

MINUTES

PUBLIC TRANSPORTATION COMMISSION

WEDNESDAY, MARCH 12, 2008

COUNTY COMMISSIONERS' BOARD ROOM

601 E. KENNEDY BLVD., 2ND FLOOR

9:00 A.M.

I CALL TO ORDER

The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:11 a.m. The following Commission members were present:

*Chairman Kevin White,
Commissioner Dan Raulerson
Councilman Thomas Scott
Commissioner Frank Chillura*

*Board of County Commissioners
City of Plant City
City of Tampa
City of Temple Terrace*

Councilman Joseph Caetano, Commissioner Brian Blair, and Commissioner Ken Hagan were not in attendance

II INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Thomas Scott led the Commission in the invocation and pledge of allegiance.

III SWEARING IN OF WITNESSES

Chairman Kevin White performed a mass swearing in of the witnesses wishing to speak before the Commission.

IV AUDIENCE PARTICIPATION

Kristijan Jancovic' of Five Star Limousine wanted to speak about the February 13, 2008 PTC meeting. He had requested a limo certificate and 2 permits. In his application, he submitted that the Mercedes Benz "S" class series was the vehicle his company would be using. At the February 13, 2008 meeting, Chairman White said he would not support the approval of the application because he felt that the vehicles were not luxury. The motion was made by Commissioner Blair and 2nd by Commissioner Hagan. Mr. Jancovic' said that the Mercedes "S" class is defined by Kelly Blue Book as more than a basic sedan and is considered a luxury sedan. It was Mr. Jancovic's position that this Mercedes could be utilized as a luxury taxicab or a limousine. Mr. Jancovic's said that his company chose to charge a flat rate for luxury vehicle versus using a meter. Mr. Jancovic' cited the PTC rules definition of a luxury vehicle and stated that the definition includes vehicles that are recognized as high end and have been uniquely modified. In Mr. Jancovic's opinion, he stated that the Mercedes Benz "S" class is a high-end, luxury vehicle and Mercedes' flag ship model. It is his position that the denial is not valid according to PTC rules. He hoped that the error will be corrected.

The next speaker was Steve Michelini who approached the PTC on behalf of a variety of industries. He came before the board asking for a special events committee which would be responsible for coordinating all events in Hillsborough County. This would include the screening and training of drivers, and coordination with all ports of entry. It would involve the community and it could be done through the PTC and not people who don't know the business. It was Mr. Michelini's belief that this would help the traveling public. As Mr. Michelini spoke, behind him were members of each industry

who were in support of his position. Mr. Michelini said that he had discussed this matter with Director Padilla, and PTC staff about what the industry can provide, when this committee it is needed, as it is needed, with the regulations and rules and legislation. He asked the PTC to please make a motion to establish this committee. He stated that this committee would act as a recommendation agency that would report back to the PTC. He said that all of the industries are involved and they want to help and do it in a professional manner and it would be an on-going committee.

Chairman White verified with Mr. Michelini that all the industry wanted was the PTC's blessing to establish a special events coordinating committee, which has a member of every transportation industry being represented on that committee and it being an advisory board for their collaboration and with the intention of advising the PTC for the coordination of special events. Mr. Michelini confirmed that this, in fact was the intent. Chairman White wanted to know if it would cost the PTC and Mr. Michelini said no except for the participation of the existing PTC staff who would be permanent members on the committee. Chairman White asked Attorney Perez if it would present a problem and Attorney Perez said he didn't see that it would. Councilman Scott asked of the PTC was appointing or if this committee would be voluntary. He felt that it would come under the Sunshine Law. Attorney Perez said that it seems to be a private group and that they are not asking for appointment to that group and Councilman Scott wanted to clarify that they don't have any authority from this board. Attorney Perez said that it is correct that they do not. Once again, Councilman Scott wanted it to be understood that this is a private committee that wants staff to participate, but by not appointing, there is no authority. Mr. Michelini said that this is a committee to help people understand what is available to them from the traveling industries--how they can marshal cabs and get the dispatch that they need. Councilman Scott felt there was a problem that there would be a committee in place with no real authority and then, too, that they don't have to follow any guidelines. He said that although he likes the idea, he sees that there might not be guidelines. Mr. Michelini said that he could talk about it more at next month's PTC meeting if need be. Chairman White said that we can move forward with the advisory committee at this time and then revise their authority at a later date. Mr. Michelini said that the official copies would be circulated at the meeting.

Commissioner Raulerson made motion to form the advisory committee, Councilman Scott seconded the motion, motion passed unanimously.

Brook Negusei spoke next as he wanted to suggest that our application process is being compromised and he feels that every application should go through the process and if someone wants to intervene, they should go through the hearing officer process. He said that it is his belief that every certificate holder has the right to intervene and let the hearing officer handle it. Chairman White agreed that everyone present at the last meeting had to listen to the same spiel every time someone had an application for certificate. He said that the PTC does not have the right to disallow a person their three minutes--they have to give everyone his chance to speak at a public meeting as a right which according to law, they cannot deny.

Rocky Shirey, of Julie's Limousine said that he produced additional documentation, at Chairman White's suggestion, from last month's meeting for this month's meeting and delivered it at this meeting. He wanted to make his position clear, after receiving threatening phone calls, that he doesn't want to be anti-competitive or prevent people from coming into the market. He said that Julie has produced many companies in the business today and said that she was an "incubator" for new businesses. So, he wanted to put his info on the record for next month.

Jason Susman approached to speak, but was directed to speak at the time that his waiver was listed on the agenda.

Christopher Jordan, of Kings Executive Realty approached the PTC and asked, "If an applicant is denied, are they entitled to get a hard copy letter of denial from the PTC?" Attorney Perez said that the PTC received correspondence from George Werner, King's Executive's attorney, and informed the board that King's is going to pursue its rights through litigation and Mr. Jordan has been provided with a number of documents regarding his denial. Mr. Christopher Jordan then asked, "If they can speak at the PTC meeting why do we have an intervention form? What is it used for? Why do we have

it?” *Chairman White said that the form is not for the PTC meeting, it is used at the hearing master level. Director Padilla answered that the notice of intervention is what a certificate holder submits if he want to intervene at the hearing officer’s level and the cost is split. Then, Mr. Jordan said, “Or people just bypass and speak at the PTC meeting.” Director Padilla clarified that when people speak at the PTC meeting, it is part of audience participation. Mr. Jordan asked if audience participation was supposed to happen after each and every application. Chairman White said that that happens at the public hearings and someone can speak at each public hearing if they wish. Mr. Jordan said that that was his question and thanked Chairman White. Chairman Scott said that he uses the same line of thinking with the PTC meetings and hearings as he would with land use and just goes by what’s on record.*

Charles Smalling was the next speaker and he stated that he approached Director Padilla about four weeks before the PTC meeting and he requested raising the rates for cab drivers and there was a workshop and it was supposed to be on the agenda this month. It isn’t on this agenda, but it should be on next month’s agenda. It’s important to the cab drivers. Chairman White said that he will get with Director Padilla to see if it could be on the next agenda.

V. REPORTS – For receipt and filing.

- A Inspector’s Report – February, 2008
- B Fiscal Year Status Report

Motion to receive and file the reports was made by Councilman Scott, seconded by Commissioner Raulerson and carried unanimously.

VI. CONSENT ITEMS

- A. February 13, 2008 Public Transportation Commission meeting minutes
- B. Approval of Public Vehicle Driver’s Licenses – February, 2008
- C. Administrative Change Application from Anytime Taxi, LLC for vehicle color scheme change.

Motion to approve the consent agenda was made by Commissioner Raulerson, seconded by Commissioner Chillura and carried unanimously.

VII. ATTORNEY’S REPORT

Attorney Perez advised that the PTC has received a rule challenge and an Administrative Hearing by Moshe Lieb, the same gentleman who has a federal case with the Toyota Prius. Attorney Perez stated that he would keep the PTC apprised.

VIII. OLD BUSINESS

- A. Rule Changes for Wreckers (*deferred from the 2/13/08 PTC meeting*)

The proposed wrecker rule changes were not heard at this meeting. Deferred to the April 9, 2008 PTC meeting.

- B. Wrecker Fuel Charges

Steve Michelini petitioned the PTC regarding the wrecker fuel charge, asking that the surcharge be increased to \$10.00. He said that the industry has spoken to staff and, hopefully, gas prices will go back down next month. Chairman White asked Mr. Michelini to inform what the current fuel charge is and Mr. Michelini said it was \$5.00.

Motion to raise the wrecker fuel charge to \$10.00 was made by Councilman Scott, seconded by Councilman Chillura, with a condition to bring the matter back before the PTC at next month's PTC meeting, and passed unanimously.

IX NEW BUSINESS

- A. Waiver Request – *Request from Allstar Enterprises, LLC for waiver of Rule 8.1.12 – “A standard taxicab shall be five (5) model years old or newer when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.”*

Attorney Perez advised that to vote on a waiver requires five votes. This item will be deferred to the April 9, 2008 PTC meeting.

- B. Taxi Permit Lottery

Chairman White spoke about the taxi permit lottery and verified with Director Padilla that the taxi permit lottery was advertised and open to the public, and that certificate holders were there to witness the drawing, and that it was done in a fair process. Director Padilla confirmed that it was and read his summary and announced that Airport Car Service drew the number and won the standard taxi permit.

- C. Public Hearings

1. Limousine Service Applications.

- a. Paradigm Limousines, LLC of Tampa, FL – Certificate and two (2) permits (*deferred from the 2/13/08 PTC meeting*)

Padilla gave a summary regarding Paradigm's application, and informed the board that the hearing officer, A.J. Comparetto recommended approval of the certificate and two permits.

Robert Brown addressed the PTC regarding Paradigm's application and gave some background information regarding his experience and his being employed for 17 years with Fire Rescue. He said that his partner in this venture is a friend and co-worker. Mr. Brown stated that he has been a limousine driver and has worked for various hotels in Tampa. His partner, Clovis Neal is employed part time with a local exclusive golf club. He said that he and Mr. Neal have been asked by the golf club to augment their service in picking up clients to and from the airport because they close at 6:00. They would like to employ members of their brotherhood such as paramedics, firefighters, etc. He said that he would also like to have on-board all of their vehicles, medical equipment to better serve their clients.

Motion to approve the application for certificate and two permits was made by Commissioner Chillura Seconded by Commissioner Raulerson and passed unanimously.

- b. Town & Country Limousine – three (3) additional permits

Director Padilla gave a summary of Town & Country's Limousine application and informed the board that the hearing officer A. J. Comparetto recommended approval of the certificate and three permits.

Chairman White asked if there was anyone in the audience who wanted to speak regarding this application. Someone stood up and Chairman White asked if he was the applicant. The individual said that he was the applicant. Chairman White told the individual that he didn't have to speak, but that he just wanted to know if someone was there.

Motion to approve the application for additional permits was made by Commissioner Scott, seconded by Commissioner Raulerson, and passed unanimously.

- c. VIP Valet, Inc. of Tampa, FL –two (2) additional permits

Director Padilla gave his summary in support of the recommendation to approve VIP Valet's application for two additional permits.

Chairman White asked if there was anyone in the audience who wanted to speak regarding this application. No one did.

Motion to approve the application for additional permits was made by Councilman Scott, seconded by Commissioner Chillura, and passed unanimously.

2. Van Applications

- a. El Cometa Corporation of Tampa, FL – Certificate and three (3) permits.

Director Padilla gave a summary of El Cometa's van application and informed the board that the hearing officer, A. J. Comparetto, recommended approval of the certificate and three permits.

Chairman White asked if there was anyone who wanted to speak regarding this application and Rosanne Oliva (the applicant's daughter) briefly spoke on behalf of Raphael Oliva regarding the application. Chairman White asked if there was a motion.

Motion to approve the application for a van certificate and three permits was made by Commissioner Raulerson, seconded by Councilman Chillura, and passed unanimously.

- D. Appeals of Public Vehicle Driver's License Denial (*all driver appeals were deferred from the 2/13/08 meeting*)

1. Dimce Donevski – Advantage Limousine

Director Padilla summarized that Dimce Donevski was denied a public vehicle driver's license based upon the review of his driving history and charges. A summary of the history was provided in the agenda backup.

Chairman White asked if Mr. Donevski was present at this PTC meeting and he was not.

A motion was made by Commissioner Raulerson to deny Mr. Donevsk's appeal and not grant him a PVDL, seconded by Councilman Chillura and carried unanimously.

2. Kevin Bernard Guthrie – United Cab

Director Padilla summarized that Mr. Guthrie was denied a public vehicle driver's license based upon a review of his criminal history. A summary of the history was provided in the agenda backup.

Mr. Guthrie approached the podium and spoke about his felony, stating that it was the only mark in his history and happened due to problems with his marriage. Chairman White asked if United Cab would employ him if the appeal and PVDL were granted and it appeared that they would not. Louie Minardi spoke on Mr. Guthrie's behalf saying that he has never had a problem with him. He said that Mr. Guthrie drove with him years ago. Mr. Minardi said that he didn't know what the charge was, and that he didn't know if the insurance would allow coverage, but he just wanted to say that Mr. Guthrie's work history was good. Chairman White said that it was a charge for marijuana possession and aggravated assault with a weapon and gave a breakdown of all of Mr. Guthrie's history. Chairman White then asked if anyone else wanted to speak and no one did.

Chairman White passed the gavel to Vice-Chair Chillura and made a motion to deny Mr. Guthrie's appeal and not grant him a PVDL, seconded by Commissioner Rraulerson, passed unanimously.

3. Kristian Klotz – Transcare

Director Padilla summarized that Kristian Klotz was denied a public vehicle driver's license based upon the review of his criminal history. A summary of the history was provided in the agenda backup.

Mr. Klotz then addressed the PTC. He said that he started his mission to become a fireman and went to school in Hillsborough County and was number one in both of his training classes. He said that the gentleman who was going to speak on his behalf was unable to make it to this month's meeting. Mr. Klotz said that he was in the Navy. He said he'd made a mistake and was not convicted of the felony even though he pleaded guilty. He said that he just wants to serve the County.

Councilman Scott asked Mr. Klotz if he'd said that he hadn't been convicted, since in 2006 he'd violated probation going back to grand theft. Mr. Klotz said that thought it was dropped and was put back into the first case, and that it allegedly was for not paying his fines on time, which he disagreed with, but he believed that it had been put back into the first charge.

Attorney Perez told Councilman Scott that the docket reflected that even though Mr. Klotz admitted to the violation, the court continued the probation and adjudication was withheld. Chairman White noted that Mr. Klotz had a clean driving record.

Councilman Scott asked how Mr. Klotz ended up stealing property. Mr. Klotz said that he was a golf pro and went down the wrong path and made a bad decision. Councilman Scott asked if there were drugs involved and Mr. Klotz said no. Councilman Scott asked if Mr. Klotz was married and he said yes, then Councilman Scott asked if he had kids and Mr. Klotz said no. Councilman Scott asked if anyone would hire him if Mr. Klotz was granted a PVDL and Mr. Klotz said that maybe Transcare would. But, the County's not hiring firemen at this time. Chairman White asked if anyone else wanted to speak.

Chairman White passed the gavel to Vice-Chair Chillura and made a motion to grant Mr. Klotz's appeal and to grant him a PVDL since he had never been convicted of a violent crime nor did he have a drug possession charge and his driving record was clean, seconded by Councilman Scott conditional on a one-year probation to this motion, motion passed unanimously.

4. Simean Abraham – Yellow Cab of Tampa

Director Padilla summarized that Simean Abraham was denied a public vehicle driver's license based upon the review of his criminal history. A summary of the history was provided in the agenda backup.

Chairman White asked if Mr. Abraham was in the audience. He was not present at the time. Chairman White briefly pointed out some items on Mr. Abraham's criminal history including kidnapping, aggravated assault, grand larceny, and domestic battery.

Councilman Scott made a motion to deny Mr. Abraham's appeal and not grant him a PVDL, it was seconded by Commissioner Chillura, and passed unanimously.

Chairman White asked Victor DiMaio to address the PTC. Mr. DiMaio said that the bill was passed unanimously and that there were issues that the PTC wanted in the bill that are still in the bill as far as granting temporary permits and national FBI security checks, all those are items are part of the bill. Rhonda storms struck one portion of the bill pertaining to PVDL's and a requirement to have a valid Florida driver's license. The NFL wanted to allow out of state driver's licenses, but Ms. Storms was adamant about letting the people in Hillsborough County have the ability to drive here and not allow out of state drivers. The former director of PTC, Mr. Cox is coordinating transportation for the NFL. He asked Mr. Glorioso about it and then Mr. Glorioso asked Mr. DiMaio to approach PTC. That being said, there are two issues pertaining to drivers: 1) We have to convince Senator Storms to change her mind about out of state drivers, and 2) the drivers can go at their free will to argue against the bill in Tallahassee. Mr. Glorioso respects the PTC's wishes and wants direction to proceed on the

bill as it is or amend it if they wish. His recommendation is to leave the bill as it is. Mr. DiMaio said that he recommends leaving the bill as it is in order not to lose everything, but wants direction from the PTC on that also. He would also like a letter to be sent to the Super bowl Task Force to, in a friendly way, inform them that the PTC is the governing body for for-hire transportation. No one has contacted the PTC or their representatives. If there is a problem, Mr. DiMaio would appreciate being informed before they go there.

Chairman White informed that the board can have a discussion, but can't make a decision because they don't have a quorum. Chairman White said that it would be an injustice to have everyone go back and change the bill at this time and have everyone re-sign it. It is not everything we wanted, but it is the majority. We can move forward with what we have and, in the future, make amendments.

Mr. DiMaio said that they are working on the wrecker situation and Mr. Glorioso has directed the PTC to proceed with the unregulated portion of the wrecker industry. Mr. DiMaio said that things should be left as they are in order not to risk losing everything. He gave a few highlights of what good we got out of the bill. Mr. DiMaio would like the PTC to draft a letter to take back to Representative Glorioso, the sponsor of the bill, and tell him that the bill should be left as it is if that is okay with the board.

Chairman White was not sure that an action could be agreed upon without a quorum and he asked Attorney Perez about it. Attorney Perez said that the letter cannot represent that the entire PTC agreed upon the action. However, Chairman White or any PTC member could send a letter representing himself. Chairman White said that his office will draft language and send it to Representative Glorioso.

Chairman White pointed out that there were two items on the agenda, a Waiver request and wrecker rules still to discuss. He directed everyone to take a recess while the PTC waited to see when Commissioner Blair would arrive. After recess, it was determined that both items would have to be on next month's meeting. Attorney Perez spoke briefly regarding Allstar's waiver and said that if it is not heard within 90 days, it is automatically approved. Chairman White said that, for the record, he spoke to Director Padilla who gave him detailed information regarding the vehicle that it is immaculate and would be a wonderful addition. If by chance if we don't have five PTC members next month, it will be automatically approved. Chairman White apologized, but stated that incidents beyond control have happened that have made it necessary to move the agenda items of the PTC meetings around.

Therefore, the Wrecker rules and Allstar's waiver, each of which the PTC needs a quorum, will roll to next month's meeting. These items are therefore deferred to the April 9, 2008 PTC meeting.

X. ADJOURNMENT

There being no further business, the meeting of the Public Transportation Commission adjourned at 10:00 a.m.

*****This is not an official, verbatim transcript of the 3/12/08 PTC meeting. It should be used for informational purposes only*****

Jacqueline E. Calleja, Administrative Specialist