



## City Council Agenda Item

**City Council Meeting Date:** January 17, 2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Jeff Malawy, City Attorney  
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**SUBJECT:** Application for a Certificate of Public Convenience and Necessity by Jose De La Cruz III dba 805 Transportation, LLC, to Operate a Taxicab Service in the City of Lompoc

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### **Recommendation:**

Staff recommends the City Council, pursuant to Sections 5.36.290 and 5.36.300 of the Lompoc Municipal Code (LMC):

- 1) Conduct a public hearing and receive testimony concerning the application by Jose De La Cruz III dba 805 Transportation, LLC, for a Certificate of Public Convenience and Necessity (Certificate) (Attachment 1);
- 2) Determine if the public convenience and necessity require the operation of passenger transportation by Jose De La Cruz III dba 805 Transportation, LLC, and if the applicant is fit, willing, and able to provide taxi services; and
- 3) If so, then direct staff to issue a Certificate to Jose De La Cruz III dba 805 Transportation, LLC, to operate a taxicab service in Lompoc.

### **Authority:**

LMC Chapter 5.36 regulates the operation of taxicabs on the public streets of the City. Prior to regularly operating any taxicab, the owner must apply for a Certificate of Public Convenience and Necessity (Certificate).

The City Clerk then provides copies of the application to the City Manager, the City Attorney, the Police Chief, the Management Services Director, and the Director of Community Development. Each of those officers files a report with the City Clerk regarding the application. Promptly after receiving all reports from those officers, the City Clerk schedules a public hearing on the application by the City Council. (LMC 5.36.290.)

If the City Council finds the proposed taxicab service is required by the public convenience and necessity, and that the applicant is fit, willing and able to provide such service, then

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the City Council shall record such findings in its minutes and direct the City Clerk to issue a Certificate to the applicant. Otherwise the City Council shall deny the application. [LMC 5.36.300(A).]

In making the above findings, the City Council shall take into consideration the reports of the City departments, the number of taxicabs and taxicab services already in operation in the City, whether existing taxicab service is adequate to meet the public need, the probable effect of additional service or competitive service on local taxicab services, the traffic conditions in the City, and the character, experience, and responsibility of the applicant.

If the Certificate is approved, the applicant must then apply for an Owners Permit per Article 2 of LMC Chapter 5.36, which is issued by the City after completion of a background investigation by the Lompoc Police Chief and verification of required insurance coverage.

**Background:**

On October 25, 2022, Jose De La Cruz III submitted an application for a Certificate, to allow him to purchase the current taxi service company Lompoc Taxi. The application is Attachment 1.

**Discussion:**

As required by LMC Section 5.36.290, the Police Chief, City Manager, City Attorney, Management Services Director, and Director of Community Development have reviewed and investigated the information submitted by Mr. De La Cruz and filed reports regarding the same. The department reports are attached to this staff report. (Attachment 2.)

**Fiscal Impact:**

Approval of the Certificate has no negative effect on the General Fund.

**Conclusion:**

If City Council finds the public convenience and necessity require the operation of the proposed taxicab service and finds the applicant is fit, willing, and able to provide the proposed services, then it is recommended the City Council direct the City Clerk to include those findings in the Official Minutes of the City Council and staff issue a Certificate to Jose De La Cruz III to operate a taxicab service upon proof of his compliance with all applicable laws and requirements.

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Respectfully Submitted,



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Attachments: 1) Application  
2) City Departments' Reports