

★ Roll Call Number

09-734

Agenda Item Number

25

Date May 4, 2009

RESOLUTION SETTING DATE OF PUBLIC HEARING
UPON APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE TAXICAB SERVICES

WHEREAS, Section 126-181 of the Municipal Code forbids the operation of a taxicab as a vehicle for hire upon the streets of Des Moines without obtaining a Certificate of Public Convenience and Necessity; and

WHEREAS, Oh-Ho Venture Strategies, L.L.C., seeking to do business as Freedom Taxi, Des Moines, Iowa, has filed an application with the City Traffic Engineer requesting permission of the City Council to operate a taxicab service in the City of Des Moines, which application is now on file in the office of the City Clerk for public review and consideration; and

WHEREAS, upon the filing of an application for a Certificate of Public Convenience and Necessity, Section 126-185 of the Municipal Code requires the City Council to fix a time and place for a public hearing on the matter of the issuance of a certificate to operate a taxicab service; and

WHEREAS, Section 126-185 does require that written notice of the hearing be given to the applicant and all present holders of a certificate, if any.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the Des Moines City Council shall hear the matter of the request to operate a taxicab service in the City of Des Moines at the regularly scheduled City Council meeting on May 18, 2009, in the City Council Chambers at 5:00 p.m.; and

2. That the City Clerk is directed to give written notice of the time and place of the scheduled hearing to the applicant at the following address and to all the present holders of a taxicab certificate at their addresses of record.

Oh-Ho Venture Strategies, L.L.C.
Freedom Taxi
6595 NW 6th Drive, Apt. A
Des Moines, IA 50313

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3. That any interested person, pursuant to Section 126-185, may file with the City Clerk a memorandum in support of or opposition to the issuance of the certificate.

MOVED BY Hensley to adopt.

APPROVED AS TO FORM:

K. Massier

Katharine Ramsay Massier
Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

T. M. Franklin Council Mayor

CERTIFICATE

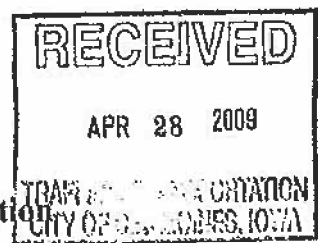
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh

City Clerk

09-134 25



City of Des Moines, Iowa
Office of
Des Moines Police Department
Community Outreach and Protective Services Section
Traffic Unit

To: Gary Fox
Traffic and Transportation

Date: 22April2009

From: Michael West
Senior Police Officer
Traffic Unit

Subject: Certificate of Public
Necessity and
Convenience for
David Grabill

In accordance with the City of Des Moines Ordinance 19-49 (8) an Iowa Criminal record check and a State of Iowa driver's license record check was reviewed on David Odie Grabill, SS# [redacted] representing Freedom Taxi Cab.

As of April 22, 2009 Mr. Grabill's criminal record does not show any criminal activity through the Iowa System.

As of April 22, 2009 Mr. Grabill's Iowa driver's license record indicated the following activity:

Valid Iowa Driver's License
SS# [redacted]
Class "B, Endorsement "L-X" and Restriction "O"
Issues 09/06/2007
Expires 09/01/2012

Speed 04/04/2005
Speed 08/23/2004

Based only on the past criminal record and past driver's license record of Mr. Grabill, I would recommend approval for a Certificate of Public Necessity and Convenience.


Michael West 4810

Taxicab Company Application & Checklist

Applicant: Oh-Ho Venture Strategies, L.L.C. – DBA FREEDOM TAXICAB

Taxicab or cab means a motor vehicle regularly engaged in the business of carrying passengers for hire in a taxicab service and not operated on a fixed route and operating with a meter.

Taxicab driver's license means the permission granted by the city to a person to drive a taxicab upon the streets of the city issued in the form of a metal badge.

Taxicab license means the license granted annually to a person who holds a certificate to conduct a taxicab service in the city.

Taxicab service means transportation of passengers in a motor vehicle from or to any point in the city, with dispatch available 24 hours a day.

Taximeter means an instrument or device attached to a taxicab, which measures mechanically, electrically, or electronically the distance driven and the waiting time upon which the fare is based and converts them to monetary charges.

Taximeter flag means a switch or other device which clearly indicates to passengers that the taxicab is employed and that the standard rate is being charged.

Trip card means a daily record prepared by a taxicab driver of all trips made by him or her showing the time and place of origin, destination, number of passengers, and the amount of fare for each trip.

Marked block w/ initials indicates that the applicant has provided documentation meeting or exceeding the requirements of the Municipal Code of the City of Des Moines.

Sec. 126-118. Vehicle condition.

MRB (a) Prior to its use and operation, each vehicle shall be made to comply with all applicable requirements of the state motor vehicle code and other state and city laws. **Vehicle inspection information provided.**

(g) **Each vehicle shall be not greater than ten (10) years old, based on the model year of production, and shall include all standard safety features in proper working order. The ten (10) year maximum age limit will not disqualify a vehicle from use as a taxicab until January 1, 2011, provided the vehicle complies with all other requirements. Does not apply – effective 1/1/2011.**

Sec. 126-119. Designation.

MRB (a) Each taxicab shall bear on the outside of a door on each side the name of the holder; and, in addition, may bear an identifying design. The markings shall be painted or affixed by decal in letters or figures at least two inches in height. Any licensed vehicle shall not have a color scheme, identifying design, monogram, or insignia that will conflict with or imitate any existing taxicab or any official or

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emergency vehicle color scheme, in a manner that will mislead or deceive or defraud the public. **Photo information provided.**

MLB

(b) Each taxicab shall bear on the inside of the passenger compartment clearly visible to passengers a sign which denotes the name of the holder and the number used by the holder to designate the vehicle. **Information provided.**

MLB

Sec. 126-120. Taximeters.

Each taxicab operated under the authority of this article shall be equipped with a taximeter fastened in front of the passengers, visible to them at all times of the day and night, and, after sundown, the face of the taximeter shall be illuminated. The taximeter shall be operated mechanically, electrically or electronically, and shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have a flag to denote when the vehicle is employed and when it is not employed. The driver shall throw the taximeter flag into a recording position at the beginning of each trip and into a non-recording position at the end of each trip. Taximeters shall be subject to inspection from time to time by the police department. Any inspector or other department officer is hereby authorized, either upon complaint of any person or without such complaint, to inspect any meter, and upon discovery of an inaccuracy therein of over five percent to the prejudice of any passenger, to notify the person operating said taxicab to cease operation. The taxicab shall then be kept out of service until the taximeter is repaired, or replaced with another properly functioning meter. **Information provided.**

MLB

Sec. 126-123. Posting of rates.

Every taximeter shall be connected to the taxicab so that the amount of fare shall be plainly visible to all passengers or occupants. Every vehicle shall carry a rate card, posted in a conspicuous place on the inside of the vehicle. **Information provided.**

Sec. 126-149. Service.

(a) Any person engaged in the taxicab business in the city shall render an overall service to the public desiring to use taxicabs. **Business Requirement ←.**

MLB

(b) The holder of a certificate shall maintain a place of business in a location properly zoned for that business. – **VERIFIED with POLK CO PUBLIC WORKS**

MLB

(c) The holder shall have a listed telephone number for receiving calls for service. **Page 738, DEX Directory – verified 2-11-09**

MLB

(d) The dispatching of taxicabs shall be accomplished by the holder of the certificate using any method which accurately records and retains detailed information

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about each call for service and each trip, including but not limited to: time of call for service; time the trip was dispatched; address of the origin and destination of the trip; and time the trip was started (taximeter activated) and ended.
Information provided.

(e) The holder shall answer all calls received for services inside the corporate limits of the city as soon as they can do so. If their services cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. **Business Requirement ←.**

MRB (f) The holder shall provide a minimum of six qualified drivers. **Information provided.**

MRB (g) The holder shall provide a minimum of five qualified vehicles, with a minimum of four vehicles available to respond into operation at all times. **Information provided.**

(h) Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when the holder has available cabs or who shall fail or refuse to give overall service, shall be deemed a violator of this article and the certificate granted to such holder may be revoked at the discretion of the city council. **Business Requirement ←.**

Sec. 126-150. Reports and records.

MRB (a) Each driver shall maintain a daily trip card. All complete trip cards shall be returned to the holder by the driver at the conclusion of his or her tour of duty. The forms for each trip card shall be furnished to the driver by the holder and shall be approved by the chief of police. **Information provided – Approved by authorized representative of Chief of Police.**

(b) Each holder shall submit to the traffic engineer a report by January 30 of each year summarizing the activity of the previous year. The report shall contain general information on number and types of complaints received including information on any discrimination complaints; number of trips per vehicle; age, mileage and general condition of each vehicle; tenure and turnover of drivers; periodic normal response time and other information as required by the traffic engineer. **Annual (year-end) Requirement. Does not apply for a new application process.**

(c) Each holder of a certificate shall retain and preserve all trip cards in a safe place for at least one month following the date of making the record. Trip cards

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shall be available to the chief of police and the traffic engineer. **Business Requirement** ←.

Sec. 126-181. Certificate of public convenience and necessity required.

Any person owning, operating or controlling a taxicab as a vehicle for hire upon the streets of the city or picking up any passenger for a fare within the corporate limits of the city, shall first obtain certificate and the required annual license from the traffic engineer. **Application Process / Licensing.**

Type

MRB

(1) Contract drivers. A certificate may also be granted to an applicant or renewed to an existing holder of a certificate, who proposes to furnish taxicab service at least in part through drivers who are duly licensed by the city, who are bound by written agreement with the certificate holder to furnish taxicab services of the quality provided for in this article, and who either own or are lessees of licensed taxicabs. Such agreement shall incorporate the provisions of this article applicable to such driver. Certificate holders bound by said written agreements shall have available a report, on or before the fifth day of each month, stating the names and addresses of all drivers who operated taxicabs during the preceding month. **Business Requirement** ←.

(2) **Unincorporated association. A certificate may also be granted to an applicant, or renewed to an existing holder of a certificate, consisting of an association of taxicab owners who propose to furnish taxicab service as an operating group to meet all obligations of this article for a holder of a certificate. Not applicable.**

(3) Any holder of a certificate operating under the above plans shall be treated as an owner in applying sections 126-119, 126-122, 126-150 and 126-187 of this article. **Business Requirement** ←.

(4) Nothing herein shall change the holder's obligation to furnish to the city the insurance coverage's provided for in section 126-187 of this division or change the license fees provided for in section 126-188 of this division. **Business Requirement** ←.

MRB

(5) Exemptions. The following motor vehicles are excluded from the requirements of this article:

- a. Motor vehicles owned and operated by hotels, motels and other boarding places, used for the purpose of transporting patrons, without fee or charge, between said hotel, motel or boarding place and the local station of a common carrier.
- b. Ambulances and other emergency vehicles.
- c. Funeral hearses.

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d. Metropolitan Transit Authority buses or other motor buses duly licensed by the state.

→ **LICENSE REQUIREMENT NOT EXEMPTED BY THIS REQUIREMENT** ←

Sec. 126-182. Requirements for taxicab service.

Any person, including an association, filing an application for a taxicab certificate shall meet the following minimum requirements:



(1) Provide an office in a location properly zoned for that business which must be available for inspection upon request of the city manager. If vehicle maintenance and storage is provided separately from the office, then the vehicle maintenance/storage area must also be in a location properly zoned for such activity. **Requirement Met.**



(2) Provide taxicab service to the public 24 hours a day, seven days a week and have a telephone that is answered 24 hours a day, seven days a week so that any individual may request the services of the certificate holder. The business shall have a listed telephone number. **Business Requirement ←. Phone number requirement met.**



(3) Provide a minimum of six qualified taxicab drivers. **List of Six QUALIFIED Drivers Provided.**



(4) Provide a minimum of five qualified taxicab vehicles with a minimum of four vehicles available to respond into operation at all times. **List of SIX QUALIFIED VEHICLES Provided.**



(5) Meet all applicable zoning ordinance regulations. **Verified by Polk County Public Works.**

Sec. 126-183. Application for certificate of public convenience and necessity.

Any person seeking a certificate shall file an application with the traffic engineer. The application shall be signed by the applicant, by an officer of the applicant or, in the case of an unincorporated association, by all taxicab owners in the association, and verified under oath and shall contain the following information:



(1) The name, address and age of the applicant. If the applicant is a corporation, its name, the address of its principal place of business, and the name and address of its registered agent. If the applicant is a partnership, its name, the names of general and limited partners and the address of its principal place of business. If the applicant is an association, its name, the names and addresses of all taxicab

