

★ Roll Call Number

12-1871

Agenda Item Number

40

Date December 3, 2012

**PUBLIC HEARING UPON FURTHER APPLICATION OF
CROWN CAB CO., 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, 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, pursuant to Section 126-185 on November 19, 2012, by Roll Call No. 12-1763, the City Council has fixed this date as the time and place for a public hearing on the matter of the application; and

WHEREAS, Section 126-186 provides if this Council finds at the conclusion of such public hearing that taxicab, or further taxicab, service in the City of Des Moines, or between any point or points in the City and elsewhere, 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, Section 126-186(a) provides that in making the findings of subsection (b) of said section, this Council shall take into consideration the number of taxicabs already in operation,

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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;

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.

 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, Crown Cab Co., is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing;

or

Alternative Two: That the application for a certificate of public convenience and necessity to operate a taxicab service be hereby denied it being the finding of this City Council of the City of Des Moines that such service is not required by the public convenience and necessity, and/or 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.

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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 Crown Cab Co. 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 12-593 Attached)

MOVED BY Hensley to adopt.

APPROVED AS TO FORM:

Steve C. Lussier

Steve Lussier
Assistant City Attorney

QFB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				APPROVED

T. M. Franklin 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