

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: May 9, 2011
	Agenda Item No. 56 Roll Call No. <u>11-834</u> Communication No. <u>11-267</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Continuation of 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.

At their February 28, 2011 meeting, by Roll Call No. 11-0326, the City Council continued the public hearing for City Cab LLC to May 9, 2011. Traffic and Transportation staff has reviewed the application and supplemental information provided by City Cab, and has determined that no false or misleading information was submitted in the application. In addition, the Police Department has reviewed the allegations regarding illegal use of a credit card, and has determined that there is no evidence found of criminal activity.

FISCAL IMPACT:

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

Funding Source: Revenue to Operating Budget, Traffic and Transportation Division, Traffic Engineering, SP360, ENG100422, page 101.

ADDITIONAL INFORMATION:

At their April 11, 2011 meeting, by Roll Call No. 11-0621, the City Council continued the public hearing for City Cab LLC to May 9, 2011. Traffic and Transportation staff has reviewed the application and supplemental information provided by City Cab, and has determined that no false or misleading information was submitted in the application. In addition, the Police Department has reviewed the allegations regarding illegal use of a credit card, and has determined that there is no evidence found of criminal activity. Based on this further review of the application, 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) of said section, 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: April 11, 2011

Roll Call Number: 11-0621

Action: [On](#) Application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service. Moved by Hensley to continue the hearing to the May 9, 2011 Council meeting; the City Manager and City Attorney will review statements made, to determine any necessary follow-up. Motion Carried 5-1-1. Nays: Moore. Absent: Meyer.

Date: March 28, 2011

Roll Call Number: 11-0543

Action: [On](#) Application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service. ([Council Communication No. 11-174](#)) Moved by Hensley to continue to April 11, 2011 Council meeting. Motion Carried 7-0.

Date: February 28, 2011

Roll Call Number: 11-0326

Action: (A) [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

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.