

**PUBLIC SAFETY COUNCIL COMMITTEE
MEETING MINUTES
WEDNESDAY, MAY 7, 2014
11:00 A.M.
MUNICIPAL PLAZA ROOM B**

Members Present: Councilmember Cris Medina, Chair, *District 7*
Councilmember Rebecca Viagran, *District 3*
Councilmember Shirley Gonzales, *District 5*
Councilmember Mike Gallagher, *District 10*

Members Absent: Councilmember Joe Krier, *District 9*

Staff Present: Erik Walsh, *Deputy City Manager*; William McManus, *Police Chief*; Bernadette McKay, *Deputy City Attorney*; James Kopp, *Assistant City Attorney*; Lori Houston, *Director, Center City Development Office*; Joseph MacKay, *Deputy Chief of Police, SAPD*; Steven Baum, *Assistant Director, SAPD*; Chris Callanen, *Assistant to City Council*; Denice Trevino, *Office of the City Clerk*

Also Present: None

Call to order

Chairman Medina called the meeting to order.

1. Approval of Minutes of the April 2, 2014 Public Safety Council Committee Meeting

Councilmember Gallagher moved to approve the minutes of the April 2, 2014 Public Safety Council Committee Meeting. Councilmember Viagran seconded the motion. Motion carried unanimously by those present.

2. Briefing on Chapter 33 Regulations and Transportation Network Companies/Rideshare Mobile Apps

Steve Baum stated that the San Antonio Police Department (SAPD) had met with the local Taxicab and Limousine Industries on April 14, 2014. He noted that the Transportation Advisory Board (TAB) and the Taxicab and Limousine Industries recommended that no changes be made to Chapter 33 and that it be strictly enforced. He stated that Uber and Lyft claimed they were not Transportation Companies but a technical platform that connected individuals with private citizens for ride sharing. He mentioned that TNC Drivers used their private vehicles to transport individuals; were not required to be licensed; and their vehicles were not required to be permitted with the City of San Antonio (COSA). He reported that TNC charges were based on time and distance and contained other fees such as those that fluctuated on demand. He reported that Uber and Lyft:

- Provided insurance coverage that met or exceeded Chapter 33 Requirements
- Performed Background Checks (based on name, date of birth and social security number) on drivers that met or exceeded Chapter 33 Requirements
- Performed Multi-Point Vehicle Inspections on vehicles that met or exceeded Chapter 33 Requirements
- Applications notified the customer of the rate at the time the Application was open and prior to requesting a trip, providing an “informed” choice for the consumer.

He stated that Uber and Lyft were willing to provide insurance documentation for verification by COSA and were open to establishing an audit process for the driver’s background and vehicle safety verification. He mentioned that Uber operates, or desired to operate, three products in San Antonio: 1) UberX; 2) UberBLACK; and 3) UberSUV. He reported that UberBLACK connected individuals with High End Sedans and UberSUV connected individuals with Sport Utility Vehicles with seating for up to six persons. He noted that UberBLACK and UberSUV maintained that users were only connected with professionally licensed and permitted COSA Limousine Companies and their drivers. He reported that neither Uber nor Lyft had a system to request a Disability Accessible Vehicle in place. He mentioned that Lyft was working to develop a process to accommodate these types of requests.

Mr. Baum reported that the San Antonio International Airport Operating Authority (Airport) recommended blocking requests for rides originating at the Airport and allowing drop-offs only. He noted that the City of Dallas responded by: 1) Drafting revisions to the Vehicle for Hire Ordinance; 2) Eliminating “caps” on the number of vehicles; 3) Not regulating fares; 4) Creating Operating Authority Permits for companies; 5) Establishing new Permit Fees for Companies, Vehicles, and Drivers; 6) Verification of Driver Background/Vehicle Inspections; and 7) Requiring Display of a Vehicle for Hire Permit. He reviewed responses made by the City of Seattle. He noted that the City of Houston was currently drafting ordinance changes to permit TNC’s to operate while the City of Austin proposed no changes to the existing ordinance. He added that the City of Austin stated that TNC’s had no legal authority to operate and authorized strict enforcement of the existing ordinance. He reviewed the responses made by the City of Nashville. He noted that COSA could respond by making no changes to Chapter 33 and requiring that it be strictly enforced and Deregulating the Vehicle for Hire Industry.

Mr. Baum stated that staff recommended revision of Chapter 33 to address TNC’s and ensure that Public Safety Issues of driver screening, vehicle inspection, and insurance coverage were addressed. He stated that staff recommended that this be accomplished in the next 60 days by: 1) Establishing a Work Group comprised of a local representative of the Taxicab and Limousine Industries, TNCs, and the Transportation Advisory Board (TAB) to meet with City Staff to draft revisions to Chapter 33. He noted that staff recommended revisions to Chapter 33 to: 1) Permit TNCs to legally operate in San Antonio; 2) Incentivize Accessible Vehicles for Hire; and 3) Adjust regulations for all vehicles for hire across the industry. He noted that Staff would present the Draft Revision of Chapter 33 to the Committee in August 2014.

Chief McManus noted that staff recommended that SAPD continue to enforce Chapter 33 at the present time.

Citizens to be Heard

Chairman Medina called upon the Citizens to be Heard.

Itzamara Garza spoke of an incident in which her three children were riding in a Limousine when it became stuck on train tracks. She noted that they were able to exit the vehicle before it was struck by the train. However, she expressed concern that the Limousine was not permitted with the City of San Antonio (COSA) and asked that steps be taken to avoid this ever happening again.

Ricardo Pena noted that he was the Adult Rider in the Limousine mentioned above. He implored the City to enforce the existing laws for vehicles for hire.

Sherry Shaw stated that she was Past Chair and 10-Year Member of the TAB. She noted that the SAPD Ground Transportation Unit (GTU), TAB, and Representatives of the Taxicab and Limousine Industries spent years drafting Chapter 33. She asked that the City not allow TNCs to operate without adherence to Chapter 33.

Scott Meltzer stated that he was the Deputy Director of the 80/20 Foundation. He encouraged the City to create policy that was data driven and welcome all proven safe, reliable, and affordable transportation options.

Mary Jane Ortiz stated that she represented a Greater San Antonio Transportation Company and urged the City not to allow TNCs to circumvent Chapter 33 Rules.

Cruz Chavira stated that he was a member of the TAB. He referred to the incident regarding a limousine and train and asked why Chapter 33 was not being enforced. He noted that the Taxicab and Limousine Companies utilized the same technology as that of the TNCs. He asked that all vehicles for hire adhere to Chapter 33.

Placido Salazar asked that all vehicles for hire adhere to Chapter 33.

Melissa McGehee, Assistant General Manager with Yellow Cab Company, stated that the City had established a clear process that worked. She noted that it was the City's responsibility to protect the public.

Steve Constantino, Service Manager with Yellow Cab Company, stated that he was responsible for the safety of company vehicles. He noted that vehicles were inspected to meet mechanical, cosmetic, and radio requirements of Chapter 33. He asked that unsafe vehicles not be allowed to operate in the City.

Kelsey Banton stated that she represented the Rape Crisis Center. She noted that they worked with the local Taxicab Industry to provide transportation to victims of Sexual Assault. She expressed appreciation for the efforts made by the City to ensure rider safety.

George Alva reviewed the process for driver employment with a Taxicab Company. He outlined the potential outcomes of allowing TNCs to operate illegally.

John Martinez stated that allowing TNCs to operate illegally was a violation of the trust given to the City by its constituents.

John Bouloubasis of Yellow Cab noted that the TAB and Airport Staff recommended that additional resources be identified to assist in enforcement of Chapter 33 in the City and at the Airport. He asked the City to enforce Chapter 33 until this issue was resolved.

Ramon Mata stated that he worked in the Communications Department at Yellow Cab and that drivers operated within rules of Chapter 33. He noted that those who did not should not be allowed to operate in the City.

Tressa Nunley stated that it was the rider's choice to utilize TNCs.

Alex El-Halim stated that each time a rider was picked up by a TNC, they were breaking the law. He noted that they were jeopardizing the well-being of drivers and accepting money from drivers legally operating in the City.

Debra Davis stated that she was a facilitator for the New Driver Business Orientation. She noted that Uber and Lyft were not vetted for transportation of Seniors and the Disabled.

Monta Frost stated that he represented thousands of Americans who were losing their choices and freedoms.

Michael Murphy stated that he was a Lyft Driver and supports the recommendation to form a Work Group.

Kathy Kleiman noted that competition resulted in lower prices and better services.

Ralph Velasquez stated that there should be no compromises made to ensure public safety.

Colton Powell stated that he used Lyft because they provided the best service.

Dee Villarrubia stated that Lyft has permitted her to stay active. She urged the Committee to allow Lyft to make their services available.

Robert Gonzales showed a video depicting violations made by Uber and negative background checks of its drivers.

John Gardiner reported that he was a Lyft Rider and stated that he had a great experience every time he used it.

Evelyn Morris asked that the Committee listen to the experiences of consumers of Lyft.

Dolores Guin stated that she was Disabled and had experienced great service with Taxicab Companies.

Leádré Johns stated that he was the General Manager for Uber Technologies Texas and reviewed the services they provide. He noted that Uber added another transportation option for consumers and spoke of the background check, insurance coverage, and vehicle inspection processes.

Hector Garcia requested that drivers be allowed to have their own permits. He stated that introducing TNCs into the San Antonio Market would disrupt 865 licensed drivers and their family income.

Marvin Peretz stated that TNCs should have to abide by the rules of Chapter 33.

Clay Holshouser stated that Taxicab Companies and TNCs have provided him with great services. He noted that the transportation in San Antonio was changing and revisions to Chapter 33 should be made to accommodate those changes.

Miguel Guevara stated that TNCs were disrespectful of Taxicab Companies, Taxicab Drivers, and the Laws of the City.

Joseph Okpaku stated that he was a Government Relations Representative for Lyft and that their goal was to maximize empty seats in vehicles.

On Theus stated that she was a Lyft Driver and did not intend to compete with anyone.

Ruben Sovalsky asked why the TNCs were allowed to operate in San Antonio.

Janet Free stated that she could accommodate Disabled Individuals, Pets, and Seniors in her car.

Roland Ramirez stated that he was a Lyft Driver and his riders had a positive experience using Lyft.

Daniel Benavides stated that he was a consumer of Lyft and would like to contribute to members of the community instead of to Full-Time Employees.

Chairman Medina asked if a balance between Taxicab and Limousine Companies and TNCs could be attained. Chief McManus stated that the City would attempt to do so. Chairman Medina asked of the number of Citations distributed to Lyft and Uber Drivers. Chief McManus stated that 10 citations were distributed to Uber and Lyft. Chairman Medina asked of the time taken for the creation of Chapter 33. Mr. Baum stated that it took 10 years to complete.

Councilmember Gonzales stated that she did not feel comfortable spending any more time revising Chapter 33.

Councilmember Viagran asked of the caps on the number of Taxicabs. Mr. Baum stated that caps or capacity of the number of Taxicabs were established due to exclusive use of the right of way which was limited. Councilmember Viagran stated that it was important for TNCs to honor the Cease and Desist Orders. Chief McManus stated that that moving forward, a second offense of the Cease and Desist Order requires impoundment of the vehicle.

Councilmember Gallagher asked of the cost of violation of the Cease and Desist Order. Chief McManus replied that the violator could be fined up to \$500.00. Councilmember Gallagher cautioned against lowering the standards of Chapter 33 and stated that it was very important for everyone to abide by Chapter 33 as it stands now.

Chairman Medina stated that the City could not compromise Public Safety.

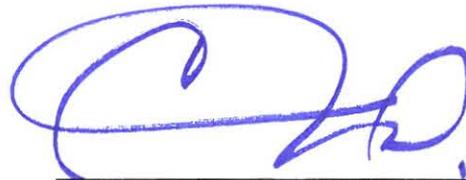
No action was required for Item 2.

Consideration of Items for Future Meetings

No items were considered for future meetings.

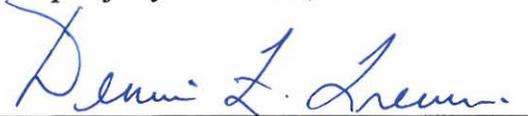
Adjourn

There being no further discussion, the meeting was adjourned at 1:43 p.m.



Cris Medina, Chair

Respectfully Submitted,



*Denice F. Treviño
Office of the City Clerk*