



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 17
AGENDA DATE: Thu 03/24/2005
PAGE: 1 of 1**

SUBJECT: Approve an ordinance on third reading to renew the ROY'S TAXI, INC. taxicab franchise.

AMOUNT & SOURCE OF FUNDING: The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$62,000.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Morris Poe, 974-1562; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: Recommended by the Urban Transportation Commission.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Roy's Taxi, Inc. has filed a taxicab franchise renewal application. Roy's Taxi, Inc. proposes to continue to provide taxicab service to the entire city, 24 hours a day, 7 days a week. The applicant proposes to continue to operate 144 franchise permit taxicabs and 11 special permit wheelchair accessible taxicabs. The application has been reviewed and all required information is on file with the Public Works Department.

Roy's Taxi, Inc. has provided taxicab service in Austin since 1931 and has exhibited the character, experience, and ability to provide the service. The Public Works Department recommends approval.

The City Charter requires a franchise renewal to be granted by ordinance and read at three regular City Council meetings. The third reading may not occur until 30 days after the first reading.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO ROY'S TAXI, INC. 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 Roy's Taxi, Inc. ("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 155 taxicabs. *This taxicab allocation may be amended 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, as amended;
- (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 file an appeal of the City Manager's decision 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:

- (B) On receipt of a report from the City Manager that probable cause exists for the cancellation and 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.**

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk