

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	November 9, 2009
	Agenda Item No. 45 Roll Call No. <u>09-</u> Communication No. <u>09-780</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Public hearing upon application of Michael G. Marks, d/b/a Marks Limousine Service, 2433 SE 14th Street, Des Moines, Iowa 50320, for Certificate of Public Convenience and Necessity to Operate a Limousine Service in the City of Des Moines.

SYNOPSIS:

Michael G. Marks, d/b/a Marks Limousine Service, has applied for a Certificate of Public Convenience and Necessity to operate a limousine service in the City of Des Moines, with a total of one vehicle. Staff has reviewed the application and the liability insurance certificate and has determined that Marks Limousine Service meets the requirements for providing limousine service. As required by ordinance, a public hearing must be held prior to any certificate being issued.

FISCAL IMPACT:

Amount: The ordinance provides for annual license fees of \$250 per company and \$75 per vehicle.

Funding Source: Revenue to Traffic and Transportation Division, Operating Budget, Traffic Engineering, ENG100419, page 95 of FY 2010 Operating Budget.

ADDITIONAL INFORMATION:

Section 126-63 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 limousine 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 October 26, 2009 meeting, by Roll Call No. 09-1919, the City Council set the Council meeting of November 9, 2009, as the date for public hearing for Michael G. Marks, d/b/a Marks Limousine Service.

Staff has reviewed the application and the liability insurance certificate and has determined that Marks Limousine Service meets the requirements for providing limousine service. There are a total of 57 licensed limousines in Des Moines at this time.

Section 126-65(a) provides if the Council finds at the conclusion of the public hearing that further limousine service in the City of Des Moines, or between any point or points in the City and elsewhere, is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of the subchapter, then the Council shall direct the City Traffic Engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise, the section provides the application shall be denied.

Section 126-65(b) provides that in making the findings of subsection (a) of said section, the Council shall take into consideration the number of limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant.

PREVIOUS COUNCIL ACTION(S):

Date: October 26, 2009

Roll Call Number: 09-1919

Action: On Application for Certificate of Public Convenience and Necessity to operate limousine services for Michael G. Marks to do business as Marks Limousine Service, (11-9-09). Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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