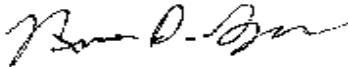


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Susan Jones, Chief of Police
DATE: October 2, 2012
SUBJECT: Consideration of a request for a Determination of Public Convenience and Necessity authorizing a permanent vehicle for rent service in the City of Calistoga.

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

1
2 **ISSUE:** Consideration of a request for a Determination of Public Convenience and
3 Necessity (PCN) authorizing a taxi cab service. (Application No. PCN 2012-0_).
4
5 **RECOMMENDATION:** Approve a Resolution making a Determination of Public
6 Convenience and Necessity (PCN) authorizing the taxi cab business.
7
8 **BACKGROUND:** On September 4, 2012, Holly LaBarber and Leslie Lodestro
9 submitted an application for a PCN Determination required by the Calistoga Municipal
10 Code (CMC) Chapter 5.16. It is the intention of the applicants to start a taxi cab
11 service that can provide and assist Calistoga residents and tourists with
12 transportation needs.
13
14 **DISCUSSION:** The Calistoga Municipal Code (CMC), Chapter 5.16, governs
15 vehicles for hire. On October 11, 2002, the City Council adopted by Ordinance No.
16 584, requiring that any person engaging in the business of operating a taxicab or rent
17 vehicle in the City must first be granted a PCN from the City Council. A PCN
18 certificate is not granted until the City Council declares, by resolution after a public
19 hearing, that the public convenience and necessity is supported by the proposed
20 vehicle for hire. Chapter 5.16 of the CMC also defines the circumstances under

21 which the City Council may deny, approve or conditionally approve a PCN
22 application. Furthermore, Section 5.16.020 and Section 5.16.040 includes guidelines
23 and findings, which Council should use in order to evaluate and consider public
24 convenience and necessity determinations. The following lists are guidelines and
25 findings for PCN applications:

26
27 **Certificate of Public Convenience and Necessity – Required (Section**
28 **5.16.020)**
29

30 *1. A full identification of the applicant and all persons to be directly or indirectly*
31 *interested in the permit, if granted;*

32
33 The applicants applying under the name of Cab Hopper are Holly Anne LaBarber of
34 Cupertino, CA and Leslie Lodestro of Mt. View, CA. LaBarber will be CEO of Cab
35 Hopper and Lodestro will be VP of Marketing.

36
37 *2. The residence and business address and the citizenship of the applicant, including*
38 *all members of any firm or partnership, or all officers and directors of any corporation*
39 *applying;*

40
41 Applicant LaBarber lives at 7624 Erin Way in Cupertino, CA. Applicant Lodestro lives
42 at 1945 Mt. Vernon Ct #2, Mt. View. Both applicants are U.S. citizens. They plan to
43 operate Cab Hopper at 710 Washington St., Calistoga.

44
45 *3. The exact nature of the proposed business for which the permit is requested, and*
46 *the name under which it is operated;*

47
48 Cab Hopper will be organized as a limited liability corporation and will operate as a
49 taxi cab company, running two metered taxi cabs in the Calistoga and Saint Helena
50 area.

51
52 *4. Whether or not any permit of the applicant has been revoked, and, if so, the*
53 *circumstances of such revocation;*

54
55 The City has no record of a previous PCN application filed by the applicants.

56
57 *5. The number of vehicles proposed to be operated;*

58
59 Cab Hopper proposes two (2) automobiles for use as taxi cabs.

60

61 **6. *The complete description of the vehicles proposed to be operated and of the***
62 ***proposed operations;***

63

64 Cab Hopper will use a 2009 Cadillac sedan, white and a 2002 Jeep Liberty, silver.

65

66 **7. *The color scheme and characteristic insignia to be used to designate the vehicles***
67 ***of said owner;***

68

69 The Cab Hopper logo with telephone number will be in yellow and purple over a black
70 and white checker background.

71

72 **8. *Such other further and additional information as the Council may require.***

73

74 If a PCN is granted, the applicants and any future employee must obtain a permit
75 from the Chief of Police and provide proof of liability insurance to the City Clerk
76 pursuant to Section 5.16.050 and 5.16.060 of the Calistoga Municipal Code.

77

78 Also, pursuant to 5.16.080 of the Calistoga Municipal Code, each taxi cab shall be
79 equipped with a taxi meter, inspected and certified by the Department of Weights and
80 Measures. The rate of fare shall be posted in a conspicuous location within the rent
81 vehicle and shall be visible to the occupant upon entering the rent vehicle.

82

83

84 **Certificate of Public Convenience and Necessity – Application - Hearing**
85 **(Section 5.16.040(D))**

86

87 **1. *The demand of the public for additional taxicab or rent vehicle service;***

88

89 The Police Department conducted a canvas of area visitor accommodations and
90 restaurants to determine if these local merchants had a need for additional
91 transportation services in the community. The general consensus of this canvas was
92 that there is a need for a taxi cab service. Some business commented that they refer
93 guests to the Calistoga Shuttle and others stated that the need for a cab service is
94 seasonal.

95

96 **2. *The adequacy of the existing taxicab or rent vehicle service;***

97

98 Currently, there is one other private vehicle for hire operation within Calistoga. This
99 operation is named Valley Valet and the owner/operator is Marjorie Fatheree. Ms.
100 Fatheree was granted a PCN to operate Valley Valet in December 2006. Ms. Fatheree
101 has a current business license but as of this date Ms. Fatheree's vehicle for hire driver
102 permit has lapsed. When I spoke to her in reference to this PCN application she told me
103 that she does plan to renew her permit and continue Valley Valet's operation.
104

105 The Calistoga Shuttle currently operates a door to door service Monday through
106 Thursday 7 am to 9 pm, Friday 7 am to 11 pm, Saturday 8:15 am to 11 pm and Sunday
107 11 am to 9 pm. The service cost one dollar. July ridership of the Calistoga shuttle
108 included 431 tourist and 1,453 resident trips.
109

110 **3. *The financial responsibility and experience of the applicant;***
111

112 The applicant will be required to provide proof of liability insurance to the City Clerk
113 pursuant to Section 5.16.050 and 5.16.060 of the Calistoga Municipal Code. Upon
114 issuance of this PCN the applicant should provide the certificate of insurance to the
115 City Clerk including an indemnification agreement. Once in operation, if the policy
116 changes or is terminated the applicant should notify the City Clerk's Office within thirty
117 (30) days of change or termination. In the event that any State or Federal regulatory
118 agency has more restrictive guidelines the more restrictive requirements should take
119 precedence
120

121
122 **4. *The number, make and type of the equipment and the color scheme to be used;***
123

124 The proposed rent vehicle fleet would be comprised of 2 vehicles; a Jeep Liberty and a
125 Cadillac CTS sedan.
126

127
128 **5. *The effect of the service on the health, safety and general welfare of the City, the***
129 ***public, and/or any animals used for public transportation;***
130

131 A typical vehicle for hire operation would not have a detrimental impact on health, safety
132 and welfare of the City, the public, and/or animals. The taxicab has the potential to
133 reduce traffic, and promote safe driving practices in an area known for a significant
134 amount of wineries. The operation could also reduce vehicle emissions while promoting
135 accessibility in Calistoga for those in need of transportation.
136

137 **6. *The adequacy of any operating guidelines or procedures for protection of animal***
138 ***health, safety and general welfare.***

139

140 The applicant does not propose to use any animals. Therefore, no animals will be
141 harmed as a result of this operation.

142

143 The applicant has submitted a request to operate a taxi cab business within the City
144 Limits. Staff along with other appropriate City departments have reviewed the request
145 and has determined that the use would provide a convenient and necessary business
146 to Calistoga's residents and visitors.

147

148 **FISCAL IMPACT:** The proposed taxi cab service is not anticipated to have a fiscal
149 impact upon the City of Calistoga.

150

151 **ATTACHMENTS:**

152

153 1. Draft Resolution

154 2. Applicant's Submittal Letters received September 11, 2012