

Date ..... November 19, 2012 .....

RESOLUTION SETTING DATE OF PUBLIC HEARING UPON APPLICATION OF  
CROWN CAB CO.  
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, on September 24, 2012, by Roll Call No. 12-1515, the application presented by Crown Cab Co. for a certificate of public convenience and necessity to operate a taxicab service was denied, as it was the finding of the City Council of the City of Des Moines 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; and

WHEREAS, Crown Cab Co. has again 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 containing additional information giving evidence that Crown Cab Co. is fit to perform such public transportation 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 December 3, 2012, 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.

★ **Roll Call Number**

**Agenda Item Number**

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Date November 19, 2012

Magarsa Jana  
 Crown Cab Co.  
 3816 36<sup>th</sup> Street  
 Des Moines, IA 50314

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 \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Steve C. Lussier*

Steve Lussier  
 Assistant 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

# Taxi Cab Company Application-

November 05,  
2012

STATEMENT: I Michael R. Berry, Traffic Facilities Administrator with the City of Des Moines Engineering Department, Traffic & Transportation Division, certify that I have prepared the preceding "Taxi Cab Company Application Checklist." The attached documents that have had information blocked out, if any, have had that information removed for identity theft protection of the applicant and others referenced by the applicant and to protect confidential records under Iowa Code Chapter 22. The original documents are on file in the City Traffic Engineers Office and the entire document(s) may be reviewed by anyone with the right to know, under provisions of Iowa Code Chapter 22.

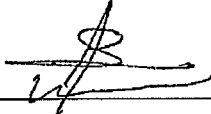
Crown Cab,  
Co.

*Michael R. Berry*

Michael R. Berry, Traffic Facilities Administrator, City of Des Moines

dated: 5<sup>th</sup> of Nov., 20 2012

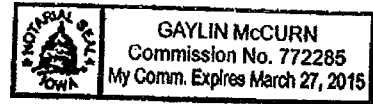
**VERIFICATION**  
*[use for a sole proprietorship]*

Signature of sole proprietor: \_\_\_\_\_  


STATE OF IOWA            )  
  ) ss:  
COUNTY OF \_\_\_\_\_)

On this 1 day of November, 2012, before me, a notary public, personally appeared Magasa Dame Jana, who first being duly sworn, states that the *[Printed/typed name of sole proprietor]* information in the attached Application for Certificate of Public Convenience and Necessity is true and correct.

Gaylin McC  
Notary Public in the State of Iowa



## Taxicab Company Application Checklistm

**Applicant: Crown Cab Co.**

**November 5, 2012**

**Mr. Magarsa Jana 712-267-3737**

**MGRS73@yahoo.com**

*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 blocks indicate that the applicant has provided documentation meeting or exceeding the requirements of the Municipal Code of the City of Des Moines. Information without a check block would be a "City requirement" that is FYI only.**

### **Sec. 126-118. Vehicle condition.**

- (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. Has a quote on six (6) vehicles from Coleman Motors in Denison, IA – only five (5) of these vehicles will be acceptable after 1/1/13 (due to 10 year age)
- (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. Yes, at this time. One of these vehicles will "age out" on 1/1/13.

### **Sec. 126-119. Designation.**

- (b) 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. Crown Cab has submitted a design specifically of a "Crown" and also a design showing a "lion wearing a Crown." The vehicle color will be a green called "cilantro." These vehicle design(s)/colors are unique in nature and will not cause confusion over ownership.

- (c) 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 for this "inside the cab" placard has been provided by Crown Cab acknowledging that this information will be installed in the passenger's compartment as required.

**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. Applicant has a quote for an adequate number of 2030R Taximeters – picture enclosed, with the operating instructions. These are standard industry taximeters.

**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. The 2030R has a large bright display and are standard industry taximeters. Applicant has also provided this office with a copy of the rate card mentioned in 126-119(c), above.

**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.

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- (b) The holder of a certificate shall maintain a place of business in a location properly zoned for that business. Confirmed by PDC that location meets zoning requirements.
- (c) The holder shall have a listed telephone number for receiving calls for service.  
Yes, 3816 – 36<sup>th</sup> Street, Des Moines, IA 50314 & (515)782-0518
- (d) The dispatching of taxicabs shall be accomplished by the holder of the certificate using any method which accurately records and retains detailed information 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.
- (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.
- (f) The holder shall provide a minimum of six qualified drivers. The applicant has provided the names, DCI reports, DOT driving record & copies of driver's licenses for six qualified (but not licensed by the City as taxi drivers) drivers.
- (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. The applicant has provided the information on six qualified (but not purchased) vehicles that will be acquired through Coleman Motors if Crown has License approved by the City Council.
- (g) 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

**Sec. 126-150. Reports and records.**

- (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. Format of Trip Card approved by the 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

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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 shall be available to the chief of police and the traffic engineer.

**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.

- (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.
- (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.
- (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.
- (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. Applicant provided information from National Indemnity Co – They will provide insurance coverage if application is approved.
- (5) Exemptions. The following motor vehicles are excluded from the requirements of this article:



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- 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.
- d. Des Moines Area Regional Transit (DART) buses or other motor buses duly licensed by the state.

**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. Applicant has met all of these requirements.
- (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.
- (3) Provide a minimum of six qualified taxicab drivers. Applicant indicates that they will meet this requirement.
- (4) Provide a minimum of five qualified taxicab vehicles with a minimum of four vehicles available to respond into operation at all times. Applicant indicates that they will meet this requirement.
- (5) Meet all applicable zoning ordinance regulations. Applicant has shown proof of meeting this requirement.

**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

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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 owners in the association, the address of its principal place of business, and the name of a member authorized by the association to receive and accept all correspondence and notices from the city pertaining to the association, its members and its drivers. If the place of business is outside the corporate limits of the city, the applicant shall provide a statement from the governing jurisdiction that the business complies with the appropriate zoning regulations. Applicant has shown proof of meeting or being able to meet this requirement.
  
- (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 these judgments. If the applicant is a firm, partnership, corporation or any other type of business entity, including an association, which has been organized for less than five years prior to the date of application, this information shall be provided for each of the shareholders, partners, officers, or other investors of the business entity. Applicant has provided required information or shown proof of meeting this requirement.
  
- (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 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. If the applicant is an association, this information shall be stated as to each member of the association. Applicant has provided required information or shown proof of meeting this requirement.
  
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate. Applicant has provided information related to meeting this requirement
  
- (5) The number of vehicles to be operated or controlled by the applicant. A statement of the condition of the vehicles to be operated, including the model year and type of each vehicle and the date on which the vehicle passed its most recent safety inspection, if any. Applicant has provided required information or shown proof of being able to meet this requirement.

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- (6) The location of proposed depots and terminals. Applicant has provided information related to meeting this requirement
- (7) A statement as to whether the applicant has ever been convicted of, pled guilty to or stipulated to the facts of a violation of a criminal statute or ordinance, traffic law or municipal ordinance. If the applicant has been convicted, found guilty of or stipulated to a charge a statement as to the date and place of disposition, the nature of the offense and the punishment imposed. In addition, the applicant shall provide a current criminal history report from each state of residence, and a certified copy of their driving record, for the five years preceding the date of application. If the applicant is an association, the above statements shall be made, and criminal history report and certified copy of driving record provided, as to each member of the association. Applicant has provided information related to meeting this requirement
- (8) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand. Has indicated that they will meet minimum requirements (Max 5 – Min 4).
- (9) Where the applicant will operate its dispatch service. 3816 – 36<sup>th</sup> Street, Des Moines, IA 50314 & (515)782-0518
- (10) The color scheme or insignia to be used to designate the vehicles of the applicant. Crown Cab has submitted a design specifically of a "Crown" and also a design showing a "lion wearing a Crown." The vehicle color will be a green called "cilantro." These vehicle design(s)/colors are unique in nature and will not cause confusion over ownership.
- (11) Further information as the traffic engineer may require of each applicant. COPY OF: STATE SALES TAX CERTIFICATE (application provided)
- Sec. 126-184. Investigation of applicant for certificate of public convenience and necessity.**

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the city council. Where the applicant is a corporation, the corporate officers' records shall be investigated; where a partnership, each partner's records shall be investigated; where an association, each association member's records shall be investigated. Police Department review, dated July 27, 2012, in accordance with Sec. 126-184, attached. No faults or problems found.

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- (1) **Sec. 126-187. Liability Insurance.** Applicant provided information from National Indemnity Co – They have indicated that they will provide insurance coverage, as noted below, if application is approved.
- (a) A certificate shall not be issued or continued in effect unless and until the owner of the taxicab business furnishes to the traffic engineer an insurance policy or policies, or certificate of insurance, issued by an insurance company having an A.M. Best rating of no less than B+. The policy(ies) shall include commercial general liability insurance coverage and automobile liability insurance coverage, or the equivalent thereof, for the taxicab business and independent contractors of the taxicab business. The commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than \$750,000.00 per occurrence and aggregate combined single limit. The automobile liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than \$750,000.00 per occurrence combined single limit.
- (b) The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide 30 days advance written notice of cancellation, 45 days advance written notice of non-renewal, and ten days advance written notice of cancellation due to nonpayment of premium, and that these written notices shall be provided by registered mail to the traffic engineer.
- (c) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the certificate and all licenses issued for the taxicab business, independent contractors and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination. The traffic engineer shall immediately issue written notification of the revocation of said certificate and all licenses for the taxicab business, independent contractors and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.