

AN ORDINANCE 100329

AUTHORIZING AMENDING CHAPTER 33 OF THE CITY OF SAN ANTONIO CITY CODE, ENTITLED "VEHICLES FOR HIRE," BY CLARIFYING CERTAIN DEFINITIONS, REMOVING CERTAIN TERMS, AND ADDING NEW LANGUAGE TO PROMOTE EFFICIENT, RELIABLE, AND QUALITY GROUND TRANSPORTATION SERVICES.

* * * * *

WHEREAS, it is necessary to amend Chapter 33 of the City of San Antonio City Code ("City Code") in order to clarify the provisions addressing the regulation of charter service; and

WHEREAS, said amendments promote efficient, reliable, and quality ground transportation services in the City of San Antonio; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The definition of "pre-arranged basis" contained in section 33-003 of the City Code is hereby amended, in its entirety, to read as follows:

Pre-arranged basis shall mean operating with a reservation for service made in advance of the time the transporting is to begin.

SECTION 2. Section 33-003 of the City Code is hereby amended by adding the following definition of "pre-sold":

Pre-sold basis shall mean full or partial payment is made or guaranteed, by cash, check, or charge account, at the time of reservation.

SECTION 3. Section 33-003 of the City Code is hereby amended by adding the following definition of "reservation schedule":

Reservation schedule shall mean a record prepared at the time of reservation upon which appears the specified group name; the date and time the reservation for service was made; the type of payment made (cash, check, charge); the amount charged; the number of persons in the specified group; the place of origin; the time of pick-up; the destination; and the time of drop-off.

SECTION 4. Section 33-003 of the City Code is hereby amended by adding the following definition of "specified group":

Specified group shall mean a number of individuals, in excess of one, having some unifying relationship purposely assembled for traveling together.

SECTION 5. Section 33-761 of the City Code is hereby amended, in its entirety, to read as follows:

- (a) A holder shall file with the director a schedule of fares to be charged for services provided.
- (b) A holder shall notify the director, within forty-eight (48) hours, of any changes in the fare schedule filed by the holder.
- (c) The use of any type of meter or measuring device to calculate rate of fare is prohibited.
- (d) Fares for charter service shall be based on the size and type of the vehicle used and the amount of time for which the vehicle is reserved.

SECTION 6. Section 33-770 of the City Code is hereby added, as follows:

No charter vehicle may be operated for the purpose of providing charter service without a reservation schedule on board the vehicle reflecting the service being provided at the time.

SECTION 7. This ordinance shall take effect ten days from the date of passage.

PASSED AND APPROVED this 21st day of January, 2005.

M A Y O R
EDWARD D. GARZA

ATTEST:
City Clerk

APPROVED AS TO FORM:
City Attorney

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE – GENERAL MANAGER
CITY PUBLIC SERVICE – MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE – ASSESSOR
FINANCE – CONTROLLER
FINANCE – GRANTS
FINANCE – PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 41

DATE: JAN 20 2005

MOTION: Perez/Hall

ORDINANCE NUMBER: 100329

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1			
JOEL WILLIAMS District 2			
RON SEGOVIA District 3			
RICHARD PEREZ District 4			
PATTI RADLE District 5			
ENRIQUE M. BARRERA District 6			
JULIAN CASTRO District 7			
ART A. HALL District 8			
CARROLL SCHUBERT District 9			
CHRISTOPHER "CHIP" HAASS District 10			
EDWARD D. GARZA Mayor			

FILE Ch. 32 - City Code
"Vehicles for Hire"

AMENDS ORD. NO. _____ OF _____

Agenda Voting Results

Name: 41.

Date: 01/21/05

Time: 01:56:32 AM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 33 of the City of San Antonio City Code, entitled "Vehicles for Hire," by clarifying certain definitions, removing certain terms, and adding new language to promote efficient, reliable, and quality ground transportation services. [Presented by Albert A. Ortiz, Police Chief; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHRISTOPHER "CHIP" HAAS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		

**CITY OF SAN ANTONIO
POLICE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Albert A. Ortiz, Chief of Police
SUBJECT: Revising City Code Chapter 33 "Vehicles for Hire"
DATE: January 20, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the amendment of City Code Chapter 33 "Vehicles for Hire" by clarifying certain definitions, removing certain terms and adding new language to promote efficient, reliable, and quality ground transportation services.

Staff recommends approval.

BACKGROUND INFORMATION

In December of 1989, the City Council initiated the revisions to Chapter 33 of the City Code, "Vehicles for Hire," to provide comprehensive regulations of all ground transportation services such as taxicabs, shuttles, horse drawn carriages, limousines, tour vehicles, and charter vehicles. This revision was finalized by ordinance and adopted by Council on September 2, 1992.

Currently, there are 15 charter companies in operation and of the 15 only three continue to generate numerous complaints regarding their operation, primarily from military personnel. The Transportation Advisory Board (TAB) sub-committee, along with Ground Transportation Unit (GTU) staff, worked towards amending Chapter 33 in order to promote efficient, reliable, and quality ground transportation services. On July 26, 2004 the TAB subcommittee met with representatives of the charter industry to discuss problems and solutions to charter operations.

On October 7, 2004, the Quality of Life Committee (QOL) was presented with an overview of the regulations for chartered vehicles and on how to regulate the charter industry. The QOL recommended that the Transportation Advisory Board (TAB) provide their recommendations within 60-days. At the October 25, 2004 meeting, the TAB approved the following changes to Chapter 33 "Vehicles for Hire".

Article I Section 33-003. "Definitions" will be amended to include the following changes:

New definition: "Pre-sold" basis means that full or partial payment is made, or guaranteed, by cash, check, or charge account, at the time of reservation. The word "Pre-sold basis" is currently used in the Charter Service definition under (a).

Definition change: Remove the word "limousine". This will apply, in general, to all vehicles for hire that pre-arrange services. The word "limousine" is currently used in the Prearranged Basis definition.

New definition: "Reservation schedule", shall mean a record prepared at the time of reservation, upon which appears the specified group name, the date and time the reservation for service was made, the type of payment made (cash, check, charge), the amount charged, the number of persons in the specified group, the place of origin, the time of pick-up, the destination, and the time of drop-off and shall apply to all "vehicles for hire" except taxicab service.

New definition: "Specified group" shall mean a number of individuals in excess of one, having some unifying relationship purposely assembled for traveling together. The word "Specified group" is currently used in the Charter Service definition under (c).

Article VII Section 33-761. "Rates of Fare" will be amended to include the following changes:

Addition: (d) fares for charter service shall be based on the size and type of the vehicle used and the amount of time for which the vehicle is reserved.

Article VII Section 33-700. "Scope of Instant Article" will be amended to include the following changes:

Addition: No charter vehicle may be operated for the purpose of providing charter services without a reservation schedule on board the vehicle reflecting the service being provided at the time.

POLICY ANALYSIS

This action facilitates City Council's continuing policy of conducting comprehensive reviews and oversight of city operations. The proposed amendments have been presented to the Management Team, the City Council Public Safety and Commercial Transportation Committee and the Quality of Life Committee.

FISCAL IMPACT

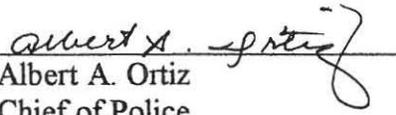
This action does not impact the General Fund.

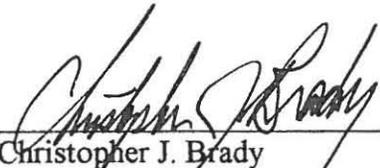
COORDINATION

This ordinance request has been coordinated with Finance, City Attorney's Office, the Office of Management & Budget, and the Transportation Advisory Board.

SUPPLEMENTAL COMMENTS

The City of San Antonio Discretionary Contracts Disclosure form is not required.


Albert A. Ortiz
Chief of Police


Christopher J. Brady
Assistant City Manager

Approved:


J. Rolando Bono
Interim City Manager



CITY OF SAN ANTONIO POLICE DEPARTMENT

Charter Service Revisions of Chapter 33 of the City Code Item # 41

January 20, 2005

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Background

- **Problem Identification:** Vagueness of current ordinance generated complaints that some charter services were providing taxi services.
- **Charter Service** shall mean a ground transportation service operated for hire that uses vans, buses, or motor coaches, to transport persons belonging to a specified group and that is:
 - Offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin and on a **pre-sold** basis;
 - Operated from locations within the City, to locations either inside or outside the City; and
 - Is used to transport a **specified group** of persons from a same point of origin, or from various points of origin, to a same point of destination.

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Cont. Background



- Taxicab shall mean a chauffeured motor vehicle having a rated passenger capacity of seven (7) or less, that is equipped with a taximeter and that is used to transport persons for hire on an “on demand” basis, over routes determined by the destination of the passenger.
- On July 26, 2004, the Transportation Advisory Board (TAB) met with representatives of the Charter Industry, to discuss problems and solutions to Charter operations.

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Cont. Background



- On October 7, 2004, the Quality of Life Committee (QOL) was presented with an overview of the regulations for chartered vehicles, including the opposing views of the taxi and charter vehicle industries on how to regulate the charter industry. The QOL Committee recommended that the TAB provide their recommendations within 60-days.
- On December 14, 2004, the QOL Committee met and approved the TAB’s recommendations, and recommended that the issue be brought before the entire Council.

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TAB Recommendations



- At the October 25, 2004 meeting, the TAB approved the following changes to Chapter 33 'Vehicles for Hire':
- **Article I Section 33-003. Definitions**
 - Currently, the definition for Charter Services states:
 - That a ground transportation service operated for hire that uses vans, buses, or motor coaches to transport persons belonging to a specified group, can be offered only upon a pre-arranged basis. This prearrangement must be made at least one hour in advance of the time the transportation is to begin and on a **pre-sold basis**.
 - **Recommendation #1:** New definition.
 - Pre-sold basis means that full or partial payment is made, or guaranteed, by cash, check, or charge account, at the time of reservation.

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Cont. Recommendations



- Currently, the definition for pre-arranged basis means:
 - a limousine service operating with a reservation for service made in advance of the time the transporting is to begin.
- **Recommendation #2:** Definition change.
 - Remove the word limousine. This will apply, in general, to all vehicles for hire that pre-arrange services.

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Cont. Recommendations



- Currently, Article I Section 33-003 has no definition for the word "Reservation Schedule".
- **Recommendation #3:** New definition.
 - **Reservation schedule**, shall mean a record prepared at the time of reservation, upon which appears the specified group name, the date and time the reservation for service was made, the type of payment made (cash, check, charge), the amount charged, the number of persons in the specified group, the place of origin, the time of pick-up, the destination, and the time of drop-off.

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Cont. Recommendations



- Currently, Article I Section 33-003 has no definition for the word "Specified Group".
- **Recommendation #4:** New definition.
 - **Specified group**, shall mean a number of individuals in excess of one, having some unifying relationship purposely assembled for traveling together.

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Cont. Recommendations



- **Article VII Section 33-761. Rates of Fare**

- Currently, the definition for Charter Services states:

- (a) a holder shall file with the Director a schedule of fares to be charged for services provided.
- (b) a holder shall notify the Director within 48 hours, of any changes in the fare schedule filed by the holder.
- (c) the use of any type of meter or measuring device to calculate rate of fare is prohibited.

- **Recommendation #5: Addition**

- (d) fares for charter service shall be based on the size and type of the vehicle used and the amount of time for which the vehicle is reserved.

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Cont. Recommendations



- **Article VII Section 33-700. Scope of Instant Article**

- Currently, the scope states that the holders of operating permits to operate tour services and charter services and drivers of motor-coaches and vans, shall be governed by the provisions of this instant article, in addition to all other provisions found in Article I, (Vehicles for Hire, General Provisions), of this chapter.

- **Recommendation #6: Addition**

- No charter vehicle may be operated for the purpose of providing charter services without a reservation schedule on board the vehicle reflecting the service being provided at the time.

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Current Staffing and Enforcement Options



- Currently, the GTU has 4 Inspector II positions who continue to respond to complaints and conduct spot checks.
(Note: 1 inspector has been on military leave for 3 years).
- Options for Consideration
 - Volunteers in Policing
 - Utilize undercover and plain clothes SAPD detectives.

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Coordination



- This ordinance request has been coordinated with the following:
 - City Attorney's Office
 - Finance
 - Office of Management & Budget
 - Transportation Advisory Board
- On January 12, 2005, a Public Hearing was held.

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Staff Recommendations



- Staff supports the TAB recommendations for the following reasons:
 - Provides a more level playing field for all Ground Transportation providers.
 - Provides the customer information on the rates they will be paying.
 - Improves the efficiency and effectiveness of the Ground Transportation Unit's regulatory function.
 - Will help reduce complaints.
 - The services at the military bases will not be adversely affected.

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO Request For Ordinance/Resolution	Date Considered _____ Consent <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Item No. <u>44</u> Ord. No. _____	
Approval				
Finance	Budget			
Legal	Coordinator			

Date: January 20, 2005	Department: Police	Contact Person/Phone # D/C Rosemary Flammia, x77423
Date Council Consideration Requested: January 20, 2005	Deadline for Action: January 20, 2005	Dept. Head Signature: <i>Robert A. Pitts</i>

SUMMARY OF ORDINANCE

This ordinance authorizes the amendment of City Code Chapter 33 "Vehicles for Hire" by clarifying certain definitions, removing certain terms and adding new language to promote efficient, reliable, and quality ground transportation services.

Staff recommends approval.

Council Memorandum Must Be Attached To Original

Other Depts., Boards, Committees Involved (please specify):
Finance, Office of Management & Budget, City Attorney

Contract signed by other party
 Yes No

FISCAL DATA (If Applicable)	Budgetary Implications
Fund No. <u>11001000</u> Amt. Expended <u>\$ 0.00</u> Activity No. <u>1706080001</u> Sid No. _____ Index Code _____ Project No. _____ Object Code _____	Funds/Staffing Budgeted Yes No X Positions Currently Authorized _____ Impact on future O&M _____ If positions added, specify class and no. _____ _____ _____
Comments: 	Coordinator -- White Legal -- Green Budget -- Canary Finance -- Pink Originator -- Gold

PUBLIC NOTICE

AN ORDINANCE 100329

AUTHORIZING AMENDING CHAPTER 33 OF THE CITY OF SAN ANTONIO CITY CODE, ENTITLED "VEHICLES FOR HIRE," BY CLARIFYING CERTAIN DEFINITIONS, REMOVING CERTAIN TERMS, AND ADDING NEW LANGUAGE TO PROMOTE EFFICIENT, RELIABLE, AND QUALITY GROUND TRANSPORTATION SERVICES.

PASSED AND APPROVED
this 20th day of January, 2005.

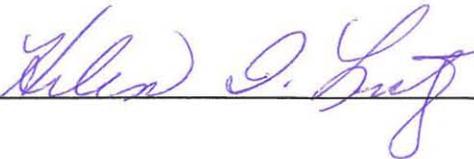
/s/EDWARD D. GARZA
Mayor

ATTEST:
/s/ LETICIA M. VACEK
City Clerk
2/8

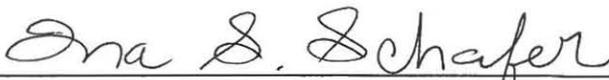
Affidavit of Publisher

STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 100329 hereto attached has been published in every issue of said newspaper on the following days, to-wit: February 8, 2005.



Sworn to and subscribed before me this 8th day of February, 2005.



Notary Public in and for Bexar County, Texas

