



## City Council Staff Report

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DATE: November 19, 2008 Consent Calendar

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1754, ESTABLISHING A PASSENGER BILL OF RIGHTS FOR THE BENEFIT OF USERS OF GROUND TRANSPORTATION COMMERCIAL VEHICLES AT THE PALM SPRINGS INTERNATIONAL AIRPORT

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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### SUMMARY:

The City Council will consider adoption of Ordinance No. 1754.

### RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1754, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 16.02.095 TO, AMENDING SECTIONS 16.02.015 AND 16.36.020 AND SUBSECTION (a) OF SECTION 16.36.030 AND SUBSECTION (c) OF SECTION 16.36.045 TO, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF A PASSENGER BILL OF RIGHTS FOR THE BENEFIT OF USERS OF GROUND TRANSPORTATION COMMERCIAL VEHICLES AT THE PALM SPRINGS INTERNATIONAL AIRPORT."

### STAFF ANALYSIS:

At its December 3, 2008, meeting Proposed Ordinance No. 1754 was introduced by the following vote:

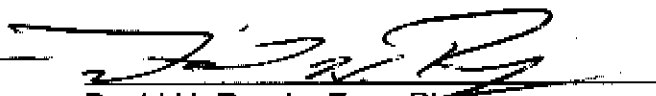
**AYES:** Councilmember Foat, Councilmember Hutcherson, Councilmember Weigel, Mayor Pro Tem Mills, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** None.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

  
James Thompson  
City Clerk

  
David H. Ready, Esq., Ph.D.  
City Manager

Attachment: Ordinance No. 1754

**Item 2.E.**

**ORDINANCE NO. 1754**

**ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 16.02.095 TO, AMENDING SECTIONS 16.02.015 AND 16.36.020 AND SUBSECTION (a) OF SECTION 16.36.030 AND SUBSECTION (c) OF SECTION 16.36.045 TO, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF A PASSENGER BILL OF RIGHTS FOR THE BENEFIT OF USERS OF GROUND TRANSPORTATION COMMERCIAL VEHICLES AT THE PALM SPRINGS INTERNATIONAL AIRPORT.**

***City Attorney's Summary***

*This Ordinance establishes a Passenger Bill of Rights for the benefit of the traveling public using commercial vehicle services for ground transportation to and from the Palm Springs International Airport. The Ordinance requires that the Passenger Bill of Rights be displayed in each vehicle and that violation of the provisions of the Passenger Bill of Rights would be deemed a "major violation" under the Airport rules and regulations.*

**The City Council of the City of Palm Springs ordains:**

SECTION 1. Section 16.02.015 of the Palm Springs Municipal Code is amended by adding a definition of "Passenger Bill of Rights."

"Passenger Bill of Rights" means a document prepared by the Director of Aviation in consultation with the Airport Commission and representatives of Commercial Vehicle Operators that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Palm Springs Municipal Code, that are applicable to or expected of Commercial Vehicle Operators in providing transportation services to traveling public and persons who use the Palm Springs International Airport.

SECTION 2. Section 16.02.095 of the Palm Springs Municipal Code is added to read:

**16.02.015. Appeals.**

Any person or entity aggrieved by a finding, determination, notice, action or failure to act taken under the provisions of this Title may appeal such finding, determination, notice, action or failure pursuant to the appeal process specified in Chapter 11.72 of this Code.

SECTION 3. Section 16.36.020 of the Palm Springs Municipal Code is amended to read:

**16.36.020 Vehicle Operator conduct and appearance.**

(a) Commercial Vehicle Operators shall remain in their Vehicles or in the immediate vicinity (immediately adjacent to the Vehicle) at all times while at or on the Airport except in those areas designated by the Director of Aviation.

(b) Commercial Vehicle Operators are prohibited from loitering or standing inside the Airport Terminal Building while their Vehicle is in position in the Commercial Lane.

(c) Commercial Vehicle Operators shall not solicit, persuade or urge any person (by words, gestures, or other form of communication) to use or hire any Commercial Vehicle Operator.

(d) Commercial Vehicle Operators shall maintain a professional look and appearance (i.e., collared and clean shirt and pants, shoes, and socks) and shall display an identification badge which includes a photograph and the name of the operator and the name of the operator's company at all times while conducting Commercial Activities at the Airport.

(e) Commercial Vehicle Operators shall conduct themselves in a courteous and professional manner and treat members of the traveling public with the utmost respect at all times.

(1) Commercial Vehicle Operators shall not intentionally obstruct the movement of any person or Vehicle.

(2) Commercial Vehicle Operators shall not use offensive, abusive, or obscene language, gestures, or other forms of communication while at or on the Airport.

(3) Commercial Vehicle Operators shall be fully familiar with the provisions of the Passenger Bill of Rights and shall fully abide by the terms and requirements of the Passenger Bill of Rights.

SECTION 4. Subsection (a) of Section 16.36.030 of the Palm Springs Municipal Code is amended to read:

(a) All Commercial Vehicles shall be kept in good operating condition. The exterior of each vehicle shall be clean with a clear and visible taxi company designation. The vehicle interior and trunk area shall be neat and clean. A copy of the Passenger Bill of Rights shall be placed in a conspicuous place in the vehicle, visible to all passengers.

SECTION 5. Subsection (c) of Section 16.36.045 of the Palm Springs Municipal Code is amended to read:

(c) Major violation (including, but not limited to, attempt to induce another to commit an illegal act or violation of these Rules and Regulations, failure to obey a lawful order of the Director of Aviation or Operations Department personnel, offensive language, gestures, failure to properly display the Passenger Bill of Rights or to comply with the provisions of the Passenger Bill of Rights, or other actions, or conduct that is discourteous or unprofessional.

- (1) First offense—Warning.
- (2) Second offense—Thirty day suspension of Airport Use Agreement and Permit.
- (3) Third offense—Permanent revocation of Airport Use Agreement and Permit.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

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Stephen P Pougnet, Mayor

ATTEST:

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James Thompson, City Clerk

APPROVED AS TO FORM:

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Douglas Holland, City Attorney