

★ Roll Call Number

Agenda Item Number

54A

.....  
Date October 25, 2010

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

WHEREAS, Section 126-181 of the Municipal Code of the City of Des Moines, Iowa, forbids the operation of a taxicab as defined under the taxicab subchapter of the municipal code (Article IV of Chapter 126) as a vehicle for hire upon the streets of Des Moines without obtaining a certificate of public convenience and necessity; and

WHEREAS, City Cab LLC, 100 East Euclid Avenue, Des Moines, Iowa, has filed an application requesting permission of the City Council to operate a taxicab service in the City of Des Moines, with a total of six vehicles; and

WHEREAS, pursuant to Section 126-185 on September 13, 2010, by Roll Call No. 10-1462, the City Council opened the public hearing on the matter of the application at its regular meeting on September 27, 2010 and by Roll Call No. 10-1587 of September 27, 2010, the City Council continued the public hearing to October 11, 2010 and by Roll Call No. 10-1677 of October 11, 2010, the City Council further continued the public hearing to this date; and

WHEREAS, Section 126-186 provides if this Council finds at the conclusion of such public hearing that further taxicab service in the City of Des Moines 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; and

WHEREAS, this Council shall take into consideration the information in the application and the factors set forth in Section 126-186(a), including the character, experience, and responsibility of the applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That the hearing is hereby closed and the application is granted or denied, as the case may be, as set out in the next paragraph.

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Alternative One: That the application for a certificate of public convenience and necessity to operate a taxicab service be approved and hereby granted and the City Traffic Engineer is directed to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance, it being the finding of this City Council of the City of Des Moines that such service is required by the public convenience and necessity and that the applicant, City Cab LLC, is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter;

or

Alternative Two: That the application for a certificate of public convenience and necessity to operate a taxicab service be hereby denied as specified below upon the specific grounds and facts set forth below.

Denial based on the following specific grounds enumerated in Sections 126-182, 126-183, 126-184, 126-186(a) and 126-187 of the Municipal Code:

- \_\_\_\_\_ Adequacy of existing transportation to meet the public need.
- \_\_\_\_\_ Applicant is not fit, willing, or able to perform such public transportation.
- \_\_\_\_\_ Substandard character, experience, responsibility of the applicant.
- \_\_\_\_\_ Likelihood operation will not be conducted in conformity with subchapter.
- \_\_\_\_\_ Other (specify): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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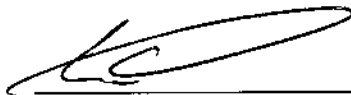
Date October 25, 2010

BE IT FURTHER RESOLVED that upon adoption of Alternative One (to grant the certificate), the City Traffic Engineer is hereby directed to issue a certificate to City Cab LLC stating the name and address of the applicant, the number of vehicles authorized under said certificate, as set out in the application, and the date of issuance.

(Council Communication Number 10-651 Attached)

MOVED BY \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:



Lawrence R. McDowell  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

54A

# KREAMER LAW FIRM, P.C.

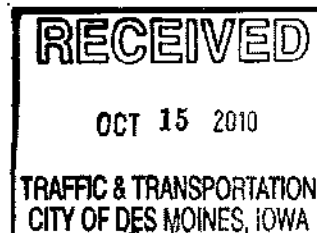
Attorneys and Counselors at Law

Samuel I. Kreamer, J.D., C.P.A.  
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6600 Westown Parkway, Suite 190  
West Des Moines, Iowa 50266-7724  
Phone: (515) 727-0900  
Fax: (515) 727-0939  
www.kreamerlaw.com

October 15, 2010

Gary L. Fox, City Traffic Engineer  
City of Des Moines Engineering Department  
Capitol Center  
600 E. Court Avenue  
Suite 200  
Des Moines, Iowa 50309  
Via Hand Delivery



In Re: City Cab LLC (the Company")  
Our File No. 43043

Dear Mr. Fox:

The purpose of this letter is to provide you with the supplemental information requested in your letter to Shani Amin dated October 13, 2010. The statements contained in this letter were obtained from Mohamed Ahmed, Shani Amin, and Daud Mohamed on October 14, 2010 and October 15, 2010. Please be advised as follows:

1. FINANCIAL INFORMATION.

The Balance Sheet of the Company as of October 15, 2010 is as follows:

ASSETS	
Cash in Bank	\$18,285
Cabs	\$20,000
Lights	\$900
Meters	\$2,850
Paint	\$5,850
Signs	\$1,575
Computers	\$1,000
Communication Equipment	\$500
Furniture	\$700
TOTAL ASSETS	\$51,660
LIABILITIES	
	\$0
OWNER'S EQUITY	\$51,660

Although the foregoing amounts may be subject to adjustment, the Owners of the Company assert that these figures are substantially correct.

## 2. EXPERIENCE.

The owners and officers of the Company (the "Principals") are: Mohamed Ahmed and Shani Amin.

Daud Mohamed is an important employee, but does not have an ownership interest in the Company and is not an officer of the Company at this time. Hence, Daud Mohamed is not considered a "Principal" of the Company at this time.

The experience of the Principals of the Company, as well as the experience of Daud Mohamed, in regards to the transportation of passengers for hire is as follows:

### A. Mohamed Ahmed ("Mohamed")

Mohamed was born in Garowe, Somalia

Mohamed's father, Rashid Ahmed, had a business which leased cars and trucks to individuals and businesses in Mogadishu, Somalia, and Nairobi, Kenya. This company also provided taxi services. When Mohamed was growing up, he worked for his father's company. While working for his father, Mohamed worked in all aspects of the business, including, but not limited to, driving, dispatching and vehicle service.

From 1994 to 2008 (approximately 14 years), Mohamed owned and operated "Millennium Car Hire" in Nairobi, Kenya. This company provided taxi services to individuals, and rented cars to individuals. Mohamed started the company with three (3) taxicabs and it grew to fifteen (15) taxicabs. For several years, Millennium Car Hire continuously employed at least ten (10) drivers. In addition to managing the business, Mohamed acted as one of the dispatchers as well as one of the drivers. Mohamed profitably sold Millennium Car Hire in order to facilitate moving to the United States.

Upon moving to the United States, after selling Millennium Car Hire, for six (6) months Mohamed served as the First Secretary for Somalia to the United Nations in New York.

After his service as First Secretary for Somalia to the United Nations in New York ended, Mohamed moved to Minneapolis, Minnesota, where he drove a taxicab for Riverside Transportation for approximately six (6) months.

Mohamed moved to the Des Moines Metropolitan area in 2010 to become an owner/officer/employee of the Company.

Mohamed has not received any notice of any customer complaints.

Mohamed is a fifty percent (50%) owner of the Company; the Vice President of the Company; and a Manager of the Company.

## B. Shani Amin ("Shani")

Shani was born in Brava, Somalia.

In 1996 Shani worked as a dispatcher of taxicabs for tourists in Mombasa, Kenya. He moved to the Des Moines Metropolitan area in 1997. From 1997 until 2004 Shani worked at the Wittern Group in Des Moines, and at Prairie Meadows in Altoona.

In 2004 Shani attended DMACC to learn to drive (large) trucks. From 2004 to 2008 Shani drove trucks for DMTC, Inc., Pine Ridge Farm Corporation, and A&A Transport, LLC.

From 2008 to 2009 Shani transported disabled people as a driver for Link-up Transport, Inc.

From 2009 to 2010 Shani drove a taxicab for Freedom Cab. Upon leaving Freedom Cab, Shani has acted as a dispatcher and driver for the Company.

Shani has not received any notice of any customer complaints.

Shani is a fifty percent (50%) owner of the Company; the President/Secretary of the Company; and a Manager of the Company.

## C. Daud Mohamed ("Daud")

Daud was born in Mogadishu, Somalia.

Daud moved to the Des Moines Metropolitan Area and attended Roosevelt High School in Des Moines from 2003 to 2004.

From 2005 to 2007 Daud lived in Arcadia, Wisconsin where he worked for Ashley Furniture as a furniture mover, and later for Gold'n Plump Chicken as a meat packer.

In 2007 Daud returned to Des Moines. From 2007 to 2009 Daud transported/delivered rental cars for Hertz at the Des Moines airport, and drove a truck for N & S Trucking, Inc.

From 2009 to 2010 Daud drove a taxicab for Freedom Cab.

Daud operated City Cab as a sole proprietorship from January 2010 until it was formed as a limited liability company in June of 2010. While he was operating as a sole proprietor, Daud was involved in ALL aspects of operations.

Daud has not received any notice of any customer complaints.

Although Daud was one of the original owners and an officer of the Company, he resigned his position by agreement with Mohamed and Shani. Daud is currently a driver and dispatcher with the Company. Although he is not a "principal" of the Company, Daud is a very important employee.

## 3. BUSINESS OPERATIONS

Dispatch service will be provided by dispatchers from the Company offices. Customer calls will come in on the main line (515-279-5555) where a dispatcher will answer the customer call and dispatch a cab. Drivers/cabs will be dispatched based on whichever available driver is closest to the pick up point, or upon a rotation.

Drivers and Dispatchers will be available seven days (7) a week, twenty-four (24) hours per day.

Drivers and dispatchers will be divided into two twelve hour shifts 6:00AM to 6:00PM and 6:00PM to 6:00AM.

When not on duty, drivers may take their cars home, but from the time a shift begins until it ends, drivers shall not return home.

Drivers are "independent contractors". They rent their cars from the Company and pay all costs for the car including gas and maintenance themselves. Any cars which are not taken home by drivers will be stored in the parking lot at the Company's offices. It is intended that maintenance will be provided by Midas Auto Systems Experts, Inc. at its shop located at 2010 Ingersoll in Des Moines.

The original office of the Company (and the location of the office of the Company at the time the application was submitted) was at 2500 Martin Luther King Parkway, Suite 6, Des Moines. The location of the office was changed to 100 E. Euclid Avenue, Suite E, Des Moines (Park Fair Mall-lower level) in July of 2010. To the extent that the Application submitted to the City Council for approval contains the prior address, it should be deemed amended reflect the correct address of the Company's office.

**PRIOR to issuing their approval of the Company's application (and forwarding the Company's application for City Council approval), Mike Berry, and other applicable City Staff were aware of the change of the office location. Any reference in the application to the outdated location should be disregarded.**

#### 4. DISPATCH RECORDS

THESE WILL BE DELIVERED SEPARATELY ON Monday October 18, 2010.

We would be happy to answer any further questions you may have and provide any additional information you shall require.

Sincerely,

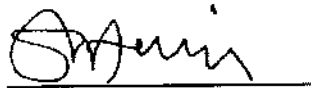


Samuel I. Kremer, J.D., C.P.A.

We have read the above letter and affirm its contents:



Mohamed Ahmed



Shani Amin

CC: Ako Abdul-Samad

# CITY CAB

## APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

COMES NOW, City Cab, LLC, an Iowa limited liability company ("City Cab" and "Applicant"), and for its Application for Certificate of Public Convenience and Necessity (as required by Des Moines City Ordinance sec. 126-183) states:

1. IDENTIFICATION:

- a. Applicant is an Iowa limited liability company formed on June 24, 2010.
- b. The principal place of business of the Applicant is: 100 East Euclid Avenue, Suite E, Des Moines, Iowa.
- c. The phone number of the applicant is 515-279-5555
- d. The names and addresses of the owners of Applicant are:
  - i. Shani Amin 6000 Creston Avenue Apt C9, Des Moines, Iowa 50321; and
  - ii. Mohamed Ahmed 6009 Creston Avenue Apt C21, Des Moines, Iowa 50321.
- e. The Name and address of the member authorized to accept correspondence from the City pertaining to its members and/or drivers is: Shani Amin 6000 Creston Avenue Apt C9, Des Moines, Iowa 50321.
- f. The registered agent of the Applicant is: Samuel I. Kreamer, Kreamer Law Firm, P.C., 6600 Westown Parkway #190, West Des Moines, Iowa 50266.

2. SEC. 126-118 VEHICLES. The 6 vehicles which the Applicant will initially use for its taxi service are as follows:

MAKE	MODEL	YEAR	CONDITION	DATE OF INSPECTION*	INSPECTOR
Ford	Taurus	2003	Good Working Condition	7/2/10	Midas, 2010 Ingersoll, Des Moines, IA 50312
Ford	Taurus	2003	Good Working Condition	7/2/10	Midas, 2010 Ingersoll, Des Moines, IA 50312
Ford	Taurus	2003	Good Working Condition	7/2/10	Midas, 2010 Ingersoll, Des Moines, IA 50312
Ford	Taurus	2002	Good Working Condition	7/2/10	Midas, 2010 Ingersoll, Des Moines, IA 50312
Ford	Windstar	2002	Good Working Condition	7/2/10	Midas, 2010 Ingersoll, Des Moines, IA 50312
Dodge	Grand Caravan	2005	Good Working Condition	7/8/10	Midas, 2010 Ingersoll, Des Moines, IA 50312

\* Inspections available upon request



I Shani Amin hereby state:

1. I am the President/Manager of City Cab, LLC.
2. At the time of submission of City Cab, LLC's application for license, the list of drivers who will take their cars home when not on shift and the addresses they will be parking the cars will be:

NAME	ADDRESS
Shani Amin	6000 Creston Avenue Apt C9 Des Moines, Iowa 50321
Mohamed Ahmed	6009 Creston Avenue Apt C21 Des Moines, Iowa 50321
Daud Mohamed	1081 22 <sup>nd</sup> Street Des Moines, Iowa 50311
Abdi Mohamed	6081 Creston Avenue Apt 14 Des Moines, Iowa 50321
Dini Habib	3121 Kingman Blvd. #1 Des Moines, Iowa 50311
Abdullahi Roble	700 E. 5 <sup>th</sup> Street Apt. 309 Des Moines, Iowa 50321

3. As the names and/or addresses of drivers change, City Cab, LLC will supply The Planning and Zoning department of the City of Des Moines, Iowa with a written statement as to who is no longer a driver for the Company, any change in address of any driver who are driving cars home, and the name any new driver and the address to which they will be driving their car when not on shift.
4. While on duty, drivers will not be dispatched from their residence, and if this dispatch policy changes, all drivers who are dispatched from their residence shall first obtain permission from the Board of Adjustment for a home occupation.

City Cab, LLC

By:



Shani Amin, President/Manager

Date:

8/12/10

3. SEC 126-119. DESIGNATION

- a. Attached as Exhibit A are copies of the "logo" which will be affixed to the side of each taxicab. When affixed the lettering and numbers will be at least 2" in height.
- b. When placed in service the taxicabs will be blue in color and will not conflict or imitate any existing taxicab or any official or emergency vehicle.
- c. Inside each taxicab affixed to the window of the back seat passenger door will be a sign visible to passengers denoting the number of the taxicab and its "holder". As a non-exhaustive example the sign might read: City Cab, LLC #1. See Exhibit A-1.

4. SEC 126-120. TAXIMETERS

Each taxicab will have a taximeter which shall meet the requirements of Sec. 126-120. Attached as Exhibit B is a picture of the taximeter which will be in each taxicab.

5. SEC 126-123 POSTING OF RATES

Posted on the dashboard of each taxicab will be a rate card plainly visible to all passengers or occupants. Attached as Exhibit C is a picture of the rate card which will be on the dashboard of each taxicab.

6. SEC 126-149 SERVICE

- a. All drivers employed by the Applicant shall render an overall service to the public desiring to use taxicabs. No driver shall be authorized to deny service to any individual on the basis of race, creed, religion, national origin, sexual orientation, or gender.
- b. The principal place of business of the Applicant (100 East Euclid Avenue, Suite E, Des Moines, Iowa) is properly zoned for the operation of a taxicab business.
- c. The listed telephone number for receiving calls is 515-279-5555.
- d. Dispatch records will be maintained on a computerized system using "Comet Tracker" software. This software will allow Applicant to keep track of time of call of service; time trip was dispatched; address of the origin and destination of the trip; and time the trip was started (taximeter activated) and ended.

e. Applicant will answer all calls received for services inside the corporate limits of the city as soon as they can do so. If services cannot be rendered within a reasonable time, Applicant will notify the prospective passenger how long it will be before the call can be answered and the reason therefore.

f. Drivers:

NAME	Gender	EXPERIENCE IN TRANSPORTATION OF PASSENGERS	STATE OF TAXICAB LICENSURE  (photocopies of licenses are attached As Exhibit D)	ANY LICENSURE REVOCATION, SUSPENSION, OR DENIAL (AND REASON FOR SAME)
Amin	Male	2 years	IOWA	NONE
Mohamed	Male	1 year (has also driven semi-trucks for 4yrs)	IOWA	NONE
Ahmed	Male	15 years in Africa; 2 yrs in Iowa	IOWA	NONE
Mohamed	Male	2 years	IOWA	NONE
Habib	Male	2 years	IOWA	NONE
Roble	Male	2 years	IOWA	NONE

g. Applicant will have a minimum of 4 of the vehicles listed above available to respond into operation at all times.

h. Applicant acknowledges that it refuses to accept a call anywhere in the corporate limits of the city at a time when it has available cabs or if it fails or refuses to give overall service, its certificate may be revoked at the discretion of the city council.

## 7. SEC 126-150 REPORTS AND PUBLIC RECORDS

a. Each driver will maintain a daily trip card in the form attached as Exhibit E. All complete trip cards will be returned to Applicant by the driver at the conclusion of his/her tour of duty.

b. Applicant will submit a report by January 30 of each year summarizing the activity of the previous year. The report will 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 turn over of drivers; periodic normal response time and other information required by the traffic engineer.

- c. Applicant will preserve all trip cards in its files at its main office for at least one month following the date of making of the record, and will make trip cards available to the chief of police and the traffic engineer.

8. SEC 126-181 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

- a. Applicant is an Iowa limited liability company which will own all the cars used for its services. Accordingly all drivers will be considered "contract drivers". All drivers will be duly licensed to operate a taxicab.
- b. Applicant is NOT an unincorporated association.
- c. City Cab, LLC shall be considered the "owner" for the purposes of Sections 126-119, 126-122, 126-150, and 126-188.
- d. NONE of the vehicles to be owned and operated by Applicant are "exempt".

9. SEC 126-182 REQUIREMENTS FOR TAXICAB SERVICE

- a. The principal place of business of the Applicant is: 100 East Euclid, Suite E, Des Moines, Iowa, and shall be available for inspection upon the request of the city manager. The vehicles owned by applicant will be maintained/services by Midas on Ingersoll in Des Moines. When not in use the taxicabs will be stored at the residence of the primary driver.
- b. Applicant will provide taxicab service to the public 24 hours a day, seven days a week. The listed telephone number which will be answered 24 hours a day, 7 days a week is: 515-279-5555.
- c. Applicant will provide a minimum of six qualified/duly licensed taxicab drivers. The initial drivers are indicated in Item 6(f) above.
- d. Applicant will provide a minimum of five qualified taxicab vehicles with a minimum of 4 vehicles available to respond into operation at all times. The initial vehicles are indicated in Item 2 above.
- e. Applicant will meet all applicable zoning ordinances.

10. SEC 126-183 APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

- a. Applicant is an Iowa limited liability company formed on June 24, 2010. The principal place of business of the Applicant is: 100 East Euclid Suite E, Des Moines, Iowa. The registered agent of the Applicant is: Samuel I. Kreamer, Kreamer Law Firm, P.C., 6600 Westown Parkway #190, West

Des Moines, Iowa 50266. The Name and address of the member authorized to accept correspondence from the City pertaining to its members and/or drivers is: Shani Amin 6000 Creston Avenue Apt C9, Des Moines, Iowa 50321.

- b. The Applicant and its owners are financially solvent. There are no unpaid judgments against the Applicant or its owners.
- c. The experience, licensure and status of the members (owners) of City Cab LLC are as follows:

NAME	EXPERIENCE IN TRANSPORTATION OF PASSENGERS	STATE OF TAXICAB LICENSURE  (photocopies of licenses are attached)	ANY LICENSURE REVOCATION, SUSPENSION, OR DENIAL (AND REASON FOR SAME)
Shani Amin	2 years	IOWA	NONE
Mohamed Ahmed	15 years in Africa; 2 yrs in Iowa	IOWA	NONE

- d. Applicant believes that public convenience and necessity require the granting of a certificate to Applicant because:
  - i. The physical size and population of the metropolitan area of Des Moines indicates that presently there is a need for additional taxicab service.
  - ii. Members/Owners of Applicant have received reports from the public that there are presently long waits for taxicab service.
  - iii. Grant of the certificate to applicant will increase public safety in several respects, including, but not limited to, providing additional transportation options for intoxicated persons.
  - iv. Members/Owners of Applicant were born in Somalia and lived in Africa during their youth. The members/Owners of Applicant, the Applicant's intended drivers, and the Applicant's intended dispatcher speak several African and Arabic languages. As such, in addition to providing more overall transportation options for the general public, Applicant will be able to address the needs of members of the public who have encountered language barriers in communicating their transportation needs/desires.

- e. The descriptions of vehicles to be owned and operated by Applicant are found at Item 2 above.
  - f. The location of proposed depot and terminals are the principal place of business of the applicant at 100 East Euclid, Suite E, Des Moines, Iowa; and drivers will take taxicabs to their personal residences when they are not needed for service.
  - g. Neither the Applicant nor any of its members/owners has been convicted of, plead guilty to, or stipulated to the facts of a violation of a criminal statute or ordinance, traffic law or municipal ordinance EXCEPT: Shani Amin plead guilty to exceeding the maximum hours of service in violation of Iowa Code Section 321.499-C in October of 2009, and a speeding ticket in April of 2010. Dini Habib plead guilty to a charge of failure to obey traffic sign/signal in July of 2009. Abullahi Roble was convicted of Operating Without Equipment in July of 2007 in the State of Washington. NOTE: Iowa Courts Online reflects that there was a traffic violation in February of 2009 for an individual named Mohamed Ahmed in Woodbury County; HOWEVER this is NOT the same individual who is referred to in this document.
  - h. Criminal histories and driving records of the members/owners are provided as Exhibit F.
  - i. The number of vehicles proposed for operation during periods of maximum demand are as follows:
    - i. Maximum demand: 5
    - ii. Minimum demand: 4
  - j. Dispatch will be located at 100 East Euclid Avenue, Suite E, Des Moines, Iowa.
  - k. Vehicles will be painted blue with the logo shown at Exhibit A on the side of the cars. An example is attached as Exhibit H
11. SEC 126-187 LIABILITY INSURANCE. A certificate of liability insurance is attached as Exhibit G.

Submitted this \_\_\_ day of July, 2010.

City Cab, LLC

By: 

Shani Amin, President and Manager

6x6 x 24

**City Corp**

**279-5555**

9.4 x 24

**City Corp**

**279-5555**

11.5 - each

