

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE:

NO.

FROM: THE CITY MANAGER'S OFFICE

July 1, 1987

SUBJECT:

PUBLIC HEARING TO CONSIDER THE APPLICATION RECEIVED FROM BUDDY MOATS, LLOYD D. KUEHNE, AND LARRY GIGLITTO TO OPERATE A LIMOUSINE SERVICE WITHIN THE CITY OF LODI

RECOMMENDED ACTION: That, if the City Council determines that the public interest, convenience and necessity require the issuance of a permit to American Classic Limousine Service to operate a Limousine Service within the City of Lodi, it shall, by resolution, order the City Clerk to issue a permit in accordance with the provisions of the Lodi Municipal Code. (See Exhibit "B" attached)

The attached application (Exhibit "A") has been received from Buddy Moats, Lloyd D. Kuehne, and Larry Giglitto (American Classic Limousine Service) to operate a limousine service within the City of Lodi. The application has been reviewed and contains all information required under Section 5.24.210 of the Lodi Municipal Code. Pursuant to the Code the City Clerk set this matter for public hearing for the July 1, 1987 Council meeting. The public hearing has been advertised pursuant to law, and an affidavit of publication is on file in the City Clerk's office. The applicants have been duly notified of the date and time of the hearing.

The Lodi Municipal Code specifies that, at the time set for the hearing of the application for a permit, the Council may examine the applicant and all persons interested in the matter set forth in the application and shall determine whether or not the public interest, convenience and necessity require the issuance of the permit applied for. If it is found by the Council that the public interest, convenience and necessity require the issuance of the permit applied for it shall, by resolution, order the City Clerk to issue a permit.

The code further provides that, before a permit is issued by the City Clerk, the applicant to whom a permit has been awarded by the City Council shall deliver to the City Clerk a policy of insurance with the appropriate limits and naming the City as additional insured. The applicants have indicated that they are in the process of securing the required insurance coverage.

It will also be necessary for the applicants to obtain driver permits from the Chief of Police prior to being issued a permit to operate this service. The applicants are aware of this requirement and have contacted the police department regarding the processing of the required permits.


Alice M. Reimche
City Clerk

AMR:jj

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TXTA.02D

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
OF THE CITY OF LODI TO CONSIDER THE APPLICATION
RECEIVED FROM AMERICAN CLASSIC LIMOUSINE SERVICE,
902 INDUSTRIAL WAY, LODI, CALIFORNIA 95240,
TO OPERATE A LIMOUSINE SERVICE WITHIN THE CITY OF LODI

NOTICE IS HEREBY GIVEN that on the 1st day of July, 1987, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to consider the application received from Buddy Moats, Lloyd D. Kuehne and Larry Giglitto, doing business as American Classic Limousine Service, 902 Industrial Way, Lodi, CA 95240, to operate a Limousine Service within the City of Lodi.

Section 5.24.230 of the Lodi Municipal Code sets forth that, at the time of the hearing of the application for a permit to operate a Limousine Service within the City of Lodi, the council may examine the applicant and all persons interested in the matter set forth in the application and shall determine whether or not the public interest, convenience, and necessity require the issuance of the permit applied for and, if it is found by the council that the public interest, convenience, and necessity require the issuance of the permit applied for, it shall, by resolution, order the city clerk to issue a permit in accordance with the application subject to the filing and approval of an undertaking as required by Section 5.24.250 of the Lodi Municipal Code.

Information regarding this item may be obtained in the Office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the city clerk at

any time prior to the hearing scheduled herein and oral statements may be made at said Hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to, the public hearing.

Dated: June 6, 1987

By Order of the Lodi City Council

Alice M. Reinche
Alice M. Reinche
City Clerk

CITY OF LODI
VEHICLE FOR HIRE OPERATOR'S PERMIT
(ISSUED PURSUANT TO SECTION 5.24.200 ET SEQ.
OF THE LODI MUNICIPAL CODE)

RESOLVED that a Vehicle for Hire Operator's Permit is hereby issued pursuant to Section 5.24 et seq. of the Lodi Municipal Code as authorized by the Lodi City Council by Resolution No. 87-80 adopted July 1, 1987 to:

Lloyd D. Kuehne, Buddy Moats, Larry Gigletto
DBA: American Classic Limousine Service
902 Industrial Way
Lodi, CA 95220

Enclosures: a) Application of American Classic Limousine Service
b) Section 5.24 et seq. of the vehicle code
c) Certified copy of Resolution No. 87-80

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

RESOLUTION NO. 87-80

RESOLUTION DETERMINING THAT THE PUBLIC INTEREST,
CONVENIENCE, AND NECESSITY REQUIRE THE ISSUANCE OF A
PERMIT TO BUDDY MOATS, LLOYD D. KUEHNE AND LARRY GIGLITTO
(AMERICAN CLASSIC LIMOUSINE SERVICE)
TO OPERATE A LIMOUSINE SERVICE WITHIN THE CITY OF LODI

WHEREAS, an application has been received from Buddy Moats, Lloyd D. Kuehne, and Larry Giglitto (American Classic Limousine Service) to operate a limousine service within the City of Lodi; and

WHEREAS, the application has been reviewed and determined to contain all information required under Section 5.24.210 of the Lodi Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi, following a public hearing on the matter, does hereby determine that the public interest, convenience and necessity require the issuance of the permit applied for.

BE IT FURTHER RESOLVED, that the City Council of the City of Lodi does hereby order the City Clerk to issue a permit to Buddy Moats, Lloyd D. Kuehne, and Larry Giglitto (American Classic Limousine Service) in accordance with the application, subject to the filing and approval of an undertaking as required by Section 5.24.250.

Dated: July 1, 1987

I hereby certify that Resolution No. 87-80 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 1, 1987 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid,
Snider and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

American Classic Limousine Service

EXHIBIT A

EXHIBIT

902 Industrial Way
P.O. Box 926

Lodi, CA. 95240
(209) 334-3312

June 2, 1987

City of Lodi
Box 3006
Lodi, CA 95241

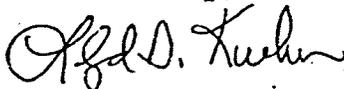
ATTN: Alice Reimche.

APPLICATION OF CONTENTS

- A. American Classic Limousine Service
902 Industrial Way
Lodi, CA 95240 Partnership

Buddy Moats 1191 Orangewood Drive Lodi, CA 95240
Lloyd D. Kuehne 642 Atherton Drive Lodi, CA 95240
Larry Giglitto 412 N. Church Street #25 Lodi, CA 95240
- B. Limousine for hire
- C. 85 Stretched Lincoln Continental
 - 1. American Classic Limousine Service
 - 2. V-8, I.D. #ILJBP96FOFY724850
 - 3. 1RJD292
 - 4. Six
 - 5. Limousine
- D. 902 Industrial Way Lodi, CA 95240
- E. See Attached sheet
- F. Burgundy

Yours Truly,



Lloyd D. Kuehne

mgm/LDK

TELEPHONE (209) 334-3382

INDUSTRIALWAY

MAILING: P.C. BX 926

LODI, CALIFORNIA 95241

LIMOUSINE RATES

MID-WEEK MONDAY THRU FRIDAY

Lunch \$45.00 2 hour minimum
 \$40.00 3 hour minimum

Tahoe /Reno

\$500.00 12 hour @ \$40.00 hour
400 Miles Maximum & \$1.00 for over miles
\$800.00 24 hours @ \$40.00 hour
600 Miles Maximum & \$1.00 for over miles

Security Deposit

\$100.00 deposit applicable towards rental
if left clean when leaving yard.

EXHIBIT B

5.24.160

then not for a period of more than five minutes, excepting in such stand as may be designated by the council and described in the application for a stand. This section shall not apply to any automobile for hire or taxicab while the same is engaged by and being paid for by a passenger. (Prior code § 24-16)

5.24.170 Application.

If any proposed taxicab stand is in a public street of the city, application to maintain the same shall be in writing, filed with the city clerk, who shall set the same to be heard at a meeting of the city council and who shall give notice of such hearing by causing notice thereof to be published in the newspaper designated for the publication of official publications of the city, at least ten days before the date of the hearing. Such written application shall be accompanied by a fee of five dollars to be paid to the city by the applicant. At the hearing the city council shall publicly hear all persons desiring to consent or object to such application, and shall grant or deny such application in the discretion of the city council. (Prior code § 24-17)

5.24.180 Rental.

The holder of any permit to maintain a taxicab stand shall pay to the city such rental therefor as the city council from time to time fixes by resolution or ordinance. (Prior code § 24-18)

5.24.190 Discontinuance.

Anyone desiring to discontinue, or have discontinued, the use of a taxicab stand in a public street in the city may make written application to the city

council for such discontinuance and file the same with the city clerk, who shall set the same to be heard at a meeting of the city council and who shall give notice of such hearing by causing notice thereof to be published in the newspaper designated for the publication of official publications of the city at least ten days before the date of the hearing. At the hearing the city council shall publicly hear all persons desiring to consent or object to such discontinuance and shall grant or deny such application at the discretion of the city council. (Prior code § 24-19)

✓ **Article IV. Operator's Permit**

5.24.200 Required.

It is unlawful to operate or cause to be operated an automobile for hire or a taxicab upon any public street within the city, without first having obtained a permit to do so in accordance with the provisions of this article, and without complying or having complied with all of the provisions of this chapter. (Prior code § 24-20)

5.24.210 Application contents.

Any person desiring to obtain the permit required by Section 5.24.200 shall pay a fee of ten dollars to the city clerk and shall make application for the permit to the city council, which application shall set forth:

A. The name and address of the applicant, and if a corporation, the names of its principal officers, or if a partnership, association or fictitious company, the names of the partners or persons composing the association or company, with the address of each;

B. A statement as to whether the permit is desired for an automobile for hire or a taxicab:

C. A description of every motor vehicle which the applicant proposes to use, giving:

1. Trade name.
2. Motor and serial number.
3. State license number.
4. Seating capacity, and
5. Body style:

D. The street number and exact location of the place or places where the applicant proposes to stand each such automobile:

E. Proposed schedule of rates or fares to be charged for carrying passengers in such automobile:

F. The distinctive color scheme, name, monogram or insignia which will be used on such automobile. (Prior code § 24-21)

**5.24.220 Application hearing—
Notice.**

Upon the receipt of an application referred to in Section 5.24.210, the city clerk shall set a time, not less than ten nor more than thirty days thereafter, for the hearing of the application before the city council, and shall give notice of the time so set, at least five days before the date of the hearing, to the applicant and to any other permit holder under this chapter at the address set out in such application and by publication, if directed, by the council. (Prior code § 24-22)

**5.24.230 Application hearing—
Conduct.**

At the time set for the hearing of the application for a permit, the council may

examine the applicant and all persons interested in the matter set forth in the application, and shall determine whether or not the public interest, convenience and necessity require the issuance of the permit applied for, and if it is found by the council that the public interest, convenience and necessity require the issuance of the permit applied for, it shall by resolution order the city clerk to issue a permit in accordance with the application, subject to the filing and approval of an undertaking as required by Section 5.24.250. (Prior code § 24-23)

5.24.240 Denial grounds.

The following reasons shall be sufficient for denial of an operator's permit:

A. That the application is not in the form and does not contain the information required to be contained by this article;

B. That the vehicle or vehicles described in the application are inadequate or unsafe for the purposes for which they are to be used;

C. That the color scheme, name, monogram or insignia to be used upon such automobile is in conflict with or imitates any color scheme, name, monogram or insignia used by any person in such manner as to be misleading or tend to deceive or defraud the public;

D. That the location of the stand, as stated in the application therefor as required by Section 5.24.170, is such as to congest or interfere with travel on any public street, or that the proposed stand is within three hundred feet of any other stand theretofore fixed by the council on the same street;

E. That the applicant has, at some

prior time, had a permit for the operation of an automobile for hire or taxicab revoked for reason:

F. That it appears to the council that there are a sufficient number of taxicabs and automobiles for hire in the city to fully serve the public, and that the granting of more permits would unduly congest the traffic and interfere with the free use of the public streets by the public, and that the public interest, convenience and necessity do not require the issuance of such permit. (Prior code § 24-24)

5.24.250 Insurance.

Before a permit is issued by the city clerk, the applicant to whom a permit has been awarded by the city council shall deliver to the city clerk a policy of insurance, executed by a company duly authorized under the laws of the state to operate an insurance business, by the provisions of which policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the automobiles referred to in the application; provided, that the maximum amount for which liability shall be assumed, and requirements for the city being named an additional insured, and any other insurance requirements, shall be as set and required from time to time by resolution of the city council. (Ord. 1340 § 1, 1984; prior code § 24-25)

5.24.260 Revocation.

Any permit granted under the provisions of this article may be revoked by the council, either as a whole or as to any cab described in such a permit, or as to the

right to use any distinctive color, monogram or insignia, after thirty days' notice to the permit holder, requiring him to appear at a certain time and place to show cause why the permit should not be revoked, for any of the following reasons:

A. That the undertaking provided for in Section 5.24.250 has not been given or has been withdrawn or lapsed for non-payment of premium, or is not in force for any reason;

B. For the nonpayment for any license fee provided by this code or other ordinance of the city;

C. For the failure to observe any of the rules and regulations or provisions of this chapter;

D. For the violation of any of the laws of the state or ordinances of the city by the permit holder, operator or driver of an automobile for hire or taxicab;

E. For the failure to maintain satisfactory service to the public by means of any of the vehicles described in the permit or for the failure to keep any car described in the permit in use for a reasonable length of time, or for the failure to use the distinctive color, monogram or insignia described in the application;

F. For any cause which in the opinion of the council makes it contrary to the public interest, convenience and necessity for the permit to be continued. (Prior code § 24-26)

5.24.270 One per person.

No person shall be entitled to hold more than one permit at a time, either as individual, member of copartnership, stockholder or officer of a corporation, or under any fictitious name, or otherwise. (Prior code § 24-27)

5.24.280 Transferability.

No permit issued under the terms of this article shall be transferable, either by contract or operation of law, without the permission of the council having been first obtained, and any such attempted transfer shall be sufficient cause for revocation thereof. (Prior code § 24-28)

Article V. Driver's Permit**5.24.290 Required.**

It is unlawful for any driver to operate any automobile for hire or taxicab in the city, unless such driver holds a permit to do so as required by this article. (Prior code § 24-29)

5.24.300 Application.

An application for a driver's permit, in writing, verified by the applicant, shall be filed with the chief of police, setting forth the following:

- A. Name, address and description of the applicant;
- B. Name of the applicant's employer or proposed employer;
- C. A photograph of the applicant taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- D. The fingerprints of the applicant;
- E. A statement of whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. (Prior code § 24-30)

5.24.310 Issuance—Term.

The chief of police shall issue a driver's permit which shall continue in force and effect for a period of one year, provided that the applicant possesses the following qualifications:

- A. The applicant shall be at least twenty-one years of age.
- B. The applicant shall not have been convicted of any of the following offenses:
 1. Driving a motor vehicle in a reckless manner or under the influence of an intoxicant;
 2. Pandering;
 3. Using, possessing, selling or transporting narcotics;
 4. Assault and battery;
 5. Any crime involving moral turpitude;
 6. Violation of any of the provisions of this chapter. (Prior code § 24-31)

Chapter 5.28**PRIVATE PATROL SYSTEMS****Sections:****Article I. Generally**

- | | |
|-----------------|---|
| 5.28.010 | Definitions. |
| 5.28.020 | Uniforms. |
| 5.28.030 | Badges and insignia—
Use—Approval. |
| 5.28.040 | Badges and insignia—
Sale. |
| 5.28.050 | Rank insignia. |
| 5.28.060 | Complaints to state. |
| 5.28.070 | Payment of license fees. |
| 5.28.080 | Notice service. |