.** That the provisions of this Ordinance shall be applicable only to 2007 and 2008 manufacturer year taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines that are in good standing and permitted by the city to operate as a vehicle for hire on the date of passage of this Ordinance.

**Section 7.** That, consistent with the provisions and requirements of this Ordinance and other laws and ordinances, the Director of ARA may implement and enforce all necessary rules and regulations for the successful implementation of this program consistent with the requirements of Chapter 46 of the Code of Ordinances, Houston, Texas.

**Section 8.** That this Ordinance shall expire at 11:59 p.m. on December 31, 2015.

**Section 9.** That the Director of ARA shall compile all data concerning inspections of vehicles for hire operated pursuant to the program authorized by this Ordinance and prior to the expiration of this Ordinance shall make a recommendation whether Sections 46-20 and 46-191 of the Code of Ordinances should be retained as they now read or be amended or repealed.

**Section 10.** 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 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 11.** 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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Dept.  
TNE 12/12/2012

*Tiffany Moran*  
Assistant City Attorney  
Requested by Alfred Jay Moran, Jr., Director, Department of Administration and Regulatory Affairs  
L.D. File No. 0371200171001



<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of a 60-foot-wide right-of-way for and construction of a street to City standards, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. <b>Parcels SY9-081A, SY9-081B, SY9-081C, and AY9-552</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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**Parcel SY9-081C**

37,182 square feet of street right-of-way \$26,027.00 (R)  
 Valued at \$0.70 per square foot

Plus depreciated value of the improvements \$5,414.00

**TOTAL ABANDONMENTS \$111,335.00**

In exchange, HCHD will pay:

Cash \$92,041.00  
 Plus convey to the City

**Parcel AY9-552**

24,117 square feet of street right-of-way \$19,294.00 (R)  
 Valued at \$0.80 per square foot

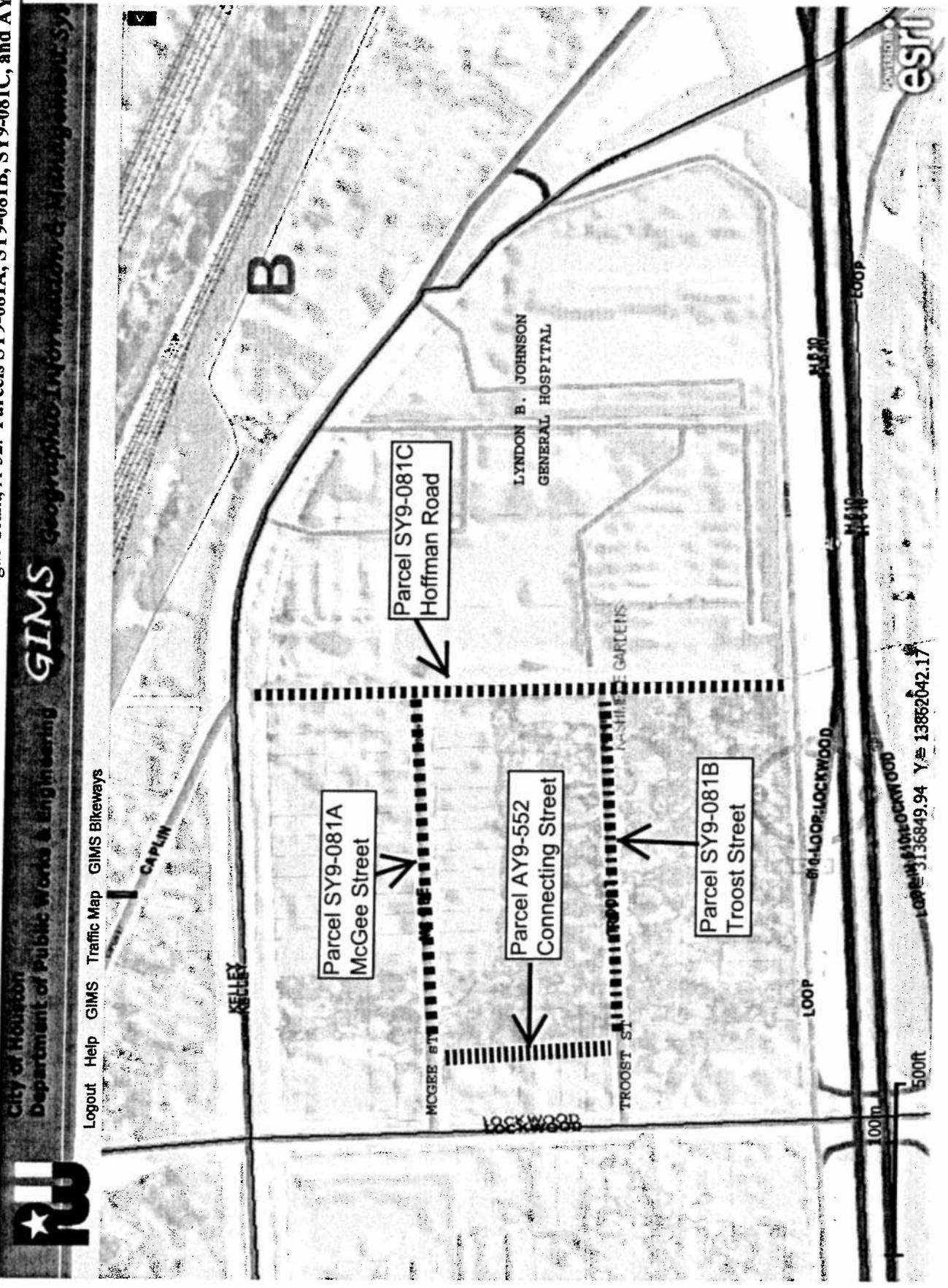
**TOTAL CASH AND CONVEYANCE \$111,335.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for a consideration of \$92,041.00 plus the conveyance to the City of right-of-way for and construction of a 60-foot-wide street, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32.

DWK:NPC:dob

- c: Jun Chang, P.E., D.WRE
- Marta Crinejo
- Marlene Gafrick
- Daniel Menendez, P.E.
- Jeffrey Weatherford, P.E., PTOE

**Subject:** Abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide street, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. **Parcels SY9-081A, SY9-081B, SY9-081C, and AY9-552**

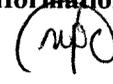
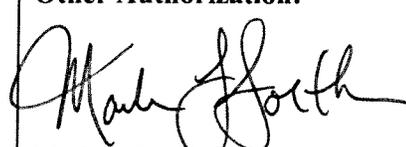


**RW** City of Houston Department of Public Works & Engineering **GIMS** Geographic Information Management System

Logout Help GIMS Traffic Map GIMS Bikeways

ESRI

X= 136849.94 Y= 13882042.17

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014, SY12-016, AY11-250, BY11-003A, BY11-003B, BY11-004A, BY11-004B, and BY11-005</b>		Page <u>1</u> of <u>4</u>	Agenda Item #  18
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 12-13-12	<b>Agenda Date</b> DEC 19 2012
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected: I</b>  <b>Key Map: 534G</b>	
<b>For additional information contact:</b> Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate		<b>Date and identification of prior authorizing Council Action:</b> C.M. 2011-0773 (10/12/11) Ordinance 2003-1282 (12/17/03)	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve an ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014, SY12-016, AY11-250, BY11-003A, BY11-003B, BY11-004A, BY11-004B, and BY11-005</b>			
<b>Amount and Source of Funding:</b> Not Applicable			
<b>SPECIFIC EXPLANATION:</b> By Council Motion 2011-0773, City Council authorized the abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51.			
LTS No. 4038		CUIC #20TP031	
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>  Joe Turner Director Parks and Recreation Department	<b>Other Authorization:</b>  Eric K. Dargan Deputy Director Street and Drainage Division	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division	

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51, and the dedication to the public of two rights-of-way for the relocation of Lidstone Street. <b>Parcels SY11-105A through SY11-105C, SY12-014, SY12-016, AY11-250, BY11-003A, BY11-003B, BY11-004A, BY11-004B, and BY11-005</b>	<b>Originator's Initials</b>  AP	<b>Page</b> <u>2</u> of <u>4</u>
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Subsequently the required survey determined the actual square footage of the fee-owned Wheeler Street right-of-way to be 53,471 square feet. In addition, upon consultation with the Public Works and Engineering Department (PWE) - Engineering and Construction Division, it was determined a 20-foot-wide storm sewer easement is not necessary. The storm sewer line occupies a portion of Old Spanish Trail (U.S. Highway 90A), which is under the jurisdiction of the Texas Department of Transportation. In addition, upon consultation and approval by the PWE - Planning and Development Services Division - Office of the City Engineer and PWE - Traffic Operations Division, it was determined right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail is not necessary. Harris County Flood Control District designed the cul-de-sac within existing Wheeler Street right-of-way. In addition, Harris County Flood Control District will dedicate to the public two rights-of-way for the relocation of Lidstone Street.

Houston Parks Board, in collaboration with Harris County Flood Control District (HCFCD), will construct a linear park along Brays Bayou. The existing Wheeler Street Bridge will be removed and a new bridge will be built at Lidstone Street. The new Lidstone Street Bridge will connect existing Lidstone Street to Old Spanish Trail. The Wheeler Street Bridge Replacement at Lidstone Street is part of the Brays Bayou Flood Damage Reduction Plan Interlocal Agreement between the City of Houston and HCFCD approved by City Council by Ordinance 2003-1282 on December 17, 2003.

As part of Houston Parks Board's program, it seeks donations of land and other assets to benefit the park system. Houston Parks Board acquired five parcels of land for the following parks: (1) Aron Ledet Park at 6500 Antoine Drive, which includes two parcels of land; (2) Roark Street at Brays Bayou, which includes two parcels of land; and (3) Giraud Street at Brays Bayou. The properties will be conveyed to Parks and Recreation Department in exchange for the abandonment and sale of Wheeler Street and Lidstone Street rights-of-way. Under Item 1 of the Motion, four fee-owned parcels for park purposes would be conveyed to the City. However, five fee-owned parcels of land will be conveyed to the City.

Houston Parks Board and Harris County Flood Control District have completed the transaction requirements and have accepted the City's offer.

The City will abandon and sell:

<b><u>Parcel SY11-105A</u></b>	
31,922-square-foot right-of-way easement:	
Valued at \$2.00 per square foot	\$63,844.00
<b><u>Parcel SY11-105B</u></b>	
9,748-square-foot right-of-way easement	
Valued at \$2.00 per square foot	\$19,496.00
<b><u>Parcel SY11-105C</u></b>	
15,422-square-foot right-of-way easement	
Valued at \$2.25 per square foot	\$34,700.00

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014, SY12-016, AY11-250, BY11-003A, BY11-003B, BY11-004A, BY11-004B, and BY11-005</b>	<b>Originator's Initials</b>  	<b>Page</b> <u>3</u> of <u>4</u>
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<b><u>Parcel SY12-014</u></b>	
9,193-square-foot right-of-way easement Valued at \$.225 per square foot	\$2,068.00
<b><u>Parcel SY12-016</u></b>	
53,471-square-foot fee-owned parcel Valued at \$2.25 per square foot	\$120,310.00
Depreciated Value of Improvements	<u>\$229,410.00</u>
<b>TOTAL ABANDONMENTS:</b>	<b>\$469,828.00</b>
In exchange, Houston Parks Board will convey to the City out of Houston Parks Board's properties:	
<b><u>Parcel AY11-250</u></b>	
12,402-square-foot right-of-way easement Valued at \$2.25 per square foot	\$27,905.00
<b><u>Parcel BY11-003A</u></b>	
2,087-square-foot fee-owned parcel Valued at \$5.00 per square foot	\$10,435.00
<b><u>Parcel BY11-003B</u></b>	
570,161-square-foot fee-owned parcel Valued at \$5.00 per square foot	\$2,850,805.00
<b><u>Parcel BY11-004A</u></b>	
4,610-square-foot fee-owned parcel Valued at \$2.00 per square foot	\$9,220.00
<b><u>Parcel BY11-04B</u></b>	
6,000-square-foot fee-owned parcel Valued at \$2.00 per square foot	\$12,000.00
<b><u>Parcel BY11-005</u></b>	
5,800-square-foot fee-owned parcel Valued at \$2.00 per square foot	<u>\$11,600.00</u>
<b>TOTAL CONVEYANCES:</b>	<b>\$2,921,965.00</b>
<b>TOTAL NET GAIN TO THE CITY:</b>	<b>\$2,452,137.00</b>

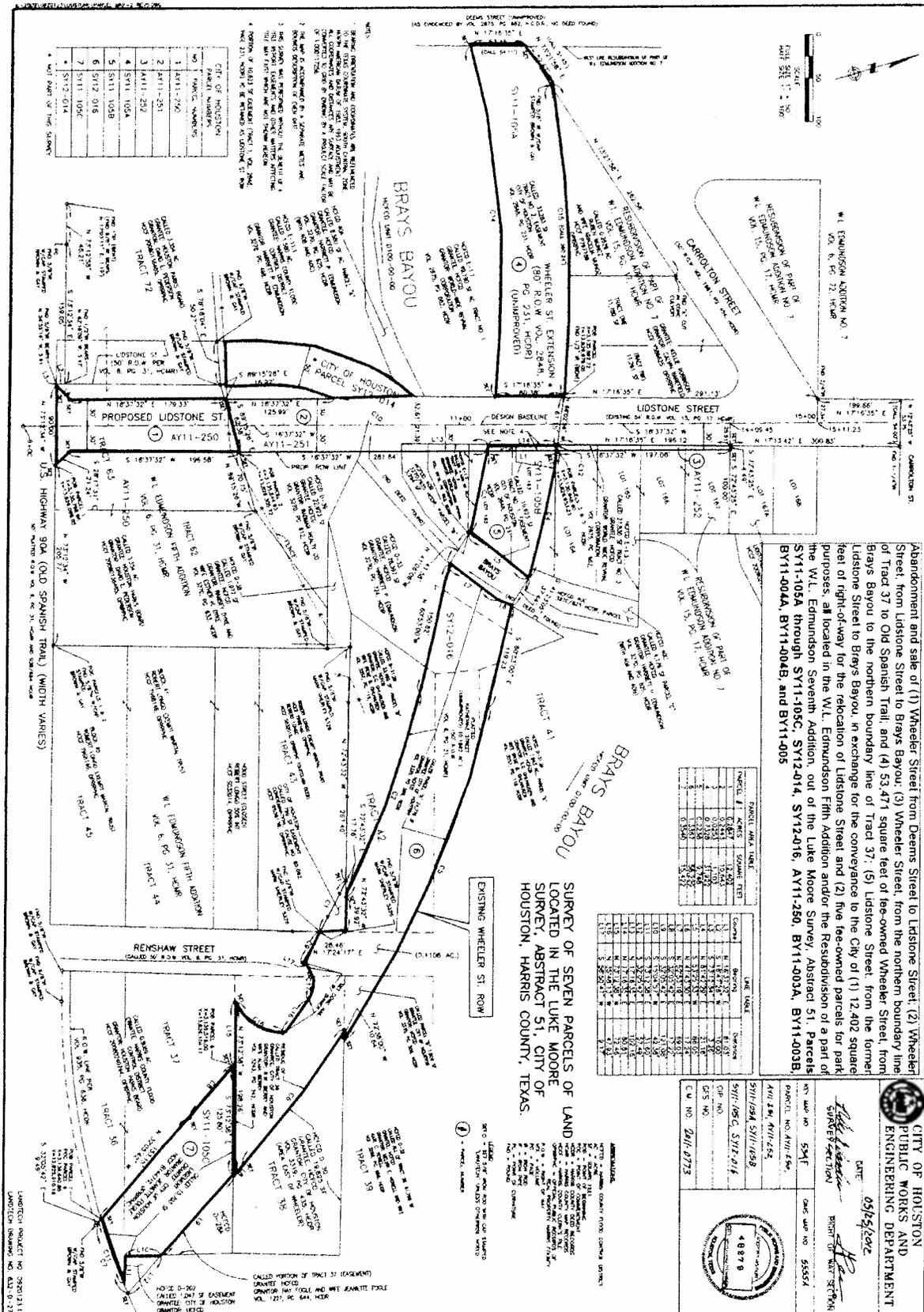
<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014, SY12-016, AY11-250, BY11-003A, BY11-003B, BY11-004A, BY11-004B, and BY11-005</b>	<b>Originator's Initials</b>  	<b>Page</b> <u>4</u> of <u>4</u>
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Inasmuch as the value of the right-of-way easement and fee-owned parcels for park purposes being conveyed to the City are greater than the value of the streets being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of (1) Wheeler Street from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the northern boundary line of Tract 37 to Old Spanish Trail; and (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of (1) 12,402 square feet of right-of-way for the relocation of Lidstone Street and (2) five fee-owned parcels for park purposes, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51.

DWK: NPC: tp

z:\tp\sy11-105.rca2.doc

- c: Jun Chang, P.E., D.WRE
- Marta Crinejo
- Marlene Gafrick
- Daniel Menendez, P.E.
- Jeffrey Weatherford, P.E., PTOE



REV	DESCRIPTION
1	ADD NOTE #
2	ADD CITY TITLE BLOCK/PARCEL NO'S
3	ADD PARCEL NO'S 2 & 3
4	CORRECTED PARCEL AREA TABLE
5	REVISE PARCEL 8

PREPARED: NGM PROJECT ID# C100-00-00-0040  
 CHECKED: WJM LIDSTONE STREET PROPOSED ROW  
 APPROVED: LIDSTONE STREET STA 0+00 TO STA 74+02.45

DATE: 05/24/2012  
 SCALE: 1" = 100'  
 SHEET NUMBER: 1 OF 1

**ABANDONMENT AND SALE OF (1) WHEELER STREET FROM DEEMS STREET TO LIDSTONE STREET, (2) WHEELER STREET, FROM LIDSTONE STREET TO BRAYS BAYOU, (3) WHEELER STREET, FROM THE NORTHERN BOUNDARY LINE OF TRACT 37 TO OLD SPANISH TRAIL, AND (4) 53,471 SQUARE FEET OF FEE-OWNED WHEELER STREET, FROM BRAYS BAYOU TO THE NORTHERN BOUNDARY LINE OF TRACT 37, (5) LIDSTONE STREET, FROM THE FORMER LIDSTONE STREET TO BRAYS BAYOU, IN EXCHANGE FOR THE CONVEYANCE TO THE CITY OF (1) 12,402 SQUARE FEET OF RIGHT-OF-WAY FOR THE RELOCATION OF LIDSTONE STREET AND (2) FIVE FEE-OWNED PARCELS FOR PARK PURPOSES, ALL LOCATED IN THE W.L. EDMUNDSON FIRM ADDITION AND/OR THE RESUBDIVISION OF A PART OF THE W.L. EDMUNDSON SEVENTH ADDITION, OUT OF THE LUKE MOORE SURVEY, ABSTRACT 51, PARCELS SY11-105A THROUGH SY11-105C, SY12-014, AY11-250, AY11-003A, BY11-003A, BY11-003B, BY11-004A, BY11-004B, AND BY11-005**

**SURVEY OF SEVEN PARCELS OF LAND LOCATED IN THE LUKE MOORE SURVEY, ABSTRACT 51, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.**

PARCEL NO.	AREA (SQ. FT.)	AREA (SQ. YD.)
1	1,240,200	28,220
2	1,240,200	28,220
3	1,240,200	28,220
4	1,240,200	28,220
5	1,240,200	28,220
6	1,240,200	28,220
7	1,240,200	28,220

DATE	BY	DESCRIPTION
05/24/2012	NGM	PROJECT NO. 0100-00-00-0040
05/24/2012	WJM	CHECKED
05/24/2012	NGM	APPROVED

NO.	PARCEL NUMBER
1	SY11-105A
2	SY11-105B
3	SY11-105C
4	SY11-105A
5	SY11-105B
6	SY11-105C
7	SY11-105C
8	SY12-014

BRAYS BAYOU  
 WHEELER ST. EXTENSION  
 LIDSTONE STREET  
 RENSHAW STREET  
 PROPOSED LIDSTONE ST.

CITY OF HOUSTON  
 PUBLIC WORKS AND ENGINEERING DEPARTMENT  
 DATE: 05/24/2012  
 PROJECT NO. 0100-00-00-0040

SURVEY OF SEVEN PARCELS OF LAND  
 LOCATED IN THE LUKE MOORE  
 SURVEY, ABSTRACT 51, CITY OF  
 HOUSTON, HARRIS COUNTY, TEXAS.

PREPARED: NGM PROJECT ID# C100-00-00-0040  
 CHECKED: WJM LIDSTONE STREET PROPOSED ROW  
 APPROVED: LIDSTONE STREET STA 0+00 TO STA 74+02.45

DATE: 05/24/2012  
 SCALE: 1" = 100'  
 SHEET NUMBER: 1 OF 1

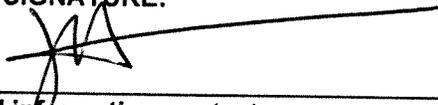
CITY OF HOUSTON  
 PUBLIC WORKS AND ENGINEERING DEPARTMENT  
 DATE: 05/24/2012  
 PROJECT NO. 0100-00-00-0040







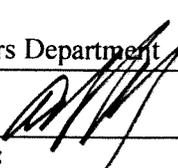
**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> AN ORDINANCE RELATING TO EMPLOYMENT TERMS AND CONDITIONS OF CLASSIFIED FIRE FIGHTERS OF THE CITY OF HOUSTON; RATIFYING THE AMENDMENT TO THE 2011 AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE HOUSTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION		<b>Agenda Item #</b>  19
<b>FROM (Department or other point of origin):</b>  Chief Terry Garrison Fire Department	<b>Origination Date</b> December 12, 2012	<b>Agenda Date</b>  DEC 19 2012
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All	
<b>For additional information contact:</b> Executive Assistant Chief Rick Flanagan (832) 394-6731; or Natalie DeLuca (832) 393-6272	<b>Date and identification of prior authorizing Council action:</b> 2011-0548;	
<b>RECOMMENDATION: (Summary)</b> The Fire Department recommends approval of the proposed amendment to the 2011 Agreement between the City of Houston and the Houston Professional Firefighters' Association, Local 341, International Association of Firefighters.		
<b>Amount and Source of Funding:</b>		<b>Finance Budget:</b>
<b>SPECIFIC EXPLANATION:</b> The Fire Department recommends approval of the proposed amendment ("Amendment") to the 2011 Collective Bargaining Agreement ("Agreement") between the City of Houston and the Houston Professional Firefighters' Association ("HPFFA"), Local 341, International Association of Firefighters. The Amendment was approved by a vote of classified members of the Fire Department on December 13, 2012.  This Amendment alters only the provisions of Article 11 of the Agreement in response to a ruling directing the parties to include assessment exercises as part of the promotional process for Captains and Senior Captains in the Houston Fire Department in the pending litigation <i>Dwight Bazile, et al v. City of Houston</i> , in the United States District Court for the Southern District of Texas, Cause No. 4:08-cv-02404. Aspects of the promotional testing process may continue to be impacted by future rulings in this litigation.  The Amendment provides that the City shall develop a job analysis for each promotional examination given. Candidates for the rank of Captain and Senior Captain shall now be examined by a written job-knowledge exam, a situational judgment examination, and by oral assessment exercises. The Amendment makes provisions for an informational test guide and exam orientation for these ranks. Additionally, the Amendment provides for assessment center scoring and administration, which includes certain qualifications for exercise assessors. All other ranks shall continue to be tested by written examination only.  The Amendment also revises the existing exam review procedures for various ranks. Currently, written examination questions may be appealed to the Civil Service Commission. Pursuant to the Amendment, certain eligible ranks may now appeal written exam components to a joint Labor/Management Testing Review Committee. Assessment exercise scores shall not be subject to appeal by candidates. Additionally, the Amendment creates a new supplemental points system for all ranks above Engineer Operator. The new system places an emphasis on advancing higher education by escalating the value of education points up to Master's Degree. Pursuant to the Amendment, eligibility lists for all ranks shall now remain in effect for two years beginning on the date of certification of the new eligibility list or expiration of the previous eligibility list, whichever occurs last.		

**REQUEST FOR COUNCIL ACTION**

<b>TO:</b> Mayor via City Secretary		<b>RCA#</b>	
<b>Subject:</b> AN ORDINANCE RELATING TO THE RETAIL GAS UTILITY RATES OF CENTERPOINT ENERGY ENTEX; REQUIRING A RATE FILING; MAINTAINING CURRENT RATES IN EFFECT UNTIL CHANGED		Category #	Page 1 of 1
			20

<b>FROM (Department or other point of origin):</b> Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	<b>Origination Date</b> December 7, 2012	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected</b> All
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<b>For additional information contact:</b> Tina Paez Phone: (713) 837-9630 Alisa Talley Phone: (713) 837-0849	<b>Date and Identification of prior authorizing Council Action:</b> July 25, 2012: Ordinance No. 2012-662
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**RECOMMENDATION: (Summary)**  
Adopt an ordinance relating to the retail gas utility rates of CenterPoint Energy Entex; requiring a rate filing; maintaining current rates in effect until changed.

<b>Amount of Funding:</b> N/A	<b>ARA Budget</b>
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**SOURCE OF FUNDING:** N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail gas utility rates of CenterPoint Energy Resources Corp. D/B/A CenterPoint Energy Entex, and CenterPoint Energy Texas Gas ("CenterPoint"); requiring a rate filing; and maintaining current rates in effect until changed. CenterPoint provides natural gas distribution services in the Houston metropolitan area. CenterPoint serves approximately 396,000 Houston customers including 370,000 residential, 24,000 small general service and 2,300 large volume customers.

The City exercises exclusive original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Gas Utility Regulatory Act (GURA) for customers within city limits. As municipal regulator, the City has a legal obligation to ensure customers are charged *just and reasonable rates* and utilities receive a *reasonable opportunity to earn a reasonable return* on their invested capital necessary to maintain the financial integrity of the utility and health of their infrastructure. A utility may not earn more than a *fair return* on the adjusted value of the invested capital.

On March 30, 2012, CenterPoint filed an annual earnings monitoring report (EMR) with the City. ARA reviewed the EMR and the Company's U.S. Securities and Exchange Commission filings (including quarterly and annual financial reports.) The results of this preliminary review indicated that the company might be significantly over-earning, raising questions regarding the reasonableness of the utility's existing rates. Therefore, on July 25, 2012 City Council approved Ordinance No. 2012-662 opening a formal rate inquiry to determine if the utility's existing rates are just and reasonable. The City engaged a team of experts to assist with the inquiry.

The expert's preliminary findings suggest CenterPoint may be over-earning by more than \$15.7 million, or 48.16% more than its estimated allowed revenue requirement. Based on these findings, ARA has sufficient reason to believe the Company's current rates are unreasonable and a rate decrease may be warranted. In order to determine just and reasonable rates, a full base rate proceeding is necessary.

ARA believes it is in the best interest of CenterPoint customers within Houston that the City initiate a full base rate proceeding, and require CenterPoint to submit a rate filing package (for the historical test year ending September 30, 2012). Pursuant to GURA, the burden is on the utility to show cause that a rate decrease is not in order. Therefore, ARA recommends that City Council adopt an ordinance relating to the retail rates of CenterPoint Entex, requiring a rate filing and maintaining current rates in effect until changed.

**REQUIRED AUTHORIZATION**

Finance Department:	Other Authorization:	Other Authorization:
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Cous



## Memorandum

**To:** Mayor Annise Parker  
Houston City Council Members

**From:** Alfred J. Moran, Jr., Director

**Date:** December 13, 2012

**Subject:** CenterPoint Entex Formal Gas Rate Inquiry

The Administration & Regulatory Affairs Department (ARA) has completed its preliminary review of CenterPoint Energy's earnings related to its gas operations in the Houston area. Based on this review, ARA has sufficient reason to believe existing rates are not reasonable and a rate decrease may be warranted. As a result, ARA and the Legal Department met with CenterPoint representatives to attempt to correct any misunderstanding about CenterPoint's earnings; however, these discussions have not resulted in any change to our preliminary findings. ARA believes a full base rate proceeding is necessary to determine just and reasonable rates for Houston customers. While ARA and the Legal Department will continue to attempt to negotiate in good faith with CenterPoint to ensure reasonable rates for our citizens, at this time ARA recommends that Council move forward with an Ordinance requiring CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Gas – Houston Division ("CenterPoint") to submit a rate filing package to the City. The following report summarizes the findings of our review.

### **Background**

The City exercises original jurisdiction over the rates, operations and services of CenterPoint for customers within the city limits. CenterPoint serves approximately 395,000 Houston gas services customers including 370,000 residential, 24,000 small general service, and 2,300 large volume customers. There are over 900,000 gas services customers throughout the entire Houston Division.

As municipal regulator, the City has an obligation to balance the interests of the public utility with the interests of the customers. Customers are entitled to receive safe, adequate and reliable utility services at just and reasonable rates. Public utilities are entitled to a reasonable opportunity to recover their reasonable and necessary costs of providing utility service and to earn a fair return on their investment. *A utility may not earn more than a fair return on the adjusted value of its invested capital.*

Since 2010, CenterPoint requested, and was granted by the Texas Railroad Commission, three consecutive rate increases, resulting in an approximate \$17 million annual revenue increase —

- \$5.1 million increase in 2010 — Gas Utility Docket (GUD) No. 9902, 2009 Statement of Intent to Increase Rates in the Houston Division;
- \$2.5 million in 2011 — 2011 Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment; and
- \$9.4 million in 2012 — 2012 GRIP Interim Rate Adjustment.<sup>1</sup>

City of Houston



Administration &  
Regulatory Affairs

<sup>1</sup> The annual GRIP interim rate adjustments are subject to true-up in the next full base rate case.

As a result of these actions, over a three-year period, the residential fixed customer charge increased by approximately 37.81%. The large general service fixed customer charge increased by 18.52%. Small general service customers, on the other hand, experienced an overall decrease of approximately 15.23%. The table below illustrates the overall impact of the three-year consecutive rate adjustments on the fixed customer charge for all retail customer classes.

Fixed Customer Charge Increase 2010 to 2012						
Customer Class	2009 Rates	2009/2010 Rate Increase	2011 GRIP Increase	2012 GRIP Increase	\$ Increase/ Decrease	% Increase/ Decrease
Residential	\$ 10.50	\$ 13.54	\$ 13.74	\$ 14.47	\$ 3.97	37.81%
Small General Service	\$ 18.85	\$ 14.59	\$ 14.88	\$ 15.98	\$ (2.87)	-15.23%
Large General Service	\$ 186.00	\$ 191.00	\$ 196.57	\$ 220.45	\$ 34.45	18.52%

### Gas Utility Rate Investigation

On March 30, 2012, CenterPoint filed an annual Earnings Monitoring Report (EMR) with the City of Houston. A review of the EMR indicated that the Company might be significantly over-earning, raising questions regarding the reasonableness of existing rates. Therefore, on July 25, 2012 City Council approved Ordinance No. 2012-662 initiating a formal rate inquiry into CenterPoint's gas rates. The City engaged a team of experts to assist with the inquiry.

City experts thoroughly reviewed the Company's 2011 EMR and U.S. Securities and Exchange Commission filings (including quarterly and annual financial reports). City experts also issued and reviewed the Company's responses to three rounds of requests for information. Based on information provided by the Company that allowed us to examine changes in revenues, rate base and expenses through the first three quarters of 2012, our experts recommended several adjustments to the Company's reported EMR earnings. As a result, the experts' preliminary findings indicate CenterPoint may be over-earning by as much as \$15 million, or 48.16% more than the estimated allowed revenue requirement. The more significant recommended adjustments to the Company's reported EMR earnings are summarized below:

- **Revenues** – Our experts' analysis indicates that the Company's 2011 EMR understates revenues by a total of \$13.2 million. Of this amount, \$10.9 million is related to the revenues associated with the 2010 and 2011 GRIP Interim Rate Adjustments (\$1.5 million and \$9.4 million, respectively). While the company is currently collecting the revenues through rates charged to customers, the \$10.9 million in revenues is not captured in the 2011 EMR. The additional \$2.3 million in understated revenues relates to customer growth that is not taken into account in the EMR. According to our experts, the increase in the residential customer class of more than 13,000 customers in the first nine months of 2012 adds approximately \$2.3 million in annual revenues.
- **Operations & Maintenance (O&M) Expense** – Our experts discovered that while revenues are understated in the EMR, O & M expenses are overstated by \$4.4 million, due in large part to

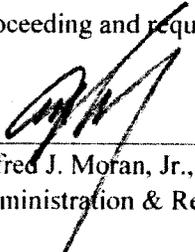
increased recovery of associated bad debt and changes in meter reading costs associated with the deployment of Encoder/Receiver/Transmitter (ERT) devices.

- **Depreciation** – Depreciation expense is also overstated, by an estimated \$3.2 million, in the 2011 EMR. The increased deployment of ERT devices results in a higher depreciation rate. Therefore, the estimated annual depreciation expense through September 2012 is \$3.2 million more than the level reflected in the 2011 EMR.
- **Pension Expense** – Approximately \$2.4 million in pension expense is not currently recovered in rates. In this instance, absent a base rate case, CenterPoint will book \$2.4 million of pension expense into a deferred account for future recovery. In determining the earnings level, the amount booked into the deferred account must be considered additional earnings.

Accounting for the understatements and overstatements in the EMR as noted above, these adjustments result in current earnings that are almost \$15 million more than the estimated revenue requirement approved for CenterPoint in its last base rates case.

### **Recommendation**

As stated previously, ARA and the Legal Department will continue to negotiate with CenterPoint to reach a balanced resolution for the ratepayers and the utility; however, in light of the experts' findings, which indicate that CenterPoint is over-earning in excess of approximately \$15 million annually, at this time ARA recommends City Council move forward and adopt an ordinance requiring a City-initiated rate-case proceeding and requiring CenterPoint to submit a rate filing package to the City within 90 days.<sup>2</sup>



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Alfred J. Moran, Jr., Director  
Administration & Regulatory Affairs

cc: Mayor Annise Parker  
James Koski  
David Feldman  
Janice Evans

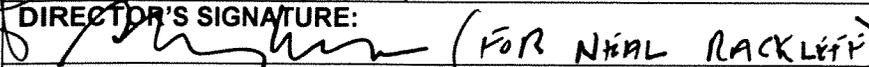
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<sup>2</sup> The potential cost of a full base rate case cannot be fully anticipated at this time. However, the last rate case (GUD 9902) resulted in rate case expenses totaling \$2.9 million (a one-time expense recovered over a 12-month period through a fixed-price surcharge). The amount allocated to the residential customer totaled \$0.24 per month (or \$2.88 total) versus CenterPoint's proposed \$4.25 monthly increase (or annual \$51.00 increase). Of the \$2.9 million, the City of Houston incurred approximately \$1.0 million.

<b>SUBJECT:</b> An Ordinance authorizing a contract between the City of Houston and Johnson and Johnson Activities, Inc., for CDBG funding in the amount of \$975,000 for construction of a new facility to house an adult daycare center located at 14750 Fondren Road, Houston Texas 77489.	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 21
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<b>FROM:</b> Neal Rackleff, Director Housing and Community Development	<b>Origination Date</b> 11/30/12	<b>Agenda Date</b> DEC 19 2012
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*ms*

<b>DIRECTOR'S SIGNATURE:</b>  (FOR NEAL RACKLEFF)	<b>Council District affected:</b> District K
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<b>For additional information contact:</b> Marc Eichenbaum <i>ME</i> Phone: 713-865-4557	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a contract between the City of Houston and Johnson and Johnson Activities, Inc., to obligate CDBG funding in the amount of \$975,000 for construction of a new facility to house an adult daycare center located at 14750 Fondren Road, Houston Texas 77489.

<b>Amount of Funding:</b> \$975,000.00	<b>Finance Budget:</b>
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**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund  
Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department requests approval and authorization of a contract between the City of Houston and Johnson and Johnson Activities Inc. ("Johnson"), a non-profit 501 (c) 3 corporation, to acquire land and construct a new Adult Daycare Center. Operating since 1997, Johnson provides adult day care services for seniors with special needs and persons with mental disabilities. Johnson aims to foster an environment where clients can learn self-help and social skills to become more independent.

Johnson has outgrown their current space, which limits the number of clients it is able to serve. Since demand is high and growing for adult daycare services, HCDD recommends granting \$975,000 in CDBG funds to Johnson for land acquisition and construction of a new facility to serve over 150 individuals. Services offered will be targeted towards the area's indigent, uninsured and low/moderate income population, and the operations of this facility will be funded by Johnson. The land and facility will be subject to a (5) year LURA.

This item was presented to the Housing, Sustainable Development and Growth Committee on June 19, 2012.

NR:GA

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**SUBJECT:** An Ordinance authorizing a first contract amendment between the City of Houston and SEARCH Homeless Services, providing \$70,000 in HOPWA funds for a supportive services program offering childcare for homeless families affected by HIV.

<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  22
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**FROM:**  
Neal Rackleff, Director  
Housing and Community Development Department

<b>Origination Date</b> 10/1/2012	<b>Agenda Date</b> DEC 19 2012
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**DIRECTOR'S SIGNATURE:**  
*Neal Rackleff*

<b>Council District affected:</b> District D	<b>Date and identification of prior authorizing Council action:</b> 2/15/12; 2012-0139
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**For additional information contact:** Melody Barr  
Phone: 713-868-8329

**RECOMMENDATION:** Approval of an Ordinance authorizing a first contract amendment between the City of Houston and SEARCH Homeless Services, providing \$70,000 in HOPWA funds for a supportive services program offering childcare for homeless families affected by HIV.

<b>Amount of Funding:</b>  \$70,000.00	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**     General Fund     Grant Fund     Enterprise Fund     Other  
Housing Opportunities for Persons with AIDS (HOPWA)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a first contract amendment between the City of Houston and SEARCH Homeless Services to finance the administration and operation of a childcare services program for HIV positive individuals and their children through SEARCH's House of Tiny Treasures, an early childhood development childcare facility.

The City will grant SEARCH up to \$70,000 in HOPWA funds to provide early childhood education to homeless children between the ages of 12 months and six years, who are affected by HIV. The services enable the families of such children to lead stable and functional lives. Supportive services provided will include case management, counseling and referral services to support the basic and emotional needs of those who are infected or affected by HIV/AIDS and their family members.

Category	Total Contract Amount	Percent
Administration	\$4,215	6%
Supportive Services	\$65,785	94%
<b>Total</b>	<b>\$70,000</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for fiscal year 2012 and 2013 HOPWA contracts. SEARCH was one of the agencies selected. The RFP was for program year 2012 with an additional one-year renewal option for program year 2013. This ordinance will grant the 1-year renewal period. The first contract amendment provides funding for a 12-month period from December 1, 2012 through November 30, 2013. SEARCH has received HOPWA funding through the City of Houston for various contracts since 1996.

This item was presented to the Housing, Sustainable Growth and Development Committee on October 16, 2012.

NR:BB:MNB:MB

cc: City Attorney  
Mayor's Office  
City Secretary  
Finance and Administration

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**SUBJECT:** An Ordinance authorizing the execution of a First Amendment to the contract between the City of Houston and Houston SRO Housing Corporation, for the administration and operation of a HOPWA community residence.

**Category #**  
1, 2

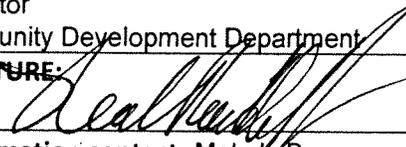
**Page**  
1 of 1

**Agenda Item #**  
24

**FROM:**  
Neal Rackleff, Director  
Housing and Community Development Department

**Origination Date**  
12/11/2012

**Agenda Date**  
DEC 19 2012

**DIRECTOR'S SIGNATURE:** 

**Council Districts affected:**  
C & D

**For additional information contact:** Melody Barr  
Phone: 713/868-8329

**Date and identification of prior authorizing Council action:** 2/15/2012; Ordinance No. 2012-0146

**RECOMMENDATION:** Approval of an Ordinance authorizing the execution of a First Amendment to the contract between the City of Houston and Houston SRO Housing Corporation, providing a one-year extension and up to \$92,490 in additional HOPWA funds for the operation of a community residence for low-income and homeless persons living with HIV/AIDS.

**Amount of Funding:** \$92,490.00

**Finance Budget:**

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund  
Housing and Opportunities for Persons With AIDS (HOPWA)

**SPECIFIC EXPLANATION:**  
The Housing and Community Development Department (HCDD) recommends approval of a First Amendment to the Contract between the City of Houston and Houston SRO Housing Corporation, providing additional HOPWA grant funds and a one-year extension for supportive services and operating costs of a SRO community residence for persons living with HIV/AIDS.

On February 15, 2012, City Council authorized and approved a contract between the City and Houston SRO, which provided housing assistance and supportive services to low-income individuals with HIV/AIDS. The City will now amend this contract by extending the contract for one-year and increasing the amount of funding by \$92,490. The new contract total will be \$184,980.00. The amendment will continue the scope of work for the current contract. The project's scope of work provides permanent housing and supportive services to a minimum of 33, unduplicated, low-income persons living with HIV/AIDS. Supportive services include case management, housing counseling and other services. Operating costs will include property management, utilities, property insurance and other costs.

Category	Original Allocation	First Amendment	Total Contract Amount	Percent
Administrative	\$624.00	\$624.00	\$1,248.00	0.67%
Supportive Services	\$22,601.00	\$22,601.00	\$45,202.00	24.44%
Operating Costs	\$69,265.00	\$69,265.00	\$138,530.00	74.89%
<b>Total</b>	<b>\$92,490.00</b>	<b>\$92,490.00</b>	<b>\$184,980.00</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for 2012 and 2013 HOPWA contracts. The RFP was for a one-year contract (PY 2012), with an additional one-year renewal option (PY 2013). Houston SRO was one of the agencies selected and was awarded \$92,490 in HOPWA funds for 2012. We are currently requesting approval of the 2013 renewal option (December 1, 2012 - December 1, 2013). Houston SRO has received HOPWA funding through the City for various contracts since 1998.

The Housing, Sustainable Growth & Development Committee reviewed this item on October 16, 2012.

NR:AB  
cc: Legal Department  
Mayor's Office  
City Secretary  
Finance Department

**REQUIRED AUTHORIZATION**

**Finance Director:** \_\_\_\_\_ **Other Authorization:** \_\_\_\_\_ **Other Authorization:** \_\_\_\_\_

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD12-146

SUBJECT: An Ordinance authorizing pre-qualified contractors for the Housing and Community Development Department's Single-Family Home Repair Programs, including Disaster Recovery.

Category #

Page 1 of 2

Agenda Item # 25

FROM:

Neal Rackleff, Director  
Housing and Community Development Department

Origination Date

10/9/12

Agenda Date

DEC 19 2012

DIRECTOR'S SIGNATURE:

*Handwritten signature* (FOR NEAL RACKLEFF)

Council Districts affected:

All

For additional information contact:

Stephen Tinnermon  
Chris Butler

Phone: (713) 868-8448

Phone: (713) 865-4196

Date and identification of prior authorizing Council action: Ord. 2011-0386, 5/18/2011

RECOMMENDATION: Approval of an Ordinance authorizing pre-qualified contractors for the Housing and Community Development Department's Single-Family Home Repair Programs, including Disaster Recovery.

Amount Fund:

No Funding Required

Finance Budget:

SOURCE OF FUNDING

[ ] General Fund

[ ]

Grant Fund

[ ]

Enterprise Fund

N/A

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD) recommends City Council approval of pre-qualified contractors (as listed on Page 2) for the Disaster Recovery and other HCDD administered Single Family Home Repair Programs.

HCDD is finishing repairs and/or reconstructs of 242 homes severely damaged by Hurricane Ike through the Disaster Recovery Round 1 Program. HCDD also has a regular, CDBG Single Family Home Repair Program, and is expecting Disaster Recovery Round 2 funds to provide single-family housing rehabilitation and repair services.

This Request for Contractors (RFC) was advertised in accordance with the bid requirements of the State of Texas. One hundred thirty-five prospective (135) bidders downloaded the solicitation document from SPD's e-bidding website. On May 18, 2011, City Council approved twelve (12) respondents as pre-qualified contractors. However, only eight of the original contractors remain in good standing, and HCDD needs more contractors pre-approved for informal bids under \$50,000.

This ordinance will also enable additions of eligible contractors to the pre-qualified list without further Council action (in accordance with 24 CFR 85 Subpart 36 (c) Competition). Various factors are reviewed, to deem contractors eligible for pre-approval, including:

- Expertise, Experience, Qualifications, Personnel
- Work Quality
- Financial Statements/Bonding Capacity
- Housing Unit Production Capacity/Proposed Operations/Equipment List/Assets
- Permits, Registrations & Certifications

The companies on the following page meet all of the criteria set forth in the RFC solicitation document, and are therefore, being recommended to be placed on the pre-qualified contractors list for the Hurricane Ike and other Single Family Home Repair Programs. These contractors will be issued invitations to bid, and awarded purchase orders on a rotating basis for single-family housing rehabilitation and repair services.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

**Date**  
10/9/12

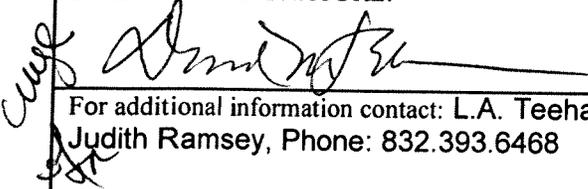
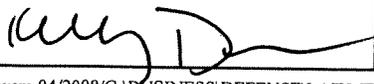
**SUBJECT:** An Ordinance authorizing pre-qualified contractors for the Housing and Community Development Department's Single-Family Home Repair Programs, including Disaster Recovery.

**Originators  
Initials**  
JA

**Page**  
2 of 2

<b>Company Name</b>	<b>Street Address</b>	<b>City, State and Zip Code</b>
Altura Homes DFW, LP	1310 I-10 South, Suite 102	Beaumont, TX 77707
B & C Construction	22507 Archibald Blair Lane	Katy, TX 77449
Baylor Asset Management (MBE, SBE, WBE)	5111 Chenevert	Houston, TX 77004
CM Construction	6711 Gleneagles Dr.	Pasadena, TX 77505
Colony Builders, Inc.	5829 W. Sam Houston Pkwy. N	Houston, TX 77041
Excelsior Development, Inc.	12203 Carrsworld Dr.	Houston, TX 77071
General Contractor Services	8400 LaPorte Rd.	Houston, TX 77012
H & H Remodeling	6616 Grand Haven Dr.	Houston, TX 77088
J & J Painting & Remodeling	12703 Tennis Drive	Houston, TX 77099
Joshua Dade Contractors (SBE)	18923 Sandridge Ct.	Houston, TX 77049
Lazer Homes	12401 S. Post Oak Rd., Suite 239	Houston, TX 77045
Nuday Enterprise (DBE, MBE, SBE)	8633 W. Airport Blvd. Suite 120	Houston, TX 77071
O'Neal Development Company	4503 Eagle Mountain Court	Richmond, TX 77469
Promenade Homes	12531 Mossycup Dr.	Houston, TX 77024
SWMJ Construction, Inc	525 N. Sam Houston Pkwy, Suite 600	Houston, TX 77060
Sullivan Land Services, LTD	13 Elvia Main	Galveston, TX 77554
The Project Management Group (DBE, MBE, SBE)	5330 Griggs Rd., Suite B103-36	Houston, TX 77021
TRZ Builders, LLC	5826 New Territory Blvd., Suite 626	Sugar Land, TX 77479



<b>SUBJECT:</b> Settlement of lawsuit styled: Cause No. 2010-77487; Jorge Medrano, <i>et al.</i> v. City of Houston; in the 127 <sup>th</sup> Judicial District Court; Harris County, Texas; L.D. # 062-1001021-001		Page 1 of 1	Agenda Item # 27
<b>FROM</b> (Department or other point of origin):  Legal Department	Origination Date October 16, 2012	Agenda Date DEC 19 2012	
<b>DIRECTOR'S SIGNATURE:</b> 		Council District affected:  All	
For additional information contact: L.A. Teehan, Phone: 832.393.6467; Judith Ramsey, Phone: 832.393.6468		Date and identification of prior authorizing Council action:	
<b>RECOMMENDATION:</b> (Summary)			
That Council adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between the City of Houston and Jorge Medrano, Fernando Medrano, Individually and as Independent Admisistrator of the Estate of Estela Medrano, Alejandro Medrano, Federico Medrano and Mariano Medrano.			
Amount and Source of Funding: \$262,500.00 <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund  <input checked="" type="checkbox"/> Other (Specify) - Property & Casualty Fund - Fund 1004 (Claims & Judgments)			
<b>SPECIFIC EXPLANATION: FOR SETTLEMENT PURPOSES ONLY</b>			
This request relates to the resolution of a personal injury lawsuit through settlement. On August 30, 2010, on-duty Houston Police Department Officer Kyle Dozier was involved in a collision with a vehicle driven by Jorge Medrano. Mr. Medrano's wife, Estela Medrano, was a passenger in the vehicle. Officer Dozier was traveling at a high rate of speed, at night, without emergency lights or sirens in the 7600 block of S. Braeswood Blvd. At the time of the impact, Mr. Medrano was attempting to turn left into a condominium project. Mr. Medrano was severely injured and Mrs. Medrano was killed. Plaintiffs claim that Officer Dozier acted with reckless disregard in the operation of his vehicle and that this was the proximate cause of the accident and Plaintiffs' resulting damages. The City disputes the Medranos' claim.			
As a result of this accident, Jorge Medrano, his children, and the Estate of Estela Medrano brought suit against Houston in Cause No. 2010-774787; <i>Jorge Medrano, et al. v. City of Houston</i> ; in the 127 <sup>th</sup> Judicial District Court; Harris County, Texas. Plaintiffs have offered to settle the lawsuit for the total sum of \$262,500.00.			
After a thorough review, the Legal Department recommends that Council approve the Compromise and Settlement Agreement and issuance of warrants payable as follows: \$91,078.98 to Jorge Medrano and Fernando Medrano, Individually and as the Independent Administrators of the Estate of Estela Medrano and their attorney, Richard L. Lagarde; \$40,171.02 to Jorge Medrano and Fernando Medrano, Individually and as the Independent Administrators of the Estate of Estela Medrano and Ingenix Subrogation Services; and \$131,250.00 to Alejandro Medrano, Federico Medrano and Mariano Medrano and their attorney, Richard L. Lagarde. The Lagarde Law Firm's tax I.D. number is 76-0681896. The tax I.D. number for Ingenix Subrogation Services is 41-1858498.			
<b>REQUIRED AUTHORIZATION</b>			
Other Authorization: 	Other Authorization:	Other Authorization:	

CONTROLLED  
 12 DEC 5 PM 3:08

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Contract with HISD for after-school programs through the 2012-2013 Mayor's After-School Achievement Program

Category #

Page 1 of 1

Agenda Item

28

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

Houston Parks and Recreation Department

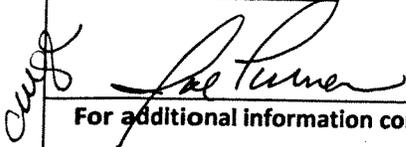
**Origination Date:**

November 19, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE:**

*cut*  


Joe Turner, Director

**Council District(s) affected:** A, B, C, D, E, I, K

**For additional information contact:**

Luci Correa, 832-395-7057  
Twonda Thompson, 832-395-7259

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

NA

**RECOMMENDATION: (Summary):**

Approval of a contract with Houston ISD for the implementation of after-school programming at 10 schools through the Mayor's 2012-2013 After-School Achievement Program.

**Amount of Funding:** \$200,000.00 CDBG Fund (5000)

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Houston Parks and Recreation Department (HPARD) recommends the approval of a contract with Houston ISD for the operation of after-school programs at the following 10 schools for the 2012-2013 Mayor's After-School Achievement Program (ASAP).

<u>School</u>	<u>Council District</u>	<u>Funding Amount</u>
Benbrook Elementary School	A	\$20,000.00
Edison Middle School	I	\$20,000.00
Foerster Elementary School	C	\$20,000.00
Fondren Elementary School	K	\$20,000.00
Kelso Elementary School	D	\$20,000.00
Key Middle School	B	\$20,000.00
Mading Elementary School	D	\$20,000.00
McNamara Elementary School	C	\$20,000.00
R.P. Harris Elementary School	E	\$20,000.00
William P. Hobby Elementary School	D	\$20,000.00

A request for proposal was posted on the HPARD website, and mailed to area schools and non-profit organizations. Interested applicants were required to attend at least one of seven application workshops. Applications were due by 5:00 p.m. on April 9, 2012. HPARD received a total of 49 applications. Staff reviewed proposals for compliance with minimum standards, and the qualifying proposals were read and scored by a team of volunteers with professional experience in grant writing, juvenile justice, school administration and/or financial accounting.

The minimum grant amount is \$20,000 and the maximum is \$45,000. Funding is determined based upon a rate of \$1,000 per child with a minimum average daily attendance of 25 to 45 students per site. All recipients are required to commit minimum matching funds of \$10,000 cash and \$10,000 in-kind. The funding schedule provides sites with sufficient funds to increase the quality of service in order to operate a safe and successful program.

Schools receiving funding through the U.S. Department of Education's 21<sup>st</sup> Century Community Learning Centers (CLC) Program, which provides schools with more than \$100,000 annually for enrichment programming, are not eligible to apply. Schools with limited carryover funds (less than \$50,000) from a prior year of 21<sup>st</sup> Century CLC funding were eligible to apply for ASAP funds.

Finance Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** Ordinance appropriating \$685,168.04 from the Reimbursement of Equipment/Projects Fund (1850) for the purchase of 75 parking pay stations from Digital Payment Technologies for the Administration and Regulatory Affairs Department.

Category #

Page 1 of 2

Agenda Item

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

Alfred J. Moran, Jr., Director  
Administration & Regulatory Affairs Department

**Origination Date**

November 9, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

All

**For additional information contact:**

Don Pagel

**Phone:** (832) 393-8640

Maria Irshad, CAPP

**Phone:** (832) 393-8643

**Date and Identification of prior authorizing**

**Council Action:**

Ordinance 2012-0096

**RECOMMENDATION: (Summary)**

Approve an ordinance appropriating \$685,168.04 from the Reimbursement of Equipment/Projects Fund (1850) for the purchase of 75 parking pay stations from Digital Payment Technologies for the Administration & Regulatory Affairs Department.

**Finance Budget**

Maximum Contract Award Amount: \$685,168.04

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

**Other (Specify)** Reimbursement of Equipment/Projects Fund (1850)

**SPECIFIC EXPLANATION:**

The Director of the Administration & Regulatory Affairs Department ("ARA") recommends that City Council approve an ordinance appropriating \$685,168.04 for the purchase of 75 parking pay stations from Digital Payment Technologies, Inc. ("DPT"). City Council previously approved the contract with Digital Payment Technologies via Ordinance 2012-0096 on February 1, 2012.

Over the last four years, ARA's Parking Management division installed 1,000 pay stations and a related Wi-Fi network to provide an improved experience for the public parker. The multi-space pay stations replaced single-space, coin-only meters. The installed pay stations allow for real-time credit card transactions, in addition to accepting bills and other technology that improved the customer service experience. Since the installation, meter revenues have increased from \$3.67 million in FY08 to \$5.70 million in FY12. In addition, customer service levels have increased due to the increased meter up-time and the option of paying for parking with bills, coins or credit card.

The additional parking pay stations will be deployed in the Washington Parking Benefit District (45), North Downtown District (8) and East Downtown (15). Additionally, the Hanover development in Rice Village has requested the installation of meters on the perimeter of the new mixed use development under construction bounded by Tanglely, Morningside and Kelvin (7).

The expenditure will be reimbursed out of the parking meter revenues associated with these deployments. There are approximately 7,084 metered spaces and the additional deployments will increase the supply to 7,684 spaces (350 in Washington, 100 in North Downtown and 150 in East Downtown).

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*copy*

Date: 12/15/11	Subject: Approve an Ordinance to Revise Sections of Chapter 26 of the Code of Ordinances Administered by ARA Parking Management.	Originator's Initials CAN	Page 2 of 2
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Below is a chart detailing past meter revenues and projections for FY13 and FY14.

	Revenue	Spaces	% Increase
FY14 Projected	\$ 6,400,000	7,684	4.2%
FY13 Projected	\$ 6,142,000	7,400	9.9%
FY12	\$ 5,586,221	7,000	9.8%
FY11	\$ 5,088,316	7,000	5.1%
FY10	\$ 4,843,183	6,700	6.3%
FY09	\$ 4,557,000	6,700	24.0%
FY08	\$ 3,669,810	6,000	-

cc: Marta Crinejo, Agenda Director  
 Anna Russell, City Secretary  
 David Feldman, City Attorney

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** Approve a Second Amendment to the Contract with Sogeti USA, LLC for the Municipal Court's Case Management System (CSMART)

**Category #**  
1, 4 & 5

**Page** 1 of 2

**Agenda Item**

30

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

Barbara E. Hartle – Presiding Judge and Director, MCD  
Charles T. Thompson – Chief Information Officer, HITS

**Origination Date**

December 12, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

*Handwritten signatures of Barbara E. Hartle and Charles T. Thompson*

**Council District(s) affected**

All

**For additional information contact:**

Mark Stinnett Phone: (832) 393-0200

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

Ord: 2011-824: 09/21/11; 2011-530: 6/22/11;  
2011-176: 03/02/11; 2012-466: 05/16/12; 2012-887:10/10/12

**RECOMMENDATION: (Summary)**

Approve an ordinance to authorize the second amendment to the contract with Sogeti USA, LLC to update the Rate Card defined for the Houston Municipal Court's Case Management System (CSMART).

**AMOUNT AND SOURCE OF FUNDING:**

None Required  
WBS: X-160017

**Finance Budget**

**SPECIFIC EXPLANATION:**

The Presiding Judge of the Municipal Court and the City's Chief Information Officer recommend that City Council approve a contract amendment to update the Sogeti Rate Card defined in contract 4600009918 between Sogeti USA, LLC and Houston Information Technology Services.

The original contract was awarded on September 17, 2009 by Ordinance No. 2009-863. Since then, the maximum amount for the contract has been increased to \$27,274,583. Expenditures as of November 28, 2012 totaled \$23,015,907.69.

The Houston market for technology skills used on the CSMART Project has become much more competitive in the past 24 months, making it increasingly difficult to attract and retain resources. In addition, over the last 3-4 months the project has been unable to add sufficient development & testing staff to build and accept new functionality at a pace consistent with desirable go-live dates.

In order to advance in the project, it is necessary to update the Sogeti Rate Card to accommodate resources outside of the Houston market to places where the competition for technical talent has not driven contract rates so high. The update is also necessary because the original Rate Card associated specific rates with specific individuals, some of whom have left the project. The updated Rate Card has been restructured to include only position titles, not specific individuals. The contract amendment will include a list of individuals who are considered critical to the project's success, and who Sogeti agrees will remain on the project until its completion.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT

Date:  
4/25/2012

Subject: Sogeti Contract 4600009918 (CSMART Project)  
Amendment

Originator's  
Initials  
MS

Page 2 of 2

The updated Rate Schedule is detailed in the table that follows:

Role	Hourly Rate Range	Role	Hourly Rate Range
Senior Project Manager	\$ 125 - 145	Solution Architect	\$ 125 - 145
Project Manager	\$ 100 - 125	Scrum Master	\$ 100 - 125
Senior Training Developer	\$ 90 - 115	Senior Developer	\$ 115 - 135
Training Developer	\$ 70 - 105	Developer	\$ 70 - 115
Technical Writer	\$ 70 - 105	Build Manager	\$ 90 - 110
Senior Business Analyst	\$ 100 - 120	Senior Quality Assurance Analyst	\$ 95 - 115
Business Analyst	\$ 80 - 100	Quality Assurance Analyst	\$ 70 - 95
Senior Infrastructure Analyst	\$ 115 - 145	Supplemental Development Support	\$ 30 - 95
Infrastructure Analyst	\$ 90 - 115	Supplemental Quality Assurance Support	\$ 25 - 85
Data Base Administrator	\$ 100 - 120		

**Background:**

Since late 2008, the Municipal Court Department and Houston Information Technology Services have been developing a new case management system. The system, CSMART, will automate many of the manual activities required by judges, clerks & prosecutors to process approximately 1M cases annually. A conceptual design was completed during July 2010 with software development beginning shortly thereafter.

During June 2012, several changes were made in the way the project was managed. A new governance structure consisting of a Project Sponsor Team and an Executive Steering Committee was implemented to provide tactical guidance and strategic oversight. Since then, the project plan was assessed, a new baseline was established, a Release Map that defined the priority & timing of all remaining work was developed, and a new comprehensive management reporting method was implemented.

During May 2012, the Project Team developed a new plan for delivering enough functionality for the Court to run its business by late Spring or early Summer 2013. That plan called for approximately 2,000 hours of new development work for each release (each month). Since May however, the competitiveness of the Houston IT job market has made it difficult to attract and retain sufficient staff to realize this goal. The CSMART Governance Teams have reviewed available alternatives and agreed that additional delays must be avoided. Therefore, the Project Team is preparing to fill the gap by on-boarding Sogeti-badged consultants from other markets, where the demand for IT talent is less intense.

The Courts have accepted Releases 13-20 and are building/accepting Releases 21 & 22. As of November 19, 2012, 58% of all go-live functionality had been developed and 51% had been accepted. Currently the CSMART Team is working on Interfaces (esp. RMS interfaces), Court Clerk Checkout Procedures, Document & Image Management, Payment Adjustments, and Accounting Entries.

**MWBE Participation:**

The professional services contract was awarded as a goal-oriented contract with a 15% MWBE participation level. While current MWBE participation is 11.63%, Sogeti continues to aggressively manage progress towards meeting their MWBE compliance goal. Sogeti's current monthly performance will bring their overall compliance to 15% by Spring 2013, and they expect to exceed their 15% compliance goal before the project is completed. Sogeti will continue to work with its MWBE partners, Precision Task Group and Jefferson Associates, and other MWDBE companies as required to meet the full project compliance goals. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

**REQUEST FOR COUNCIL ACTION**

RCA# 9541

**TO:** Mayor via City Secretary

**Subject:** Approve an Ordinance Authorizing a Third Amendment to Contract No. 4600009722 for Security Guard Services for the City of Houston/S30-T22865-A3

Category #  
4

Page 1 of 1

Agenda Item

31

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

November 30, 2012

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Jacquelyn L. Nisby Phone: (832) 393-8023  
Douglas Moore Phone: (832) 393-8724

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

Ord Nos. 2009-572; 2011-444 & 2012-719

**RECOMMENDATION: (Summary)**

Approve an amending ordinance authorizing a third amendment to the contract between the City of Houston and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) to modify the scope of work for security guard services for the City of Houston.

No Additional Funding Required

Finance Budget

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a third amendment to the contract between the City of Houston and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) to amend the scope of work to add a functionality that requires the contractor to perform security assessment services within the contract.

The contract was awarded on June 17, 2009 by Ordinance No. 2009-572 for a three-year term, with two one-year options in the amount not to exceed \$42,718,060.52; on June 8, 2011, by Ordinance No. 2011-444 City Council authorized a first amendment to amend the contract fee schedule; and on August 22, 2012, by Ordinance 2012-719 City Council authorized a second amendment to amend the fee schedule to correct an error within the first amended fee schedule. Expenditures as of November 7, 2012 totaled \$26,509,846.00.

The current scope of work requires the contractor to provide all personnel, management, supervision, transportation, equipment, and incidentals necessary to provide professional security guard services for the General Services, Public Works & Engineering, Parks and Recreation, Municipal Courts and Houston Police Departments' facilities. The modified scope of work to incorporate security assessments will concentrate on the physical security of City facilities in order to protect personnel, equipment, and property against anticipated threats. Moreover, the recommendations for improving the overall security at each facility will be included along with the estimated implementation cost.

The contract was awarded with a 25% M/WBE participation goal and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) is currently achieving 24.69% of the required M/WBE goal. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Richard Morris

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*m*

28

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Purchase and Sale Agreement between Hoang T. Woung and Tule Van Woung, (Seller) and the City of Houston (Purchaser) for the purchase of 3.291 acres of land located on Westplace Drive near South Gessner Road, Houston, Harris County, Texas for the Houston Police Department, and appropriate funds

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1 of 1

Agenda Item

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WBS No. G-0000EQ-0006-1

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

**Origination Date**

12/13/12

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE:**

Scott Minnix

*Scott Minnix 11/27/12*

**Council District affected:** K

**For additional information contact:**

Jacquelyn L. Nisby

Phone: 832-393-8023

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

**RECOMMENDATION:** Approve a Purchase and Sale Agreement between Hoang T. Woung and Tule Van Woung (Seller) and the City of Houston (Purchaser) for the purchase of 3.291 acres of land located on Westplace Drive near South Gessner, Houston, Harris County, Texas for the Houston Police Department.

**Amount and Source Of Funding:**

**Finance Budget:**

**\$539,064.20** Police Consolidated Construction Fund (4504)

**SPECIFIC EXPLANATION:** The General Services Department recommends approval of a Purchase and Sale Agreement between Hoang T. Woung and Tule Van Woung (Seller), and the City of Houston (Purchaser), for the purchase of 3.291 acres of land located on Westplace Drive near South Gessner Road, for a purchase price of \$530,000.00 plus additional expenses of \$9,064.20 for the Houston Police Department (HPD).

HPD desires to purchase this land to create additional parking for the nearby South Gessner Police Station, which currently has very limited parking space for employees and the public. This expansion will create approximately 300 additional parking spaces and will increase the police presence along South Gessner Road.

The following is a breakdown of expected costs:

\$530,000.00	Purchase Price
\$5,000.00	Environmental Phase I
\$4,064.20	Estimated Closing Costs
<b>\$539,064.20</b>	<b>TOTAL</b>

SM:HB:JLN:FA:fa

xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell, Steve Hanner

REQUIRED AUTHORIZATION

CUIC ID# 25 FA33

**General Services Department:**

*Humberto Bautista*

Humberto Bautista, P.E.  
Assistant Director

**Houston Police Department:**

*Charles A. McClelland, Jr.*

Charles A. McClelland, Jr.  
Chief of Police



South Gessner at Westplace Drive

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract  
Carrera Construction, Inc.  
Sam Houston Park  
WBS No. F-000520-0001-4

Page  
1 of 2

Agenda  
Item

33

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

Origination Date  
12-12-12

Agenda Date  
DEC 19 2012

DIRECTOR'S SIGNATURE: Scott Minnix 12/4/12

Council District(s) affected:  
1

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:  
\$ 1,237,507.00 Parks Consolidated Construction Fund (4502)  
\$ 895,500.00 State - Grant Funded (5010) - Texas Parks and Wildlife Department  
\$ 2,133,007.00 Total Funding

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Carrera Construction, Inc. on the proposal amount of \$1,982,357.00 to provide construction services for Sam Houston Park for the Houston Park and Recreation Department.

PROJECT LOCATION: 1000 Bagby (493L)

PROJECT DESCRIPTION: This project will implement a portion of the Master Plan developed by the Houston Heritage Society. The scope of work includes demolition and selective tree removal; site grading; new concrete walks, granite plaza, brick plaza and grass pavers at the special events service entry; redeveloped parking lots; entry signage; landscaping including trees, turf establishment, butterfly garden, rose garden, and irrigation; refurbishment and relocation of the mechanical system for the Neuhaus fountain; relocation of the Fourth Ward cottage and band stand; relocation of various on-site art pieces, including co-ordination of off-site storage of pieces during construction; new lighting and outlets along with electrical service upgrades; utilities and installation of a pre-fabricated restroom building; site furnishing, including benches, trash receptacles, swings, and additional fencing where necessary.

The contract duration for this project is 180 calendar days. Clark Condon Associates is the design consultant for this project.

PROPOSALS: On July 13 and July 20, 2012, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for the Sam Houston Park. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on August 2, 2012, and seven firms responded. GSD evaluated the respondents and six of the seven firms received sufficient points and were requested to submit proposals. Five of the six selected firms submitted proposals. Carrera Construction, Inc. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.

REQUIRED AUTHORIZATION

CUIC ID # 25PARK188

General Services Department:

Houston Parks and Recreation Department:

Richard A. Vella  
Chief of Design & Construction Division

Joe Turner  
Director

<b>Date:</b>	<b>SUBJECT:</b> Award Construction Contract Carrera Construction, Inc. Sam Houston Park WBS No. F-000520-0001-4	<b>Originator's Initials</b> DE	<b>Page</b> 2 of 2
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**PROPOSALS (Cont'd):**

The five proposers are ranked as follows:

**PROPOSER**

1. Carrera Construction, Inc.
2. Times Construction, Inc.
3. Prime Contractors, Inc.
4. Millis Development & Construction, Inc.
5. Jerdon Enterprise, L.P.

**AWARD:** It is recommended that City Council award the construction contract to Carrera Construction, Inc. and appropriate funds for the project, including an additional \$32,512.00 for engineering and materials testing services under an existing contract with HVJ Associates, Inc.

**FUNDING SUMMARY:**

\$	\$1,982,357.00	Construction Contract Services
\$	99,118.00	5% Contingency
\$	<b>2,081,475.00</b>	<b>Total Contract Services</b>
\$	32,512.00	Engineering and Materials Testing
\$	19,020.00	Civic Art (1.75% of Fund 4502)
\$	<b>2,133,007.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** A 5% MBE goal and 5% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

**FIRM (MBE):**

<b><u>FIRM (MBE):</u></b>	<b><u>SCOPE</u></b>	<b><u>AMOUNT</u></b>	<b><u>% of CONTRACT</u></b>
George Meeks Landpro, Inc.	Landscape/Irrigation	\$ 96,445.00	4.87 %
The Fierro Group, LTD. Co., DBA Advance Concrete and Construction, Fencemaster of Houston, & Flores Steel	Fencing/Gates	\$ 10,360.00	0.52 %
<b>TOTAL</b>		<b>\$ 106,805.00</b>	<b>5.39 %</b>

**FIRM (SBE):**

<b><u>FIRM (SBE):</u></b>	<b><u>SCOPE</u></b>	<b><u>AMOUNT</u></b>	<b><u>% of CONTRACT</u></b>
Saabs Construction Company, Inc.	Masonry	\$ 46,000.00	2.32 %
Above The Rim Plumbing, LLC	Plumbing – Site Utilities	\$ 35,600.00	1.80 %
Absolute Designs Countertops & Tile, Inc.	Granite Pavers	\$ 20,535.00	1.04 %
<b>TOTAL</b>		<b>\$ 102,135.00</b>	<b>5.16 %</b>

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's "Play or Pay" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

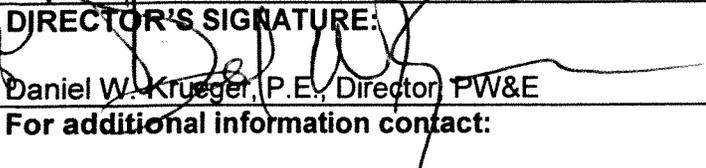
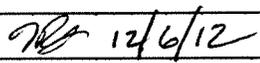
**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's "Hire Houston First" Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

SM:JLN:RAV:LJ:DE:de

c: Marta Crinejo, Mark Ross, Jacquelyn L. Nisby, Carlecia D. Wright, Luci Correa, Minnette Boesel, Calvin Curtis, Morris Scott, Chris Gonzales, Yuhayna McCoy, Gabriel Mussio, Martha Leyva, File 712

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve an Ordinance Authorizing a Lease Agreement with the Union Pacific Railroad Company for the Public Works and Engineering Department		Page — 1 of	Agenda Item # <b>34</b>
<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering		Origination Date 12/13/12	Agenda Date DEC 19 2012
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director, PW&E		Council District affected: 1 	
<b>For additional information contact:</b>  Mark McAvoy, Ex. Director, HPC, PW&E (832)394-9000		Date and identification of prior authorizing Council Action:	
<b>RECOMMENDATION: (Summary)</b> Approve an Ordinance authorizing a Lease Agreement with the Union Pacific Railroad Company in amount not to exceed \$109,900.00 for the Public Works & Engineering Department			
<b>Award Amount</b> \$109,900.00			
\$109,900.00 Building Inspection Fund - 2301		 12/6/12	
<b>SPECIFIC EXPLANATION:</b>  The Department of Public Works and Engineering recommends that Council approve an ordinance authorizing a lease agreement with the Union Pacific Railroad Company for an amount not to exceed \$109,915.00 and that authorization be given to issue a purchase order for the lease of customer parking for the Houston Permitting Center (HPC).  The Lease Agreement with Union Pacific Railroad Company is for the property adjacent to the HPC located at 1002 Washington Ave. The property consists of approximately 33,820 square feet of unimproved property immediately east of the HPC. The leased space will provide additional customer parking capacity of approximately 60 spaces. The HPC is a fully functioning service center that hosts up to 1,000 visitors daily. Currently, the visitor parking capacity is limited to 155 parking spaces on the HPC property and 50-60 metered spaces on Washington Avenue and Elder Street. The addition of parking capacity will ensure adequate spaces are available for customers and visitors throughout the business day.			
<b>LTS No. 2191</b>		<b>CUIC 20MCS07R</b> <span style="float: right;">NDT</span>	
Financial Department:	Other Authorization:  David Guernsey Assistant Director	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director	

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 15.4229 acres to Northwest Harris County Municipal Utility District No. 19 (Key Map No. 250-T, W, X; 290-A)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>35</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE</b> <i>Daniel W. Krueger, P.E.</i>	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 15.4229 acres of land to Northwest Harris County Municipal Utility District No. 19 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Northwest Harris County Municipal Utility District No. 19 has petitioned the City of Houston for consent to add 15.4229 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 West Rayford, Kuykendahl Road, Augusta Pines Drive and Gosling Road. The district desires to add 15.4229 acres, thus yielding a total of 1,051.1838 acres. The district is served by the Northwest Harris County Municipal Utility District No. 19 Wastewater Treatment Plant. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 19 is Willow Creek which flows into Cypress Creek which flows into Spring Creek and then into 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.

Attachments

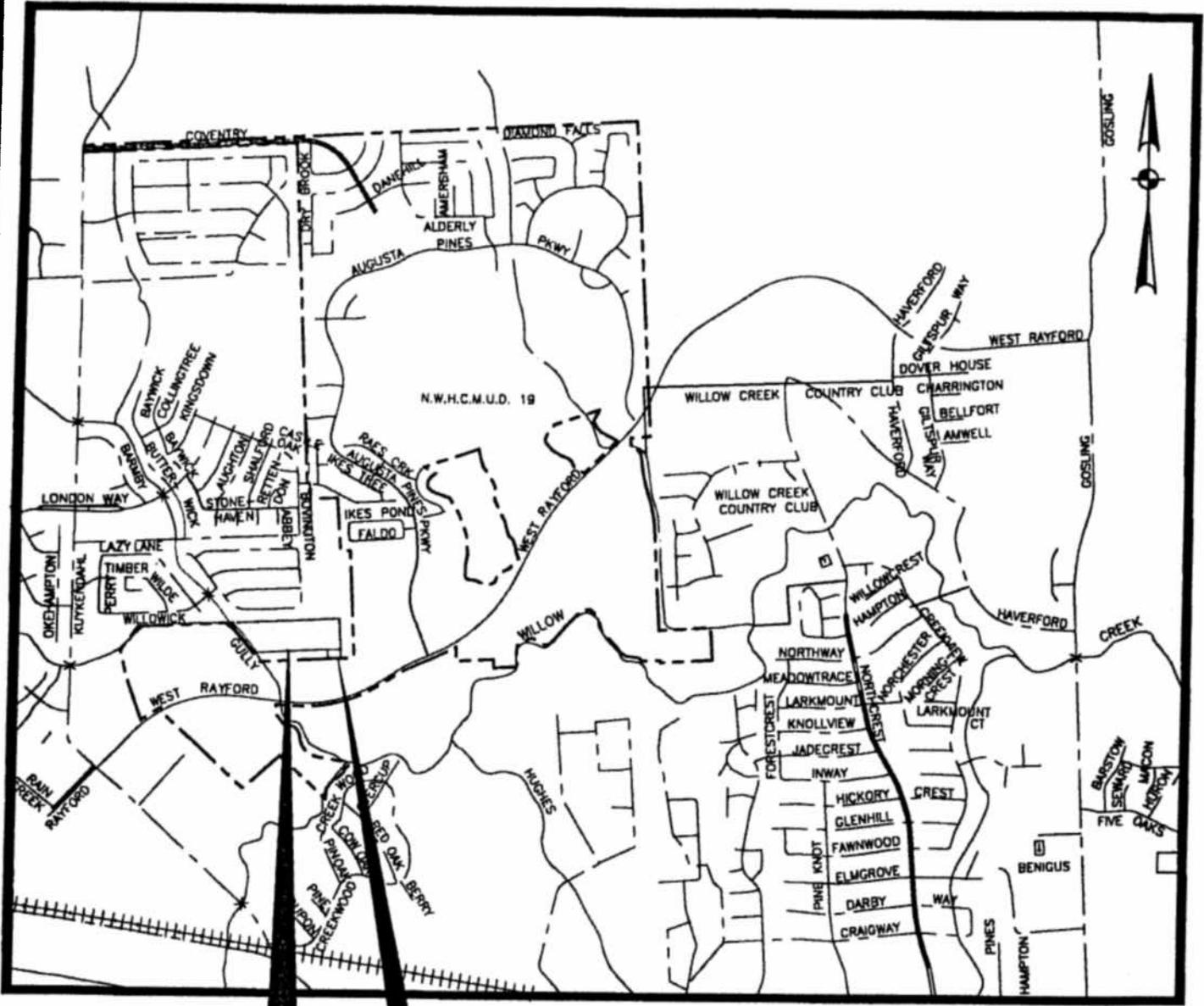
cc: Marta Crinejo    Marlene Gafrick    Jun Chang  
Bill Zrioka    Deborah McAbee

**REQUIRED AUTHORIZATION**      20UPA193

<b>Finance Department</b>	<b>Other Authorization:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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L:\3201\_NWHCMUD\_19\3201-00\_DISTRICT\CAD\EXHIBITS\6-4-12 ANNEXATION VICINITY MAP 3.DWG Oct. 25, 2012-12:01 PM CRYSTAL GOLDING

2



ANNEXATION TRACT  
14.80 ACRES

ANNEXATION TRACT  
0.6229 ACRES

VICINITY MAP

N.W.H.C.M.U.D. No.19



12121 Wickchester Lane  
Suite 200  
Houston, Texas 77079  
(713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487

DATE: JUNE, 2012 N.T.S.

20 UPA 193



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 15.4229 acres to Northwest H.C.M.U.D. No. 19 under the provisions of \_\_\_\_\_ Texas Water Code.

*[Signature]*  
Attorney for the District

**Attorney: Young & Brooks c/o: Ron Young**

Address: 10000 Memorial, Suite 260 Houston, Texas Zip: 77024 Phone: 713-951-0800

**Engineer: R.G. Miller Engineers, Inc.**

Address: 12121 Wickchester Lane, Suite 200 Houston, Texas Zip: 77079 Phone: 713-461-9600

**Owners: S.L. Swiedom, LLC**

Address: 6046 FM 2920 #512 Spring, Texas 77379 Zip: 77379 Phone: 281-376-1500

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

**LOCATION**

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Isaac Bunker and John C. Donnelly Abstract A-120 and A-233

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

North of: West Rayford Road East of: Kuykendahl Road  
South of: Augusta Pines Drive West of: Gosling Road

**WATER DISTRICT DATA**

Total Acreage of District: 1035.7609 Existing Plus Proposed Land 1051.1838 ✓

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

Single Family Residential 96 Multi-Family Residential \_\_\_\_\_  
Commercial 4 Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: NWHCMUD 19 WWTP No. 2

NPDES/TPDES Permit No: 14908001 TCEQ Permit No: 126152

# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.20

Ultimate Capacity (MGD): 0.90

Size of treatment plant site: 2.699 Ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.90 MGD.

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: Water Plant No. 1 & 2

Water Treatment Plant Address: 25703 Dry Brook & 7225 1/2 Sands Terrace, Spring

Well Permit No: 146969

### Existing Capacity:

Well(s): 2000

GPM

Booster Pump(s): 3250

GPM

Tank(s): 420000

MG

### Ultimate Capacity:

Well(s): 2000

GPM

Booster Pump(s): 3250

GPM

Tank(s): 420000

MG

Size of Treatment Plant Site: .4945 & 1.217

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of three (3) tracts of land totaling 17.3409 acres to Northwest Harris County Municipal Utility District No. 19 (Key Map No. 250-T, W, X; 290-A)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  36
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE</b> <i>Daniel W. Krueger, P.E.</i>	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 895-2705	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 17.3409 acres of land to Northwest Harris County Municipal Utility District No. 19 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Northwest Harris County Municipal Utility District No. 19 has petitioned the City of Houston for consent to add 17.3409 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 West Rayford, Kuykendahl Road, Augusta Pines Drive and Gosling Road. The district desires to add 17.3409 acres, thus yielding a total of 1,035.7609 acres. The district is served by the Northwest Harris County Municipal Utility District No. 19 Wastewater Treatment Plant. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 19 is Willow Creek which flows into Cypress Creek which flows into Spring Creek and then into 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.

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang  
Bill Zrioka Deborah McAbee

**REQUIRED AUTHORIZATION 20UPA192**

<b>Finance Department</b>	<b>Other Authorization:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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1

ANNEXATION TRACT  
16.11 ACRES

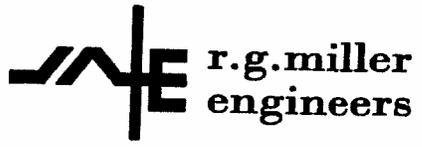


ANNEXATION TRACT  
1.044 ACRES

VICINITY MAP

N.W.H.C.M.U.D. No.19

ANNEXATION TRACT  
0.1869 ACRES



12121 Wickchester Lane  
Suite 200  
Houston, Texas 77079  
(713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487

DATE: JUNE, 2012 N.T.S.

20 UPA 192

L:\3201\_NWHCMUD\_19\3201-00\_DISTRICT\CAD\EXHIBITS\6-4-12 ANNEXATION VICINITY MAP 2.DWG Oct. 25, 2012 - 12:05 PM CRYSTAL GOLDING



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 17.3409 acres to Northwest H.C.M.U.D. No. 19 under the provisions of \_\_\_\_\_ Texas Water Code.

*[Signature]*  
Attorney for the District

Attorney: Young & Brooks c/o: Ron Young

Address: 10000 Memorial, Suite 260 Houston, Texas Zip: 77024 Phone: 713-951-0800

Engineer: R.G. Miller Engineers, Inc.

Address: 12121 Wickchester Lane, Suite 200 Houston, Texas Zip: 77079 Phone: 713-461-9600

Owners: Shadow Creek Estates, LTD.

Address: 6046 FM 2920 #512 Spring, Texas 77379 Zip: 77379 Phone: 281-376-1500

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

**LOCATION**

INSIDE CITY  OUTSIDE CITY   
Survey Isaac Bunker and John C. Donnelly

NAME OF COUNTY (S) Harris  
Abstract A-120 and A-233

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

North of: West Rayford Road East of: Kuykendahl Road ✓  
South of: Augusta Pines Drive West of: Gosling Road

**WATER DISTRICT DATA**

Total Acreage of District: 1018.42 Existing Plus Proposed Land 1035.7609

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

Single Family Residential 100 Multi-Family Residential \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: NWHCMUD 19 WWTP No. 2

NPDES/TPDES Permit No: 14908001

TCEQ Permit No: 126152

# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.20

Ultimate Capacity (MGD): 0.90

Size of treatment plant site: 2.699 Ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.90 MGD.

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: Water Plant No. 1 & 2

Water Treatment Plant Address: 25703 Dry Brook & 7225 1/2 Sands Terrace, Spring

Well Permit No: 146969

### Existing Capacity:

Well(s): 2000

GPM

Booster Pump(s): 3250

GPM

Tank(s): 420000

MG

### Ultimate Capacity:

Well(s): 2000

GPM

Booster Pump(s): 3250

GPM

Tank(s): 420000

MG

Size of Treatment Plant Site: .4945 & 1.217

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 48.1450 acres to Porter Municipal Utility District (Key Map No. 296-J)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>37</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE</b> <i>Daniel W. Krueger, P.E.</i> Daniel W. Krueger, P.E.	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director      (832) 395-2705	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
  
The petition for the addition of 48.1450 acres of land to Porter Municipal Utility District be approved.

**Amount and Source of Funding:**  
  
NONE REQUIRED

**SPECIFIC EXPLANATION:**

Porter Municipal Utility District has petitioned the City of Houston for consent to add 48.1450 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 W. Hammond Street, Briar Berry Lane, FM 1314 and U.S. Hwy 59. The district desires to add 48.1450 acres, thus yielding a total of 3,941.2229 acres. The district is served by the Porter Municipal Utility District Sewage Treatment Plant. The other district served by this plant is Woodridge Municipal Utility District. The nearest major drainage facility for Porter Municipal Utility District is the San Jacinto River which flows into Lake Houston.

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

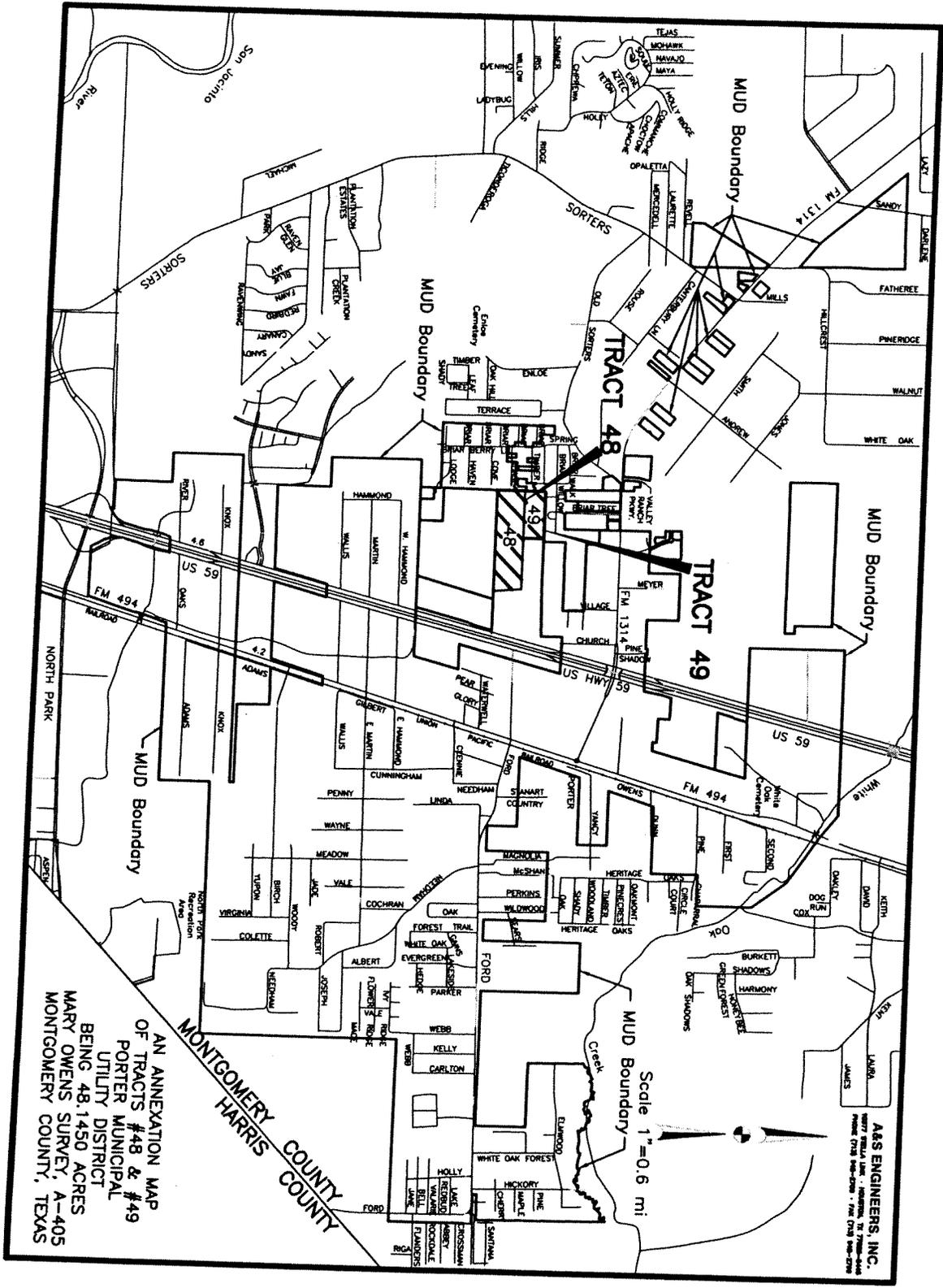
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

cc: Marta Crinejo    Marlene Gafrick    Jun Chang  
Bill Zrioka    Deborah McAbee

**REQUIRED AUTHORIZATION      20UPA194**

<b>Finance Department</b>	<b>Other Authorization:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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AN ANNEXATION MAP  
 OF TRACTS #48 & #49  
 PORTER MUNICIPAL  
 UTILITY DISTRICT  
 BEING 48.1450 ACRES  
 MARY OWENS SURVEY, A-405  
 MONTGOMERY COUNTY, TEXAS

AAS ENGINEERS, INC.  
 1100 WEST 17TH STREET, SUITE 100  
 FORT WORTH, TEXAS 76104  
 PHONE (817) 335-1100 FAX (817) 335-1101



received  
11/26/12

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 48.1450 acres to Porter M.U.D. under the provisions of Chapters 49 & 54 Texas Water Code.

*J. Ron Young*  
Attorney for the District

**Attorney: J. Ron Young, Young & Brooks**

Address: 10000 Memorial, Suite 260, Houston, Texas Zip: 77024 Phone: 713-951-0800

**Engineer: Gerald L. Gehman, P.E. - A & S Engineers, Inc.**

Address: 10377 Stella Link Rd., Houston, Texas Zip: 77025 Phone: 713-942-2700

**Owners: See attached page**

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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

**LOCATION**

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Montgomery  
Abstract # 405

Survey: Mary Owens

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

North of: W. Hammond Street

East of: Briar Berry Lane

South of: F.M. 1314

West of: U.S. Hwy. 59

**WATER DISTRICT DATA**

Total Acreage of District: 3893.0779

Existing Plus Proposed Land 3941.2229 ✓

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

Single Family Residential 100

Multi-Family Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Industrial \_\_\_\_\_

Institutional \_\_\_\_\_

Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Porter MUD Sewage Treatment Plant

NPDES/TPDES Permit No: TX0084042

TCEQ Permit No: 12242-001

# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1.60

Ultimate Capacity (MGD): 1.60

Size of treatment plant site: 13.18 square feet/acres.

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

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

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

Total permitted capacity: 1.60

MGD of (Regional Plant).

Name of District: Woodridge MUD

MGD Capacity Allocation 0.7245

or property owner(s)

Name of District: Porter MUD

MGD Capacity Allocation 0.8755

Water Treatment Plant Name: Porter Special Utility District

Water Treatment Plant Address: 22162 Water Well Road, Porter, Texas 77065

Well Permit No: 5 wells:

### Existing Capacity:

Well(s): 5,895 GPM

Booster Pump(s): 6,250 GPM

Tank(s): 1.500 MG

### Ultimate Capacity:

Well(s): 11,250 GPM

Booster Pump(s): 12,000 GPM

Tank(s): 3.35 MG

Size of Treatment Plant Site: 5 sites; 12.5 acres

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Water District Consent Application Form  
PORTER MUNICIPAL UTILITY DISTRICT  
Addition of 48.145 acres  
October 2012 Annexation  
Additional Sheet with List of Owners**

**Owners Mailing Address**

**Telephone #**

**34.3100 acre portion**

Lennar Homes of Texas, Ltd.  
550 Greens Parkway, Suite 100  
Houston, Texas 77067

281-874-8465

**13.8350 acre portion**

Konstantin Nikolaidis  
P.O. Box 734  
Porter, Texas 77365

281-354-1995

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 83.503 acres to NorthPointe Water Control Improvement District (Key Map No. 328-K)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  38
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E.	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
The petition for the addition of 83.503 acres of land to NorthPointe Water Control Improvement District be approved.

**Amount and Source of Funding:**  
NONE REQUIRED

**SPECIFIC EXPLANATION:**

NorthPointe Water Control Improvement District has petitioned the City of Houston for consent to add 83.503 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Spring Cypress Road, Telge, Boudreaux Road and SH-249. The district desires to add 83.503 acres, thus yielding a total of 1,808.560 acres. The district overlaps Harris County Municipal Utility District No. 282, which will provide water and sewer service to this tract. The District will provide storm water drainage only. The nearest major drainage facility for NorthPointe Water Control Improvement District is Faulkey Gully which flows to Cypress Creek which flows into Spring Creek then to the San Jacinto River and finally into Lake Houston.

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

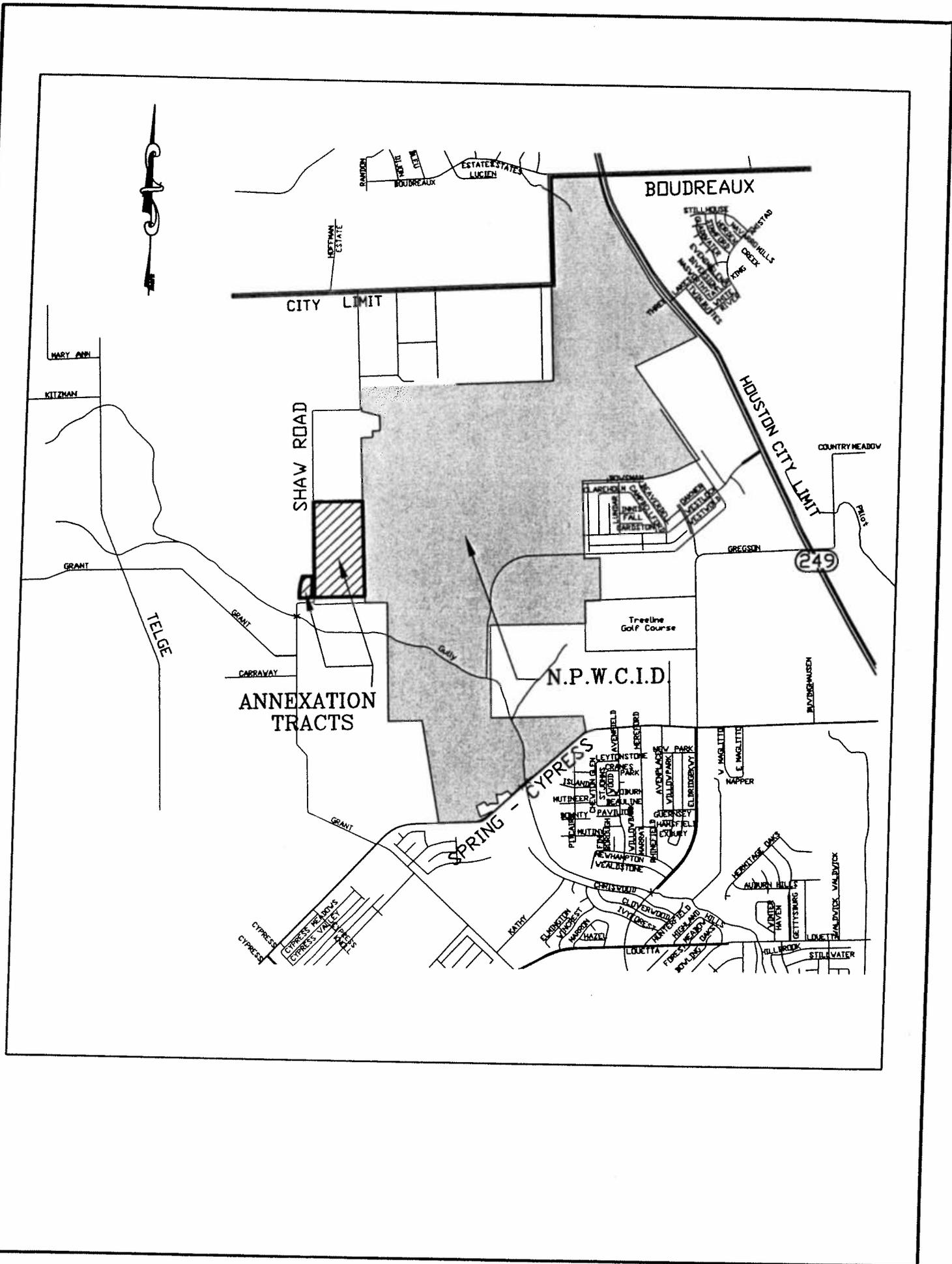
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

cc: Marta Crinejo Marlene Gafrick Jun Chang  
Bill Zrioka Deborah McAbee

**REQUIRED AUTHORIZATION 20UPA185**

<b>Finance Department</b>	<b>Other Authorization:</b> <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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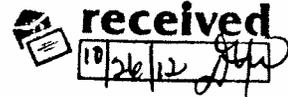




# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 83.503 acres to NorthPointe WC & ID under the provisions of Chapters 49 & 51 of the Texas Water Code.

*Abraham Rubinsky*

Attorney for the District

**Attorney:** Schwartz, Page & Harding, LLP

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, Texas

Zip: 77056

Phone: 713-623-4531

**Engineer:** Benchmark Engineering, Inc.

Address: 2401 Fountainview, Suite 500, Houston, Texas

Zip: 77057

Phone: 713-266-99

**Owners:** Lennar Homes of Texas Land and Construction, Ltd.

Address: 550 Greens Parkway, Ste. 100, Houston, TX

Zip: 77067

Phone: 281-874-2955

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris  
Abstract 721

Survey John Shaw

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

North of: Spring Cypress Rd. ✓

East of: Telge ✓

South of: Boudreaux Rd. ✓

West of: SH-249 ✓

### WATER DISTRICT DATA

Total Acreage of District: 1,725.057

Existing Plus Proposed Land 1,808.560

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

Single Family Residential 100%

Multi-Family Residential 0

Commercial 0

Industrial 0

Institutional 0

Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: N/A

NPDES/TPDES Permit No: N/A

TCEQ Permit No: N/A



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): N/A

Ultimate Capacity (MGD): N/A

Size of treatment plant site: N/A square feet/acres.

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

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: N/A

Water Treatment Plant Address: N/A

Well Permit No: N/A

### Existing Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

Tank(s): N/A

MG

### Ultimate Capacity:

Well(s): N/A

GPM

Booster Pump(s): N/A

GPM

Tank(s): N/A

MG

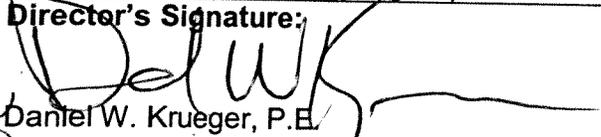
Size of Treatment Plant Site: N/A

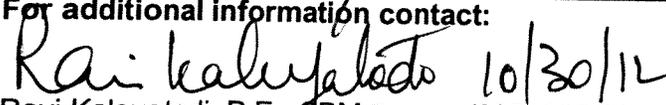
square feet/acres.

Comments or Additional Information: NorthPointe Water Control and Improvement District is an overlapping District that is responsible for storm water drainage only. Water supply and wastewater collection are not provided by the District.

<b>SUBJECT:</b> Professional Engineering Services Contract between the City and TEDSI Infrastructure Group, Inc. for Traffic Signal Management Program/Intelligent Transportation Systems. WBS No N-000650-0070-3	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  39
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<b>From: (Department or other point of origin):</b>  Public Works and Engineering Department	<b>Origination Date</b>  11/28/12	<b>Agenda Date</b>  DEC 19 2012
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<b>Director's Signature:</b>  Daniel W. Krueger, P.E.	<b>Council District affected:</b>  All <span style="float: right;">KH</span>
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<b>For additional information contact:</b>  Ravi Kaleyatodi 10/30/12 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**Recommendation: (Summary)**  
An ordinance approving a Professional Engineering Services Contract with TEDSI Infrastructure Group, Inc. and appropriate funds.

**Amount and Source of Funding:** \$500,000.00 from Fund 4040 – METRO Projects Construction DDSRF  
M.P. 11/7/2012

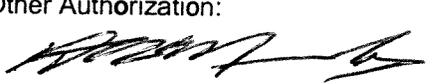
**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Street & Traffic Capital Improvement Program and is needed to improve substandard traffic signal intersections and enhance safety and traffic mobility.

**DESCRIPTION/SCOPE:** This is one of two (2) annually programmed work order contracts to rebuild traffic signals throughout the city at approximately 12-13 locations to be identified by the Traffic Operations Division. This contract consists of developing complete traffic signal plans, specifications and estimates for traffic signal construction. This project will improve the flow of traffic and reduce accidents at various locations.

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

**SCOPE OF CONTRACT AND FEE:** Under the scope of the Contract, the Consultant will perform a variety of services such as data collection, traffic analysis, signal warrant analysis, signal timing development, traffic signal designs, conceptual geometric designs, and construction documents for minor roadway geometric improvements. The term of this contract is two years with three one-year options.

**PROJECT COST:** The total cost of this project is \$500,000.00 to be appropriated as follows: \$434,783.00 for Contract services and \$65,217.00 for CIP Cost Recovery.

<b>LTS No. 3903</b> Finance Department	<b>CUIC No. 20KBH06</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date

SUBJECT: Professional Engineering Services Contract between the City and TEDSI Infrastructure Group, Inc. for Traffic Signal Management Program/Intelligent Transportation Systems.

Originator's Initials

Page 2 of 2

WBS No. N-000650-0070-3

**PAY OR PLAY PROGRAM:**

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

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

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Nathelyne A. Kennedy & Associates, LP	Engineering Services	\$34,783.00	8.0%
2. Midtown Engineers, LLC	Engineering Services	\$21,750.00	5.0%
3. Landtech, Inc.	Surveying Services	\$60,870.00	14.0%
<b>TOTAL</b>		<b>\$117,403.00</b>	<b>27.0%</b>

*Handwritten initials: DWK, DRM, RK, JK, KH, kh*

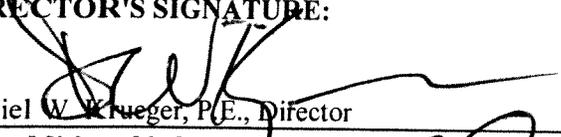
DWK:DRM:RK:JK:KH:kh

c: File No. N-000650-0070-3

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

**SUBJECT:** Professional Construction Management and Inspection Services Contract between the City of Houston and Sowell's Construction Management and Inspection, LLC for Traffic Signalization and Intersection Redesign; WBS No. N-000650-0073-4. **Page 1 of 1** **Agenda Item # 40**

**FROM, (Department or other point of origin):** Department of Public Works and Engineering **Origination Date** **Agenda Date DEC 19 2012**

**DIRECTOR'S SIGNATURE:**  **Council District affected:** All

**For additional information contact:** J. Timothy Lincoln, P.E., Senior Assistant Director **Date and identification of prior authorizing Council action:** N/A  
 Phone: (832) 395-2355

**RECOMMENDATION: (Summary)** Approve Professional Construction Management and Inspection Services Contract with Sowell's Construction Management and Inspection, LLC., and appropriate funds.

**Amount and Source of Funding:** \$12,000.00 from Metro Projects Construction Fund 4040. *M.P. 10/29/2012*

**PROJECT NOTICE/JUSTIFICATION:** This project is necessary to improve mobility and public safety by constructing traffic signals to allow enhanced interconnectivity and control.

**DESCRIPTION/SCOPE:** This Contract provides for Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with Traffic Signalization and Intersection Redesign projects.

**LOCATION:** The projects are located throughout the City of Houston.

**SCOPE OF CONTRACT AND FEE:** This contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

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

Project funding for construction management services will be appropriated with the construction contract award. The requested appropriation of \$12,000.00 will provide for limited pre-construction review and preparation as required.

**M/W/SBE PARTICIPATION:** Sowell's Construction Management and Inspection, LLC. has proposed the following firms to achieve the 24% M/W/SBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. AIA Engineers	Inspection/ Administrative Services	12%
2. Bradlink, LLC	Inspection/ Administrative Services	12%

DWK:DRM:JTL:SKF:ha

H:\E&C Construction\Facilities\CMs\SOWELLS CONSTRUCTION MANAGEMENT & INSPECTION\RCA\RCA.DOC File No. Admin – SCMI, LLC.

**LTS No. 3949** **REQUIRED AUTHORIZATION** 20HA197

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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*NOT*

*26*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Pre-Engineering Contract between the City of Houston and Omega Engineers, Inc. for Negotiated Work Orders for Pre-Engineering of Thoroughfare Improvements. WBS No. N-000100-0005-3

Page 1 of 2

Agenda Item #

41

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

Department of Public Works and Engineering

**Origination Date**

12/13/12

**Agenda Date**

DEC 19 2012

**DIRECTOR'S SIGNATURE:**

Daniel W. Krueger, P.E., Director

**Council District affected:**

All

UKC  
UKC

**For additional information contact:**

Carol Ellinger Haddock, P.E.  
Senior Assistant Director

Phone: (832) 395-2686

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

UKC

**RECOMMENDATION: (Summary)**

It is recommended that City Council pass an Ordinance authorizing a Pre-Engineering Contract between the City of Houston and Omega Engineers, Inc. and appropriate funds.

**Amount and Source of Funding:**

\$750,000 from Fund 4040 - METRO Projects Construction DDSRF

M.P. 12/4/2012

**PROJECT NOTICE/JUSTIFICATION:** This contract is to perform pre-engineering of street, drainage and paving improvements. Developing specific detailed projects to address the identified highest needs will provide candidate projects with both costs and benefits defined for citywide comparison and ranking for implementation.

**DESCRIPTION/SCOPE:** This project is part of the Street, Drainage and Paving Capital Improvement Plan (CIP) and is required to provide professional engineering services to support development of candidate projects for programming in future years. Pre-Engineering is performed, to investigate, verify, and define paving and drainage construction/reconstruction projects for thoroughfare improvements.

**LOCATION:** The project location and limits will be established by the work order.

**SCOPE OF CONTRACT AND FEE:** Under the scope of the contract, the Consultant will perform Pre-Engineering Design Services and Additional Services as defined by the work order. This Pre-Engineering contract is for \$750,000.00. Pre-Engineering Design Services and Additional Services fees will be negotiated on a reimbursable basis with a not-to-exceed agreed upon amount based on the scope of the work order.

**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.

**REQUIRED AUTHORIZATION**

CUIC # 20IPB045

Finance Department

**Other Authorization:**

**Other Authorization:**

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

Deputy Director

Planning and Development Services Division

MOX

<b>Date</b>	<b>SUBJECT:</b> Pre-Engineering Contract between the City of Houston and Omega Engineers, Inc. for Negotiated Work Orders for Pre-Engineering of Thoroughfare Improvements. WBS No. N-000100-0005-3	<b>Originator's Initials</b> <i>JVL</i>	<b>Page</b> <b><u>2</u> of <u>2</u></b>
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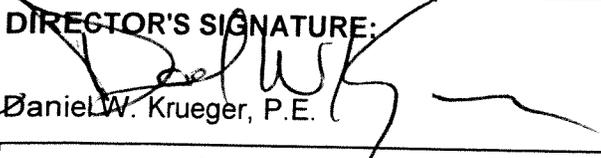
**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve the goal.

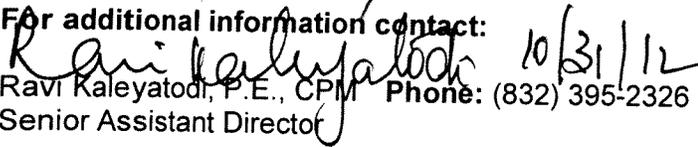
<b><u>Name of Firms</u></b>	<b><u>Work Description</u></b>	<b><u>Amount</u></b>	<b><u>% of Contract</u></b>
1. Western Group Consultant	Surveying	\$ 75,000.00	10%
2. Aviles Engineering Corporation	Geotechnical Services	\$ 37,500.00	5%
3. Progressive Consulting Engineers, PLLC	Traffic Engineering Services	\$ 37,500.00	5%
4. P&D Professional Services, Inc.	Hydrology & Hydraulics Services	\$ 37,500.00	5%
5. Berg-Oliver Associates, Inc.	Environmental Consulting	\$ 37,500.00	5%
<b>TOTAL</b>		<b>\$225,000.00</b>	<b>30%</b>

*JVL* *JAR*  
c: MLC:CEH:JAR:eb

<b>SUBJECT:</b> Third Amendment to Professional Engineering Services Contract between the City and LBG-Guyton Associates for Engineering Services associated with the Rehabilitation of Water Wells at various locations. WBS No. S-000200-0016-3		Page 1 of 2	Agenda Item # <b>42</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 12/13/12	<b>Agenda Date</b> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E.	<b>Council District affected:</b> A & K
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<b>For additional information contact:</b> <i>sup</i>  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> Ordinance Number 2008-0086, January 30, 2008 Ordinance Number 2009-0784, August 26, 2009 Ordinance Number 2012-0291, April 11, 2012
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**RECOMMENDATION: (Summary)**  
Approve third amendment to Professional Engineering Services Contract with LBG-Guyton Associates and appropriate additional funds.

**Amount and Source of Funding:** \$592,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. Original (previous) appropriation and subsequent additional appropriations of \$750,100.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 *U.P. 10/31/2012*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's program to upgrade and rehabilitate Groundwater Production Facilities. It will meet the area's water demands and also ensure compliance with the Texas Commission on Environmental Quality regulations.

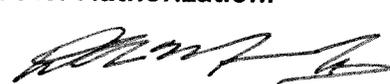
**DESCRIPTION/SCOPE:** This project consists of replacing three water wells.

**LOCATION:** This project is located as follows:

<u>FACILITY</u>	<u>ADDRESS</u>	<u>KEY MAP GRID</u>	<u>COUNCIL DISTRICT</u>
Sims Bayou Area Well No.1	13840 Croquet	571P	K
Sims Bayou Area Well No.5	12434 Settemont	570L	K
Park Ten Area Well No.1	1300 Langham Creek	447Y	A

LTS No. 3908

CUIC ID # 20RS116

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang P.E. D.WRE Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering & Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Third Amendment to Professional Engineering Services Contract between the City and LBG-Guyton Associates for Engineering Services associated with the Rehabilitation of Water Wells at various locations. WBS No.S-000200-0016-3	 <b>Originator's Initials</b>	<b>Page</b>  <b>2 of 2</b>
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**PREVIOUS HISTORY AND SCOPE:** The City Council approved the original contract by Ordinance Number 2008-0086 on January 30, 2008. The scope of services under the original contract consisted of professional engineering services associated with the Rehabilitation of Water Wells. The first amendment was approved by Ordinance Number 2009-0784 on August 26, 2009 and the second amendment was approved by Ordinance Number 2012-0291 on April 11, 2012 in order to complete additional scope. Under the terms of the contract, the scope of services included: phase II-final design, phase III-construction phase services and additional services. The Director of Public Works & Engineering has determined the need to replace two (2) water wells at Sims Bayou and one (1) at Park Ten areas to increase water production and to improve the reliability to meet future demands.

**SCOPE OF AMENDMENT AND FEE:** This amendment provides for the assignment of replacing two (2) water wells at Sims Bayou and one (1) at the Park Ten areas to meet the area's water demands. Under the terms of this contract, the consultant will perform phase I - preliminary design, phase II - final design and phase III - construction phase services and additional services for the additional projects with this additional appropriation. The basic services fees for phase II and phase III are negotiated on a lump sum basis after the completion of phase I. The negotiated maximum for phase I basic services is \$41,776.00. The total basic services appropriation is \$335,058.00.

The contract also includes certain additional services to be paid either as lump sum or on a reimbursable basis. The additional services includes well siting study, topographic survey, environmental site assessment, wellhead protection study and well sanitary control easement survey. The total additional services appropriation is \$179,200.00.

The total cost of this project is \$592,000.00 to be appropriated as follows: \$514,258.00 for contract services and \$77,742.00 for CIP Cost Recovery.

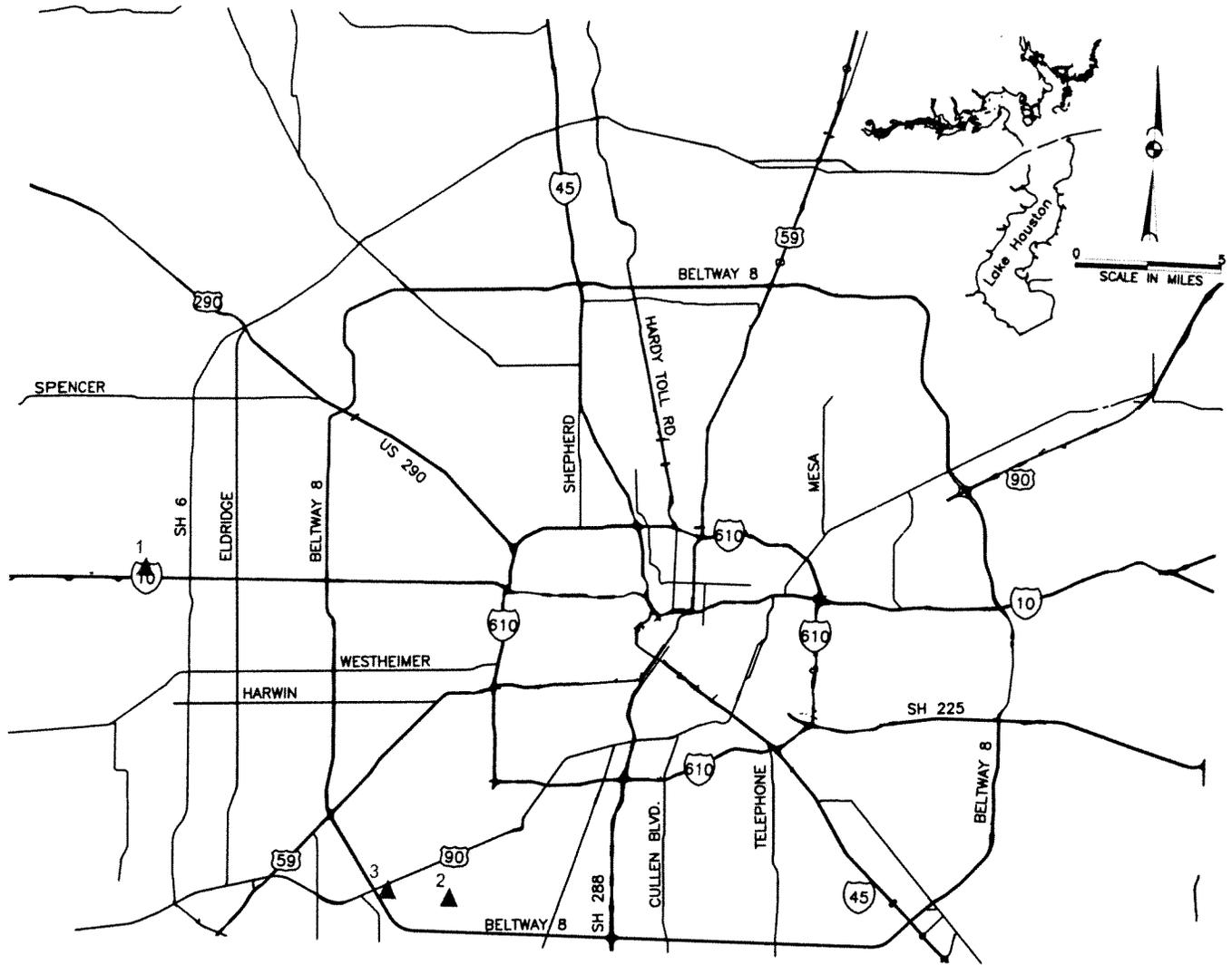
**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of city contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24%. The original contract and subsequent additional appropriations totals \$668,669.00. The engineer has been paid \$609,165.73 (91.10%) to date. Of this amount, \$164,457.94 (27%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$1,182,927.00. The engineer proposes the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Prior Work		\$164,457.94	13.90%
1. Ambiee Engineers, Inc.	Design Support Services	\$47,200.00	3.99%
2. B & E Reprographics, Inc.	Reproduction	\$2,400.00	0.20%
3. Rahaman and Associates, Inc., DBA Western Group Consultants	Design Support Services	\$79,000.00	6.68%
<b>TOTAL</b>		<b>\$293,057.94</b>	<b>24.77%</b>

  
 DWK:DRM:RK:HH:SD:RS:jl  
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File No. S-000200-0016-3



▲ PROJECT SITE

INDEX OF WELLS					
W#	WELL NAME	ADDRESS	KEY MAP	COUNCIL DISTRICT	COUNCIL MEMBER
1	PARK TEN WELL 1A	1300 LANGHAM CREEK	447Y	A	MIKE SULLIVAN
2	SIMS BAYOU WELL 1A	13840 CROQUET	571P	K	MIKE SULLIVAN
3	SIMS BAYOU WELL 5A	12434 SETTEMONT	570L	K	JERRY DAVIS

LOCATION MAP  
WATER WELL LOCATIONS

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Motion establishing a date for a public hearing on the granting of a pipeline easement at Lake Houston Wilderness Park

Category #

Page 1 of 1

Agenda Item **43**

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

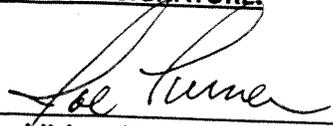
Houston Parks and Recreation Department

**Origination Date:**  
December 11, 2012

**Agenda Date**  
DEC 19 2012

**DIRECTOR'S SIGNATURE:**

*msg*



Joe Turner, Director

**Council District(s) affected:** E

**For additional information contact:**

Luci Correa, 832-395-7057  
Mary Buzak, 832-393-6318

**Date and Identification of prior authorizing Council Action:** Not applicable

**RECOMMENDATION: (Summary):** Approve a Motion establishing a date for a public hearing on the granting of a pipeline easement at Lake Houston Wilderness Park to Texas Express Pipeline LLC.

*HEARING 9AM - 1-16-13*

**Amount of Funding:** No funding

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department proposes to authorize the granting of an easement to Texas Express Pipeline LLC to construct, operate and maintain a 24" diameter liquid hydrocarbons pipeline across Lake Houston Wilderness Park.

In 2006, Texas Parks and Wildlife Department (TPWD) transferred the approximately 4,800-acre tract then known as Lake Houston State Park to the City of Houston Parks and Recreation Department for development and operation. The deed contained restrictions prohibiting any industrial use of the property. Texas Express Pipeline Company LLC has requested an easement from the City of Houston to install a 24" diameter liquid hydrocarbons pipeline across this property. A modification of the deed from TPWD to the City of Houston is necessary prior to the issuance of the requested easement. The City has requested that TPWD grant the required deed modification. TPWD staff has worked with the City and with Texas Express Pipeline Company to determine that there is no reasonable and prudent alternative to the proposed pipeline route, and to minimize impacts to natural and cultural resources. The deed modification is scheduled for TPWD Commission approval on January 24, 2013. Texas Parks and Wildlife code Chapter 26 requires three public notices and a public hearing. Notices will be posted in the Houston Chronicle on December 24, 2012, December 31, 2012 and January 7, 2013.

Project information will be presented at City Council Quality of Life Committee meeting on December 17, 2012. After the public hearing, Council action will be required to approve the easement. The target date for this item to be on agenda is January 30, 2013.

Proposed date of the public hearing is Wednesday, January 16, 2013 at 9:00 a.m.

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

*msg*

*112*

44

DEC 19 2012

MOTION NO. 2012

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for approval of final contract amount and acceptance of work on contract with Angel Brothers Enterprises, Ltd., for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2010 (675) ES, etc., WBS No. N-001037-0057-4, be adopted, and the final contract amount of \$5,392,363.11 is hereby approved by the City Council and the work be accepted and final payment is hereby authorized.

Seconded by Council Member Pennington

On 12/12/2012 the above motion was tagged by Council Member Davis.

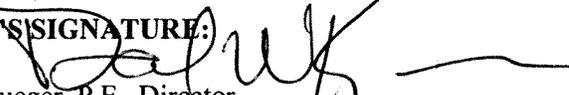
mla

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2010 (675) ES, Etc.; WBS No. N-001037-0057-4, TxDOT CCSJ 0912-70-022.	Page 1 of 2	Agenda Item # <b>44</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 12/6/12	<b>Agenda Date</b> <del>DEC 12 2012</del>
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> <i>DEC 18 2012 RJM</i> (A, B, C, D, F, G, H, I) A, B, C, F, G, H, I, J
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone:</b> (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b> Ord. #2010-0070 dated: 01/27/2010 Ord. #2010-0853 dated: 11/03/2010 Ord.# 2011-0024 dated: 01/05/2011
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**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$5,392,363.11 or 0.002% over the original Contract Amount and under the 5% contingency amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$6,421,097.00 with \$5,369,074.96 from American Recovery and Reinvestment Act (ARRA) Fund 5300 and \$1,052,022.04 from Street and Bridge Consolidated Construction Fund No. 4506.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City Wide Overlay Program and was required to improve and maintain a safe road surface and accessibility.

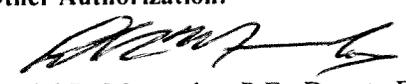
**PREVIOUS HISTORY:** On January 27, 2010, Ordinance No. 2010-0070 approved an Advance Funding Agreement that included the appropriation of \$385,000.00 to prepare plans and specs to TxDOT standards and bid the project(s). On November 3, 2010, Ordinance No. 2010-0853 approved the First Amendment to the Advance Funding Agreement which included updates to the original Attachment E with additional reimbursement to the project budget for some of the streets.

**DESCRIPTION/SCOPE:** This project consisted of the construction of base repair of flexible and rigid pavements, construction of approximately 3.0 inches of hot mix asphaltic concrete pavement, panel replacement, curb repair, striping, and curb ramps. The project was designed in-house by the Engineering Branch staff with 365 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises, Ltd. with an original Contract Amount of \$5,392,258.10.

**LOCATION:** The streets included in the ARRA – Local Rehabilitation Projects are listed below:

No.	Street	Limit	Key Map Grid	District
1.	Antoine	US 290 to IH 10	451L, P, T, X; 491B	A
2.	Liberty	Lockwood to Waco Street/ Altoona	494C, B	B
3.	Aldine Westfield	Beltway 8 to Little York Road	373V, Z; 413 D, H, M R, V	B, H
4.	Weslayan	San Felipe to US 59	492N, S, W	C, G
5.	West Dallas	Shepherd to Montrose Boulevard	492R; 493N	C
6.	Beechnut	Beltway 8 to US 59	529R, M; 530J, K	J
7.	Harwin	Beltway 8 to US 59	529D; 530A, B, C, D; 531A	F, J
8.	Shepherd/Durham	Memorial Drive to IH 10	492M, H	C
9.	Yale	IH 610 to IH 10	452R, V, Z; 492D, H	C
10.	Navigation	Lockwood Drive to 77 <sup>th</sup>	494P, q, v; 495S, W	H, I
11.	Broadway	Power Street to IH 610	535F, K	I

**REQUIRED AUTHORIZATION** 20HA198

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2010 (675) ES, Etc.; WBS No. N-001037-0057-4, TxDOT CCSJ 0912-70-022.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**CONTRACT COMPLETION AND COST:** The Contractor, Angel Brothers Enterprises, Ltd., has completed the work under the subject Contract. The project was completed with an additional 123 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities is \$5,392,363.11, an increase of \$105.01 or 0.002% over the original Contract Amount.

The increased cost is a result of the difference between planned and measured quantities. This increase is primarily the result of overrun in various base unit price items, which were necessary to complete the project.

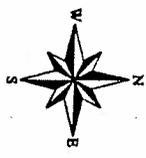
**DBE PARTICIPATION:** The DBE goal established for this project was 18%. Under the Memorandum of Understanding between City of Houston and Texas Department of Transportation, the City was responsible for project monitoring of DBE compliance. According to Mayor's Office of Business Opportunity, the participation was 16.91%. Contractor's DBE performance evaluation was rated Satisfactory.

  
DWK:DRM:JTL:RJM:DO:ha

H:\E&C Construction\North Sector\PROJECT FOLDER\N-001037-0057-4 (ARRA No. 1)\21.0 Close-out\RCA\RCA - Closeout.doc

# City of Houston ARRA Project Candidates

#	Street Name	CSJ Number
1	Harwin	CSJ 0912-70-022
2	Antoine	CSJ 0912-70-023
3	Shepherd	CSJ 0912-70-024
4	Liberty	CSJ 0912-70-025
5	Weslayan	CSJ 0912-70-026
6	W. Dallas	CSJ 0912-70-027
7	Aldine Westfield	CSJ 0912-70-028
8	Beechnut	CSJ 0912-70-030
9	Yale	CSJ 0912-70-031
10	Broadway	CSJ 0912-70-032
11	Navigation	CSJ 0912-70-034



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





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

**PROJECT STREET LIST**

Project Name : Angel Brothers Enterprises Inc. Project No. : N-001037-0057-4  
 Contractor : Angel Brothers Enterprises Inc. Contract No. : 4600010585

Street	From Street	To Street	KEY MAP	Council District	Start Date	Comp Date	Status	Comments
ALDINE WESTFIELD	BELTWAY 8	LITTLE YORK ROAD	373V, Z, 413D, H,M,R, V	B	4/4/11	6/23/11	COMPLETE	
ANTOINE	US 290	IH 10	451L, P,T,X,491B, H,M,R, V	A	6/6/11	6/24/11	COMPLETE	
BEECHNUT	BELTWAY 8	US 59	529R, M, 530J, K	J	6/9/11	8/11/11	COMPLETE	
BROADWAY	POWER STREET	IH 610	535F, K	I	11/4/11	10/28/11	COMPLETE	
HARWIN	BELTWAY 8	US 59	529D, 530A, B, C, D, 531A	F, J	4/6/11	6/8/11	COMPLETE	
LIBERTY	LOCKWOOD	WACO STREET	494C, B	B	6/20/11	5/9/12	COMPLETE	
NAVIGATION	LOCKWOOD	77TH STREET	494P, Q, V, 495S, W	H, I	5/23/11	8/26/11	COMPLETE	
SHEPHERD/DURHAM	MEMORIAL DRIVE	IH 10	492M, H	C	11/18/11	4/30/12	COMPLETE	
WESTAYAN	SAN FELIPE	US 59	492N, S, W	C, G	9/12/11	10/18/11	COMPLETE	
WEST DALLAS	SHEPHERD	MONTROSE BLVD	492R, 493N	C	11/22/11	1/4/12	COMPLETE	
YALE	IH 610	IH 10	452R, V, Z, 492D, H	C	1/3/12	2/8/12	COMPLETE	

45  
DEC 19 2012

MOTION NO. 2012

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for approval of final contract amount and acceptance of work on contract with McKinney Construction, Inc., for Water Line Replacement in Riverwood Estates & John Alber Areas, WBS No. S-000035-0108-4, be adopted, and the final contract amount of \$1,889,172.50 is hereby approved by the City Council and the work be accepted and final payment is hereby authorized.

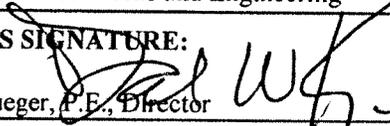
Seconded by Council Member Bradford

On 12/12/2012 the above motion was tagged by Council Member Davis.

mla

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Riverwood Estates & John Alber Areas; WBS No. S-000035-0108-4.	Page 1 of 2	Agenda Item # <b>45-8</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 12/6/12	<b>Agenda Date</b> <del>DEC 12 2012</del>
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> B (B)	DEC 19 2012
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355	<b>Date and identification of prior authorizing Council action:</b>  Ord. # 2011-0778 dated: 09/07/2011	

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$1,889,172.50 or 0.04% under the original Contract Amount, accept the work and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$2,181,670.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Line Replacement Program. This program was required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

**DESCRIPTION/SCOPE:** This project consisted of the construction of approximately 33,170 linear feet of water lines with related appurtenances in the Riverwood Estates & John Alber Areas. Texas American Engineering designed the project with 315 calendar days allowed for construction. The project was awarded to McKinney Construction, Inc. with an original Contract Amount of \$1,889,885.00.

**LOCATION:** The project is located in four areas:

No.	Bounded By	Key Map Grid	Council District
Area 1.	E. Canino on the north, E. Little York on the south, Meadowshire on the east and Meadowview on the west.	412V, 413S	B
Area 2.	E. Canino on the north, E. Little York on the south, Art on the east and Airline on the west.	413T, U	B
Area 3.	Hollow Oaks on the north, Winfield on the south, Sanlucia River on the east and Swan River on the west	415E, J	B
Area 4.	Heath on the north, Leedale on the south, Spottswood on the east and Lera on the west.	415N, S	B

**CONTRACT COMPLETION AND COST:** The Contractor, McKinney Construction, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,889,172.50, a decrease of \$712.50 or 0.04% under the original Contract Amount.

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

<b>REQUIRED AUTHORIZATION</b>		20HA200 <i>not</i>
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

Date	SUBJECT: Accept Work for Water Line Replacement in Riverwood Estates & John Alber Areas; WBS No. S-000035-0108-4.	Originator's Initials	Page 2 of 2
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**MBE/SBE PARTICIPATION:** The MBE/SBE goal established for this project was 20%. According to Mayor's Office of Business Opportunity, the participation was 23.61%. Contractor's MBE/SBE performance evaluation was rated Outstanding.



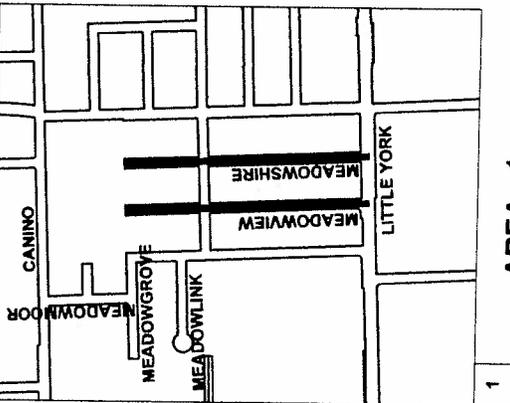
DWK:DRM:JTL:RJM:JCA:ha

H:\E&C Construction\North Sector\PROJECT FOLDER\S-000035-0108-4 Riverwood Estates & John Alber\closeout\RCA\RCA - Closeout.doc

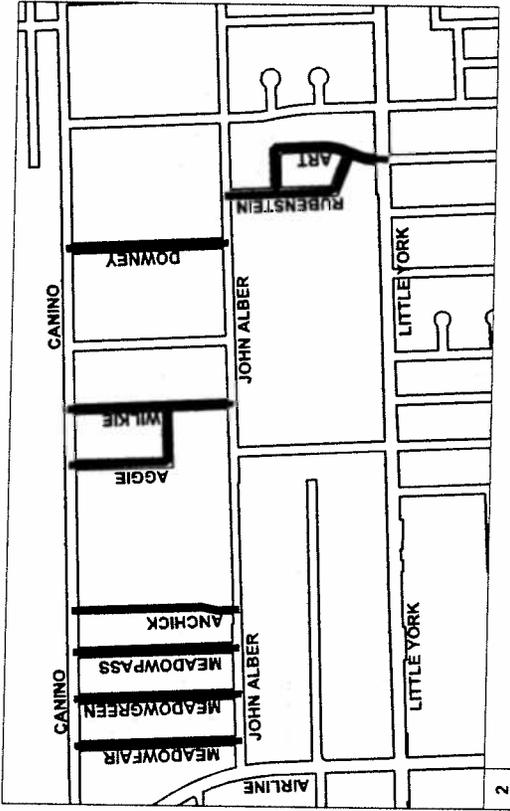
**Water Main Replacement in Riverwood Estates Area**  
**WBS No.: S-000035-0108-3**

STREET	START	END	Address	Existing Water Line	Proposed Water Line	Length (feet)
Winfield	Frazier River	San Lucia River	6400-6899	2	12	2,300
Grey Oaks	Swan River	Clear River	6100-6299	2	8	1,000
Grey Oaks	Frazier River	River Trails	6400-6599	2	8	930
Grey Oaks	Blue River	San Lucia River	6700-6899	2	8	1,050
Standing Oaks	Swan River	Clear River	6100-6299	2	8	1,000
Bending Oaks	Swan River	Clear River	6100-6299	2	8	1,000
Bending Oaks	Frazier River	Hollow Oaks	6400-6526	2	8	1,080
Hollow Oaks Ln	Hollow Oaks	END	6400-6500	-	4	150
Hollow Oaks	Hollow Oaks	END	12400-12450	-	8	450
Swan River	Bending Oaks	River Trails	6500-6550	-	8	300
Clear River	Moss Oaks	Great Oaks	12200-12450	6	8	1,100
Great Oaks	Moss Oaks	Great Oaks	12200-12450	6	8	1,100
Meadowview	Swan River	Clear River	6100-6299	6	8	1,010
Meadowshire	Little York	END (North)	7500-7799	2	8	1,560
Meadowfair	Little York	END (North)	7500-7799	2	8	1,560
Meadowgreen	John Alber	Canino	11900-12099	2	8	1,050
Meadowpass	John Alber	Canino	11900-12099	2	8	1,050
Anchick	John Alber	Canino	11900-12099	2	8	1,050
Aggie	John Alber	Canino	11900-12099	2	8	1,050
Wilkie	Wilkie	Canino	11900-12099	2	8	930
Downey	John Alber	Canino	11900-12099	2	8	1,050
Rubenstein	John Alber	Canino	11900-12099	2	8	1,050
Art	John Alber	Art	11700-11899	2	8	940
Heath	Little York	Rubenstein	11700-11799	2	8	940
Hopper	Lera	Cheeves	6300-6499	2	8	850
Hanley	Lera	Cheeves	6300-6500	6	8	960
Mohawk	Lera	END (East)	6300-6599	2	8	1,560
Rosemary	Cheeves	Cheeves	6300-6499	2	8	970
Mardale	Cheeves	END (East)	6500-6599	2	8	510
Spottswood	Cheeves	END (East)	6500-6599	2	8	330
	Leedale	Mohawk	11000-11046	2	8	820
BLUE - Streets Added to Scope					<b>Total</b>	<b>30,700</b>

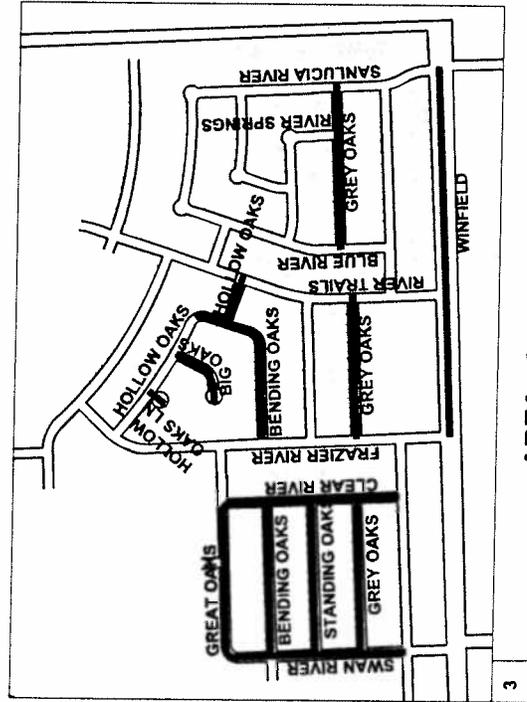
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING



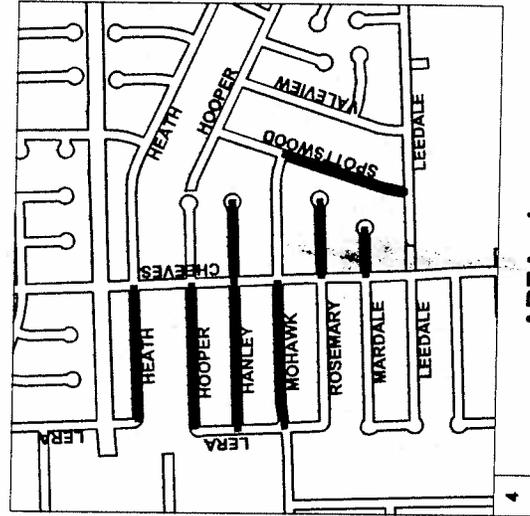
AREA - 1



AREA - 2



AREA - 3



AREA - 4



1 AREA - 1

KEY MAP NO.: 412 V & 413 S  
GIMS MAP NO.: 5362  
COUNCIL DISTRICT: B

2 AREA - 2

KEY MAP NO.: 413 T & U  
GIMS MAP NO.: 5362  
COUNCIL DISTRICT: B

3 AREA - 3

KEY MAP NO.: 415 E & J  
GIMS MAP NO.: 5563  
COUNCIL DISTRICT: B

4 AREA - 4

KEY MAP NO.: 415 N & S  
GIMS MAP NO.: 5562  
COUNCIL DISTRICT: B

PROJECT LOCATION MAP

WATER LINE REPLACEMENT IN  
RIVERWOOD ESTATES AND  
JOHN ALBER AREAS  
WBS NO.: S-000035-0108-3



Texas American Engineering  
10000 West Loop South, Suite 1000  
Houston, Texas 77042  
Phone (713) 865-1000 Fax (713) 865-1000

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreements with the law firms of Zuckert Scoutt & Rasenberger, LLP and Kaplan Kirsch & Rockwell, LLP to provide specialized aviation legal services for the benefit of the Houston Airport System.	Page 1 of 2	Agenda Item #
	46-47 39+40	

<b>FROM (Department or other point of origin):</b>  Legal Dept.	<b>Origination Date</b>	<b>Agenda Date</b>
	12/6/12	<del>DEC 12 2012</del> DEC 19 2012

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>  B,E, I
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<b>For additional information contact:</b> Randy Rivin Phone: 832-393-6428	<b>Date and identification of prior authorizing Council action:</b>  N/A
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**RECOMMENDATION: (Summary)**

Enact two ordinances approving and authorizing agreements for specialized aviation legal services by and between the City and (i) Zuckert Scoutt & Rasenberger, LLP and (ii) Kaplan Kirsch & Rockwell, LLP.

**Amount and Source of Funding:**

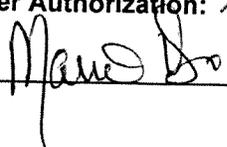
\$5,850,000 — HAS Revenue Fund (8001)

**SPECIFIC EXPLANATION:**

Over the last twelve years, the law firm of Zuckert Scoutt & Rasenberger, LLP ("ZSR") has represented the City on a wide array of aviation legal matters. ZSR's contract, however, expires in January of 2013 and rather than extend the contract, the Legal Department decided the upcoming expiration provided an opportunity to solicit qualifications from law firms known to have expertise in aviation matters. As such, in September of this year, an RFQ was issued to which five law firms responded, including ZSR and Kaplan Kirsch & Rockwell, LLP ("KKR"), the firm that provides the City with advice regarding the Southwest Airlines-Hobby international gates matter. An evaluation committee consisting of four lawyers from the Legal Department and the Director of Aviation reviewed the five submissions and selected ZSR and KKR as the firms to enter into contract negotiations. Those negotiations resulted in the contracts hereby presented to City Council for its consideration.

Material terms of the contracts include: (i) five year term; (ii) hourly rates with the City Attorney billing guidelines established in 2010, with no rate increase for two years and thereafter no annual rate increase unless rates are similarly increased for other clients; (iii) release of the City from liability which may occur as a result of ZSR's or KKR's performance; (iv) professional liability insurance coverage of \$1,000,000 per occurrence; and (v) City Attorney may terminate the contracts without cause upon 24 hours written notice.

REQUIRED AUTHORIZATION

<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Kae</i>	<b>Other Authorization:</b>
		

<b>Date</b>	<b>SUBJECT</b> Agreements with the law firms of Zuckert Scoutt & Rasenberger, LLP and Kaplan Kirsch & Rockwell, LLP to provide specialized aviation legal services for the benefit of the Houston Airport System	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Services that ZSR and KKR may perform in their representation of the Houston Airport System (HAS) include, but are not necessarily limited to:

- Consulting on interpretation and compliance with state and federal administrative and regulatory law; representing the City before regulatory agencies such as the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and the Transportation Security Administration (TSA), State Department, U.S. Congress, federal courts and other federal agencies concerning matters relating to the City's interest in aviation, air transportation, air routes, and airport matters; monitoring federal legislative developments affecting the City's aviation interests; consulting on FAA, DOT, and TSA orders, opinions, and rules.
- Advising the City Attorney's Office on the preparation of responses to specific inquiries and questions raised by the Director of Aviation in connection with aviation issues.
- Advising HAS on rates and charges, use and lease agreements, airport development, concessions, fueling, leasing, land use, noise, height hazard, security, safety, financing, revenue uses, grant compliance, Passenger Facility Charges, and any other airport related representation that may be assigned.

The breakdown of funding is as follows:

<u>ZSR</u>		<u>KKR</u>	
FY13	\$450,000	FY 13	\$400,000
<u>Out Years</u>	<u>\$4,000,000</u>	<u>Out Years</u>	<u>\$1,000,000</u>
Total	\$4,450,000	Total	\$1,400,000

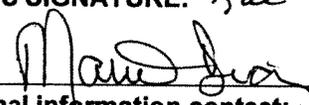
In light of the unique and highly specialized services provided by ZSR and KKR, the Office of Business Opportunity has waived the MWBE good faith goal.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract for Professional Aviation Consulting Services with InterVISTAS Consulting LLC for the Houston Airport System (HAS)	<b>Category #</b>	<b>Page of 2</b> 48	<b>Agenda Item</b> #3
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<b>FROM (Department or other point of origin):</b> Houston Airport System (HAS)	<b>Origination Date</b> 11/26/12	<b>Agenda Date</b> <del>DEC 12 2012</del> DEC 19 2012
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<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> 	<b>Council District affected:</b> B, E, I
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<b>For additional information contact:</b> Ian Wadsworth <i>INW</i> Phone: 281-233-1682 Arturo Machuca 281-233-1532	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> \$ 187,500 FY2013 \$1,687,500 Out Years \$1,875,000 Total – HAS Revenue Fund (8001) <i>KR JJ</i>	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance approving and authorizing a contract with InterVISTAS Consulting LLC to provide aviation consulting services for the Houston Airport System (HAS).

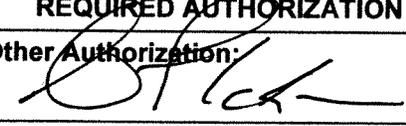
**SPECIFIC EXPLANATION:** A Request for Proposals (RFP) was issued on July 6, 2012 for professional aviation consulting services for the Houston Airport System (HAS). Two (2) firms submitted proposals: InterVISTAS Consulting LLC and Seabury Airline Planning Group, LLC. The evaluation committee, consisting of HAS personnel, evaluated and ranked both proposals based on expertise/experience/qualifications, organization/staffing, proposed strategy and operational plan, rate structure, and utilization of M/WBE vendors, and recommended the contract be awarded to best respondent InterVISTAS Consulting LLC.

This contract will support efforts by HAS to position HAS as a competitive global gateway to Houston and the United States. Professional aviation consulting services to be provided under this contract include development of business cases, forecasts, market analyses, customer profiles, traffic and route profitability analyses, and presentations to attract additional scheduled air-passenger and cargo service, both in the domestic and international markets. The contract will also provide economic impact studies related to air service and facility expansion. Additional consulting services related to air service development may be provided under this contract, as requested by the Director of Aviation.

**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor does not meet the requirements of Hire Houston First; no Hire Houston First firms were within five percent.

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

REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
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<b>Date</b>	<b>Subject:</b> Contract for Professional Aviation Consulting Services with InterVISTAS Consulting LLC for the Houston Airport System (HAS)	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**M/WBE PARTICIPATION:** The Minority/Women Business Enterprise goal for this agreement is twelve percent (12%), which will be met by the following firms:

<b>Firms</b>	<b>Type of Work</b>
Gilbreath Communications Inc.	Community Outreach
Spotlight Creative, LLC	Graphic Design
Urban Core Collaborative	Air Service Facility Planning

Due to the on-call nature of the work to be performed under this agreement, the amount of work required of the M/WBE firms listed will be defined as the contract progresses and exact scope of projects and services needed are identified.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Additional Appropriation for Construction Phase of Design Build Agreement with MICA Corporation for Exterior Way-Finding Roadway Signage at George Bush Intercontinental Airport/Houston (IAH) Project No. 684 (WBS# A-000597-0002-4-01-01; A-000597-0002-4-02-02 ; Contract No. 4600011557)	<b>Category #</b>	<b>Page</b>	<b>Agenda Item #</b>
		1 of 2	49

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> December 5, 2012	<b>Agenda Date</b> <del>DEC 12 2012</del>
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> B	<b>Agenda Date</b> DEC 19 2012
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<b>For additional information contact:</b> Lance Lytle Phone: 281-233-1889 Samar Mukopadhyay 281-233-1840	<b>Date and identification of prior authorizing Council action:</b> 05/16/2012 (O) 2012-472
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0597.02 \$ 2,182,000 HAS Consd2001NAMT (8202) CIP No. A-0597.02 \$16,448,000 HAS Arpt Improvement (8011) CIP No. A-0422.91 \$ 300,000 HAS Arpt Improvement (8011) Total \$18,930,000	<b>Prior appropriations:</b> 05/16/2012.....\$1,483,627.00 HAS Arpt Improvement (8011)
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**RECOMMENDATION: (Summary)** Enact an ordinance to approve an additional appropriation for the Design Build Agreement with MICA Corporation and appropriate the necessary funds to finance the cost of these services.

**LOCATION:** George Bush Intercontinental Airport/Houston (IAH)

**SPECIFIC EXPLANATION:** On May 16, 2012, Council approved a Design Build Agreement with MICA Corporation for Exterior Way-Finding Roadway Signage at George Bush Intercontinental Airport /Houston (IAH) and approved Phase I, Pre-Construction Phase Services. Phase I scope of services provided to date or in progress include: pre-construction assessment of existing signage and structures, pre-design services, schematic design phase, design development phase and construction documents.

It is now requested that Council approve an additional appropriation to provide Phase II, Guarantee Maximum Price (GMP) Construction Phase Services to include the following:

- Manufacture of steel sign structures;
- Manufacture of aluminum sign panels with sign faces of retro reflective sheeting;
- Installation of drilled shaft foundations;
- Erection of steel structures;
- Installation of sign panels;
- Removal of existing sign panels, structures, electrical, and partial foundations.

Construction term is 365 days. Construction documents provided by Kimley-Horn and Associates, Inc.

**ENGINEERING SERVICES TESTING:** Engineering testing services will be provided by HTS, Inc. under Contract No. 73359.

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
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<b>Date</b> December 5, 2012	<b>SUBJECT:</b> Additional Appropriation for Construction Phase of Design Build Agreement with MICA Corporation for Exterior Way-Finding Roadway Signage at George Bush Intercontinental Airport/Houston (IAH) Project No. 684 (WBS# A-000597-0002-4-01-01; A-000597-0002-4-02-02 ; Contract No. 4600011557)	<b>Originator's Initials</b> CM	<b>Page</b> 2 of 2
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**PAY OR PLAY:** The existing Agreement requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**HIRE HOUSTON FIRST:** Hire Houston First (HHF) Ordinance does not apply to this project, as the project was advertised before the enactment and implementation of HFF.

**PROJECT COST:** The total appropriation for Phase II Construction Services (GMP) is as follows:

\$ 17,000,000	Phase II Construction Services (GMP)
\$ 1,460,000	Construction Contingency 8.6%
\$ 170,000	Testing Services 1%
<u>\$ 300,000</u>	<u>Civic Art 1.75%</u>
\$ 18,930,000	TOTAL APPROPRIATION

**MWBE PARTICIPATION:** The Minority Woman Business Enterprise goal for the Phase II Construction Phase Services is ten percent (10%) and will be met by the following certified firms.

Firms	Type of Work	Amount	% of GMP
TAG Electric Company, LP	Electrical and Communications	\$ 664,617.00	3.9%
M & D Industries	Drilled Shaft Foundations	<u>\$1,176,050.00</u>	<u>6.9%</u>
	Total	\$1,840,667.00	10.8%

The Phase I MWBE goal is being met by the geotechnical survey firm. They are currently in the field performing their work but have not yet submitted an invoice. We expect to receive their invoice by or before February 2013 whereupon the entire MWBE goal will be met.

At the time of the first RCA, the signage was planned to be lighted, and for Phase II Construction, the Design Builder anticipated significant scope of work (\$2 million to \$3 million) for his MWBE electrical subcontractor for an MWBE goal greater than 10%. Due to cost cutting initiatives, the signage was changed from lighted to retro reflective. This reduces initial capital costs, ongoing maintenance costs (changing light bulbs), and ongoing electricity costs. This cost cutting initiative resulted in reduced MWBE contracting opportunities for the electrical subcontractor. The Design Builder is actively exploring additional MWBE contracting opportunities to exceed the 10% goal, specifically in the fields of ground surveying and demolition/disposal.