

**RESOLUTION 2012-**

**RESOLUTION OF THE CITY OF CALISTOGA MAKING A DETERMINATION OF  
PUBLIC CONVENIENCE AND NECESSITY FOR A RENT VEHICLE SERVICE TO  
OPERATE WITHIN THE CITY LIMITS**

1           **WHEREAS**, the City Council has adopted Ordinance No. 584 establishing  
2 guidelines for making Public Convenience and Necessity Determinations for vehicle rent  
3 services;

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5           **WHEREAS**, on September 4, 2012, Holly LaBarber and Leslie Lodestro applied to  
6 the City for a Public Convenience and Necessity Determination;

7  
8           **WHEREAS**, on October 2, 2012, the City Council determined that allowing the rent  
9 vehicle service to operate in the City of Calistoga will serve as a public convenience and  
10 necessity based on the following findings:

- 11
- 12           1.     There is a public demand for additional rent vehicle service. In Calistoga,  
13                 there are limited types of vehicle services within the community. The  
14                 additional service will provide transportation between downtown, visitor  
15                 accommodations and wineries. Also, the proposed rent vehicle service would  
16                 provide transportation for residents to local services and regional centers.  
17
  - 18           2.     The proposed rent vehicle service has the potential to reduce traffic impacts  
19                 in downtown Calistoga. Rather than each individual driving their own  
20                 vehicles in downtown, the proposed rent vehicle service could get people out  
21                 of their individual vehicles and promotes safe alternative transportation.  
22
  - 23           3.     The proposed service includes appropriate and adequate procedures for  
24                 operation including the type of equipment, financial responsibilities,  
25                 maintenance and protection of equipment and will not have any adverse  
26                 health and safety impacts.  
27

28           **WHEREAS**, the operation of the rent vehicle service shall be substantially in  
29 conformance with Chapter 5.16 of the Calistoga Municipal Code.

30  
31           **THEREFORE BE IT RESOLVED** by the City Council of the City of Calistoga that  
32 based upon evidence presented during the referenced meeting, including written and oral  
33 staff reports and public testimony, and subject to the provisions of the staff  
34 recommendations, the City Council made a Public Convenience and Necessity  
35 Determination for rent vehicle service in the City of Calistoga, subject to the following  
36 conditions:

- 37
- 38           1.     This Public Convenience and Necessity Determination authorizes only two (2) taxi  
39                 cab service as described in the application submittal documentation. Any proposed

- 40 expansion of operation will require a subsequent Public Convenience and Necessity  
41 Determination unless otherwise approved by the Planning and Building Director.  
42
- 43 2. No taxi cab stand shall be permitted as a result of this approval. If a taxi cab stand  
44 is desired in the future, all provisions of Section 5.16.110 of the Calistoga Municipal  
45 Code shall be met.  
46
- 47 3. Prior to operation, an approved off-site location for the storage of two (2) vehicles  
48 shall be reviewed and approved by the Planning and Building Director and Police  
49 Chief. If the location is not allowed or is only allowed with a use permit, under the  
50 provisions of the Zoning Ordinance, Title 17, an alternative location shall be found  
51 or a conditional use permit shall be obtained.  
52
- 53 4. Signage, including signage affixed to the rent vehicle, is subject to Design Review  
54 approval by the Planning and Building Director. No advertising signs shall be  
55 permitted as a result of this approval with the exception of the insignias described in  
56 the application submittal materials received September 2012.  
57
- 58 5. The taxi cab shall be operated in a manner, which is in compliance with all  
59 appropriate local and state ordinances and codes and shall obey all traffic  
60 regulations.  
61
- 62 6. Any complaints received by the operator shall be forwarded to the Police  
63 Department since they are the lead to keep track of any and all complaints related  
64 to the operation of the rent vehicle.  
65
- 66 7. The taxi cab service authorized by this permit shall be restricted to the service as  
67 described in the application submittals and shall not be expanded beyond the scope  
68 of this project until the applicant receives from the City Council, a Public Necessity  
69 and Convenience Determination, in accordance with the existing provisions  
70 contained in the Calistoga Municipal Code.  
71
- 72 8. The Planning and Building Director may approve minor amendments to this  
73 approval provided that the taxi cab operation is still in substantial conformance with  
74 the original approval.  
75
- 76 9. Prior to operation, a driver's permit for the operator and any employee shall be  
77 approved by the City Police Department.  
78
- 79 10. This use shall conform to all required conditions established herein, as approved by  
80 the City Council on October 2, 2012. The applicant acknowledges that by accepting  
81 the terms and conditions of this Public Necessity and Convenience Determination,  
82 failure to comply without first receiving approval of the City is a violation and will be  
83 subject to enforcement, including possible revocation of the approval to protect the  
84 public health, safety and general welfare of the community, as set forth in the  
85 Calistoga Municipal Code.  
86

- 87 11. The business operator shall maintain the taxi cabs and any ancillary structures in a  
88 clean and orderly manner, in accordance with adopted City maintenance standards,  
89 and shall comply with all applicable local, County, State, and Federal laws.  
90
- 91 12. Prior to operation, the operator shall make an appointment with the Police Chief  
92 and/or his designee to inspect the vehicles to ensure that the vehicles are clean and  
93 operable.  
94
- 95 13. Operation of the rent vehicle service shall be subject to issuance of a business  
96 license.  
97
- 98 14. The use authorized by this approval shall be in conformance with the City's Noise  
99 Ordinance.  
100
- 101 15. Prior to operation, the operator shall provide to the City Clerk a certificate of  
102 insurance including standard business and automobile liability coverage in the  
103 amount of \$1,000,000 naming the City as additionally insured. The operator shall  
104 also provide proof of a valid vehicle registration form from the Department of Motor  
105 Vehicles. In the event that your insurance policy or vehicle registration is terminated  
106 or is changed you shall notify the City Clerk within thirty (30) days.  
107
- 108 16. This approval does not become effective unless, prior to operation, the applicant  
109 shall sign and file with the City of Calistoga an indemnity agreement approved by  
110 the City Attorney's Office, which shall be substantially in the following form:  
111
- 112 The applicant shall defend, indemnify, and hold harmless the City and its agents,  
113 officers, and employees from any claim, action, or proceeding against the City or its  
114 agents, officers, or employees to attack, set aside, void, or annul this approval or  
115 any prior or subsequent project-related approvals or conditions imposed by the City  
116 or any of its agencies, departments, commissions, agents officers, or employees  
117 concerning this project, or to impose personal liability against such agents, officers  
118 or employees resulting from their involvement in the project, including any claim for  
119 private attorney general fees claimed by or awarded to any party from the City.  
120 Applicant and owner agree to reimburse City for any and all costs incurred by City in  
121 responding to any claim, action, or proceeding, including but not limited to, court  
122 costs, staff time, including City Attorney time, legal defense costs and all other  
123 direct or indirect costs associated with City's response to any claim, action, or  
124 proceeding. The City may promptly notify the applicant of any such claim, action, or  
125 proceeding. The City may, within its unlimited discretion, participate in the defense  
126 of any such claim, action, or proceeding in good faith.  
127
- 128 17. Each taxi cab shall be equipped with a taxi meter, inspected and certified by the  
129 Department of Weights and Measures. The rate of fare shall be posted in a  
130 conspicuous location within the rent vehicle and shall be visible to the occupant  
131 upon entering the rent vehicle.  
132

- 133 18. If requested, the driver shall give a receipt upon payment of the correct fare. In a  
134 case of a dispute, the matter shall be determined by the officer in charge at the  
135 police station.  
136
- 137 19. Prior to installation of any top sign or any future top sign, the applicant shall submit  
138 a detailed description of the top sign to the Planning and Building Department  
139 Director for review and approval.  
140

141 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga  
142 at a regular meeting held this 2nd day of October 2012, by the following vote:  
143

144  
145 **AYES:**

146 **NOES:**

147 **ABSTAIN/ABSENT:**  
148

149  
150 \_\_\_\_\_  
151 **JACK GINGLES, Mayor**

152 **ATTEST:**

153  
154 \_\_\_\_\_  
155 **AMANDA DAVIS, City Clerk**