

ORDINANCE NO.

AN ORDINANCE RENEWING A FRANCHISE TO AUSTIN CAB I, INCORPORATED, D.B.A. 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 renews the franchise described in Ordinance No. 20050609-018 and Ordinance No. 20060727-043 to operate a taxicab business on the streets, alleys, and public ways in the City of Austin for Austin Cab I, Incorporated, d.b.a. Austin Cab ("Franchise Holder") for five years.

PART 2. FLEET SIZE.

The Franchise Holder must maintain an active fleet of at least 25 and not more than 159 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 Austin Transportation Department to inspect all records of this franchise in accordance with Section 13-2-306(D) (*Recordkeeping Requirements*) of the City Code.

1 **PART 6. TAXICAB OWNERSHIP, LEASE, OR CONTROL.**

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

4 **PART 7. ANNUAL FRANCHISE PERMIT FEE.**

5 The Franchise Holder shall pay an annual franchise permit fee of \$400 for each
6 vehicle authorized in this franchise to the City of Austin at the office of the Director of
7 the Austin Transportation Department. This fee may be amended by the City council
8 during the effective period of the franchise.

9 **PART 8. SUSPENSION.**

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

12 (1) substantially breached the terms of this franchise;

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

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

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

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

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

29 (C) If the City Manager denies reinstatement of the franchise, the Franchise
30 Holder may appeal the city Manager's decision to the City Council by filing
31 a notice of appeal with the City Clerk not later than the 14th day after notice

1 of the denial. The City Clerk shall place the appeal on the next City Council
2 agenda.

3 **PART 9. FORFEITURE.**

4 (A) The franchise is subject to forfeiture if:

- 5 (1) the Franchise Holder is convicted of a violation of a provision of the
6 City Code relating to ground transportation services during the period
7 of the taxicab franchise;
- 8 (2) it is shown that the taxicab Franchise Holder has substantially
9 breached the terms of this franchise; or
- 10 (3) the Franchise Holder fails to pay an outstanding final judgment
11 against the Franchise Holder that arises out of circumstances related to
12 ground transportation service.

13 (B) On receipt of a report from the City Manager that probable cause exists for
14 the forfeiture of the franchise, the City Council shall hold a hearing, after a
15 30-day notice to the Franchise Holder, to determine if cause exists to cancel
16 the franchise. If the City Council finds at the hearing that cause exists to
17 cancel the franchise, it may cancel the franchise after the hearing.

18 **PART 10. FRANCHISE ACCEPTANCE.**

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

22 **PART 11. EFFECTIVE DATE:**

23 This ordinance becomes effective on August 8, 2010 unless the Franchise Holder
24 fails to file its written acceptance of this ordinance as required by Part 10. If the
25 Franchise Holder fails to file the written acceptance, this ordinance is void.

PASSED AND APPROVED

§
§
§

_____, 2010

Lee Leffingwell
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk