

City of Houston, Texas, Ordinance No. 2014-591

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PARKING BENEFIT DISTRICTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, on December 12, 2012, the Washington Avenue Corridor was designated as a pilot parking benefit district by the passage of Ordinance No. 2012-1097; and

WHEREAS, the designation of the pilot parking benefit district was for a period of time ending on the 180th day following the first anniversary of the effective date of Ordinance No. 2012-1097; and

WHEREAS, the purpose of the pilot period was to allow sufficient time to test the effectiveness of the parking benefit district in the Washington Avenue Corridor and to allow the director of the Administration and Regulatory Affairs Department ("ARA") and the Washington Corridor Advisory Committee (the "Committee") to make recommendations to the Mayor and City Council regarding the continuation, modification, or termination of the district at the end of the pilot period; and

WHEREAS, the pilot period has ended and the director of ARA and the Committee have made recommendations to the Mayor and City Council regarding the modification of the parking benefit district and have presented the recommendations to the Quality of Life Committee of the City Council; **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 part of this Ordinance.

Section 2. That Subsection (a) of Section 26-711 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) City council hereby designates the Washington Avenue Corridor as a parking benefit district for a period ending on the 180th day following the first anniversary of the effective date of its designation (December 12, 2012), provided that the parking benefit district shall

continue after the expiration of this period unless city council takes action to terminate the district."

Section 3. That the introductory paragraph of Subsection (a) of Section 26-713 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Within 10 days following the effective date of designation of a parking benefit district, the parking official shall mail written notice to:"

Section 4. That Section 26-714 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-714. Disposition of revenue.

(a) All fees and revenues generated from the use of parking meters in a parking benefit district and the issuance of permits under this article shall be allocated to the parking benefit district. All fees and revenues generated from the issuance of parking citations in a parking benefit district shall be allocated to the parking management special revenue fund.

(b) All the total combined fees and revenue of a parking benefit district and the parking management special revenue fund shall be first expended to defray the total administrative costs, signage, enforcement, debt service, and the installation, operation and maintenance of parking meters placed in service in a parking benefit district on or after the effective date of designation of the parking benefit district. The total administrative costs shall be shared and paid by a parking benefit district and from the parking management special revenue fund in proportion to the total combined fees and revenue generated by or deposited into each respectively for the previous year.

(c) Sixty percent of fees and revenues in excess of the total administrative costs shall be applied to the projects recommended by the advisory committee. The remaining funds shall be deposited in the parking management special revenue fund.

(d) The threshold amount of net revenue (the remaining total combined fees and revenue of a parking benefit district and the parking management special revenue fund after the total administrative costs are paid) that must be generated before a project may be initiated is \$100,000.

(e) Fees and revenue generated from a parking benefit district may be used in conjunction with other public funds or public-private partnership funds available for projects to benefit the district.

(f) In the event that a parking benefit district is terminated, any fees and revenues generated from the use of parking meters in the parking benefit district that have not been expended shall be transferred to the parking management special revenue fund."

Section 5. That Subsection (a) of Section 26-743 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Unless city council takes action to terminate a parking benefit district, regular members shall serve until the 180th day after the first anniversary of the effective date of designation of the parking benefit district and shall continue in office until their successors are appointed and qualified. As soon as practicable after the 180th day following the first anniversary of the effective date of designation of a parking benefit district, the mayor shall appoint or reappoint and city council shall confirm, regular members to serve on the committee for a term of two years."

Section 6. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. 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; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 11th day of June, 2014.

APPROVED this 11th day of June, 2014.

Annise D. Parker
Mayor of the City of Houston

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

City Secretary

jsc
DP

Prepared by Legal Dept.
CMG:asw 5/28/2014

Candice M. Gambrell
Senior Assistant City Attorney

Requested by Tina Paez, Director, Department of Administration and Regulatory Affairs
L.D. File No. 0371400071001

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JUN 17 2014