

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
SAM MORGAN, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

**CITY COUNCIL WORK SESSION MINUTES
CITY HALL, 300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
November 26, 2018
9:05 A.M.**

The City Council met at the above place and date. Meeting called to order at 9:33 a.m. Mayor Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Late Arrival: Sam Morgan at 9:35 a.m. Michiel Noe requested to be excused.

AGENDA

- 1. Presentation and discussion on an Ordinance amending Title 6 of the El Paso City Code (Transportation for Hire); revising Section 6.04.090 (Operating Authority Permit-Application) to add Subsection 5 (Color Scheme); revising Section 6.04.110 (Driver's Qualifications) to add Subsection B; adding Section 6.04.210 (Conduct of Drivers); adding Section 6.04.330 (Vehicle Requirements and Inspections); adding Section 6.04.340 (Vehicle Color Scheme and Distinctive Markings); revising Section 6.04.410 to add verbiage requiring by appointment only vehicle for hire services to keep logbook of their pick-ups; adding Section 6.04.420 (Vehicle Identification Requirements); correcting typographical errors throughout; the penalty being as provided in Sections 1.08.010, 1.08.020, and 1.08.030 of the El Paso City Code.**

Assistant Police Chief, Victor Zarur, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Lizarraga inquired about the enforcement process.

Chief Zarur replied that an enforcement unit would have oversight and stated that there would be a 9-month grace period.

Representative Rivera questioned if the photos contained in the PowerPoint presentation were of established companies.

Chief Zarur responded yes and explained that since there are currently 37 companies it is important that the vehicles be marked appropriately.

Ms. Dionne Mack, Deputy City Manager of Public Safety and Support Services, noted there were 4 companies when this modification was originally introduced and the number has since then risen to 37.

Representative Annelo asked if there was direct input from the cab companies.

Chief Zarur replied that there were multiple meetings where members of the companies were invited.

Representative Annelo expressed concern with telling a private company how their vehicle should look and questioned if Lyft and Uber would be affected.

Chief Zarur explained there would be no impact on transportation network companies.

Representative Annelo then asked Chief Zarur to clarify "Transportation for Hire" and questioned about a company recently hired for traffic management at the airport and their role in enforcing the ordinance.

Ms. Monica Lombrana, Director of Aviation and Bridges, explained the company is only tasked with directing customers to the area where taxis/Ubers/Lyfts are located. She further clarified that these changes are needed for safety reasons.

Representative Svarzbein asked again if the changes would affect Uber and Lyft drivers.

Mayor Margo answered "no".

Chief Zarur added that the Vehicle for Hire Unit with the Police Department would help with enforcement of the code.

Ms. Lombrana expressed the need for the Ordinance in order to clarify and enforce changes.

Representative Lizarraga asked about the response during the public meetings, more specifically how the taxicab companies have reacted to the proposed changes.

Chief Zarur responded that some individuals wanted more enforcement.

Representative Annelo wanted to know when the City Council would be voting on the ordinance and if there would be any additional public meetings prior that.

Chief Zarur responded that the public hearing would be on December 18th without the scheduling of additional public meetings before that date.

Representative Rivera asked if the vehicle signage was going to be standard.

Chief Zarur answered that signage should be painted or permanently affixed to the vehicle in order to protect the taxi industry from impersonators.

Ms. Mack explained that the reason for presenting the item during a Work Session was to allow Council and the taxi industry to see the proposed changes before posting it for

consideration. She also stated that a press release was sent out three weeks ago which contained changes and the announcement of this meeting in order to allow for comments or additional changes before the first reading of the Ordinance.

Representative Annelo expressed concern that the changes might prohibit individuals from working during the day with a taxi company and driving with Uber in the evening.

Chief Zarur shared input from the public meetings and explained that eventually vehicles should be identifiable by color scheme.

Representative Ordaz Perez stated she would like to move on this Ordinance as quickly as possible.

Representative Rivera asked if Uber signs are different from those required of taxicabs.

Chief Zarur replied that Uber has their own set of standards regulated by the State.

Mayor Margo questioned where the proposed changes originated.

Chief Zarur replied that safety concerns were evaluated, after the State made changes to regulations regarding vehicles for hire, because of Uber and Lyft. He added that his group also wanted to match up the code to strategic goals one, two, and three of the City.

Representative Svarzbein noted that Uber/Lyft provides information as to who their drivers are and questioned if the City would provide something similar.

Chief Zarur answered no; these changes are to make sure vehicles in the industry are identifiable.

Representative Annelo asked if the companies affected that are not Uber or Lyft are considered "ride hauling" and Representative Svarzbein shared his concerns with causing taxi companies further difficulties.

Mr. Armando Flores, Vehicle for Hire Inspector, explained there is a process for companies to apply for a permit with a requirement that the company keeps track of all their drivers.

Representative Hernandez inquired about the turnaround time for the applications.

Chief Zarur explained the cars need to be identifiable under traditional taxi industry requirements to ensure citizens or travelers are getting into a legitimate vehicle and noted that the department has 30 days to process the applications submitted.

Representative Hernandez asked Chief Zarur to define distractive clothing.

Chief Zarur explained that individuals should not feel intimidated by the appearance of company drivers.

Ms. Lombrana reiterated that the proposed Ordinance is for safety and security.

Representative Hernandez stated that the City needs to ensure it is not over-regulating the

businesses and questioned if this is best practice.

Ms. Lombrana explained that going from 4 original taxi companies to over 30 companies is something unprecedented.

Representative Ordaz Perez added that when this issue was last discussed, the industry was de-regulated, and these are the consequences.

Ms. Lombrana explained that the proposed ordinance is asking that companies have the same color scheme and permanent markers and noted this is fair. She explained a best practice would be to issue a request for proposal to limit the number of companies at the airport.

Mr. Tommy Gonzalez, City Manager, asked Ms. Lombrana to send the Council members information on other airports.

Representative Svarzbein expressed concern about the language regarding “professional” and “distractive” clothing because it is subject to debate and asked for a definition.

Ms. Lombrana stated the language regarding clothing is not new.

Representative Annello questioned if there is any legal recourse in these actions.

Ms. Karla Nieman, City Attorney, offered to discuss the matter in executive session.

Mayor Margo questioned if the majority of taxi users at the airport are visitors to El Paso and Chief Zarur answered, yes.

Mayor Margo and Representative Rivera called for professionalism as these companies are representing the City.

Representative Hernandez asked if a company does not have a permanent marking on the vehicle would the alternative be a sign on top of the vehicle.

Chief Zarur explained that the company sign needed to be affixed so it may be seen from approximately 30 feet away. He explained that the painting or sticker sign must be on the body of the vehicle adding that magnets create a safety concern.

Mayor Margo wanted to know if customers at the airport are required to take the first taxi waiting in line. Chief Zarur answered, yes that is correct. Mayor Margo then asked if it is possible to post a sign allowing customers to choose which taxi company they would like to ride in.

Ms. Lombrana emphasized the language regarding appearance is nothing new and the point of the proposed ordinance is for safety and security reasons. Chief Zarur also added that the proposed ordinance is to make sure vehicles are identifiable.

Representative Annello questioned who decides what is unprofessional.

Ms. Lombrana stated this is not to regulate businesses; it is only to regulate the business at

the airport.

Representative Svarzbein also expressed concern over the “professional appearance” language within the Ordinance.

Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism, repeated that “professional appearance” has always been in the Ordinance language and has not been an issue with any companies in the past.

Ms. Nieman reminded the City Council that it is a privilege to enter the airport to conduct business. She explained that is possible to issue a request for proposal instead, and mentioned this is not in any violation of the law and that it is to promote the health, safety and welfare of the public.

Mayor Margo noted the employer dictates guidelines for appearance.

Mr. Gonzalez explained this Ordinance was broad based in order to incorporate more businesses to participate.

Chief Zarur explained that if a citation were issued, it would still go to Municipal Court for final determination.

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow speakers to address the Council after the signup period.

AYES: Representative Svarzbein, Annello, Hernandez, Morgan, Ordaz Perez, Rivera and Lizarraga

NAYS: None

ABSENT: Representative Noe

The following members of the public commented:

1. Mr. Joe Olivar, Border Cab Taxi
2. Mr. Carlos Sagredo, EP Shuttle
3. Ms. Shelly Calahan, AndaleRide

Ms. Lombrana stated that Council and staff are present today to discuss regulation at the airport. She continued, companies need to incur the cost of doing business and if the proposed ordinance does not pass, she will be coming forth with a request for proposal.

Representative Ordaz Perez questioned the fastest route to bring forth the proposed changes.

Ms. Lombrana responded by adoption of the proposed ordinance.

Ms. Mack commented that a request for proposal would not allow all companies to do business with the airport.

Mr. Gonzalez added that only those companies that meet the criteria would be able to do

business with the airport under the request for proposal option.

Representative Annello expressed her disappointment with the options and questioned if the proposed changes will affect the whole city.

Chief Zarur responded, yes, enforcement would be throughout the City.

Representative Svarzbein asked if there was a way to review the language used in the previous related Ordinance before it was de-regulated.

Mayor Margo clarified that the question is what was in place prior to 2016 regarding taxi regulations.

Mr. Gonzalez stated the proposed ordinance is not an “either/or” process and that is why it is being presented in a City Council Work Session. He asked staff to compile information on what other cities and airports are doing for comparison.

Representative Hernandez stated she believes it is better to bring the changes forward as a request for proposal for the airport so it does not affect citywide cab drivers.

Representative Svarzbein asked what percentage of business for cab companies comes from the airport.

Mr. Olivar, of Border Cab Taxi, answered 10%.

Mayor Margo stated that if visitors are coming in from out of town, they are likely not to have the Border Cab Taxi’s app.

Chief Zarur concluded that distinctive markings are non-negotiable in regards to safety purposes.

Ms. Mack shared that there are detailed Minutes from previous meetings with taxi companies available for members of Council who would like to read them.

NO ACTION was taken on this item.

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2. Presentation and discussion on the amendments to Title 12 for the use of motor-assisted scooters on sidewalks and Title 15 regarding the 12-month pilot program and the establishment of rules and regulations of Shared Mobility Devices.

Mr. Jeff Howell, Lead Planner, presented a PowerPoint presentation (copy of file in the City Clerk’s office).

Mr. Tommy Gonzalez, City Manager, mentioned that the list of cities implementing scooters within their communities is not an exhaustive list.

Representative Lizarraga asked Mr. Howell to explain the equitable access of the scooters.

Mr. Howell used discount programs as an example and stated that providers need to come

up with ways to make the scooters accessible for all people.

Mr. Philip Etiwe, Director of Planning and Inspections, noted that other companies were notified of this meeting but were unable to attend.

Representative Annelo expressed concern with accessibility and the Americans with Disabilities Act with regard to safety concerns. She questioned if every contract had to be for 500 scooters because other cities have stated it may result in too many.

Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism, explained that the City would have the ability to evaluate the number of scooters in the contracts.

Ms. Karla Nieman, City Attorney, noted that the City of El Paso does not incur liability for injuries obtained riding the scooters.

Representative Annelo agreed that the City is not liable and stated that they do have a responsibility to the citizens.

Mr. Gonzalez explained that originally staff wanted to tread lightly and launch a pilot with only one company to make sure all guidelines were followed.

Mr. Westin explained an added ambassador piece to the pilot program.

Representative Rivera asked about who would be responsible for picking up the scooters and how soon would they be picked up.

Ms. Nieman mentioned that it is up to City Council to allow the scooters on City sidewalks.

Representative Rivera questioned if bicycles are allowed on City sidewalks.

Chief Victor Zarur, Assistant Police Chief, responded yes.

Representative Rivera asked about enforcement and Lieutenant Joseph Garcia, Police Lieutenant, responded that it is best practice to let the rider decide where to ride, as some sidewalks are more narrow or bumpy than others.

Representative Lizarraga said she met with Glide, a scooter company, and learned that once a call or complaint is received, the scooter would be picked up within 30 minutes. She also noted that riding scooters on roads with a speed limit higher than 30 miles per hour is not allowed.

Mr. Howell explained that the scooters would not be allowed to remain in the same location for more than 48 hours. This could result in a citation and the possibility of permit revocation.

Representative Svarzbein commented on the designated boundaries and wondered if the pilot program could be expanded to include central neighborhoods or the Sunset Heights Neighborhood.

Mr. Westin replied that the area for the pilot program needed to be limited in order to best

understand the operations.

Representative Hernandez mentioned that she would also like to see the footprint expanded and would like to see the drop zones areas for the scooters. She asked why revenue information was requested.

Mr. Howell replied that revenue data was already captured in other cities.

Mr. Etiwe added that Glide and other providers are willing to give staff the data.

Mayor Margo stated that the information is necessary for franchise fees.

Representative Hernandez expressed concern with limited operation times and questioned if the hours of operation would be expanded to include weekends after 9:00 p.m., if scooters may be parked in City parks, and for explanation on the term "3 rides per day."

Mr. Etiwe responded no, the scooters may not be parked in parks. Mr. Howell explained that "3 rides per day" pertains to scooters driven more than 3 times in one day and added that it might be possible to expand operations.

Representative Hernandez asked for an explanation of the fees.

Mr. Etiwe explained the initial application fee is consistent with the application fee for special privileges currently charged by the City. He added that the ordinance is still in draft form and said fees are consistent with if not lower than best practices.

Representative Hernandez said she would like to hear from industry providers.

Representative Annello asked if the fee could be amended following the test period and Mr. Etiwe responded yes, it could.

Lt. Garcia noted that the drop off points for the scooters are important for public safety.

Mr. Gonzalez explained that the pilot program would be open to adjustments and would be included in future studies within the City.

Representative Lizarraga questioned safety aspects with operational hours of 6:00 a.m. to 9:00 p.m.

Mr. Etiwe explained the hours are limited because the scooters do not have lights but reminded the City Council that these are just proposed rules and regulations. Mr. Howell said the Texas Transportation code relating to headlights and taillights after dusk was added due to fluctuating seasons.

The following member of the public commented:

1. Mr. Jonathan Lopez, Chief Executive Officer for Glide

Mr. Lopez commented that the pilot program is a progressive change for El Paso and expressed that he would like for his company, Glide, to be the only company for the

program. Mr. Lopez also noted the proposed fees are high.

Representative Svarzbein asked if it would be hard to rearrange the boundaries for the scooters.

Mr. Lopez replied it is not hard to adjust the boundaries but a smaller boundary for the pilot program reassures better enforcement.

Mayor Margo encouraged the limited boundaries to test the pilot program.

Mr. Howell clarified boundary expansions could be handled administratively.

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Anello, seconded by Representative Ordaz Perez and unanimously carried to **ADJOURN** this meeting on November 26, 2018 at 11:21 a.m.

AYES: Representatives Svarzbein, Anello, Hernandez, Morgan, Ordaz Perez, Rivera and Lizarraga

NAYS: None

ABSENT: Representative Noe
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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk