

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

99-397

SYNOPSIS -

AGENDA:

SEPTEMBER 13, 1999

Four additional limousine companies have applied for Certificates of Public Convenience and Necessity to operate limousine service in the City of Des Moines. As required by ordinance, public hearings must be held prior to the certificates being issued.

SUBJECT:

CERTIFICATES OF
PUBLIC
CONVENIENCE AND
NECESSITY FOR
LIMOUSINE
SERVICE

Staff has reviewed the applications and has determined that three of the applicants meet the requirements for providing limousine service. The fourth applicant needs to provide evidence of compliance with zoning regulations in Des Moines and requires a Council determination that he is fit to provide limousine service in order for a certificate to be issued.

TYPE:

FISCAL IMPACT -

RESOLUTION
ORDINANCE
RECEIVE/FILE

The ordinance provides for annual license fees of \$150 per company and \$50 per vehicle.

RECOMMENDATION -

SUBMITTED BY:

Approval of the Certificates of Public Convenience and Necessity.

FLOYD BENTZ, P.E.
CITY ENGINEER

BACKGROUND -

On June 28, 1999, by Roll Call No. 99-2073, the City Council approved the modified ordinance regulating limousine services. This ordinance requires any limousine company to obtain a Certificate of Public Convenience and Necessity in order to operate a limousine service in the City of Des Moines. The application procedure requires the City Council to set a hearing date prior to taking action to approve or deny the Certificate.

Section 19-49 of the Municipal Code requires the following information to be included in the application for a Certificate of Public Convenience and Necessity:

1. The name, address, and age of the applicant.
2. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments.
3. The experience of the applicant in the transportation of passengers, including a statement of any state or municipality where the applicant has ever been licensed to operate a taxicab or limousine service, whether such license was ever suspended or revoked and the reasons for suspension or revocation, and whether an application for a license or a renewal of a license was denied and the reasons for denial.
4. Any facts that the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate.
5. The number of vehicles to be operated or controlled by the applicant.
6. The location of proposed vehicle storage.
7. A statement of the condition of the vehicles to be operated, including the age and type of each vehicle, and the date on which the vehicle passed its most recent safety inspection, if any.
8. A statement as to whether the applicant has, within the ten years immediately preceding the date of application, been convicted of, pled guilty to or stipulated to the facts of violating any criminal statute or ordinance, including traffic laws and municipal ordinances. If the applicant has been convicted, a statement as to the date and place of conviction, the nature of the offense and the punishment imposed.
9. The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand.
10. Where the applicant will operate its central place of business.

11. The color scheme or insignia, if used, to designate the vehicles of the applicant.

12. Such further information as the traffic engineer may require of each applicant.

At their August 23, 1999, meeting, the Council granted Certificates of Public Convenience and Necessity to eight limousine companies, subject to final compliance with zoning requirements. Also at their August 23, 1999, meeting, by Roll Call Numbers 99-2638 through 99-2641, the Council received applications from and set the Council meeting of September 13, 1999, for the public hearing for four additional limousine companies. Following is a listing and summary of these four applications.

1. Neal R. Fraser and John A. Fraser, d/b/a Fraser Transportation Services, LLC, P. O. Box 35642, Des Moines, Iowa. Fraser Transportation Services has been in business since 1997, providing wheelchair transportation for care centers and hospitals. The company operates five vans with a place of business at 925 Dubuque Street, Norwalk, Iowa. Neither John Fraser nor Neal Fraser has a record of any criminal activity in the past 10 years, and have no major traffic violations in the past 10 years. The company has submitted a proper insurance certificate. Because the company is an existing company and located outside the corporate limits of Des Moines, no statement of zoning compliance is required.

2. Ronald J. Crampton, d/b/a Continental Limousines, 2714 Second Avenue, Des Moines, Iowa. Continental Limousines has been in business for four years. The company operates three limousines with a business address of 2714 Second Avenue, Des Moines, Iowa. The warehouse facility for the vehicles is a commercially zoned property outside the corporate limits of Des Moines at 2735 NE Broadway, Delaware Township. Ronald Crampton, sole proprietor, does not have a record of any criminal activity in the past 10 years, and has no major traffic violations in the past 10 years. The company has submitted a proper insurance certificate. An inspection of the business address revealed no zoning violations, and vehicle storage is located outside the corporate limits of Des Moines.

3. Tracy L. Earles, d/b/a Hawkeye Limousines, Inc., 3412 52nd

Street, Des Moines, Iowa. Hawkeye Limousines, Inc., has been in business for six years. The company operates nine limousines with a business address of 3412 - 52nd Street, Des Moines, Iowa. Tracy L. Earles, President of the Corporation, does have a record of criminal activity in the past 10 years, and has no major traffic violations in the past 10 years. The Police investigation showed that Mr. Earles was arrested on June 23, 1992, on a felony charge of "Possession With Intent To Deliver Schedule II Controlled Substance." On October 19, 1992, Mr. Earles entered a plea of guilty to this charge and received 10 years suspended sentence, two years probation, plus costs. On October 10, 1993, Mr. Earles was arrested on a Story County serious misdemeanor warrant for "Driving While License Under Suspension." On February 2, 1993, Mr. Earles was arrested on an Iowa Highway Patrol serious misdemeanor warrant for "Operating Motor Vehicle While License Under Suspension." On July 20, 1994, Mr. Earles was arrested on a serious misdemeanor charge of "Possession Controlled Substance Schedule I Marijuana." On August 30, 1994, Mr. Earles entered a plea of guilty to this charge and received six months suspended sentence and one year probation. The company has submitted a proper insurance certificate. An inspection of the business address revealed zoning violations, with five vehicles parked in the drive.

4. Carl E. Myers, d/b/a Ma & Pa Limo Service, 613 West Lincoln Way, Marshalltown, Iowa. Ma & Pa Limousine Service has been in business for four years, providing transportation to and from Marshalltown and the Des Moines International Airport. The company operates two limousines with a place of business at 202 N. 14th Avenue, Marshalltown, Iowa. Carl E. Myers, company owner, does not have a record of any criminal activity in the past ten years, and has no major traffic violations in the past 10 years. The company has submitted a proper insurance certificate. Because the company is an existing company and located outside the corporate limits of Des Moines, no statement of zoning compliance is required.

Staff has reviewed the applications for Certificates of Public Convenience and Necessity and the liability insurance certificates and has determined that the applications for Fraser Transportation Services, Continental Limousines, and Ma & Pa Limo Service meet the requirements for providing limousine service.

In order for a certificate to be issued to Hawkeye Limousines,

Inc., the company needs to provide evidence of compliance with the zoning regulations in Des Moines, and the Council would need to make a determination, after reviewing his criminal record and any additional clarifying information, that Mr. Tracy L. Earles is fit to provide limousine service.

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