

AUSTIN CITY COUNCIL

AGENDA



Thursday, January 25, 2007

+ Back Print

Public Works RECOMMENDATION FOR COUNCIL ACTION

ITEM No 15

Subject Approve an ordinance amending Sections 13-2-302, 13-2-303(A), 13-2-304(A), 13-2-308(B), and 13-2-324(A) of the City Code relating to the maximum number of franchise permits that a franchise is eligible to receive

Additional Backup Material

(click to open)

- ☐ COMMISSION
RECOMMENDATION
- ☐ Draft Ordinance

For More Information Morris Poe 974-1562, Laura Bohl 974-7064

Boards and Commission Action Recommended by the Urban Transportation Commission

During the discussion regarding the proposed transfer of the Roy's Taxi franchise to Yellow Cab, City Council directed staff to prepare revisions to the City Code limiting a taxicab franchise from acquiring more than 60% of the taxicab franchise permits that the City of Austin may distribute

The materials accompanying this item for the proposed includes the proposed revisions to the City Code that would prevent the transfer of permits from one franchise to any other franchise that holds 60% or more of the City of Austin taxicab permits

In addition, a taxicab franchise with 60% or more of City of Austin taxicab permits will not be eligible to receive any additional permits that become available due to an increase in the factors that determine the number of taxicab permits. However, a franchise with 60% or more of the permits may obtain additional permits only if other existing franchises are either not eligible for or do not request available additional permits and no one applies for a new franchise

The Urban Transportation Commission considered the proposed ordinance on January 9, 2007 and recommended, on a vote of 6-0 with members absent, to accept the Code amendments strongly urging consideration being given to lowering the proposed franchise permit limitation from 60% to not more than 50%



MEMORANDUM

TO Mayor and Council

FROM Sondra Creighton, P E , Director
Public Works Department

DATE January 10, 2007

SUBJECT Urban Transportation Commission Recommendations

At the January 9, 2006 meeting of the Urban Transportation Commission, the following recommendations were made

1 Consider Recommendation for Awarding a New Taxicab Franchise – Motion passed 6-0

Motion The Urban Transportation Commission recommends to City Council that the franchise be awarded to Capital City Cab Company and ask City Council to proceed as expeditiously as possible

2 Amendment to Taxicab Franchise Regulations – Motion passed 6-0

Motion To accept the amendment to the ordinance and the Urban Transportation Commission strongly urges consideration being given to lowering the proposed franchise permit limitation from 60% to at least no more than 50%

3 City Procedures for Reporting Traffic Collisions - Motion passed 7-0

Motion The Urban Transportation Commission recommends that the Austin Police Department make all available crash data web accessible within the 2007 calendar year so that citizens and staff can investigate dangerous intersections and transportation safety issues more easily

4 Urban Transportation Commission Chair and Vice-chair Elections for 2007 – Both motions passed 7-0

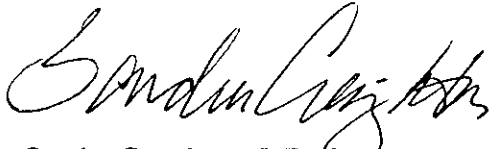
Motion Andrew Clements for Urban Transportation Commission Chair for 2007

Motion Andrew Bucknall for Urban Transportation Commission Vice-chair for 2007

Mayor and City Council Members
January 10, 2007
Page 2

If you have any questions, please contact me at 974-7175

Thank you,

A handwritten signature in black ink, appearing to read "Sondra Creighton". The signature is fluid and cursive, with the first name being more prominent.

Sondra Creighton, P E , Director
Public Works Department

SC rf

cc Toby Futrell, City Manager
Rudy Garza, Assistant City Manager
Gene Acuna, PIO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 13-2-302, 13-2-303(A), 13-2-304(A), 13-2-308(B), AND 13-2-324 (A) OF THE CITY CODE RELATING TO TAXICAB FRANCHISES AND FRANCHISE PERMITS.

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

PART 1. Section 13-2-302 (*City Council Approval Required General Standards*) of the City Code is amend to read

§13-2-302 CITY COUNCIL APPROVAL REQUIRED; GENERAL STANDARDS; FRANCHISE PERMIT TRANSFER.

(A) A taxicab franchise may be granted, renewed, extended, amended or transferred only with council approval. The following conditions apply to a taxicab franchise

- (1) the applicant must be able to operate the taxicab service in accordance with the requirements of this chapter, rules of the department, orders issued under this chapter, provisions of the taxicab franchise, and other applicable law,
- (2) the applicant must demonstrate the public necessity and convenience for the taxicab franchise, and
- (3) the applicant must agree to provide taxicab service throughout the city

(B) A taxicab franchise permit may be transferred from one taxicab franchise holder to another only with council approval. A taxicab franchise holder that holds 60 percent or more of the City's franchise permits is ineligible to receive a transfer of permits. After a transfer of franchise permits, the taxicab franchise holder that receives the franchise permits may not hold more than 60 percent of the City's franchise permits.

PART 2 Section 13-2-303(A) (*Franchise Application Required*) of the City Code is amended to read,

(A) A person must submit a written application to the council to grant, renew, extend, amend, or transfer a taxicab franchise or to transfer a franchise permit. The applicant must file an original and three copies of the application with the city clerk.

1 **PART 3** Section 13-2-304(A) (*Recommendation on Franchise Application*) of the
2 City Code is amended to read

3 (A) The city manager shall recommend to the council that the council grant or
4 deny the taxicab franchise application. In evaluating a taxicab franchise
5 application, the city manager may consider the following

- 6 (1) the service proposed,
- 7 (2) the number, kinds, and types of equipment to be used by the applicant,
- 8 (3) whether the applicant has demonstrated the public necessity and
9 convenience for the taxicab franchise,
- 10 (4) the effect of the proposed taxicab service on existing taxicab services,
- 11 (5) the applicant's financial ability to provide the proposed service,
- 12 (6) the ground transportation service experience of an applicant and of
13 any partner or person having an interest in the business if a
14 partnership, and all officers, directors, and majority stock holders if a
15 corporation,
- 16 (7) convictions, if any, of applicants, their officers, shareholders, or
17 partners, for misdemeanor or felony crimes that directly relate to the
18 duties and responsibilities of operating a taxicab business,
- 19 (8) whether a holder has continued to employ, contract with, or sponsor
20 an individual that is not a safe and reliable driver as reflected by the
21 official Texas Department of Public Safety records, other applicable
22 traffic enforcement agency records, if applicable, or by the
23 individual's criminal record, ~~[and]~~
- 24 (9) whether ~~[that]~~ a previous operating authority or taxicab franchise has
25 been revoked, and
- 26 (10) for the transfer of a franchise permit, the requirements of Section 13-
27 2-302(B) (City Council Approval Required, General Standards,
28 Franchise Permit Transfer).

29 **PART 4.** Section 13-2-308(B) (*Granting of Taxicab Franchise Through Annual*
30 *Reservation of Franchise Permits*) of the City Code is amended to read

31 (B) The department shall hold the franchise permits reserved under Subsection
32 (A) until ~~[not less than]~~ 50 franchise permits are held in reserve Upon the

1 reservation of 50 franchise permits, the department shall publish a notice in a
2 newspaper of general circulation in the city of the availability of 50
3 franchise permits for a new taxicab franchise

4 **PART 5** Section 13-2-324(A) (*Allocation of Additional Franchise Permits*) of the
5 City Code is amended to read

6 (A) If the department determines that an increase in the number of franchise
7 permits is necessary under Section 13-2-322 (*Calculation of Necessary*
8 *Franchise Permits*), the department shall allocate ~~[an equal number of]~~ the
9 additional franchise permits to each eligible franchise holder[-] as follows

10 (1) A franchise holder who holds 60 percent or more of the City's franchise
11 permits is not eligible to receive additional franchise permits, unless

12 (a) the department has published a notice of the availability of
13 franchise permits for a new taxicab franchise in accordance with
14 Section 13-2-308 (*Granting Of Taxicab Franchise Through Annual*
15 *Reservation Of Franchise Permits*),

16 (b) no applicant who meets the requirements of this chapter applies for
17 a new franchise within 30 days of the date of publication, and

18 (c) the franchise holder is eligible under Section 13-2-325 (*Eligibility*
19 *For Additional Franchise Permits*) and request the permits in
20 accordance with Section 13-2-326 (*Request For Additional*
21 *Franchise Permits*)

22 (2) The franchise holders who are eligible to receive additional permits and
23 who request the permits shall each receive an equal number of the
24 additional franchise permits, and

25 (3) If no franchise holder is eligible to receive additional franchise permits
26 or if no franchise holder requests additional franchise permits then the
27 additional permits shall be reserved for allocation to future franchise
28 applicants

PART 5. This ordinance takes effect on _____, 2007

PASSED AND APPROVED

_____, 2007

§
§
§ _____

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A Gentry
City Clerk