

★ Roll Call Number

10-1770

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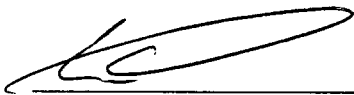
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BE IT FURTHER RESOLVED that upon adoption of Alternative One (to grant the certificate), the City Traffic Engineer is hereby directed to issue a certificate to City Cab LLC stating the name and address of the applicant, the number of vehicles authorized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

(Council Communication Number 10-651 Attached)

MOVED BY Moore to adopt. MOTION TO APPROVE
APPLICATION FAILED 3 YEAS, 4 NAYS. Pursuant to Des Moines Municipal Code Section 126-186(b), this application is denied.

APPROVED AS TO FORM:



Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN		✓		
GRIESS		✓		
HENSLEY		✓		
MAHAFFEY	✓			
MEYER		✓		
MOORE	✓			
TOTAL	3	4		

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
T. M. Franklin Mayor

Diane Rauh City Clerk