5-12-05
#17

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO HARLEM CAB COMPANY DOING BUSINESS AS AUSTIN CAB TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FRANCHISE GRANT.

The City Council grants a franchise to operate a taxicab business on the streets, alleys, and public ways in the City of Austin to Harlem Cab Company doing business as Austin Cab ("Franchise Holder") for a five-year period.

PART 2. FLEET SIZE.

The Franchise Holder must maintain an active fleet of at least 25 and not more than 139 taxicabs. The City Council may amend this taxicab allocation during the course of the franchise.

PART 3. COMPLIANCE WITH CITY CODE.

The Franchise Holder shall comply with the provisions of the City Code relating to ground transportation services and all amendments to those provisions during the period of the taxicab franchise.

PART 4. MAINTENANCE OF RECORDS.

The Franchise Holder shall maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab service business, and all revenues derived from the taxicab business.

PART 5. INSPECTION OF RECORDS.

The Franchise Holder shall permit the Public Works Department to inspect all records of this franchise in accordance with Section 13-2-306(D) (*Recordkeeping Requirements*) of the City Code.

PART 6. TAXICAB OWNERSHIP, LEASE, OR CONTROL.

The Franchise Holder shall own, lease, or contract for control of each taxicab used in the taxicab franchise.

PART 7. ANNUAL FRANCHISE PERMIT FEE.

The Franchise Holder shall pay an annual franchise permit fee of $400 for each vehicle authorized in this franchise to the City of Austin at the office of the Director of the Public Works Department. This fee may be amended by the City Council during the effective period of the franchise.

PART 8. SUSPENSION.

(A) The City Manager may suspend this franchise upon a determination that the Franchise Holder has:

(1) substantially breached the terms of this franchise;

(2) failed to comply with the provisions of the City Code relating to ground transportation services;

(3) become delinquent in the payment of any fees or charges required by law in connection, directly or indirectly, with the operation of the Franchise Holder's taxicab business;

(4) failed to comply with a correction order issued to the Franchise Holder within the time specified in the order; or

(5) intentionally or knowingly impeded the City Manager or a law enforcement agency in the performance of their duties.

(B) If the City Manager suspends this franchise, the Franchise Holder may submit a written request to the City Manager requesting reinstatement of the franchise, stating the grounds supporting a reinstatement. After receipt of a request for reinstatement, the City Manager shall inspect the suspended Franchise Holder's operation to determine if the Franchise Holder has corrected the deficiency that is the basis of the suspension. The City Manager may approve or deny reinstatement after the inspection.

(C) If the City Manager denies reinstatement of the franchise, the Franchise Holder may appeal the City Manager's decision to the City Council by filing a notice of appeal with the City Clerk not later than the 14th day after notice of the denial. The City Clerk shall place the appeal on the next City Council agenda.

PART 9. FORFEITURE.

(A) The franchise is subject to forfeiture if:

(1) the Franchise Holder is convicted of a violation of a provision of the City Code relating to ground transportation services during the period of the taxicab franchise;

(2) it is shown that the taxicab Franchise Holder has substantially breached the terms of this franchise; or

(3) the Franchise Holder fails to pay an outstanding final judgment against the Franchise Holder that arises out of circumstances related to ground transportation service.

(B) On receipt of a report from the City Manager that probable cause exists for the forfeiture of the franchise, the City Council shall hold a hearing, after a 30-day notice to the Franchise Holder, to determine if cause exists to cancel the franchise. If the City Council finds at the hearing that cause exists to cancel the franchise, it may cancel the franchise after the hearing.

PART 10. FRANCHISE ACCEPTANCE.

The Franchise Holder shall file its written acceptance of the terms of this ordinance with the City Clerk not later than the 60th day after the City Council's adoption of this ordinance.

PART 11. EFFECTIVE DATE.

This ordinance becomes effective on the 61st day after the City Council's adoption of this ordinance, unless the Franchise Holder fails to file its written acceptance of this ordinance as required by Part 10. If the Franchise Holder fails to file the written acceptance, this ordinance is void.

PART 12. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

§
§
_____, 2005 §

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk