



.....
April 21, 2014

Date

RESOLUTION OF PUBLIC HEARING
NPI LIMO SERVICE LLC
FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE LIMOUSINE SERVICES

WHEREAS, Section 126-62 of the Municipal Code forbids the operation of a limousine as a vehicle for hire upon the streets of Des Moines without obtaining a Certificate of Public Convenience and Necessity; and

WHEREAS, NPI Limo Service, LLC, 3329 109th Street, Urbandale, Iowa, has filed an application with the City Traffic Engineer requesting permission of the City Council to operate a limousine service in the City of Des Moines; and

WHEREAS, Section 126-65(a) provides if this Council finds at the conclusion of such public hearing that limousine, or further limousine, service in the City of Des Moines, or between any point or points in the City and elsewhere, is required by the Certificate of 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; and

WHEREAS, Section 126-65(b) provides that in making the findings of subsection (a) of said section, the Council shall take into consideration the number of limousines 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;

WHEREAS, Section 126-65(a) alternatively provides the application may be denied for failure to conform with any provision as listed above; and

WHEREAS, Section 126-65(e) provides an applicant who is disqualified under Section 126, Article III, but who is otherwise qualified and has not previously been issued a Probationary Certificate of Public Convenience and Necessity may be issued a Probationary Certificate of Public Convenience and Necessity for one year under the conditions provided for in Section 126-65(e) and (f); and



Roll Call Number

Agenda Item Number

55C

April 21, 2014

Date

NOW, THEREFORE, BE IT RESOLVED (Choose one of the three alternatives):

_____ Alternative One: That the Des Moines City Council shall grant a Certificate of Public Convenience and Necessity to NPI Limo Service, LLC.

MOVED BY _____ TO GRANT CERTIFICATE.

_____ Alternative Two: That the Des Moines City Council deny the Certificate of Public Convenience and Necessity.

MOVED BY _____ TO DENY CERTIFICATE.

_____ Alternative Three: That the Des Moines City Council grant a Probationary Certificate of Public Convenience and Necessity.

MOVED BY _____ TO GRANT PROBATIONARY CERTIFICATE.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

550

April 7, 2014



The Honorable Mayor
and
Members of the City Council
City of Des Moines

RE: NPI Limo, LLC Applicant Brady Johnson (Item No. 42)


Dear Mayor and City Council Members:

On tonight's Council agenda, Item No. 42 is a hearing for NPI Limo Service, LLC to get their Certificate of Public Convenience and Necessity. The applicant is Brady Johnson. Staff is recommending Alternative 2 – Denial of this application for the following reasons:

- Lack of Experience
 - Mr. Johnson does not have any experience operating a limousine company. He is purchasing this company from his father's company, NPI Security, who used to have a limousine branch of their services.
 - The former NPI Security limousine company was licensed by the City; however, Mr. Johnson was never licensed by the City as a limousine driver.
 - On September 24, 2012 and again on December 3, 2012, City Council denied the application for a company license for Crown Cab based upon the lack of experience of the applicant.

- Criminal/Driving History
 - Upon review of the applicant's criminal history and driving record, which is standard procedure for a company license application, the Police Department staff recommended denial based upon the following occurring in the past five years: an OWI received in 2009, revocation of driver's license due to violation of probation in 2010, and driving while suspended in 2011.
 - With Mr. Johnson's background, he could not receive a limousine driver's license in the city.

The applicant has both a lack of experience and a history of misdemeanor and other driving related offenses; therefore, staff is recommending denial. Denying this license would also be consistent with what Council has done before in regards to lack of applicant experience.

Sincerely,


Richard A. Clark
City Manager

cc: Jeb E. Brewer, P.E., City Engineer
Jennifer L. Bohac, P.E., City Traffic Engineer
Diane Rauh, City Clerk

14-0518
42
SSC

April 2, 2014

City Clerk

Pursuant to Section 126-64, I am filing with the City Clerk a memorandum in support of Roll Call Number 14-0476, Agenda Item Number 16.

As previous owner/registered agent for NPI Limo, I state my support for Brady Johnson, NPI Limo Service, LLC for approval of CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE LIMOUSINE SERVICES. During my time as owner, Brady Johnson was employed by me. Brady was in charge of day to day operations of the limo company. He has purchased 3 limousines from me, and would like to continue the service we had provided to our clients the last few years. He knows the business and is a responsible young man capable of providing excellent limousine services to the City of Des Moines and surrounding areas. NPI Limo Services, LLC would be filling the void for our clients, since we no longer handle that type of business. I have known Brady Johnson for 24 years. He has made some mistakes, as all young persons do, but I feel he has learned from them and has matured.

He is a responsible business man and should be given an opportunity to make a living at what he knows, and be granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE LIMOUSINE SERVICES within the City of Des Moines.

Sincerely,



Mark Kirchner

14-0568

CITY OF DES MOINES
Office of
TRAFFIC AND TRANSPORTATION

TO: SPO Mike West, Traffic Unit
DM Police Department

DATE: March 12, 2014

FROM: Mike Berry
Eng. Dept. – Traffic Div.

SUBJECT: Transmittal of Request for a Certificate
of Public Necessity to operate a
Limousine Company – **NPI Limo
Service, LLC**

Mike,

Attached, you will find the information that I have been provided by the applicant, Brady Johnson, applying for a Certificate of Public Necessity to operate a Limousine Company.

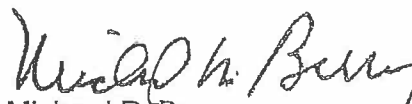
Under §126-63.5 the Police Department has a requirement to investigation the criminal and drivers records of an applicant, when applying for a license to operate as a limousine company, in the City of Des Moines.

Please see the attached documents;

The applicant is asking that this go before Council as soon as possible. I have forwarded this to the Clerk to file on the 24th of this month and set the hearing date as the 7th of April.

If I could hear back from you on this not later than the Monday, March 24th, I would really appreciate it.

If you have any questions or further comments regarding this matter, please feel free to contact me. Thanks.


Michael R. Berry
Traffic Facilities Administrator

Encl.

14-05108

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

To: Jennifer Bohac
Traffic and Transportation

Date: 03/18/2014

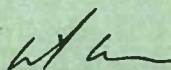
From: Michael West
Senior Police Officer
Traffic Unit

Subject: Certificate of Public
Public Necessity
Brady Johnson

The applicant currently has a valid Iowa Class "D" driver's license which does meet the requirements to operate a taxicab/limo. A review of Mr. Johnson's Iowa/Local criminal record reflects that within 5 years preceding this application the following activity occurred.

04/21/2009	Revoked	OWI Test Refusal.
10/09/2010	Suspended	Violation of Probation.
11/29/2010	Convicted	Driving While Suspended, Denied, Cancelled or Revoked.
10/09/2011	Suspended	Driving While Suspended, Denied, Cancelled or Revoked.

This application is being denied under City of Des Moines Ordinance 126-218 (a-1, i).



Michael West 4810

14-05165
4a
55C

Limousine Company Application -

March 24,
2014

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 "Limousine 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.

NPI LIMO
SERVICE LLC

Michael R. Berry

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

dated: *March 12*, 20 *14*



Limousine Company Application Checklist

Applicant: NPI LIMO SERVICE LLC

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. 126-62.5. Requirements for limousine service.

Each company filing an application for a limousine certificate shall meet the following minimum requirements:

- (1) Maintain a central place of business in a location properly zoned for that business and have a telephone so that any individual may request the services of the limousine company. The business shall have a listed telephone number. If vehicle maintenance and storage is provided separately from the central office, then the vehicle maintenance/storage area must also be in a location properly zoned for such activity.
3329-109th Urbandale 864-1515 Properly Zoned (Statement From Urbandale)
- (2) Provide transportation of passengers in a motor vehicle from or to any point in the city only on a prearranged basis, for a minimum of one hour at an hourly rate as provided in this article. For contracted limousine service the minimum trip rate and prearranged time restriction do not apply. For limousine service which is booked at least 24 hours in advance, the minimum trip rate does not apply. *FYI.*
- (3) Meet all applicable zoning ordinance regulations. *Urbandale Zoning Statement - OK*

Sec. 126-63. 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 or by an officer of the applicant 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, ^{LLC ✓} 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 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, except that any person lawfully operating a limousine service
provided ↗

BRADY Johnson

2 | Limousine Company Application Checklist – City of Des Moines

at the time of adoption of this article shall not be required to provide such a statement.

- (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 ^{ok} giving rise to the judgments. If the applicant is a firm, partnership, corporation or any other type of business entity 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. The federal tax identification number (or social security number for an individual) and state sales tax permit number shall also be provided.
- (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.
- (4) Any facts which 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. *4 3-Black 1-White*
- (6) The location of proposed vehicle storage. *3329-109th Urbandale*
- (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. *Application narrative does not match DCI / DOT Reports. —*
- (9) The number of vehicles proposed for operation during periods of maximum demand and during periods of least demand. *(4) (2)*
- (10) Where the applicant will operate its central place of business. *3329-109th Urbandale*
- (11) The color scheme or insignia, if used, to designate the vehicles of the applicant. *None*
- (12) Such further information as the traffic engineer may require of each applicant.

DCI Report Attached

3 | Limousine Company Application Checklist – City of Des Moines

Sec. 126-63.5. Investigation of applicant.

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. *IN PROCESS Application Denied by DMPD.*

Sec. 126-66. Liability insurance required.

(a) A certificate shall not be issued or continued in effect unless and until the owner of the limousine business furnishes to the traffic engineer for filing with the city clerk an insurance policy or certificate of insurance issued by an insurance company licensed to do business in the state, providing commercial general liability and automobile liability insurance coverage, or the equivalent thereof, for the limousine business with minimum limits of liability equal to any applicable limits required by the Code of Iowa, the United States Code, and/or interstate commerce commission regulation, whichever is greater. The above coverages and limits shall extend to the following on a per occurrence basis. The injury or death of any one person; the injury or death of any number of persons in one accident; damage to property in the care, custody and control of the insured but excluding property of the insured; the bodily injury or death of others resulting from negligent acts of the insured while involved in the furtherance of the limousine business.

Need General Liability for Company

(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, non-renewal, reduction in insurance coverage or limits and ten days written notice for nonpayment by registered mail to the traffic engineer. *AND*

(c) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the certificate and all licenses issued for the limousine business 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 limousine business and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

Sec. 126-82. Booking sheets.

(a) Each holder shall maintain a daily booking sheet upon which are recorded all charters booked by the company each day, showing the date and time the

