

AN ORDINANCE 2007-03-01-0234

AMENDING SECTION 33-929 OF THE SAN ANTONIO CITY CODE TO PROVIDE FOR THE CREATION OF A TAXICAB PERMIT ALLOCATION COMMITTEE (TPAC) THAT WILL ALLOCATE ADDITIONAL TAXICAB PERMITS AND TO PROVIDE FOR AN APPEAL OF THE TPAC'S DECISIONS.

WHEREAS, the provisions of Chapter 33 of the City Code currently provide that the authorized allocation of additional taxicab operating permits is made by the director of the Ground Transportation Unit, namely, the chief of police; and

WHEREAS, in an effort to assure the ground transportation industry of the objectivity of the allocation decision, it is advantageous to place that responsibility in the hands of a three-member Taxicab Permit Allocation Committee (TPAC) and to provide for an appeal of the TPAC's decisions; **NOW THEREFORE:**

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

SECTION 1. Section 33-929 of the City Code of San Antonio, Texas is hereby amended in its entirety as follows:

Sec. 33-929. Number of taxicabs; authority to operate additional taxicabs.

- (a) A holder, within ninety (90) days after receipt of an operating permit, shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. A holder who has been issued seven (7) taxicab permits shall operate and maintain in service a minimum of three (3) taxicabs. A holder who has been issued more than seven (7) taxicab permits shall operate and maintain in service the total number of vehicles authorized by the permit agreement.
- (b) The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual

number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the director.

- (c) All applicants for permits or additional permits shall be eligible to receive only such additional taxicab permits as are necessary to meet the service needs of the city's population growth. The number of additional taxicab permits for each calendar year shall be determined by a ratio of one (1) taxicab per one thousand seven hundred (1,700) population within the legal boundaries of the city. The population figure for the city will be based upon the annual population estimate as determined by the planning department as of December 31 of the year preceding the allocation period.
- (d) Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of sections 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After consideration of the applications and interviews of the applicants, the TPAC shall grade the applications on a scale of 0 to 100. The TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.
- (e) In addition to the requirements of subsections (c) and (d) above, other factors which may be relied on in determining eligibility for additional or new permits include, but are not limited to, whether:
 - (1) One hundred (100) percent of the holder's authorized taxicabs passed the most recent scheduled semi-annual inspection;
 - (2) During the first quarter (January through March) of the preceding year, a vehicle was in operation for each of the holder's authorized taxicab permits for at least thirty (30) days, and each vehicle had an overall utilization rate of seventy-five (75) percent; and
 - (3) Within thirty (30) days of receiving notice from the director of intention to increase the number of taxicab permits, the holder submits a report verifying an overall utilization rate of seventy-five (75) percent for each of the holder's authorized taxicabs for the first quarter of the preceding year prepared by an independent certified public accountant licensed by the state, such rate being calculated by the following formula:
$$\text{Permit Days Utilized} = \text{Sum of the number of days each authorized permit was in operation.}$$

Permit Utilization Rate = Permit days utilized / (# of authorized permits × # of days in the period) × 100.

In determining the utilization rate, bona fide owner-operated vehicles will be considered to be in service one hundred (100) percent. Company owned daily lease vehicles are considered only when in service.

- (4) Holder has complied with this chapter and the Taxicab Rules and Regulations of San Antonio.

- (f) The holder's application for additional vehicle permits may be denied if any of the requirements of this section above are not met or if at any time during the twelve-month period immediately preceding the application for additional permits the holder:
 - (1) Has been a permit holder for less than one year;
 - (2) Failed to pay a fine or fee owed within the time required by this chapter or the director;
 - (3) Failed to maintain the license/permit bond or insurance required by this chapter;
 - (4) Had a vehicle permit revoked or suspended; or
 - (5) Has failed to assign any previously issued vehicle permits to a vehicle.

If a holder is denied a permit under this section or is disqualified from receiving additional permits, the number of additional permits to be allocated to each qualified holder will be recalculated.

- (g) A holder who is approved for additional vehicle permits shall execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

- (h) Additional vehicle permits shall be distributed to qualified holders within sixty (60) days of a reported deadline. A holder receiving additional vehicle permits shall, within ninety (90) days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

- (i) Any applicant who scored 80 or greater may appeal to a hearing officer the allocation of additional permits, but not the scores granted, by the TPAC. Said appeal must be filed no later than the tenth business day following the applicant's receipt of notification of the TPAC's allocation of additional permits. The appeal must be (1) in writing, (2) filed with the transportation manager, and (3) accompanied by an appeal fee of one hundred dollars (\$100.00). If no appeal is filed, the allocation of the TPAC shall become final. The city manager shall appoint a hearing officer for such appeals. Said hearing officer is hereby authorized to affirm or modify the allocation of additional permits by the TPAC. The decision of the hearing officer shall be final. Should an appeal be filed, the

additional permits allocated shall not be distributed until such time as the hearing officer issues a decision.

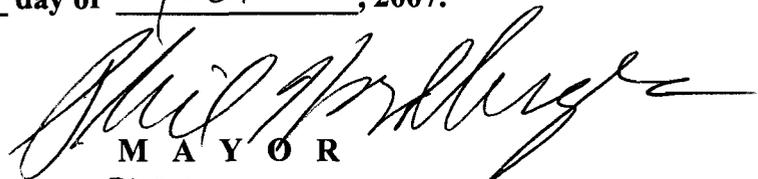
SECTION 2. All other provisions of Chapter 33 of the City Code of San Antonio, Texas shall remain in full force and effect.

SECTION 3. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 5. This ordinance shall take effect ten days from the date of passage.

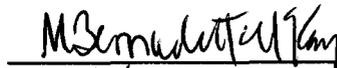
PASSED AND APPROVED this 1st day of March, 2007.


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 25. An Ordinance amending Section 33-929

Date: 03/01/07

Time: 11:34:07 AM

Vote Type: Multiple selection

Description: 25. An Ordinance amending Section 33-929 of the San Antonio City Code to provide for the creation of a Taxicab Permit Allocation Committee (TPAC) that will allocate additional taxicab permits and to provide for an appeal of the TPAC's decisions. [Presented by William McManus, Police Chief; Sheryl Sculley, City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Affidavit of Publisher

PUBLIC NOTICE

AN ORDINANCE
2007-03-01-0234

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PASSED AND APPROVED
this 1st day of March, 2007.

PHIL HARDBERGER
Mayor

6/26

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

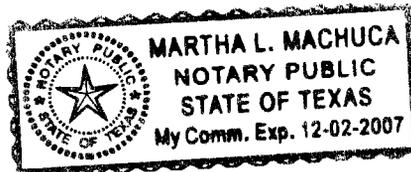
Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2007-03-01-0234 here to attached has been published in every issue of said newspaper on the following days, to wit:

06/26/2007.



Sworn to and subscribed before me this 26th day of of June, 2007.





MEETING OF THE CITY COUNCIL

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & PERFORMANCE ASSESSMENT
BUILDING INSPECTIONS
HOUSE NUMBERING
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
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
ENVIRONMENTAL SERVICES
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 25

DATE: MAR 01 2007

MOTION: _____

ORDINANCE NUMBER: 2007-03-01-0234

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

ROGER O. TERRES District 1				
SHEVA D. MENEZ District 2				
ROLANDO BERTOLUZZI District 3				
FRANK J. PERAZICH District 4				
PATRICIA GARCIA District 5				
DELICIA HERNANDEZ District 6				
ELENA GUJARDO District 7				
ART A. BARR District 8				
KEVIN A. WOLFF District 9				
CHRISTOPHER G. HARRIS District 10				
PHIL HANCOCK Mayor				

CONSENT AGENDA