

ORDINANCE NO. _____

AN ORDINANCE RENEWING A FRANCHISE TO ABCABCO, INC, D/B/A LONE STAR CAB COMPANY TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR THREE YEARS

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

PART 1. FRANCHISE RENEWAL.

The city council renews a franchise to operate a taxicab business on the streets, alleys, and public ways in the City of Austin to ABCABCO, INC., D/B/A Lone Star Cab Company (“franchise holder”) for a three-year period.

PART 2. FLEET SIZE.

The franchise holder must maintain an active fleet of at least 25 and not more than 88 taxicabs. This taxicab allocation may be amended during the course of the franchise.

PART 3. COMPUTERIZED DISPATCH SYSTEM.

- (A) The franchise holder shall maintain a fully operational Global Information System (GIS) automated computer dispatch system, dispatch service requests in an efficient manner, and correct any GIS dispatch system malfunctions immediately to maintain efficient customer service.
- (B) The franchise holder shall submit a report not later than the 30th day after the end of each calendar quarter documenting the system status and any system failures.
- (C) In the event of a system failure that exceeds four hours, the franchise holder shall:
 - (1) notify the Austin Transportation Department (ATD) not later than the first business day after the system failure; and
 - (2) not later than the fifth business day after a system failure, submit a report documenting the nature and duration of the failure and whether the franchise holder’s back-up radio dispatch communication system performed during the system failure.

PART 4. 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, and rules promulgated enforce the code provisions.

PART 5. 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 6. 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.

PART 7. TAXICAB OWNERSHIP, LEASE, OR CONTROL.

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

PART 8. ANNUAL FRANCHISE PERMIT FEE.

The franchise holder shall pay an annual franchise permit fee of \$450 for each vehicle authorized in this franchise to the City of Austin at the office of the Director of the Austin Transportation Department. This fee may be amended by the city council during the effective period of the franchise.

PART 9. 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 whether 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 10. 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 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.

PART 11. FRANCHISE CONDITIONS.

The franchise holder shall, no later than August 17, 2012, provide the following to the Austin Transportation Department:

- (A) proof of insurance as required by Section 13-2-34 (*Insurance Required*) of the City Code;

- (B) demonstration of ability to receive calls for service at franchise holder's dispatch facility;
- (C) demonstration of ability to dispatch calls and communicate with franchise holder's taxicabs at franchise holder's dispatch facility; and
- (D) demonstration that each authorized franchise permit is assigned to a vehicle meeting the standards described in Chapter 13-2, Article 3, Division 5 (*Vehicles and Equipment*) of the City Code.

PART 12. The franchise holder shall file its written acceptance of the terms of this renewal of its franchise ordinance with the City Clerk no later than August 24, 2012.

PART 13. This ordinance becomes effective on August 28, 2012, 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 is void.

PASSED AND APPROVED

<p>_____, 2012</p>	<p>§ § §</p>	<p>_____ Lee Leffingwell Mayor</p>
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APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk