

RESOLUTION 2012-XXX

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;

4
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 **16th day of October, 2012**, by the following vote:
143

144

145 **AYES:**

146 **NOES:**

147 **ABSTAIN:**

148 **ABSENT:**
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150

151 **JACK GINGLES, Mayor**

152 **ATTEST:**

153

154

155 **AMANDA DAVIS, Deputy City Clerk**
156