

**PUBLIC TRANSPORTATION COMMISSION
MEETING MINUTES**

Wednesday, April 13, 2016
County Commissioners Board Room
601 E. Kennedy Blvd., 2nd Floor

1. CALL TO ORDER

The meeting of the Public Transportation Commission was called to order by Chairman Victor Crist at 9:07 a.m. The following members were present:

*Victor Crist, Chair
Frank Reddick
David Pogorilich
Al Higginbotham
Billy Keel
Ken Hagan
Cindy Oster
Kyle Cockream
Brett Saunders
Kimberly Kerwin*

*Board of County Commissioner
City of Tampa
Temple Terrace
Board of County Commissioner
Plant City
Board of County Commissioner
Senior Assistant County Attorney
Executive Director
Chief Inspector
Administrative Specialist II*

2. INVOCATION, PLEDGE OF ALLEGIANCE & AGENDA

The invocation and pledge was given by Commissioner Crist, and the swearing in of witnesses was Administered by Chief Inspector Brett Saunders. Councilman Pogorilich motioned to approve the agenda, it was seconded by Commissioner Keel, and unanimously approved.

3. IN THE NEWS

A. Palm Beach County – TNC Ordinance

Mr. Cockream advised the board that Palm Beach County is also dealing with finding a solution on the Transportation Network Companies. Palm Beach County introduced two different options in their TNC ordinance; “One is a fingerprint method where they would be vetted and routed through the County Government. A second way would be for them to come and be self-regulated, but if a company chose to do fingerprinting background checks and be regulated by the County, they would get 50% off their annual fees for operation”.

4. AUDIENCE PARTICIPATION

Audience participation was given 45 minutes (3 minutes per individual). The below individuals spoke: (Please Visit: <http://www.hillsboroughcounty.org/index.aspx?nid=274/> to purchase a copy of the video or download a copy of the captioning for full details.)

- A. Thomas Smith*
- B. Louie Minardi – Pass*
- C. Robert Searcy – Pass*
- D. Brook Negusei - Pass*

Councilman Pogorilich motioned to approve the audience participation, it was seconded by Commissioner Keel, and unanimously approved. (closed)

5. CONSENT ITEMS

Councilman Pogorilich motioned to approve the consent items, it was seconded by Commissioner Keel, and unanimously approved. (closed)

6. ATTORNEYS REPORT

A. Update on Black Pearl Litigation

Mrs. Oster briefed the board on the “Black Pearl Limousine lawsuit against this Commission challenging the constitutionality of the minimum fare rule”. Mrs. Oster advised the board “we had oral arguments before the Second District Court of Appeal yesterday. Those arguments were presented by Mr. Rob Brazel from the County Attorney’s Office”. The Second District Court of Appeals can do one of two things “issue a per curiam affirmed, which means affirming the lower court’s decision in favor of the PTC or they can issue a written opinion”.

B. Status Report on the Appeal of the Citations Issued to Uber

Mrs. Oster advised the board per the “specific piece of litigation that this Commission approved moving forward on was the appeal of the citations that had been issued to Uber that had been appealed likewise to the Second District Court of Appeal. We have taken those steps through outside counsel to move forward with that piece of litigation, and there actually has been a pleading filed requesting that the Second District Court of Appeal enter the previously stayed order, reinstitute the appeal, and set the matter for argument at the Court’s convenience”. Oral arguments could be held in May or June.

Councilman Pogorilich motioned to approve attorneys report, it was seconded by Commissioner Keel, and unanimously approved. (closed)

7. DIRECTORS REPORT

A. Retirement

Mr. Cockream advised the board back on January 21st he discussed his retirement with the chairman and decided to hold off until a resolution is in place for the TNC’s or until after the Legislative Session is over. Mr. Cockream announced his “last day with the Public Transportation Commission will be July 11th as it stands right now”.

B. B2 Communications – Extend Contract

Mr. Cockream asked the board for an extension on the B2 Communications contract for 90 days or until the RFP for Public Relations has been reviewed by the Committee and an agreement is made.

Councilman Pogorilich motioned to approve extending the B2 Communications contract, it was seconded by Commissioner Higginbotham, and unanimously approved. (closed)

8. OLD BUSINESS

A. Rules & Policy Committee Meeting – Update

1. 2016 Rule Changes – 13 Approved

Mr. Cockream advised the board there were 16 rules that were discussed during the Rules & Policy Committee meeting, 13 were approved to move forward to the Commission. Mr. Cockream asked for the board to make a motion to approve the 13 rules.

Councilman Pogorilich motioned to approve the 13 rules that were approved from the Rules & Policy Committee, it was seconded by Commissioner Higginbotham. Commissioner Crist passed the gavel to Commissioner Keel. Commissioner Crist per Roberts Rules made a motion to indefinitely postpone the 13 approved rules, it was seconded by Commissioner Hagan. By a show of hands Councilman Pogorilich, Councilman Reddick, and Commissioner Higginbotham voted to approve the 13 rules. Commissioner Crist and Commissioner Hagan voted to indefinitely postpone the 13 rules. The 13 rules were approved.

2. Slow Moving Vehicles (SMV)

Mr. Cockream asked the board for a motion to “move forward with the slow moving vehicle proposal”. First step would be to move it forward with Counsel to be vetted.

Councilman Pogorilich motioned to approve moving forward with initiating rules for SMV, it was seconded by Commissioner Keel, and unanimously approved.

9. NEW BUSINESS

A. Request for Variance/Waiver

1. AAA Affordable Taxi Inc.

Mr. Cockream briefed the board on a waiver request submitted by AAA Affordable Taxi for a 2005 Dodge Grand Caravan with 341,000 miles. Mr. Cockream recommended not granting the waiver due to the quality of the vehicle, but will recommend a 6 week extension until May 31st for the driver to find a replacement vehicle.

Commissioner Higginbotham motioned to disapprove the waiver request, it was seconded by Councilman Pogorilich, and unanimously approved. (closed)

2. Driver Ownership Program (DOP)

Mr. Cockream asked the board to consider granting the three DOP winners during the April 6th auction the ability to pay over a ten year period versus the five years specified in the rules.

Councilman Reddick motioned to approve extending the 5 year payment plan to 10 years, it was seconded by Councilman Pogorilich, and unanimously approved. (closed)

B. Public Hearings

1. Handicab Certificate

a. Alternative Transportation Systems, LLC.

Hearing Officer Susan More recommends not granting Alternative Transportation Systems, LLC a certificate along with the twenty five unrestricted handicab permits. A motion was filed by Alternative Transportation Systems, LLC for a continuance. Continuance was approved during the February PTC Board meeting on a month by month basis. Mr. Cockream recommended continuing the continuance until the May meeting.

Councilman Reddick motion to approve the continuance, it was seconded by Councilman Pogorilich, and unanimously approved. (open)

C. Public Vehicle Driver’s License Denial Appeals

1. Christopher Mays – Owner of Mayko Transportation

Mr. Mays was present for his appeal. Commissioner Hagan motioned to approve Mr. Mays’ PVDL, it was seconded by Councilman Pogorilich, and unanimously approved. (closed)

2. Charles Routh – Represented by Crockett’s Towing

Mr. Routh was present for his appeal. Commissioner Keel motioned to approve Mr. Routh’s PVDL with a six month probation period, it was seconded by Councilman Reddick, and unanimously approved. (closed)

3. Juan Rivera-Mercado – Represented by Yellow Cab

Mr. Rivera-Mercado was present for his appeal. Commissioner Keel motioned to approve Mr. Rivera-Mercado’s PVDL, it was seconded by Councilman Reddick, and unanimously approved. (closed)

4. Victor Vargas – Represented by My Limo Inc.

Mr. Vargas was present for his appeal. Councilman Reddick motioned to approve Mr. Vargas' PVDL, it was seconded by Councilman Pogorilich, and unanimously approved. (closed)

5. Anthony Tripp – Represented by Express Towing

Mr. Tripp was present for his appeal. Commissioner Keel motioned to approve Mr. Tripp's PVDL, it was seconded by Councilman Pogorilich, and unanimously approved. (closed)

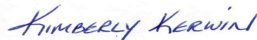
Commissioner Crist asked the board to initiate a motion to create a Search Committee to begin the process in search of a new PTC Executive Director. Appointed members of the Search Committee are Commissioner Victor Crist, Councilman Pogorilich, and Councilman Guido Maniscalco.

Councilman Pogorilich motioned to approve, it was seconded by Commissioner Keel, and unanimously approved.

Commissioner Keel notified the board he did not seek re-election in Plant City; June 1st a new Commissioner will be sworn in. Commissioner Keel also advised the board that this would be his last meeting, due to conflict he is unable to attend the May PTC meeting.

10. ADJOURNMENT

Commissioner Crist adjourned the meeting at 10:35 a.m.



Kimberly Kerwin
Public Transportation Commission

Any person who decides to appeal any decision made by the Public Transportation Commission with respect to any matter considered at any meeting or hearing is hereby advised that they will need a record of the proceedings, and, for such purpose, ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Please visit www.hillsboroughcounty.org/index.aspx?nid=274/ to purchase a copy of the video or to print a copy of the captioning for full details or visit the

PTC website at www.hillsboroughcounty.org/ptc

****This is not an official, verbatim transcript of the PTC meeting, and should be used for informational purposes only****