

**A G E N D A**

**PUBLIC TRANSPORTATION COMMISSION**

**WEDNESDAY, SEPTEMBER 5, 2007**

**COUNTY COMMISSIONERS' BOARD ROOM**

**601 E. KENNEDY BLVD., 2<sup>ND</sup> 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 Ken Hagan  
Commissioner Brian Blair  
Commissioner Ken Raulerson  
Councilman Frank Chillura  
Councilman Thomas Scott  
Councilman Joseph Caetano*

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

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

*Commissioner Ken Raulerson 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**

*Charles Smalling of Yellow Cab, submitted a memo and read it aloud. His complaint is that the PTC has failed to impose limits on certain types of certificates. He stated that some of the limousine companies charge less than the required \$40.00 minimum to pick up. He also stated that some of those companies solicit runs and they are not supposed to since the service is supposed to be prearranged.*

*John Bailey, a taxi driver, was the next to speak. He wanted to address the taxi cab stand issue at the Hyatt Hotel. He felt that the city's growth would require that we need to address transportation issues in general. He stated that Hartline and the trolley system require public money, but the taxis support themselves. He feels they need a place to stand while they are waiting for their customers. The stand at the Hyatt serves two hotels and Mr. Bailey feels there is never enough room at the stand. He also drew attention to the fact that the PTC rules state that a driver can't leave the stand so when they need to go to the rest room, they lose their place in line. Therefore, they lose revenue. He would like the rules to be changed so that a cab driver can leave to use the rest room while his taxi is at the stand. Mr. Bailey feels this issue is important because the small cab companies aren't allowed to wait in line at the airport since the bigger cab companies have contracts.*

*Chairman White expressed his hope that these issues would be addressed, especially that of the taxi cab stand and he felt that losing the stand would be a detriment to the city, the lives of the taxi cab drivers, and our hotel and to visitors to our community. He said that he had heard some rumblings that the city might have been looking at moving the cab stand at the Hyatt. Chairman White said that he had been briefed that there was an issue, but wasn't sure if any of the other commissioners knew anything about the matter. He said he wanted more details.*

*Councilman Caetano also wanted clarification. He said he'd also heard only minimal information regarding the matter and thought it was going to be moved. He said he'd heard that it was a large national chain that wanted the stand moved but that they shouldn't dictate what our city and the transportation industry and our community does.*

*Louie Minardi, owner of Yellow Cab addressed the PTC next. He said that he and Nancy Castellano met with Irving Lee, of the City of Tampa on September 4, 2007 because he had heard about the cab stand meeting incidentally and decided to attend. The Downtown Partnership and some downtown property owners, decided that they didn't want the taxicab stand at the Hyatt. The taxicab stand in question is utilized for walk up people and working people in that part of the city because it is centrally located. Mr. Minardi asked that the PTC intervene and ask for their support in the process to halt the move of this stand because the effort is being fast-tracked by the individuals who it moved. They want it moved within the next couple of weeks.*

*Councilman White asked Mr. Minardi if he knew whether or not the individuals who are behind the issue have the blessing of the City Council or the Mayor's office. Mr. Minardi said that the mayor is backing this effort. He said that although he's never spoken to anyone at the City Council about the matter, he'd found out that Mr. Greg Cox had been involved for the last six months and was aware. Although the parties involved may have their reasons for wanting the cab stand moved, the only other stands that the cab industry has are at the bus station and the Waterside Marriott.*

*Commissioner Blair offered that we need to do everything we can for the industry with the growth of rapid transit and light rail that will require more taxis to move people around.*

*Motion to direct Interim Executive Director, Cesar Padilla to have someone in the office draft a letter to be sent to the Mayor's Office and the City Council in support of keeping the cab stand at the Hyatt at the corner of Tampa and Jackson streets was made by Commissioner Blair, seconded by Commissioner Hagan and carried unanimously.*

V. REPORTS – For receipt and filing.

A. August 8, 2007 Public Transportation Commission meeting minutes

B. Approval of Public Vehicle Driver's Licenses – August, 2007

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

VI. CONSENT ITEMS

A. August 8, 2007 Public Transportation Commission meeting minutes

B. Approval of Public Vehicle Driver's Licenses – August, 2007

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

VII. ATTORNEY'S REPORT

*Report on Allegations - will discuss item VIII.A at the end of the meeting.*

VIII. OLD BUSINESS

- A. Update regarding allegations raised at the August 8, 2007 PTC meeting.

*Will discuss VIII.A at the end of the meeting.*

- B. Update regarding Airport Authority annual fees (attached) Resolution 2007-98

*Interim Executive Director Padilla directed the PTC to see the resolution by the Airport Authority and stated that he attended a meeting at the Airport Authority. At that meeting he was briefed of the circumstances and was told that although it is not final at this time, they are going to charge \$150.00 for sedans and limousines to be able to pick up at curbside at the airport. Mr. Padilla will be attending a meeting on September 6, 2007 and will update the PTC at the October 10, 2007 meeting.*

- C. Lease proposal submitted by Krauss Organization Commercial Real Estate Services for building located at 5035 Savarese Circle, Tampa, FL

*Interim Director Cesar Padilla submitted a lease proposal by Krauss Organization Commercial Real Estate Services for a building located at 5035 Saverese Circle, Tampa, Florida for the review of the PTC.*

*Chairman White directed to move this issue to the October 10, 2007 meeting for further review and asked for a motion. Motion to defer the Krauss lease proposal to the October 10, 2007 PTC was made by Commissioner Ken Raulerson and seconded by Councilman Chillura.*

IX. NEW BUSINESS

- A. Public Hearings

1. Limousine Service Applications

- a. Advantage Limousine, LLC of Lutz, FL – four (4) additional limousine permits

*Advantage Limousine, LLC of Lutz, FL has applied for four (4) additional limousine permits. The hearing officer, A.J. Comparetto has recommended approval of the four vehicle permits.*

*Motion to approve the four (4) additional permits for Advantage Limousine, LLC of Lutz, FL was made by Councilman Chillura, seconded by Commissioner Raulerson and carried unanimously.*

- b. Allure Limousine Service, LLC of Tampa, FL – two (2) additional unrestricted vehicle permits

*Allure Limousine Service, LLC of Tampa, FL has applied for two (2) additional limousine permits. PTC staff recommended approval.*

*Motion to approve the two (2) additional permits for Allure Limousine Service, LLC of Tampa, FL was made by Councilman Chillura, seconded by Commissioner Raulerson and carried unanimously.*

- c. Luxor Transportation, Corp. of Largo, FL – two (2) additional unrestricted vehicle permits

***Luxor Transportation, Corp. of Largo, FL has applied for two (2) additional limousine permits. PTC staff recommended approval.***

***Motion to approve the two (2) additional permits for Luxor Transportation, Corp. of Largo, FL was made by Commissioner Blair, seconded by Commissioner Ken Raulerson and carried unanimously.***

- d. SRQ Services, LLC of Sarasota, FL– two (2) additional unrestricted vehicle permits

***SRQ Services, LLC of Sarasota, FL has applied for two (2) additional limousine permits. PTC staff recommended approval.***

***Motion to approve the two (2) additional permits for SRQ Services, LLC of Sarasota, FL was made by Councilman Scott, seconded by Commissioner Chillura and carried unanimously.***

- e. TB Limo (sole proprietorship) of N. Redington, FL – two (2) additional unrestricted vehicle permits

***TB Limo (sole proprietorship) of N. Redington, FL has applied for two (2) additional limousine permits. PTC staff recommended approval.***

***Motion to approve the two (2) additional permits for TB Limo of N. Redington, FL was made by Commissioner Blair, seconded by Councilman Raulerson and carried unanimously.***

## 2. Van Service Applications

- a. Advantage Limousine, LLC of Lutz, FL –certificate and one (1) vehicle permit

***Advantage Limousine, LLC of Lutz, FL has applied for a van certificate and one vehicle permit. The Hearing Officer, A. J. Comparetto has recommended approval for the certificate and one vehicle permit.***

***Motion to approve the van certificate and one (1) vehicle permit for Advantage Limousine, LLC of Lutz, FL was made by Councilman Scott, seconded by Commissioner Chillura and carried unanimously.***

- b. Marine 1 Transportation, Inc. of Tampa, FL– two (2) additional vehicle permits

***Marine 1 Transportation, Inc. of Tampa, FL has applied for two (2) additional van permits. PTC staff recommended approval.***

***Motion to approve the two (2) additional permits for Marine 1 Transportation, Inc. of Tampa, FL was made by Councilman Raulerson, seconded by Councilman Caetano and carried unanimously.***

## B. Cost Analysis to require more inspectors.

***Interim Director Cesar Padilla, as directed at the August 8, 2007 PTC meeting, a cost analysis that broke down the costs to hire an additional inspector. The question was asked if the vehicle and equipment costs included fuel costs and Mr. Padilla answered that no it was just the cost of the vehicle and equipment such as uniforms. The purpose of this item was to report to the PTC regarding what it would cost to hire an additional inspector.***

C. Report from Sheriff's Office concerning complaints in reference to non-consensual towing

*Interim Director Cesar Padilla contacted the Sheriff's Office and the Tampa Police Department regarding towing complaints and found that they do not keep any statistics regarding non-consensual towing complaints. As a result, there is nothing to report.*

*Chairman White had a meeting with members of the towing industry on September 4, 2007. He found that there may be a state statute that all of the tow truck companies have to follow, whether the towing is consensual or non-consensual, that says they have to post in their lobby or in a conspicuous place, their tow charges and rates. It appears that the tow companies are not following this statute. It is also a part of that statute that they have to provide their rates to local law enforcement agencies on an annual basis. The complaints against the companies have been made because of the charging of different rates. Also, there is a statute that says that the vehicle should not be towed more than ten miles from the origin of the tow. So, the vehicle shouldn't be stored in an area that is unreasonably far.*

*Chairman White asked Mr. Micheleni of the Towing Association, if there was anything to add. Mr. Micheleni said that the main concern was the regulated wreckers have to post the rates in their windows. However, the non-regulated industry is apparently not posting the rates and there is confusion between the two industries. The issue should probably go before the BOCC. Because whether they are regulated or not, the companies must post their rates so that the public is protected. A few years ago, the Towing Association printed handouts that informed the consumers of their rights and the applicable rates for each service. They were also given to the Sheriff's office the Tampa Police Department. The Towing Association is thinking of doing that again. However, the issue doesn't come under the jurisdiction of the PTC. Mr. Micheleni suggested that the County Attorney give some guidance.*

*Chairman White suggested that maybe Mr. Padilla and he could discuss having some PTC Officers go out and visit some of the local law enforcement agencies and list the top ten dos and don'ts from the Towing Regulation Industry. The main idea is to educate everyone on what is expected.*

*Attorney Perez offered that there is a general statute which governs towing and it provides many details about the issues Mr. White discussed. The statute has a criminal law component in that some of the violations could be misdemeanors or felonies depending on the statute that was violated. It also provides remedies for victims who have been overcharged. This may not need to be addressed at the County level since it is already a general law applicable statewide and there is not a distinction between wreckers that are regulated by the PTC and those that aren't.*

*Chairman White once again stressed the importance of educating everyone of the requirements and making people aware*

D. 2008 Population Estimate for the County as published by the USF Bureau of Economic Business Research

*Interim Director Cesar Padilla gave the 2008 Population Estimate as being 1,189,946 which when is applied as to one permit per 1,900 inhabitants formula comes out to be an increase of 13 permits for the year. The PTC will be accepting taxicab applications beginning September 6, 2007 through October 9, 2007, by 5:00 p.m. (the day before the next PTC meeting). At that time, Mr. Padilla will let the PTC know how many applications we have and what the course of action will be at that time.*

E. Appeal of Public Vehicle Driver's License Denial

1. Alfonso Vazquez-Garcia – Star Auto Collision Towing

*Alfonso Vasquez-Garcia appeared before the PTC at the last meeting. He was denied a PVDL based on his criminal history, but he wanted to be heard again at this meeting.*

*Mr. Vasquez-Garcia approached the PTC to appeal the denial of his PVDL. He said it had been almost 11 years since the conviction on his record. He wants to better himself and make more money for his family. He's been working for Star Auto Collision Towing for three months and worked for the industry for seven years.*

*Chairman White asked what jobs he currently did for Star Auto and Mr. Garcia answered that he is a tow truck driver. Commissioner Scott asked about the January 3, 2002 conviction for violation of probation of cocaine possession charge and the disorderly conduct charge.*

*Mr. Vasquez-Garcia stated that he'd asked his probation officer what he had to do to terminate and that the probation officer said that if he did 30 days, it would terminate the probation. Councilman Scott expressed his doubts and asked Mr. Padilla about it. Mr. Padilla said that the PTC runs an FDLE report on all drivers and what Mr. Garcia's record shows is a January 3, 2002 arrest for two counts, one for probation violation for possession of cocaine and a second charge for probation violation of disorderly conduct. Every applicant is asked to provide any information that would clarify what happened with their criminal history. The burden is on them to provide that information. Glen from Star Auto Collision and Towing spoke on Mr. Garcia's behalf and he said that Mr. Garcia is a hard working person that doesn't cause problems and goes to work everyday. He would like Mr. Garcia to run rotation calls because his health doesn't allow it anymore and Mr. Garcia does a lot for him. Therefore, he asked the PTC to reconsider their denial.*

*After much discussion regarding Mr. Garcia's record, and the burden of providing information to the PTC regarding his record, and whether or not bringing back to the PTC at a later date would support his appeal, PTC members agreed that their burden is to protect the traveling public. Mr. Garcia had repeated offenses, including some on his DMV record. So, Commissioner Blair withdrew his motion to ask the petitioner to come back with more information.*

*A substitute motion was made by Councilman Scott to deny Mr. Garcia's appeal of the denial of his PVDL, seconded by Commissioner Chillura, and carried unanimously.*

2. Jatha Royal – Premier Limousine, LLC

*Jatha Royal is appealing the denial of his PVDL. Based on his criminal history, PTC staff recommended denial of the PVDL.*

*Mr. Royal stated that he was once a homeless person and has come a long way to improve himself. He stated that he has served his time and the cases are now closed. He provided a certified statement that shows that all of the cases against him are closed. Chairman White wanted to know if Mr. Royal is currently working and Mr. Royal said he works transporting clients from St. Joseph's hospital to other facilities on campus. Mr. Royal also made other statements regarding his criminal history. Chairman White clarified that although he understood that the drug charges were a result of homelessness, he still would take the issue very seriously. The PTC discussed Mr. Royal's history at length and spoke to Mr. Royal's friend Inez Faye who worked for the TPD and retired from the organization.*

*A motion was made by Councilman Scott to grant Mr. Royal a PVDL with one year conditional probation and random drug testing, seconded by Commissioner Blair and carried unanimously.*

F. Special Topic under “OLD BUSINESS”

- a. Update regarding allegations raised at the August 8, 2007 PTC meeting.

*Chairman White directed the commission members back to item “VIII.A, Allegations from the August 8, 2007 PTC meeting,” and asked Attorney Orlando Perez to give a brief summary. Attorney Orlando revisited the allegations as being workplace issues, communications with certificate holders regarding drivers, and issues regarding the PTC’s contingency fund. Mr. Cox was suspended for 30 days with pay and Mr. Padilla was appointed the interim director. Although the County Attorney came prepared to advise the PTC of the actions that the County Attorney’s Office took, Mr. Cox’s attorney, Mr. Ryan Barack submitted an offer which may alleviate describing the actions taken. Mr. Cox submitted a waiver and release agreement which included his submission of a voluntary resignation. He submitted a signed document that would release the PTC and other active parties and he would resign effective September 5, 2007. The County Attorney, Orlando Perez found the document to be legally sufficient and suggested acceptance (copies were handed out to the PTC members).*

*A lengthy discussion ensued about Mr. Cox and the allegations, specifically regarding some monies that Mr. Cox would have had to pay back to the County as well as the waiver and agreement which included a stipulation about Mr. Cox’s severance. Although they recognized some of Mr. Cox’s accomplishments since his hire to the PTC, they also acknowledged that there were some serious allegations against him. Chairman White passed the gavel and motions were substituted and withdrawn as the PTC discussed the issue.*

*A final motion regarding Mr. Cox was made by Councilman Thomas Scott to accept Mr. Cox’s waiver and agreement as it was submitted by Attorney Ryan Barack, it was seconded by Chairman White, motion passed six to one with Commissioner Ken Hagan dissenting.*

*The next issue the PTC discussed regarding the matter was the Interim Directorship and to decide when and how to fill the vacant position.*

*A motion was made by Councilman Caetano to appoint Chief Inspector Cesar Padilla as Interim Executive Director of the PTC for a period of six months and let the PTC later decide whether they will do a national search or other type of recruitment for the position, it was seconded by Commissioner Chillura and carried unanimously.*

*Interim Executive Director thanked the PTC.*

*The next discussion was about compensation to the Interim Executive Director. Attorney Perez discussed the difference between classified and unclassified employees and civil service rules.*

*A motion was made by Ken Raulerson to match the Interim Executive Director’s pay to the Executive Director’s pay for the interim term retroactive back to the time that Mr. Padilla was appointed to the position and through the interim period, seconded by Thomas Scott. The motion passed four to two with Commissioners Blair and Hagan dissenting.*

*Chairman White asked for a motion to be made for the Interim Executive Director to make payment to and Clare Saadi. A motion to do so was made by Councilman Caetano, seconded by Commissioner Chillura and passed unanimously.*

*A motion was made by Commissioner Chillura to pay the internal auditors, seconded by Councilman Scott and passed unanimously.*

*A motion was made by Councilman Scott to accept the report from the internal auditor and their recommendations, seconded by Commissioner Chillura and passed unanimously.*

*Chairman White thanked Orlando Perez, Jim Barnes and Clare Saadi for their hard work during this audit. They wished Mr. Padilla good luck.*

*Commissioner Chillura mentioned that he would like something implemented that would address concerns by employees in the future and Mr. Padilla said that he will entertain any recommendations that come from the internal audit and they will be incorporated.*

X. ADJOURNMENT

*There being no further business, the meeting of the Public Transportation Commission adjourned at 10:58 a.m.*

*\*\*\*This is not an official, verbatim transcript of the 9/5/07 PTC meeting. It should be used for informational purposes only.\*\*\**

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Jacqueline E. Calleja, Administrative Specialist

NEXT COMMISSION MEETING – October 10, 2007