

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 17, 2012
	<b>Agenda Item No.</b> <b>Roll Call No.</b> <b>Communication No.</b>  <b>Submitted by:</b>	<b>43</b> <u><b>12-1959</b></u> <u><b>Council</b></u> <u><b>Communication: 12-</b></u> <u><b>621</b></u> <b>Jeb E. Brewer, P.E.</b> <b>City Engineer</b>

**AGENDA HEADING:**

Amending Chapter 126 of the Municipal Code to add restrictions on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab service or limousine service.

**SYNOPSIS:**

Recommend approval of an Ordinance adding a one-year prohibition on reapplication for a certificate of public convenience and necessity to conduct a taxicab service or limousine service following the City Council’s denial of the respective application. The proposed Ordinance allows an applicant to avoid this one-year prohibition on reapplication if the applicant demonstrates to the City Traffic Engineer with strong evidence under oath that circumstances since the previous application by the applicant have changed in a substantial and material way.

**FISCAL IMPACT:**

Amount: The Ordinance continues to allow for annual license fees of \$250 per company and \$75 per vehicle.

Funding Source: Revenue to 2012-2013 Operating Budget, Page 82 Engineering Department, Ordinance Accident Investigation, ENG100419.

**ADDITIONAL INFORMATION:**

Chapter 126 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 vehicle 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.

If the Council finds at the conclusion of the public hearing that further 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. This amendment to the Ordinance does not change any of the criteria for evaluation; however, it will add a one-year period between reapplication if the applicant is denied by Council unless substantial changes have occurred.

**PREVIOUS COUNCIL ACTION(S):**

Date: December 3, 2012

Roll Call Number: [12-1871](#)

Action: [On](#) Application of Certificate of Public Convenience and Necessity by Crown Cab Co., Magarsa Jana, to operate a taxicab service with five vehicles. ([Council Communication No. 12-593](#)). Moved by Hensley that the application for a certificate of public convenience and necessity to operate a taxicab service be hereby denied it being the finding of this City Council of the City of Des Moines that such service is not required by the public convenience and necessity, and/or that the applicant is unfit to perform such public transportation and unable to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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