

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: March 28, 2011
	Agenda Item No. 41 Roll Call No. [_____] Communication No. <u>11-174</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Public hearing upon application of City Cab LLC for Certificate of Public Convenience and Necessity to operate a taxicab service in the City of Des Moines.

SYNOPSIS:

Shani Amin and Mohamed Ahmed, d/b/a City Cab LLC, 100 East Euclid Avenue, Suite E, Des Moines, Iowa 50313, have applied for a Certificate of Public Convenience and Necessity to operate a taxicab service in the City of Des Moines, with a total of six vehicles. Staff has reviewed the application and the liability insurance certificate and has determined that City Cab LLC meets the requirements for providing taxicab 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: FY 2010-11 Operating Budget, revenue to Traffic and Transportation Division, Operating Budget, Traffic Engineering, SP360, ENG100419, page 95.

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 taxicab or taxicab 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 February 28, 2011 meeting, by Roll Call No. 11-0326, the City Council set the Council meeting of March 28, 2011, as the date for public hearing for City Cab LLC.

Staff has reviewed the application and the liability insurance certificate and has determined that City Cab LLC meets the requirements for providing taxicab service.

Section 126-186 provides if the Council finds at the conclusion of the public hearing that further taxicab 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 126-186(a) provides that in making the findings of subsection (b), the Council shall take into consideration the number of taxicabs 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: February 28, 2011

Roll Call Number: 11-0326

Action: [Setting](#) date of hearing on application from City Cab LLC for Certificate of Public Convenience and Necessity to operate a Taxicab Service, (3-28-11). Moved by Moore to adopt and set the hearing for March 28, 2011. Motion Carried 5-2. Nays: Hensley and Meyer.

Date: October 25, 2010

Roll Call Number: 10-1770

Action: [City](#) Cab LLC for Shani Amin and Mohamed Ahmed. ([Council Communication No. 10-651](#)) Moved by Moore to adopt. MOTION TO APPROVE APPLICATION FAILED – 3 YEAS, 4 NAYS. Pursuant to Des Moines Municipal Code Section 126-186(b), this application is denied.

Date: October 11, 2010

Roll Call Number: 10-1678

Action: (1) [Communication](#) from Sam Kreamer, attorney for City Cab. Moved by Meyer to receive and file. Motion Carried 7-0.

Date: October 11, 2010

Roll Call Number: 10-1677

Action: (A) [City](#) Cab LLC for Shani Amin and Mohamed Ahmed. ([Council Communication No. 10-618](#)) Moved by Meyer to continue the hearing to October 25, 2010, at 5:00 PM; refer to the City Manager to report on the current ordinance provisions regarding probationary periods, revocation process and any other options allowed by the ordinance. The City Manager will also provide information regarding the current level of cab service and any need for additional cab service. The Council encourages that only new information be submitted at the October 25th hearing and requests that information be submitted to the City Clerk's Office. Motion Carried 7-0

Date: September 27, 2010

Roll Call Number: 10-1587

Action: (C) [City](#) Cab LLC for Shani Amin and Mohamed Ahmed, (Taxicab). ([Council Communication No. 10-575](#)) Moved by Coleman to continue to October 11, 2010 at 5:00 PM. Motion Carried 6-1

Date: September 13, 2010

Roll Call Number: 10-1462

Action: (C) [City](#) Cab LLC for Shani Amin and Mohamed Ahmed, (Taxicab). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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