

05 JUL -6 AM 9:23

Account Name: AUSTIN CITY OF CLERKS  
OFFICE

AUSTIN CITY OF CLERKS OFFICE  
PO BOX 1088  
AUSTIN, TX 78767

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,  
State of Texas, on this day personally appeared:

Frank Puckett

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published  
in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos,  
Burlleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales,  
Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington  
and Williamson Counties, who being duly sworn by me, states that the attached advertisement  
was published in said newspaper on the following date(s), to wit:

First Published: 6/24/2005

Last Published: 6/24/2005

Times Published: 1

Classification: Legal Notices (9980)

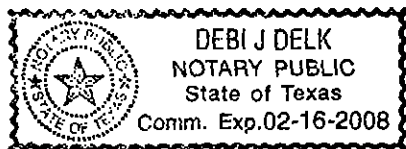
Lines: 185

Cost: \$986.20

and that the attached is a true copy of said advertisement.

Frank Puckett

SWORN AND SUBSCRIBED TO BEFORE ME, this the 24 day of June, 2005



Debi J Delk  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

cancel the franchise, it may  
PART 10. FRANCHISE  
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 31st day after the City  
Council's adoption of this ordi-  
nance, 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 its written  
acceptance, this ordinance takes  
effect on August 8, 2005.  
PART 12. This ordinance takes  
effect on August 8, 2005.  
June 9, 2005  
/s/Will Wynn, Mayor  
APPROVED:  
/s/David Alan Smith  
City Attorney  
ATTEST:  
/s/Shirley A. Brown  
City Clerk

ORDINANCE NO. 20050609-018  
AN ORDINANCE GRANTING A  
FRANCHISE TO HARLEM CAB  
COMPANY D/B/A AUSTIN CABS  
TO OPERATE A TAXICAB SER-  
VICE IN THE CITY OF AUSTIN  
FOR FIVE YEARS AND PRO-  
VIDING AN EFFECTIVE DATE.  
BE IT ORDAINED BY THE CITY  
COUNCIL OF THE CITY OF AUS-  
TIN:

**PART 1 FRANCHISE GRANT**

The City Council grants a fran-  
chise to operate a taxicab busi-  
ness on the streets, alleys, and  
public ways in the City of Austin  
to Harlem Cab Company doing  
business as Austin Cab ("Franchi-  
se Holder") for a five-year peri-  
od.

**PART 2 FLEET SIZE**

The Franchise Holder must main-  
tain 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 com-  
ply 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 main-  
tain complete records of all dis-  
patched calls, all expenses in-  
curred in connection with the  
operation of the taxicab service  
business, and all revenues de-  
rived from the taxicab business.

**PART 5 INSPECTION OF  
RECORDS**

The Franchise Holder shall permit  
the Public Works Department to  
inspect all records of this fran-  
chise in accordance with Section  
13.2.306(D) (Recordkeeping Re-  
quirements) 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 Direc-  
tor of the Public Works Depart-  
ment. 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 pro-  
vision 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