

City of Fayetteville Staff Review Form

2020-0690

Legistar File ID

10/6/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds

9/8/2020

Police (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests hearing for Certificate of Public Convenience and necessity regarding taxi application files by Ambassador Taxi Company. Ambassador Taxi allowed their license to lapse in 2018. This request is pursuant to City Ordinance 117.32 regarding "Public Hearing for Certificate".

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost?

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget \$ -

Purchase Order Number: _____

Previous Ordinance or Resolution # _____ V20180321

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 6, 2020

TO: Mayor and City Council
FROM: Mike Reynolds, Chief of Police
DATE: September 8, 2020

A handwritten signature in black ink that reads "Mike Reynolds".

SUBJECT: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Ambassador Taxi Company.

RECOMMENDATION:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Ambassador Taxi Company.

BACKGROUND:

City Ordinance 117 article IV governs taxicabs and requires a public hearing to determine if there exists the further need for taxicab service. Dane Zimmerman owned Ambassador Taxi Company and was approved for a certificate of public convenience and necessity on March 17, 2015. Bill Deatherage purchased the company on July 29, 2016. City Attorney Kit Williams was made aware of the sale of the company and stated the new buyers needed to seek approval of the City Council for the assignment of the Certificate of Public Convenience. An application for Certificate of Public Convenience and Necessity was presented to the City Council on March 21, 2017 and approved. The certificate was vacated in 2018.

DISCUSSION:

Attached is the application for Ambassador Taxi Company. The application contains all information needed as listed in City Ordinance 117.32. The City of Fayetteville currently has three taxi companies: Fayetteville Taxi, Payless Taxi and Dynasty Taxi Service. Fayetteville Taxi has a minimum of only one vehicle and one permitted driver. Payless Taxi currently has two vehicles permitted, but one permitted driver. Dynasty Taxi has not had any vehicles permitted in 2020 and have not had any drivers permitted in 2020. Their insurance is still current, but they are no longer taking calls for service in our city.

BUDGET/STAFF IMPACT:

None

Attachments:

- Certificate of Public Convenience and Necessity Application from Ambassador Taxi Company.
- Statement of Financial Status.

- Certificate of Insurance.
- Arkansas Department of Transportation Intrastate Renewal Compliance Letter.
- Fleet Information.
- Ambassador Taxi Logo.

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Christina D Osbourn
Applicant Name 207D White Oak Drive NE Gravette AR 72736 **Address** 479.787.3197 **Phone Number**

Destiny Limousines LLC/Deatherage Transportation LLC dba Ambassador Transportation Services
Name of Business 479.250.1594 **Phone Number**

1105 West Linda Lane Rogers AR 72758
Business Location

1105 West Linda Lane Rogers AR 72758
Mailing Address

Sole Proprieter
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Billy Deatherage, Owner 1105 West Linda Lane Rogers AR 72758

Christina D Osbourn 207D White Oak Drive NE Gravette AR 72736

Name of person to whom complaints should be directed:

Christina D Osbourn Main: 479.2550.1594 Cell: 479.787.3197

Type of Permit Requested: Taxicab X Limousine

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

No outstanding debt, judgements or liens

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Ambassador has been in business in NWA since 2011. Our current owner worked as a driver under the previous owner before purchasing the business in 2015.

We operate in Bentonville, Rogers, Siloam Springs & Springdale and hold licenses in all those cities. We accept the city taxi coupons in Bentonville, Rogers & Springdale.

Give any facts you believe tend to prove the necessity of granting a certificate:

We receive multiple calls daily requesting service in Fayetteville. We have contracts pending with 7Hills Center, Northwest Medical and Washington Regional, all in Fayetteville.

We have been in touch with those that are in charge of your city taxi voucher program and know that there is a need for taxis within the city.

List the number of vehicles that will be under your operation or control: 6

Minimum and Maximum number of vehicles to be permitted: 2 6
Minimum Maximum

List the location of proposed depots and terminals:

We are based in Rogers and will continue to operate from there. However, we plan to send a couple of vehicles down into Fayetteville daily to work the area, which would enable us to respond more quickly and efficiently to calls.

Describe the color scheme or insignia to be used to designate your vehicle:

Black, white, red, gold

List your days and hours of operation:

Mon thru Fri 4 am to midnight / Sat & Sun 7 am to 10 pm

We are available 24/7 with advanced notice. We are also available 24/7 by special arrangement on a per customer basis for emergency after hour service.

List any days you do not propose to provide taxicab service to the general public:

None

List your proposed passenger rate schedule:

\$20 minimum fare OR \$3/mile - \$5 extra stop/extra passenger

[Signature]
Signature of Applicant

9/1/2020
Date

State of Arkansas
County of Benton

On this the 1st day of September, 2020 before me,
Jeanette Westrick, personally appeared Christina Osbourn
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument
and affirms that the statements in this document are true and complete.

In witness whereof I hereunto set my hand and official seal.

My Commission expires: May 18, 2028
Jeanette Westrick
Notary Public

JEANETTE WESTRICK
BENTON COUNTY
NOTARY PUBLIC ARKANSAS
My Commission Expires May 18, 2028
Commission No. 12704387

Mike Reynolds
Police Department Representative

9/2/2020
Date

STATEMENT OF OVERALL FINANCIAL STATUS

To Whom It May Concern:

Destiny Limousines LLC/Deatherage Transportation LLC dba Ambassador Transportation Services, is a disable service veteran owned and Rogers AR based Taxi/Hired Car Service and Airport Shuttle service.

We are licensed as an intrastate contract carrier in the State of Arkansas, and holding licenses in the cities of Rogers, Springdale, and Siloam Springs. We also operate within the City of Bentonville, which does not require taxi licenses currently.

We are authorized accept city taxi vouchers/coupons in the cities of Bentonville, Rogers, and Springdale.

Our fleet consists of 6 vehicles (one minivan, one SUV, one Station Wagon/Crossover-Type vehicle, two sedans and one 8-passenger coach van). One sedan and the 8-passenger vehicle are currently inactive due to reduced business volume in recent months.

All vehicles are fully paid for with clear titles in hand.

All vehicles undergo pre-shift and post-shift inspections, monthly in-depth inspections done by a certified mechanic who also performs all routine maintenance and any repairs noted during the inspection.

We operate on a balanced budget, with no outstanding judgements, liens, or debt of any kind.

We look forward to expanding our service to include the City of Fayetteville.

Please direct any and all questions or comments to our Company Administrator as noted below.

Thank you for your consideration,



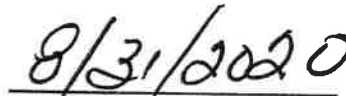
Billy Deatherage, Owner (Retired)



Date



Christina Osbourn, Company Administrator



Date

Cell Phone: (479) 787-3197



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/25/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

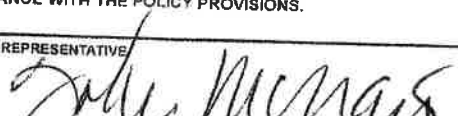
PRODUCER McNair & Associates P O Box 819 Fayetteville AR 72702-0819		CONTACT NAME: Sharon Davis PHONE (A/C, No, Ext): (479) 521-7800 E-MAIL ADDRESS: sharon@mcnairandassociates.com FAX (A/C, No): (479) 521-8617	
INSURED Ambassador Transportation Services 1105 W Linda Lane Rogers AR 72758		INSURER(S) AFFORDING COVERAGE INSURER A: National Casualty Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL2051106173 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
		INSD	WVD					
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR Taxi Services/Airport Shuttle GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			QPO0000745	02/20/2020	02/20/2021	EACH OCCURRENCE	\$ 300,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY			QPO0000745	02/20/2020	02/20/2021	COMBINED SINGLE LIMIT (Ea accident)	\$ 300,000
							BODILY INJURY (Per person)	\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						BODILY INJURY (Per accident)	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PROPERTY DAMAGE (Per accident)	\$
							Underinsured motorist	\$ 100,000
							EACH OCCURRENCE	\$
							AGGREGATE	\$
							PER STATUTE	
							OTHER	
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Fayetteville 125 W Mountain Fayetteville AR 72701		CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

June 5, 2020

TO:

M-58461

Destiny Limousines, LLC/Deatherage Transportation, LLC
dba Ambassador Transportation
1105 W. Linda Lane
Rogers, AR 72758

FROM: LEGAL DIVISION

RE: 2020 ARKANSAS INTRASTATE RENEWAL

This will confirm that your 2020 Arkansas intrastate renewal has been completed and processed in our office. As of this date, according to information on file in this office, your company is in compliance with the rules and regulations of the Arkansas Department of Transportation regarding proof of public liability insurance.

Should your insurance lapse or be cancelled, this notice is in no way proof that adequate coverage exists. You should make every effort to ensure that there is no lapse of insurance coverage and that proper insurance renewals are filed with the Legal Division, Arkansas Department of Transportation, P. O. Box 2261, Little Rock, AR 72203-2261.

Questions should be directed to Lakeysha Walker at (501) 569-2355.

BEFORE THE
ARKANSAS STATE HIGHWAY COMMISSION

IN THE MATTER OF APPLICATION OF)
DESTINY LIMOUSINES, LLC/DEATHERAGE) PERMIT NO. M-58461
TRANSPORTATION, LLC, DBA)
AMBASSADOR TRANSPORTATION)
FOR AUTHORITY AS A CONTRACT)
CARRIER, INTRASTATE)
REPORT AND ORDER

Application filed June 21, 2018 with the Arkansas State Highway Commission by Destiny Limousines, LLC/Deatherage Transportation, LLC, an Arkansas corporation doing business as Ambassador Transportation, seeking authority to operate as a contract carrier by motor vehicle in intrastate commerce transporting passengers, under continuing contract(s) between all points and places in the State of Arkansas, over irregular routes, as set forth in the application and notice of hearing.

A protest was filed by Stewart Larrabee to the application, and after due notice the matter was heard by the Commission's duly-appointed Hearing Officer on July 23, 2018. The hearing was held pursuant to the Commission's rules and regulations at its hearing offices, Arkansas Department of Transportation, Little Rock, Arkansas.

FINDINGS

Upon full consideration of the evidence and all matters and things involved herein, and being well and sufficiently advised in the premises, we find the requested service to be in the public interest and in furtherance of the state transportation policy. The applicant is fit, willing and able properly to perform the proposed service and to conform to the requirements of the Motor Carrier Act and rules and regulations thereunder. We further find that no valid basis to deny the granting of authority was presented by the protestant. We further find that the application should be granted.

ORDER

IT IS, THEREFORE, ORDERED, that the application of Destiny Limousines, LLC/Deatherage Transportation, LLC, an Arkansas corporation doing business as Ambassador Transportation, for authority to operate as a contract carrier motor vehicle, in intrastate commerce, be, and is hereby granted, subject to such conditions and limitations as are now or may hereafter be attached to the exercise of the privileges herein granted.

IT IS FURTHER ORDERED that the transportation service to be performed by said carrier in intrastate commerce shall be as specified below:

IRREGULAR ROUTES:

Passengers and their belongings, under continuing contract(s),

Between all points and places in the State of Arkansas, over irregular routes.

IT IS FURTHER ORDERED, and made a condition of this certificate, that the holder hereof shall comply with all rules and regulations of the State of Arkansas concerning the operation of a motor vehicle over the highways of this State.

IT IS FURTHER ORDERED, and is made a condition of this authority, that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for change, revocation, or suspension of this authority.

Entered this 24th day of July, 2018.

BY ORDER OF THE COMMISSION:



DAVID S. LONG, HEARING OFFICER

ATTEST: 
LAKEYSHA WALKER
ADMINISTRATIVE AIDE V

Approved and ratified on behalf on the Arkansas State Highway Commission this 24th day of July, 2018.

BY ORDER OF THE COMMISSION


RITA S. LOONEY, CHIEF LEGAL COUNSEL

ATTEST: 
LAKEYSHA WALKER
ADMINISTRATIVE AIDE V



AMBASSADOR
TRANSPORTATION SERVICES



TAXI



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LLC Member information is now confidential per Act 865 of 2007

Use your browser's back button to return to the Search Results

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For service of process contact the [Secretary of State's office](#).

Corporation Name	DESTINY LIMOUSINES, LLC
Fictitious Names	AMBASSADOR TRANSPORTATION SERVICES NWA LAST CALL
Filing #	800191456
Filing Type	Limited Liability Company
Filed under Act	Domestic LLC; 1003 of 1993
Status	Good Standing
Principal Address	1105 W LINDA LN ROGERS, AR 72758
Reg. Agent	BILLY DEATHERAGE
Agent Address	1105 W LINDA LN ROGERS, AR 72758
Date Filed	01/06/2011
Officers	CHRISTINA DELAYNE OSBOURN , Manager JODY ZIMMERMAN , Incorporator/Organizer BILLY JACK DEATHERAGE , Tax Preparer DANE ZIMMERMAN , Incorporator/Organizer BILLY JACK DEATHERAGE , Manager
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

[Purchase a Certificate of Good Standing for this Entity](#)

[Pay Franchise Tax for this corporation](#)

The undersigned, pursuant to Act 1003 of 1993, sets forth the following:

1. **The name of the Limited Liability Company is:**
DESTINY LIMOUSINES, LLC
and is duly organized, created and existing under and by virtue
of the laws of the State of Arkansas.
2. **The Articles of Organization were filed on:**
1 day of, JUNE, 2011.
3. **The amendment to the Articles of Organization was adopted on:**
4 day of, OCTOBER, 2016.

and is:
PRINCIPAL ADDRESS 1105 W LINDA LN. REG.
AGENT BILLY DEATHERAGE 1105 W LINDA LN.
ROGERS AR 72758 OFFICER BILLY DEATHERAGE
4. **If this is a restatement of Articles of Organization, please write
in the words "Restatement of Articles of**
"

(present name of your company)

THIS FILING HAS A DELAYED EFFECTIVE DATE OF OCTOBER 4TH,
2016.

Signature

BILLY DEATHERAGE

Title

INCORPORATO/ORGANIZER



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For service of process contact the [Secretary of State's office](#).

Corporation Name	DEATHERAGE TRANSPORTATION, LLC
Fictitious Names	AMBASSADOR TRANSPORTATION SERVICES ROGERS LLC
Filing #	811085586
Filing Type	Limited Liability Company
Filed under Act	Domestic LLC; 1003 of 1993
Status	Good Standing
Principal Address	1105 W LINDA LANE ROGERS, AR 72758
Reg. Agent	BILLY JACK DEATHERAGE
Agent Address	1105 W LINDA LANE ROGERSRS, AR 72758
Date Filed	09/16/2015
Officers	BILLY JACK DEATHERAGE , Manager BILLY JACK DEATHERAGE , Incorporator/Organizer CHRISTINA DELAYNE OSBOURN , Manager BILLY JACK DEATHERAGE , Tax Preparer
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

[Purchase a Certificate of Good Standing for this Entity](#)

[Pay Franchise Tax for this corporation](#)