



Roll Call Number

14-0651

Agenda Item Number

55C

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

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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 Hensley 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	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