

**MINUTES**

**PUBLIC TRANSPORTATION COMMISSION**

**WEDNESDAY, JANUARY 13, 2010**

**COUNTY COMMISSIONERS' BOARD ROOM**

**601 E. KENNEDY BLVD., SECOND FLOOR**

**I. CALL TO ORDER**

*The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:00 a.m. The following Commission members were present:*

*Chairman Kevin White  
Commissioner Rose Ferlita  
Commissioner Ken Hagan  
Commissioner Dan Raulerson  
Councilman Joseph Caetano  
Councilman John Dingfelder  
Councilmen Mark A. Knapp*

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

*Councilman Dingfelder, Councilman Knapp, Commissioner Hagan and Commissioner Ferlita were not present. During the course of the meeting, a recess was taken and Commissioner Al Higginbotham attended this PTC meeting as an alternate for the purpose of having a quorum. We thank Commissioner Al Higginbotham for his participation and assistance with this meeting.*

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

*Commissioner Raulerson led the Commission in the invocation and pledge of allegiance.*

**III. SWEARING IN OF WITNESSES**

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

**IV. AUDIENCE PARTICIPATION**

*There were no audience comments.*

**V. REPORTS – For receipt and filing.**

- A. Inspector's Report – December, 2009
- B. Fiscal Year Status Report
- C. Year-to-Date Report

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

VI. CONSENT ITEMS

- A. December 9, 2009 Public Transportation Commission meeting minutes
- B. Approval of Public Vehicle Driver's Licenses –December, 2009
- c. Administrative Change Application from All Points Towing and Transport, LLC for a business location change.
- D. Administrative Change Application from Stepp's Towing Service – Brandon for a business location change.

*Motion to approve the consent items was made by Commissioner Raulerson seconded by Councilman Caetano and carried unanimously.*

VII. ATTORNEY'S REPORT

*Chairman White asked if Attorney Perez had anything to report.*

*Attorney Perez said that there had been some updated, new matters regarding litigations in which the PTC is involved, but since there were some PTC Commissioners absent it would be prudent to wait until they were present. He also said that it might be advisable, depending on the nature of the litigation, if he advised the chairman by way of a meeting or phone call or by writing a summarized update of the details the litigation.*

VIII. OLD BUSINESS

- A. Wrecker Workshop discussion (*deferred from the November and December, 2009 PTC meetings*)

*Steve Michelini, who represented the Hillsborough County Towing Association, came forth to discuss the wrecker rules. He thanked the commission and staff for the hard work done to bring the matter to a conclusion. He asked that the rules be approved since the wrecker industry would like to accept staff recommendations. There were documents that Mr. Michelini asked to be received and made part of the record. He said the difference between these documents and PTC staff recommendations were that the towing industry requested that on light-duty towing, the rate be \$115 an staff recommended \$110. He said that the industry had previously requested the rate to be increased to \$125, but agreed to compromise and request an increase of \$115 instead. He also handed out an analysis showing what the costs to wrecker companies were to run that type of service call. He said the cost was \$103 and that the fee increased to around \$105 if a credit card was used. Mr. Michelini had a member of the industry present who wanted to speak.*

*Chairman White asked if Mr. Michelini wanted to use the projector so that the public could see the items that were submitted at this meeting and they were projected so that all could see them.*

*Mr. Michelini said that the industry agreed with staff recommendations. He noted that many compromises were made, but that there were some concerns for the owners of smaller wrecker*

*companies pertaining to their costs to operate their businesses. He said that approximately \$7.00 would be what the companies would receive from the small increase that the industry was requesting. For reasons of costs to these small business owners, the industry was petitioning the board for the increase to light duty.*

*Chairman White asked Mr. Michelini to explain to Commissioner Higginbotham when the last time was that these rates were raised for the towing industry. Mr. Michelini said that he believed that it was about six or seven years ago and Director Padilla said it was probably close to five years ago.*

*Mr. Michelini directed the boards attention to the fact that there have been increases in fuel, insurance, operating, vehicle and workman's compensation costs. He said that documents that he presented were being laid out so that he could demonstrate that these companies needed to be viable and recoup some of their operating expenses to survive.*

*Mrs. Kimberly Meyer, of Tommy's Towing approached the board as a small business owner, stating that their business weathered the economic crisis in Hillsborough County, but agreed that the increase was necessary to have a rate increase. She said that at some point, some of the small towing businesses would have to shut down. She said that she runs in the red most of the time and she believed that the rate increase would bring her business back into the black.*

*Chairman White requested that, in the interest of time and because Commissioner Higginbotham agreed to participate as a voting member in the absence of some of the PTC's regular members, that the matter moved forward. He noted that a representative from Stepp's Towing was present and asked if he wanted to speak and he did not. Therefore, he asked Director Padilla if he wanted to comment regarding the wrecker rules. Director Padilla said that Mr. Michelini was on point and that many discussions had taken place regarding those rules. He said that staff would have no problem meeting with the wrecker industry's current request.*

*Commissioner Higginbotham said that he would have to cast a vote in opposition to a motion for approval because he did not have enough time to review the backup information regarding the wrecker rules. He said that he was, however, sensitive to issues that the wrecker industry presented.*

*Motion to approve the wrecker rules including the raise in the rate for light-duty towing to \$115.00 was made by Councilman Caetano, seconded by Commissioner Raulerson and passed 3 to 1 with Commissioner Higginbotham dissenting.*

*Chairman White directed staff to bring forward to the next PTC meeting, the wrecker association's request to close their shop for pickups at 5:00 p.m. rather than 6:00 p.m. The Chairman said that he was informed by Chief Tamargo and Director Padilla that it was State Law that wrecker companies remain open until 6:00 p.m., but it appears that in other counties, they are closing at 5:00 p.m. Therefore, he wanted staff to bring information to the next PTC meeting regarding what other counties are doing regarding this matter, how they can circumvent State Law (if that is what is happening), and if there are exceptions to the law. If there are exceptions, how can the wrecker companies apply to be exempt, and if there are none, then Hillsborough County will comply with State Law.*

*Attorney Perez wanted to clarify that under the Special Act, when the PTC adopts rules, it has to be done according to the APA. The PTC is authorized to publish a notice and staff will proceed with that and the steps necessary in the process which could involve a public hearing in the future. Therefore, the changes are not in effect at this time and he wanted to make the Board aware of that fact.*

***In addition, Chairman White pointed out that there are text changes and not just rate changes and that the PTC is in support of the text changes that were incorporated in the rules changes as well.***

**IX. NEW BUSINESS**

**A. Public Hearings**

**1. Limousine Service Applications**

- a. Bay & Beach Car Services, LLC f.k.a. Allure Limousine (Tampa, FL) – application for two (2) additional limousine permits on their already existing limousine certificate

***Director Padilla gave a summary for staff’s recommendation of approval of the two additional permits for Bay & Beach Car Services, LLC f.k.a. Allure Limousine. Chairman White asked if anyone wanted to speak regarding the application. The company’s representative, Ani Oluku was present, and came forth but had no comments.***

***Chairman White asked if anyone else wanted to speak and no one did.***

***Motion to approve the application of Bay Area Limousine & Car Services, LLC f.k.a. Allure Limousine for a two (2) additional limousine permits was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.***

**2. Van Service Applications**

- a. Veteran Limousine Service, LLC (Tampa, FL) – application for two (2) additional van permits on their already existing van certificate

***Director Padilla gave a summary for staff’s recommendation of approval of the two additional permits for Veteran Limousine Service, LLC. Chairman White asked if anyone wanted to speak regarding the application. Chairman White asked if the company owner was present. The owner was there, but had no comment.***

***Chairman White asked if anyone else wanted to speak and no one did.***

***Motion to approve the application of Veteran Limousine Service, LLC for a two (2) additional van permits was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.***

**B. Revocations of Certificates**

***Director Padilla directed the Board to the portion of the agenda backup which contained a list of companies that would be revoked for nonpayment or voluntary surrender of their certificates and permits. The list was as follows:***

***Florida Connections, LLC, Certificate 390  
A List Events, Certificate 2117  
Bond Limousine, Certificate Number 2004  
Squire Corporate Coach, Certificate Number 2061  
Fisher Limousine Service, Certificate Number 2014***

*Florida Connections, LLC, Certificate Number 2075*  
*Hourglass Limousine, Inc., Certificate Number 2097*  
*Luxury Sedan and Limo, Formerly En Motion Limo, Certificate Number 2086*  
*Majestic Limousine Service, Certificate Number 2011*  
*Rich Limousine, Certificate Number 222*  
*Royal Limousine, Certificate Number 216*  
*Starlight Limousine, Certificate Number 241*  
*Sunshine Limo, Formerly Known As Patriot, 2016*  
*TBLimo.com - Out Of Service, Certificate Number 2051*  
*Unique Car Service, Certificate Number 10118*  
*Sun State Wrecker, Certificate Number 737*  
*Beach Towing and Storage, Certificate Number 780*  
*B & D Towing, Certificate Number 10124*  
*Tours Ride Transportation, Inc., Certificate Number 3004*  
*A Signature Transport, Certificate Number 3123*  
*November Limousine, Certificate Number 3007*  
*Premier Limo, Certificate Number 311*  
*Red Rose Limo, Certificate Number 237*  
*Famous Limousine, Certificate Number 3012*

*The Chairman asked about some of the items on the list. Director Padilla said that staff attempted to contact all of these companies. Some of them contacted staff and said that they were out of business. Each company was sent a certified letter informing them of the revocation of the certificate. In some cases there were non-working telephone numbers and we did not have them in our system. The Director said that staff made every attempt to contact them as per Councilman Caetano's recommendation the last time that companies were revoked.*

*The Chairman verified with the Director that these companies were all made aware by phone and mail and the Director confirmed that they were contacted or an attempt was made to contact them and that the fees were due to renew these certificates on October 1<sup>st</sup>.*

*Commissioner Higginbotham asked if any of the revocations were as a result of a disciplinary actions and Director Padilla said no.*

*Motion to receive the report of the revoked companies and revoke their certificates was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.*

#### C. Budget Amendment

*Director Padilla directed the Board to see the budget amendment included in the agenda backup. He explained that it was necessary to increase subobject 4602 from the PTC's contingency fund for the amount of \$19,500.00 for the annual maintenance and support of the CAVU computer system. This was pursuant to the agreement that the Board approved at the May 14, 2008 PTC meeting a copy of which was included in the agenda backup for this meeting.*

*Commissioner Higginbotham asked if there was anything in the original budget request that said that the funds would be transferred at a future date. Director Padilla said that it was discussed in the original budget back in 2008. He said that in 2009, the PTC had the amount in its budget, but it was not used at that time and these funds no longer roll over into new fiscal years. So, this amount would only be applicable for this fiscal year.*

*Attorney Perez elaborated that in May of 2008, the contract with CAVU was approved and there was an agenda item that identified the financial impact of the initial cost of the system and the annual maintenance of \$19,500. Therefore, at that time it was known that there were more than just those initial costs and that there would be a recurring annual cost for the maintenance of the system and the cost associated.*

*Commissioner Higginbotham said that he was in opposition of the approval of the amendment because he felt he had short notice and said it was not reflection on staff, but that he would err on the side of safety and vote in opposition.*

*Motion to approve the budget amendment for the amount of \$19,500 for annual maintenance of the PTC's CAVU licensing system was made by Commissioner Raulerson, seconded by Councilman Caetano and passed 3-1 with Commissioner Higginbotham dissenting.*

**VICTOR DIMAIO:**

*Victor DiMaio gave a report about the PTC local bill saying that it had pass unanimously at the Hillsborough County Legislative Delegation meeting. He thanked the Hillsborough County Towing Association, Steve Michelini, Becky Kincaid, Stepp's Towing, and all of the individuals who sent letters of endorsement regarding the bill. He thanked the Statewide Professional Wrecker Association, Mike Siemens, Kevin Bakewell of AAA Motor Club, the new Police Chief, Jane Castor from the Tampa Police Department, and the six officers in uniform who spoke at the delegation meeting. Mr. DiMaio said that the Delegation was very impressed with these officers. He also thanked Chief Bill McDaniel of the Plant City Police Department, Chief Kenneth Alban of the City of Temple Terrace Police Department, and Kevin Jackson from the Hillsborough County Consumer Protection Agency who addressed wrecker problems and complaints in his letter. Mr. DiMaio gave special thanks to State Representative Rich Glorioso and State Senator Victor Crist, who sponsored the PTC bill. He also thanked Chief Mario Tamargo for his assistance in coordinating meetings with the Police Department and Sheriff's Office. Mr. DiMaio also thanked Sheriff David Gee for his endorsement letter of the bill. In addition, he thanked Orlando Perez with the language of the bill. Mr. DiMaio explained that the next step would be to monitor the bill in Tallahassee and have it scheduled.*

**X. ADJOURNMENT**

*Chairman White thanked Commissioner Higginbotham for his assistance and support as an alternate at this PTC meeting.*

*There being no further business, the meeting of the Public Transportation Commission adjourned at 10:22 a.m.*

*\*\*\*This is not an official, verbatim transcript of the January 13, 2010 PTC meeting. It should be used for informational purposes only\*\*\**

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*Jacqueline E. Calleja, Administrative Specialist*

**NEXT COMMISSION MEETING – February 10, 2010**