

**State of Texas
County of Bexar
City of San Antonio**



DRAFT

Meeting Minutes

City Council B Session

City Hall Complex
114 W. Commerce
San Antonio, Texas 78205

Wednesday, December 3, 2014

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building. City Clerk Leticia Vacek took the Roll Call with the following Councilmembers present:

Present 9 - Mayor Taylor, Toney, Viagran, Saldaña, Gonzales, Medina, Nirenberg, Krier, and Gallagher

Absent 1 - Lopez

Mrs. Vacek announced that Councilmember Lopez was out on personal business.

1. A Briefing and recommendations on changes to Chapter 33 of the City Code (Vehicles for Hire) regarding Transportation Network Companies. [Erik Walsh, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus presented the proposed revisions to Chapter 33 of the City Code regarding Transportation Network Companies (TNCs). He stated that Lyft and Uber had begun operating in San Antonio in March 2014 and that the Public Safety Committee had been briefed regarding same in April and May 2014. He mentioned that meetings were held with the TNCs, Local Industry, and Transportation Advisory Board (TAB) in June and July 2014. He reported that staff made their recommendations to the Public Safety Council

Committee in August; Task Force Meetings were held in September and November; and a presentation was made to the Public Safety Council Committee on November 12, 2014.

Chief McManus spoke of the Public Safety Committee Task Force and stated that they were charged to review staff recommendations on TNCs to include: Disability Access Requirements; Insurance Requirements; Driver Standards & Validation Process; and Vehicle Inspections & Validation Process. He noted that in regard to the Disability Access Requirement; they had engaged the City's Disability Access Office on the revision to include specific requirements for Vehicles for Hire. Chief McManus reported that staff was not proposing that Insurance Coverage be designated as Personal or Commercial and that it should be the discretion of insurance providers. He noted that the amounts were based on TNCs Current Insurance Levels. He indicated that the main issue was whether the insurance for Period 2 would be Contingent or Primary. He explained the TNC Insurance Requirements for Periods 1, 2, and 3.

Chief McManus recommended that TNC Vehicles be annually inspected by a Certified Auto Repair Facility. He stated that Inspection Standards remained unchanged and applied to all Vehicles for Hire. He noted that vehicles were subject to random informal and formal inspections by City Staff. He indicated that TNC Driver Permit Requirements were identical to the existing industry and that TNCs were required to provide the city with a driver's application attesting that each driver meets the requirements. He stated that verification of driver identity and criminal history were based on 10 prints confirmed by the San Antonio Police Department (SAPD). He added that a Biennial Review would be conducted.

Chief McManus outlined proposed TNC Specific Regulations:

- 1) May not use stands or loading zones.
- 2) Fares based on calculation of time and distance. No flat or hourly rate.
- 3) Must display fares and provide rate estimator prior to beginning of trip.
- 4) May not accept hails or solicit passengers.
- 5) Shall only accept payment utilizing TNC Platform. May not accept cash, check or other form of payment.

Chief McManus highlighted the Recommended TNC Operating Permit Fee Schedule in which they would be subject to a \$110 One Time Application Fee; \$160 Annual Vehicle Permit; and \$15 Biennial Driver Permit. He stated that permits were not transferable and non-refundable. He noted that persons in violation were subject to a Class C Misdemeanor Offense with a Fine of not more than \$500. He added that driver permits could also be revoked or suspended for up to 60 days for additional violations of Chapter 33. He stated that staff recommended an Annual Review and proceeding to the full City Council for Consideration as proposed.

Mayor Taylor thanked everyone for the presentation and asked of enforcement. Chief McManus replied that they hoped to enforce more rigorously than they have been since their workload would be reduced by outsourcing the Inspection Process. He noted that there were only four individuals assigned to the Ground Transportation Unit and would like to hire one more.

Councilmember Viagran stated that she was pleased with the progress and thanked everyone for their work. She noted that she was concerned with the Driver Requirements and Vehicle Inspections due to public safety. She stated that she was supportive of the review that would occur within one year and making further recommendations at that time. She requested that the item be brought back to the Public Safety Council Committee in six months for an update. She asked of the requirement of TNCs to attest that drivers meet the requirements. Mr. Steven Baum replied that this would make the TNCs responsible for that duty instead of City Staff. Councilmember Viagran asked if the criminal history based on 10 prints would continue to be performed by SAPD. Mr. Baum confirmed that it would be. Councilmember Viagran asked of the other requirements of TNCs. Mr. Baum responded that they would be required to attest to Medical and Physical Exams, Pre-Employment Drug Tests, Defensive Driving Course, and knowledge of rules and regulations codified in Chapter 33. Councilmember Viagran expressed concern with the TNCs having those responsibilities and recommended a Third Party.

Councilmember Viagran asked of the TNCs being responsible for issuing vehicle permits. Chief McManus replied that Taxicabs must have City Staff issue permits as they must have their meters checked. He expressed concern that TNCs have not done what has been asked of them thus far. Councilmember Viagran recommended the following: 1) The TNCs must have their vehicles inspected by the recommended Automotive Service Excellence (ASE) Certified Mechanic; 2) Require the driver identity and criminal history based on the 10 print background and their application be confirmed by SAPD; and 3) Require the driver to present their drug test to SAPD in person.

Councilmember Gonzales asked of the Disability Access Requirements. Chief McManus replied that it was his understanding there was a provision on the TNC APP that asked if an individual requesting a ride had any disabilities. He noted that the APP would automatically refer the individual to a company that could provide that type of service. He confirmed that there were no additional fees for services to persons with disabilities. Councilmember Gonzales asked if there was a requirement to provide service in any part of the city. Chief McManus confirmed that there was no requirement to provide service city-wide.

Councilmember Toney asked of the physical issuance of the permits. Chief McManus

replied that the TNCs would issue the permits to their drivers. Councilmember Toney asked of the required inspections. Chief McManus responded that prior to receiving permits; they must have their vehicle inspected by a Certified Inspection Station. Councilmember Toney asked of the fees. Chief McManus stated that Taxicab Drivers pay \$440 per year while TNC Drivers would pay \$160 per year. Councilmember Toney expressed concern that drivers were not required to provide service city-wide and noted potential discrimination.

Councilmember Medina thanked everyone for their work on the issue and asked of the difference in insurance requirements for Taxicabs and TNCs. Chief McManus stated that Taxicabs carry the State Minimum Insurance Requirements across the board. He noted that the TNCs had decided on their own Insurance Requirements. Councilmember Medina asked why there was not a cap on the number of permits that could be requested by TNCs. Chief McManus replied that they had not discussed the issue and that they tried to deregulate as much as possible.

Councilmember Nirenberg stated that he was supportive of public safety but expressed concern with utilizing a Taxicab Model on the Rideshare Industry. He asked of the concern regarding insurance requirements for Period 2. Chief McManus replied that the concern was over the term "Contingent" and they were no longer proposing that term. He stated that the terms Commercial, Primary and Excess Insurance would be utilized. Councilmember Nirenberg asked of the Certified Inspection Process. Chief McManus replied that there was a checklist of items that were certified by an ASE Mechanic. Mr. Baum added that they were subject to an annual inspection which would be conducted by a Third Party Mechanic which would relieve the burden from the city. Councilmember Nirenberg stated that he was concerned with placing obstacles for TNCs for the appearance of public safety.

Councilmember Saldaña asked how SAPD began regulating the Taxicab Industry. Chief McManus replied that he was not sure but they were trying to allow TNCs to work within the city under certain regulations. Councilmember Saldaña stated that he was supportive of public safety efforts but did not feel it was the City Council's responsibility to protect one industry from a market competitor. He asked of the amendments that were not vetted by the Task Force. Chief McManus replied that there were three issues: 1) 10 Prints Driver Identity and Criminal History Check by SAPD; 2) Fire Extinguisher Requirement; and 3) Insurance Requirement being Primary.

Councilmember Krier noted that his original concerns were related to Driver Safety, Vehicle Safety, and Insurance. He asked Chief McManus if he felt the recommendations would satisfy safety requirements for drivers and vehicles. Chief McManus stated that he felt these were acceptable levels of safety. Councilmember Krier spoke of the importance

of regulating the Taxicab/TNC Industries due to public safety and noted the significance of the Hospitality Industry in San Antonio. He added that he was supportive of the review that would occur in one year and noted that changes could be made at that time.

Councilmember Gallagher stated that the process had been greatly vetted and recognized the many individuals that worked on the issue. He noted that it was important to move forward at this time and no longer have an unregulated city.

Councilmember Viagran asked of the \$160 fee listed on Slide 16 of the presentation. Chief McManus replied that the \$160 was the Annual Vehicle Permit Fee.

City Clerk Leticia Vacek read a memo from Councilmember Lopez who was out of the city. Councilmember Lopez acknowledged the individuals that participated in the process noting the diverse and complex issues. He requested that four specific details be addressed: 1) Recommend that all For-Hire Providers be required to provide proof of primary commercial insurance to the city as a prerequisite to service entry. Additionally, that all drivers provide acknowledgement from their personal insurance provider that the carrier is aware that the insured vehicle is being used in a for-hire capacity. 2) Recommend that all drivers be required to complete a standard drug test and complete the City's 10 Print Procedure prior to receiving permit approval. 3) All vehicles used in a commercial application must pass inspection and proof of that inspection should be part of the City Issued Permit Process. All vehicles used in Commercial For-Hire application should be inspected by an ASE State Certified Inspector based on the City's current commercial/for-hire use standard. 4) Recommend that a pre-determined number of permits are selected and that re-evaluation of the impact of those additional permits be reconsidered after 18 months.

Mayor Taylor thanked everyone for the comments and presentation. She stated that she hoped they could strike a happy medium among all parties involved. She noted that they would take action on said issue on December 11, 2014.

2. A Briefing on the current status and workplan for the City of San Antonio's three growth-related plans including the Comprehensive Plan, the Strategic Multi-Modal Transportation Plan, and the Sustainability Plan. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

Item 2 was not addressed.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 3:40 pm to discuss the following:

- A. Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).
- B. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- C. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to the Municipal Courts pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Pro Tem Nirenberg reconvened the meeting at 5:35 pm and announced that no action was taken in Executive Session. He addressed the Ceremonial Items.

CEREMONIALS

Mayor Pro Tem Nirenberg presented a Citation to the John F. Kennedy High School Criminal Justice Youth & Government Club Mock Trial Team. He stated that they had presented a winning case at the State Competition, which advanced them to the National Contest in Chicago. It was noted that Kennedy High School is the only Mock Trial Team in San Antonio.

Mayor Pro Tem Nirenberg presented Citations to Four Northside ISD Parent Teacher Associations (PTA's) for being named as 2014-2016 National PTA Schools of Excellence. It was noted that Leon Springs and Mireles Elementary Schools, and Folks and Hobby Middle Schools, were among 170 schools from across the country to receive the special designation and the only schools in South Texas to receive it.

CITIZENS TO BE HEARD

Mayor Pro Tem Nirenberg called upon the citizens registered to speak.

Sandra Garant addressed the City Council in opposition to the new Planned Parenthood Clinic located at 2140 Babcock Road. She stated that it was not appropriate for the area due

to its close proximity to residential homes.

Mark Perez addressed the City Council and spoke of public safety issues due to the improper storage of hazardous chemicals.

Sylvia Villarreal addressed the City Council in opposition to the new Planned Parenthood Clinic noting concerns with the amount of abortions that would be performed.

Kellie Gretschel addressed the City Council in opposition to the new Planned Parenthood Clinic. She spoke of the great amount of revenue they received for the services they performed and stated that the expanded facility was not needed.

Thelma Franco, Tina Luther, and Lorie Rojas representing the Concerned Citizens of Dreamhill Estates addressed the City Council. Ms. Luther expressed concern with the increased traffic and crime that would occur in the area due to the new Planned Parenthood Facility. Ms. Rojas also expressed concerns with the impact of the new Planned Parenthood Facility and stated that she enjoys living in a quiet and well-established neighborhood. Ms. Franco stated that she lives seven houses down from the proposed facility and was already noticing issues with increased traffic.

Darlene D. Jimenez addressed the City Council in opposition to the new Planned Parenthood Clinic and spoke of the depression and anxiety of women due to forced abortions.

Linda Caswell addressed the City Council in opposition to the new Planned Parenthood Clinic noting that it was located in a residential area. She stated that she has been working with victims of human trafficking and expressed concern for their health.

Daniel Hack, Gary Hack, and John Powell representing Citizens for Better San Antonio addressed the City Council. Mr. Gary Hack spoke of issues he had been experiencing with his business located at 609 Somerset Road since 1999. He noted that Mr. Danny Ramirez had caused a great deal of problems in his life and family and had threatened to put him out of business. He expressed concern that Mr. Ramirez was operating a business without the proper building permits or a certificate of occupancy and that Code Compliance Staff was aiding Mr. Ramirez. Mr. Daniel Hack asked Councilmember Gonzales to assist as their business was located in District 5.

Theresa Berlanga expressed concern with the psychological problems of women who have had abortions.

Nazirite Ruben Flores Perez referenced Yahweh in The Bible and expressed concern that

City Employees in the Downtown Area were being assigned to work in other areas of the city.

Edith Stockhardt expressed concern with San Antonio Housing Authority (SAHA) Residents in which she rented a home and was trashed by the residents. She stated that SAHA had not assisted her.

Jack M. Finger expressed concern with the new Planned Parenthood Clinic noting that they provide birth control services. He asked why Planned Parenthood had more rights than the residents of the area.

Artman Bland expressed concern with the services provided by Code Compliance and noted that he needed additional time to address issues with his home.

Patrick Von Dohlen and Mike Knuffke representing Family Services Association addressed the City Council in opposition to the new Planned Parenthood Clinic. They played a video on the negative impacts of abortion. Mr. Knuffke added concerns that the facility was located in a neighborhood and added concern with the increased traffic.

Faris Hodge, Jr. submitted written testimony noting that bikes and vehicles could share the road. He wrote that new bike lanes would be green. He referenced the race for San Antonio District Attorney. He asked the City Council to vote on one zoning case at a time. He requested that funding be allocated for the Wheatley Heights Sports Complex. He asked that the City of San Antonio offer earlier retirement for its workers.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Nirenberg adjourned the meeting at 7:00 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK