



Council Meeting: August 19, 2008

SUBJECT: Municipal Code Revision Chapter 5.36- Taxicabs (Study Issue)

REPORT IN BRIEF

The Department of Public Safety was assigned a Study Issue for 2008 to examine the feasibility of removing the requirement for a Public Hearing from the Municipal Code as it pertains to awarding a Taxicab Franchise (Sunnyvale Municipal Code 5.36.060). It was determined through review that the City Charter requires a Public Hearing for the Award of all Franchise Agreements, including Taxicabs.

The purpose of this report is to provide Council with information for consideration as to whether to pursue a Charter Amendment to allow DPS to amend the City of Sunnyvale Municipal Code Chapter 5.36, removing Section 5.36.060; Public Hearing as a requirement for awarding a Taxicab Franchise in the City.

Staff believes it would not be prudent to pursue a voter-approved Charter Amendment for this single item because it would be cost prohibitive, and instead recommends that staff bring this issue forward for consideration during a future proposal to revise the Charter.

BACKGROUND

The City Charter requires that a Taxicab Franchise be considered and granted by the City Council. In order to obtain a Franchise, an application must be submitted by the Taxicab Company. This process is defined in Chapter 5.36 of the Municipal Code. Once an application has been made and all of the Municipal Code requirements have been met, it is presented to Council for approval during the Public Hearing portion of Council Meetings.

Staff initiated this Study Issue to determine the feasibility of eliminating the Public Hearing portion of the approval process, since applications are not brought forward to City Council for consideration unless all of the conditions for approval are met as outlined in the Municipal Code.

EXISTING POLICY

Charter of the City of Sunnyvale

Article XVI Franchises

Sunnyvale Municipal Code

Chapter 5.36 Taxicabs

DISCUSSION

Taxicabs are of great benefit to the community, and the City encourages their safe and legal operation through the Franchise process. Taxicabs enhance transportation options and are an asset to those without personal vehicles, and those unable to drive.

The Municipal Code specifically outlines the requirements to obtain a Taxicab Franchise and, unless all of the requirements are fulfilled in the application, is not presented to City Council.

Staff proposed this Study Issue because it was believed that by eliminating the Municipal Code requirement for a Public Hearing as a part of the franchise process, it would better serve the business applicant and reduce the time necessary to process the Taxicab Franchise Applications. Further, it would lessen the staff time necessary to prepare for and present the application at a Public Hearing.

While doing the research on this issue, and through discussions with the Office of the City Attorney, it was determined that because the process for obtaining a Taxicab Franchise in Sunnyvale is governed by City Charter, the process could only be amended through a voter-approved Charter Amendment. Based on actual costs from the November 2007 election, the Santa Clara County Registrar of Voters estimates the cost to put a single initiative on a future Ballot to be approximately \$40,000. This amount does not include staff time.

Therefore, Council has three options: To direct staff to raise the issue for consideration during a future Charter Revision; to pursue a voter-approved Charter Amendment during an upcoming election at a cost of approximately \$40,000; or to make no change to the Charter.

FISCAL IMPACT

Staff estimates the costs associated with placing a single Measure on the Ballot during an upcoming election to be approximately \$40,000; there would be no fiscal impact if Council delays a Charter Amendment to change the Taxicab Franchise process.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES

1. Make no change to the Sunnyvale City Charter, Article XVI, or Sunnyvale Municipal Code Section 5.36 at this time; and instead direct staff to raise the issue for consideration during a future Charter Revision.
2. Make provisions to Amend the City Charter to include revision to Article XVI and revise Sunnyvale Municipal Code Chapter 5.36, removing the requirement for a Public Hearing.
3. Make no changes at this time.

RECOMMENDATION

Staff recommends Alternative 1: Make no change to the Sunnyvale City Charter, Article XVI, or Sunnyvale Municipal Code Section 5.36 at this time; and instead direct staff to raise the issue for consideration during a future Charter Revision.

Staff believes that there is not an urgent need to revise the Charter to remove the Public Hearing process from Taxicab Franchise approvals. Further, staff believes the costs associated with amending the Charter through a single voter-approved Charter Amendment are prohibitive and not in the best interest of the City at this time.

Reviewed by:

Don Johnson, Director, Department of Public Safety
Prepared by: George McCloskey, Lieutenant

Approved by:

Amy Chan
City Manager

Attachments

Study Issue Paper 2008 DPS-04

Proposed New Council Study Issue

Number DPS-04
Status Pending
Calendar Year 2008
New or Previous New
Title Municipal Code Revision - Chapter 5.36 Taxicabs
Lead Department Public Safety
Element or SubElement Land Use and Transportation Sub-Element

1. What are the key elements of the issue? What precipitated it?

Municipal Code 5.36.060 currently requires that Council hold a Public Hearing to determine whether or not a Taxicab Franchise will be awarded to an applicant. This Study Issue would examine the feasibility of removing the requirement for a Public Hearing from the Municipal Code.

2. How does this relate to the General Plan or existing City Policy?

Goal C.3 - Efficient Transportation
 Attain a transportation system that is effective, pleasant, safe, and convenient.

3. Origin of issue

Council Member(s)
General Plan
City Staff Don Johnson, Director of Public Safety
Public
Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2008

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? No
If so, which?
 none
Is a Council Study Session anticipated? Yes
What is the public participation process?

6. Cost of Study

Operating Budget Program covering costs
 Program 488 - Public Safety Records

Project Budget covering costs
Budget modification \$ amount needed for study
Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
Operating expenditure range None
New revenues/savings range None
Explain impact briefly

8. Staff Recommendation

Staff Recommendation For Study

If 'For Study' or 'Against Study', explain
Staff believes that by eliminating the Municipal Code requirement for a Public Hearing, staff can better serve the applicant and can reduce the time necessary to process Taxicab Franchise Applications.

9. Estimated consultant hours for completion of the study issue

20

Managers None

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

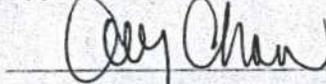


Department Director

12/20/07

Date

Approved by



City Manager

12/28/07

Date

Addendum

A. Board / Commission Recommendation

Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank
	1 year ago	2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		
Board or Commission ranking comments		

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact