

Committee of the Whole
December 5, 2017

Present: Mayor Vulich, Council Members Gassman, Seeley, McGraw, Allesee, Odor, Connell and O'Neill, City Administrator, City Attorney (via phone), City Clerk, Press and interested citizens.

1. Ordinance Updates – Taxi/Limo – City Clerk Lisa Frederick

City Clerk Lisa Frederick stated changes were made to the draft Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire pursuant to the Council's request at the last Committee of the Whole meeting on November 28, 2017. Clerk Frederick advised the Council that direction would need to be provided on whom should serve on the Board of Appeals. Clerk Frederick stated if the City was not listed as an additional insured on the insurance policies, the City would not receive notifications if the policy was terminated or cancelled. Clerk Frederick stated this could lead to situations where proof of insurance is provided during the time of renewal and then not carried for the remainder of the year.

Councilmember Connell discussed the possibility of compliance checks or posting of insurance coverage. Councilmember O'Neill stated he received calls and concerns from constituents since the last Committee of the Whole meeting. Councilmember O'Neill stated the importance of protecting all citizens and advised that he believed the City should remain being listed as an additional insured.

M/S, O'Neill-Gassman moved to add back Section 114.17(c) to the Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire, requiring that the City be listed as an additional insured on the insurance policy. On roll call, carried unanimously.

In discussion before roll call, Councilmember Gassman and Mayor Vulich stated having an additional insured listed on an insurance policy in connection with conducting a business is common practice. City Attorney Patrick O'Connell advised the Council that when the City is listed as an additional insured, the City would waive statutory immunity. Attorney O'Connell stated the City would not have an active role in being liable if an accident were to occur. Councilmember O'Neill stated he believed it would be best to be proactive rather than wait to find out about a cancellation or termination in coverage after an accident or traffic stop had occurred. Councilmember Seeley inquired if one option was preferable over another as it pertained to being listed as an additional insured or not being listed as an additional insured. Attorney O'Connell stated one was not preferable over the other and either option could be chosen. Councilmember Seeley inquired if the City would be liable if an accident occurred and the City was listed as an additional insured and inquired if there was a better chance of a settlement recovery if the City was listed as an additional insured. Attorney O'Connell stated there would be no theory for recover against the City and there would not be a better chance of recovery. Councilmember Connell stated if an owner chose to terminate their insurance coverage they would not be receiving a City license in the future.

Councilmember O'Neill stated he received calls and concerns from constituents regarding the removal of the requirement for taxicabs to have meters. Councilmember O'Neill stated he believed a meter provided an equitable and fair way to charge a fare for passengers.

M/S, O'Neill-Odor moved to retain the provision in the Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire requiring that taxicabs must have a meter.

In discussion before roll call, Councilmember Connell stated the Council had agreed at the November 28, 2017 Committee of the Whole meeting to allow meters to be optional and to require that a rate card be posted in the vehicle.

Monica Herrera, 100 North 3rd Street, manager of On the Go Too Taxi, stated the company uses a phone app to calculate the fare and riders are advised before the trip begins of the cost of the fare. Councilmember Allesee inquired with Ms. Herrera on how riders will know what their fare is without a meter. Ms. Herrera stated customers know the rates and are advised prior to the trip. Councilmember Allesee inquired with Ms. Herrera if a rate card is posted in the company's vehicles. Ms. Herrera stated the rates are posted on their website and explained verbally.

Councilmember Seeley stated while meters can provide a sense of security for the passenger he believed it was a business decision on whether or not to use a meter. Councilmember O'Neill stated in regulating businesses, the Council can determine how to best protect the residents and if a meter is present there would be consistency and transparency for the riders. Councilmember Connell stated the rates should be posted and the fare known before the trip takes place.

Ms. Herrera stated the majority of passengers call ahead and check the fare prior to the trip. Councilmember O'Neill stated he received a complaint from a constituent that one fare is charged by one driver for the trip to the destination and another fare is charged by another driver for the return trip. Ms. Herrera stated meters frequently break down and that she believed the phone app was more accurate. Councilmember O'Neill stated if meters break down all the time, a different meter and/or different company should be used.

Linda Coppess, 2101 8th Street N.W., driver for On the Go Too Taxi, stated riders know the fare amounts before the trip takes place, that meters were not accurate, and that other cities do not require meters. Councilmember O'Neill stated after hearing concerns from constituents, he was not comfortable with having meters be optional and stressed the importance of protecting riders.

Councilmember Connell stated rideshare services such as Uber and Lyft do not use meters and have a prearranged fare amount prior to picking up a customer. Councilmember Connell stated most customers will inquire about the fare in advance. Councilmember Odor stated he wanted to protect the customer but also did not want to place an undue burden on the business owners. Councilmember Odor withdrew his second to the motion to retain the provision in the Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire requiring that taxicabs must have a meter. Councilmember Seeley stated a consumer can choose to use a metered company. Councilmember Allesee stated customers will ultimately choose the company that provides the best service.

Mayor Vulich inquired if there was a second to the original motion to retain the provision in the Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire requiring that taxicabs must have a meter, as Councilmember Odor had withdrawn his second. No second was made. Motion failed.

Councilmember Gassman inquired about whom should be appointed to the Board of Appeals. City Administrator Matt Brooke suggested the City Administrator, the Chief of Police, and the Transit and Fleet Superintendent. Councilmember Connell requested that two residents be appointed as well. Mayor Vulich stated this would be another Board that he would select

residents to serve on. No objections were raised by the Councilmembers to the proposed appointees of the Board of Appeals.

Administrator Brooke presented the proposed taxicab sticker layout to the Council. Administrator Brooke stated the sticker would be placed on the back windshield. Mayor Vulich suggested using a different color for each calendar year. M/S, Connell-Allesee moved to accept the taxicab sticker layout as presented. On roll call, carried unanimously.

M/S, Allesee-Seeley moved to forward the Ordinance Updating City Code Chapter 114 – Licensing of Taxicabs and Vehicles for Hire to the next City Council meeting for its first reading, with the provision that the City must be named as an additional insured included. On roll call, carried unanimously.

2. Scheduling of Councilmember Orientation – Administrator Matt Brooke

Administrator Brooke reviewed a proposed Councilmember orientation agenda. Administrator Brooke stated in addition to reviewing the items on the agenda, Councilmembers would be able to take trips to the City buildings and departments. Councilmember Connell inquired what the timeframe was for completing the orientation. Administrator Brooke stated ideally by the end of the year. Councilmember Gassman suggested a refresher for all of the Council on legal issues and meeting structure. Councilmember Connell suggested scheduling dates for trips to the buildings and departments. Administrator Brooke stated he would have the orientation presented at an upcoming Committee of the Whole meeting and would work with Councilmembers to schedule trips to the City buildings and departments.

3. Mayor and Council Updates

No updates were presented.

M/S, Seeley-Gassman moved to adjourn. All in favor.

Respectfully Submitted,

Lisa M. Frederick
City Clerk