

CAPTIONING
FEBRUARY 14, 2017
PUBLIC TRANSPORTATION COMMISSION MEETING

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>> GOOD MORNING, EVERYONE, IT'S 9:01, IT'S FEBRUARY 14th, HAPPY VALENTINE'S DAY.

THIS IS THE PUBLIC TRANSPORTATION COMMISSION MEETING CALLING TO ORDER.

WILL YOU PLEASE RISE FOR THE INVOCATION AND PLEDGE.

HONOR TO BE DONE BY NATE KILTON FROM PLANT CITY.

>> HEAVENLY FATHER, WE COME TOGETHER TODAY AND HUMBLLY ASK YOU FOR WISDOM AND DISCERNMENT FOR THIS WORK -- [OFF MIC]

IN THE BEST INTEREST OF THE CITIZENS OF HILLSBOROUGH COUNTY AND BRINGING HONOR.

I ASK FATHER FOR YOUR HAND OF WELLNESS, PROTECTION, AND PROSPERITY FOR THIS COMMUNITY, AND I ASK THAT ALL ARE PRECIOUS IN YOUR HOLY NAME, AMEN.

[PLEDGE OF ALLEGIANCE]

>> [OFF MIC]

>> THANK YOU.

FOR THE RECORD HERE, WE HAVE TWO MEMBERS WHO WILL NOT BE HERE. DAVE POGORILICH.

LES MILLER, PLEASE BE ADVISED I AM NOT FEELING WELL AND THEREFORE WILL BE UNABLE TO ATTEND THE MEETING ON FEBRUARY 14th, 2017, OF THE PTC.

PLEASE READ THE REASON FOR MY ABSENCE IN THE RECORD.

ALSO IT'S AN HONOR TO WELCOME MR. VIERRA FROM PLANT CITY.

EVERYTHING EVOLVES AROUND PLANT CITY, BUT THANK YOU FROM THE CITY OF TAMPA.

WOULD YOU LIKE TO SAY A FEW WORDS?

I'LL PUT YOU ON THE SPOT RIGHT AWAY.

>> NO, THANK YOU, COMMISSIONER.

I APPRECIATE IT.

I CERTAINLY LOOK FORWARD TO WORKING HERE, AND I KNOW WE'RE CERTAINLY GIN HANDS WITH MS. OSTER AND EVERYBODY AND I THANK YOU FOR THE INTRODUCTION FOR THE WELCOME.

THANK YOU.

>> VERY GOOD.

ARE THERE ANY QUESTIONS ON THE AGENDA?

I NEED A MOTION AND A SECOND TO APPROVE.

ALL IN FAVOR, SAY AYE.

ALL RIGHT, WE'VE GOT FOUR PEOPLE WHO SIGNED UP TO SPEAK TODAY. STEVE ANDERSON, BROOK NEGUSEI, LOUIS MINARDI AND STEVE McCLEANY. YOU'LL HAVE THREE MINUTES, SIR.

WELCOME.

>> GOOD MORNING, COMMISSIONERS, AND SPECIFICALLY TO YOU, COUNCILMAN VIERRA, WELCOME TO MATTERS HERE BEFORE THE PTC.

STEVE ANDERSON, 101 EAST KENNEDY BOULEVARD REPRESENTING LYFT INC. AND GENTLEMEN, I AM HERE TODAY ONLY BECAUSE IT IS MY UNDERSTANDING THAT THERE WILL BE A MOTION PRESENTED LATER TO EXTEND THE EMERGENCY RULES THAT WERE PASSED I THINK AT THE NOVEMBER OF 2016 MEETING, SO I DO WANT TO ADDRESS THAT BRIEFLY FOR THE RECORD.

THERE ARE TWO REASONS WHY WE WOULD OBJECT TO THE EXTENSION OF THE EMERGENCY RULES.

FIRST, THE RULES UNDER CHAPTER 120 FLORIDA STATUTES, 120.544C I THINK IT IS SPECIFICALLY LIMITS EMERGENCY RULES TO A DURATION OF 90 DAYS. THAT TIME HAS RUN IN ACCORDANCE WITH MY CALCULATIONS.

PTC MAY HAVE A DIFFERENT CALCULATION OF THE NUMBER OF DAYS REMAINING IF POSSIBLE.

I WOULD CERTAINLY DEFER IN LARGE PART TO MS. OSTER ON THAT MATTER, BUT WE BELIEVE THAT IF THEY HAVEN'T RUN THEY ARE ABOUT TO RUN.

THE SECOND REASON THAT THERE SIMPLY WAS AND IS NO EMERGENCY.

YOU PASSED TWO ITEMS ON THAT SAME MEETING.

THE FIRST ITEM WAS TO APPROVE THE SETTLEMENT AGREEMENT AND TEMPORARY OPERATING AGREEMENT THAT LYFT, UBER, AND THE PTC HAD LONG NEGOTIATED AND BEEN VETTED AT SEVERAL MEETINGS.

YOU VOTED TO APPROVE THAT AND THAT WAS GOOD AND I DO BELIEVE THAT IS WORKING AS IT WAS INTENDED TO WORK.

AND AS A RESULT THE PTC HAS ALMOST \$400,000 WORTH OF ADDITIONAL CAPITAL OR CASH IN ITS COFFERS, AND THE OPERATION OF THOSE TWO ENTITIES AS THEY WERE INTENDED TO OPERATE UNDER A VERY REASONABLE SET OF RULES.

THE, BUT THERE WAS NO EMERGENCY.

THE SECOND ITEM WAS THAT BECAUSE THE TAXICAB AND LIMOUSINE INDUSTRY SCREAMED SO LOUDLY, YOU DID AGREE TO ENTER INTO THE EMERGENCY RULES, AND AS A RESULT OF THAT IN ORDER TO COMPLY WITH THE LAW, YOU ALSO BASED THAT THE EMERGENCY RULE OR SET OF RULES ON A SET OF FINDINGS THAT WAS PRESENTED BY THE COUNTY ATTORNEY, MS. OSTER.

AND THAT IS SPECIFICALLY WHAT I WISH TO ADDRESS ON THE ISSUE OF NO EMERGENCIES THIS MORNING, GENTLEMEN.

SEVERAL THINGS WE WERE NOT ABLE TO SAY AT THAT PUBLIC HEARING BECAUSE IT REALLY WASN'T A PUBLIC HEARING, WE WERE GIVEN THREE OR FIVE MINUTE I THINK AT THE BEGINNING TO EXPRESS OUR VIEWS ON THE RULES THEMSELVES. WE WERE NOT ABLE TO INTRODUCE ANY EVIDENCE OR CROSS-EXAMINE ON THE FACTS THAT WERE PRESENTED BY THE COUNTY.

SEVERAL THINGS WE WERE UNABLE TO SAY OR DO AT HAT HEARING.

56-PAGE DOCUMENT I THINK IT WAS INTRODUCED AS BASIS FOR THE EMERGENCY RULES, WHICH SUPPOSEDLY --

>> IF IT'S THE PLEASURE OF THE BOARD, I'LL LET YOU FINISH YOUR REMARKS.

>> OH, THANK YOU, SIR.

ALL RIGHT.

THAT DOCUMENT AND THOSE HEARINGS ARE PURE HEARSAY.

I CHALLENGE YOU TO READ THEM.

THERE IS NOT ONE SHRED OF REAL EVIDENCE IN THAT DOCUMENT: NOT ONE WORD OF DIRECT TESTIMONY, ALTHOUGH IT WAS STATED HAT THAT DOCUMENT WAS PRESENTED BY OR LARGELY BASED ON INFORMATION FROM THE THEN DIRECTOR KYLE COCKREAM THERE WAS NOT ONE WORD OF TESTIMONY FROM MR. COCKREAM TO SUPPORT THAT.

AND NOT ONE WORD GIVEN BY MR. COCKREAM OR ANYONE ELSE AT THAT MEETING.

AND THIRD, WE WERE NOT ABLE TO RESPOND TO THAT.

SO WE WERE NOT GIVEN DUE PROCESS BASED ON THAT.

IT WAS PUT INTO THE RECORD AFTER WE SPOKE AGAINST THE RULES, SO WE NEVER HAD AN OPPORTUNITY TO CROSS-EXAMINE.

SO THERE'S NO EMERGENCY.

WHAT DID THE CAB AND LIMO INDUSTRY DO AS A RESULT OF THAT?

THEY TOOK YOUR EMERGENCY FINDINGS DIRECTLY DOWN TO A CIRCUIT JUDGE, JUDGE HUEY, WELL, PRIOR TO JUDGE HUEY, ANOTHER JUDGE, AND FILED THOSE EMERGENCY FINDINGS IN AN ATTEMPT TO DISQUALIFY OR UNDO THE REASONABLE SETTLEMENT AGREEMENT.

SO THEY CAME TO YOU WITH ONE PURPOSE IN MIND AND THEY DID ANOTHER. TWO ORDERS FROM JUDGE HUEY SINCE THAT TIME FINDING THAT THERE IS NO EMERGENCY BASIS STATED BY THEM FOR AN EMERGENCY HEARING AND EMERGENCY RELIEF AT THE COURT.

>> ALL RIGHT, AND I'LL ASK THE COUNTY ATTORNEY TO ADDRESS THIS AT HAT TIME.

>> THANK YOU.

>> WHEN WE ADDRESS THAT ON THE AGENDA.

>> THANK YOU, SIR.

THANK YOU.

>> BROOK?

>> BROOK NEGUSEI?

>> GOOD MORNING, MR. CHAIRMAN, COMMISSIONERS, AND THE STAFF.

HAPPY NEW YEAR.

I WANTED TO TALK ABOUT THE FEES AS YOU ALL KNOW LAST YEAR WE TALKED ABOUT THE FEES AND THAT THE WAY WE FEEL ABOUT IT IS, YOU KNOW, THE BUSINESS HAS BEEN REALLY IMPACTED BY THE FLOOD OF THE DRIVERS OF UBER AND LYFT AS YOU KNOW.

THEY PROBABLY HAVE COLLECTIVELY IN THE TAMPA BAY AREA OVER 6,000 DRIVERS, AND THEY ALL COME TO TAMPA BECAUSE OF THE AIRPORT TO WORK. AND THEY PAID ABOUT \$400,000, YOU KNOW, MORE POWER TO THEM, THEY GOT MORE MONEY, THAT'S GOOD.

BUT UNFAIRLY IF YOU DO THE MATH THEY PROBABLY PAID 50 TO 80, \$70 PER CAR.

AND WE ASKED THAT HOPEFULLY THAT THIS YEAR, THAT YOU GIVE US A BREAK AND WAIVE OUR FEES BECAUSE IT'S HARD, MOST OF US CANNOT EVEN PAY FOR

IT.

OR REDUCE IT TO HOWEVER IT COMES OUT TO WHAT UBER IS PAYING.
AND THAT'S ONLY FAIR, SO THAT'S WHAT I'M ASKING TODAY.
AND YOU ALL TALKED ABOUT IT LAST YEAR, AND SO HOPEFULLY YOU GUYS
DISCUSS IT SO IT CAN GIVE US A LITTLE RELIEF.
APPRECIATE IT.

THANK YOU.

>> MR. MINARDI.

>> LOUIE MINARDI WITH YELLOW CAB COMPANY.

I'D LIKE TO REITERATE WHAT BROOK BROUGHT UP THAT WE CONSIDERED LAST
YEAR LOOKING AT THE FEES THAT WE'RE PAYING FOR THIS COMING UP YEAR.
I KNOW LAST YEAR WE WERE GIVEN DISCOUNTS AND HOPEFULLY THE STAFF WILL
REVIEW THAT AND COME BACK TO THIS BOARD WITH A RECOMMENDATION OF SOME
TYPE OF FAIRNESS ON FEES THAT WE'RE PAYING COMPARED TO WHAT THE RIDE
SHARING'S PAYING FOR.

ALSO, I'D LIKE TO REITERATE THAT WE WOULD LIKE TO SEE THE EMERGENCY
RULES AGAIN PASSED.

THAT THE JUDGE'S RULING THAT HE'S REFERRING TO IS AGAINST THE TOA.
WE'RE NOT PART OF THE EMERGENCY RULES AND NOT PART OF THAT LITIGATION.
WE TOOK THE FINDINGS ON YOUR TOA AND WENT TO COURT LIKE IF THEY BELIEVE
THEY'RE RIGHT, THEY NEED TO DO.

THE OTHER THING IS I HAD A MEETING WITH THE AIRPORT LAST MONTH ABOUT
THE RIDERSHIP AND THE THINGS THAT ARE GOING.

TIA HAS ISSUED LYFT AND UBER CEASE AND DESIST LETTERS TWICE, AND THEY
CONTINUE TO PICK UP AT THE AIRPORT AS THEY'RE NOT CONTRACTED WITH
THE AIRPORT.

THE ONES THAT ARE PAYING THE FEES LIKE MYSELF, UNITED, SUPER SHUTTLE
AND EVERY LIMOUSINE OPERATOR THAT IS PAYING FOR THEIR LIMOUSINE
PERMITS, BY DEPLANING PASSENGER, AND THEY KEEP ABUSING IT.

I WAS TOLD BY THE AIRPORT BOARD THAT THAT'S YOUR PROBLEM.

APPARENTLY THEIR POLICE FORCE ARE UNABLE TO FIND AN UBER DRIVER OUT
THERE, WHICH WORRIES ME ALSO IF THEY'RE LOOKING FOR TERRORISTS.

BUT HAVE IT BE THEY'RE PUTTING IT BACK IN YOUR COURT, SO I WOULD LIKE
TO SEE OR SOME STAFF COME BACK WITH SOME KIND OF RECOMMENDATION TO
WHAT THEY'RE GOING TO DO TO STOP THESE OPERATORS THAT ARE NOT PAYING
FOR THE FEES TO OPERATE OUT THERE TO STOP DOING IT.

SO THEY'VE KICKED IT BACK TO YOU.

AND HOPEFULLY SOMETHING CAN GET DONE.

THANK YOU.

>> THANK YOU, SIR.

STEVE McCLEANY.

I UNDERSTOOD HE MAY BE LATE.

WE HAD ONE MORE SPEAKER, TOM WITH BLACK PEARL.

GOOD MORNING, SIR.

>> GOOD MORNING, BLACK PEARL LIMOUSINE, 11928 SHELDON ROAD.

I'D LIKE TO SHARE WITH YOU A LITTLE BIT OF INFORMATION THAT'S GONE
ON SINCE THE LAST TIME WE MET.

WE DIDN'T HAVE A MEETING IN JANUARY.
AND I HOPE THE INFORMATION I'M GOING TO SHARE WITH YOU DOESN'T GET ANYBODY IN ANY TROUBLE OR INVESTIGATION FOR BEING TOO COZY WITH US, BUT WE ARE THE ONES WHO FOLLOW THE RULES, AND YOU KNOW, WE SHOULD ASSIST THOSE WHO ENFORCE THE RULES IN DOING THEIR JOB.
AND ALSO I DON'T HAVE ANYBODY'S CELL PHONE NUMBER, AND YOU DON'T HAVE MINE SO THERE SHOULDN'T BE ANY COLORFUL LANGUAGE EXCHANGED OR ANYTHING.

BUT ONE THING THAT I'D LIKE TO DISCUSS IS THAT THE OPERATING RULES I BELIEVE FOR THE RIDE SHARING COMPANIES DID NOT COVER THE USE OF RENTAL CARS, CARS FROM OUT OF STATE, AND THAT SORT OF THING.

I SAW A LOT OF THAT GOING ON.

IT WAS RAMPANT DURING GASPARILLA.

ILLEGAL USE OF THE FLASHERS, BLOCKING TRAFFIC, ILLEGAL U-TURNS, MOVING BARRICADES.

THEY WERE SO BOLD TO MOVE BARRICADES.

I BELIEVE ONE DRIVER WAS ARRESTED FOR IT.

I DON'T KNOW WHAT THEY'RE TELLING THEM, BUT THEY THINK THEY CAN PRETTY MUCH DO WHATEVER THEY WANT.

AND EXCUSE ME, IT'S JUST DISGUSTING THE WAY THEY'RE BEHAVING.

IT'S NOT PROFESSIONAL.

IT WAS VERY AMATEUR AND THAT'S WHAT WE'VE TOLD YOU ALL ALONG.

AND THEN THE BIGGEST THING THAT I SAW ONCE THE SURGE PRICING WAS DONE.

A LOT OF THEM HAD THAT IN THEIR WINDOW BECAUSE THEY WEREN'T MAKING ENOUGH MONEY AFTER THE SURGE PRICING WENT OFF, SO NOW THEY'RE ACCEPTING CASH FOR RIDES NOT LOGGED INTO THE PLATFORM, AND WHO DO YOU THINK IS INSURING THAT VEHICLE?

NOT ANYBODY.

LIKE TO KNOW WHAT'S GOING TO BE DONE ABOUT THAT.

I'M PRETTY SURE THOSE THINGS WERE NOT PART OF THE TEMPORARY OPERATING AGREEMENT, AND AT THE AIRPORT THE CELL PHONE WAITING LOT HAS BECOME ESSENTIALLY A CAMPGROUND.

WE HAVE DRIVERS HANGING OUT THERE ALL DAY.

IT'S PRETTY BAD, AND I'D LIKE TO SEE WHAT'S GOING TO BE DONE ABOUT IT AND APPARENTLY ACCORDING TO LOUIE, THE AIRPORT'S LOOKING TO YOU, SO I'M LOOKING TO YOU AS WELL TO DO SOMETHING.

THANK YOU.

>> THANK YOU, SIR.

WE HAVE NO OTHER SPEAKERS.

I NEED A MOTION TO APPROVE CONSENT.

ALL RIGHT, I HAVE A MOTION AND A SECOND.

ALL IN FAVOR, SAY AYE.

PASSES.

MS. OSTER.

>> THANK YOU, MR. CHAIR.

I HAVE A NUMBER OF ITEMS UNDER MY REPORT, BUT I'LL TRY TO KEEP THIS BRIEF.

THE FIRST ITEM UNDER MY REPORT IS A STATUS UPDATE ON THE LAWSUIT FILED BY DRIVE SOCIETY AND A NUMBER OF OTHER PLAINTIFFS AGAINST THE PTC. IN THAT LAWSUIT THE PLAINTIFFS HAVE CHALLENGED THE SETTLEMENT AGREEMENTS WITH UBER AND LYFT ON THE BASIS OF CONSTITUTIONAL GROUNDS. THE PLAINTIFFS FILING AN EMERGENCY MOTION FOR INJUNCTIVE RELIEF WHICH THE COURT HAS ESSENTIALLY DENIED.

AND INDICATED THE COURT DID NOT FEEL IT WAS AN EMERGENCY TO ADDRESS THE ISSUE.

SO THAT PIECE OF LITIGATION WILL CONTINUE IN AN ORDINARY COURSE OF THE LITIGATION PROCESS, WHICH COULD TAKE SEVERAL MONTHS.

SO BASICALLY WE'RE IN PRETTY MUCH A HOLDING PATTERN, AND THERE'S NOT MUCH GOING ON IN THAT PARTICULAR CASE.

THE CASE WHERE WE DO HAVE A LOT OF LITIGATION ACTIVITY ONGOING AT THIS TIME IS THAT WITH THE PUBLIC RECORDS LAWSUIT THAT WAS FILED BY THE LAW OFFICE OF ANDREA FLYNN MOGENSEN.

THE STATUS IN THAT PARTICULAR MATTER IS THE PARTIES HAVE STIPULATED TO RELEASING CODES BY WHICH THEY CAN ACCESS MR. COCKREAM'S ICLOUD ACCOUNT TO DETERMINE IF THERE ARE ANY ADDITIONAL PUBLIC RECORDS THAT ARE RESPONSIVE TO THE PUBLIC RECORDS REQUEST, AND THE EXPERTS ARE SCHEDULED TO MEET TOMORROW FOR THAT PURPOSE.

OF COURSE, THE PTC HAS HIRED THE LAW FIRM OF GRAY ROBINSON WHO HAS A TECHNICAL EXPERT AND.

BOTH THOSE INDIVIDUALS WILL BE PRESENT DURING THE RETRIEVAL OF ACCESS OF THE ICLOUD ACCOUNT BELONGING TO MR. COCKREAM.

ADDITIONALLY, YOU MAY HAVE HEARD THERE WAS A DEPOSITION TAKEN BY MS. MOAGENSEN OF MR. COCKREAM AND HE PLED THE 5th WHICH WAS REFLECTED IN NEWS ARTICLES THIS MORNING.

THE ONE PIECE OF ACTION ITEM I NEED THIS BOARD TO APPROVE IS THAT WHEN WE ENTERED INTO THE CONTRACT WITH GRAY ROBINSON FOR THEIR TECHNICAL SERVICES AND THEIR SERVICES AND DISTINGUISHING WHAT CONSTITUTES PUBLIC RECORDS RESPONSES TO THE REQUEST AND WHAT DOESN'T, THERE WAS A CAP ON THAT OF \$20,000.

BECAUSE OF THE COMPLEXITY OF THE LITIGATION AND THE ADDITIONAL TECHNICAL WORK THAT NEEDS TO BE DONE, WE ARE ASKING FOR AN INCREASE IN THAT CAP AMOUNT FOR THEM TO BE ABLE TO COMPLETE THEIR SERVICES AS PART OF THIS LITIGATION.

SO AT THIS TIME, I WOULD REQUEST A MOTION TO INCREASE THAT CAP. IN AN ABUNDANCE OF CAUTION I WOULD ASK TO INCREASE IT TO \$100,000. I DON'T THINK THAT'S GOING TO BE NECESSARY, BUT I DON'T WANT TO HAVE TO KEEP COMING BACK TO THIS BOARD WITH THOSE KINDS OF REQUESTS. HOWEVER, I WILL DEFER TO THIS COMMISSION AS TO WHAT IT FEELS IS APPROPRIATE IN TERMS OF AN INCREASED CAP AMOUNT.

>> AND THAT'S AN ADDITIONAL \$100,000 OR 80,000 MORE?

>> 80,000 MORE.

>> OKAY.

WHAT DO YOU ANTICIPATE IN ADDITIONAL LEGAL FEES?

>> WELL, WE'RE ALSO INCORPORATING THE TECHNICAL EXPERT WHO'S, YOU

KNOW, WE'RE GOING TO HAVE TO PAY AS PART OF THAT CONTRACT, SO I'M GOING TO -- I THINK PROBABLY CONSERVATIVELY 50,000 MORE BUT AGAIN IN AN ABUNDANCE OF CAUTION I WOULD ASK FOR THE CAP TO BE RAISED TO 100,000.

>> ALL RIGHT.

BOARD MEMBERS?

ANY DISCUSSION?

MOTION AND A SECOND.

ALL IN FAVOR, SAY AYE.

OPPOSED?

MS. OSTER.

>> THANK YOU, SIR.

THE NEXT ITEM UNDER MY REPORT IS A REQUEST FOR REIMBURSEMENT OF LEGAL FEES SUBMITTED BY THE FORMER DIRECTOR.

AT THIS POINT IN TIME, HE HAS WITHDRAWN THAT REQUEST ON A TEMPORARY BASIS, AND WITH THE OPTION TO RESUBMIT IT SUBSEQUENTLY.

SO THAT'S REALLY A NO ACTION ITEM AT THIS POINT IN TIME.

THE FOURTH ITEM UNDER MY REPORT IS THE EMPLOYMENT AGREEMENT FOR THE INTERIM/TRANSITIONAL DIRECTOR.

AFTER DISCUSSIONS WITH THE CHAIRMAN, I WAS AUTHORIZED TO NEGOTIATE AN EMPLOYMENT AGREEMENT WITH MR. KEVIN JACKSON FOR HIS SERVICES AS INTERIM TRANSITIONAL DIRECTOR OF THE PTC.

MR. JACKSON AS YOU MAY RECALL SERVED AS INTERIM DIRECTOR BEFORE MR. COCKREAM CAME ON BOARD, AND HE WAS IN THAT CAPACITY BETWEEN SIX TO EIGHT MONTHS.

SO HE HAS SOME EXPERIENCE IN MANAGING THIS AGENCY.

HE WAS ALSO THE FORMER DIRECTOR OF THE HILLSBOROUGH COUNTY CONSUMER PROTECTION AGENCY, AND CAME WITH HIGH REGARDS FROM THE COUNTY ADMINISTRATOR.

SPECIFICALLY WITH RESPECT TO THE EMPLOYMENT AGREEMENT, MR. JACKSON WOULD BEGIN ESSENTIALLY RETROACTIVELY I WOULD ASK THAT THIS BOARD RETROACTIVE APPROVE HIS CONTRACT BACK TO YESTERDAY.

HE ALREADY STARTED WORKING ESSENTIALLY TO PREPARE HIMSELF FOR TODAY'S MEETING.

HE HAS COME DOWN FROM NORTH CAROLINA TO BE ABLE TO DO THAT.

HE HAS REQUESTED A REDUCTION IN SALARY FROM WHAT THE FORMER DIRECTOR WAS BEING PAID SO HIS SALARY IS BEING SET PER THE AGREEMENT \$130,000 A YEAR.

HIS BENEFITS ARE ESSENTIALLY THE SAME AS WHAT AN EXECUTIVE LEVEL MANAGER WOULD HAVE IN THAT CAPACITY WITH THE EXCEPTION OF A GREATLY REDUCED SEVERANCE IN THE EVENT OF A TERMINATION WITHOUT CAUSE.

SINCE IT WAS A SHORT-TERM CONTRACT, WE DIDN'T FEEL IT WAS APPROPRIATE.

IN TERMS OF THE TERM OF THE CONTRACT, MR. COCKREAM, I MEAN,

MR. JACKSON WOULD SERVE AS INTERIM DIRECTOR UNTIL SUCH TIME AS THE PTC IS DISSOLVED, WHATEVER THAT EFFECTIVE DATE MAY BE.

OR IN THE ALTERNATIVE DATE, THE ACTIVE DATE OF DISSOLUTION OR IN THE EVENT THE PTC IS NOT DISSOLVED, AT WHICH POINT THIS COMMISSION HIRES

A PERMANENT DIRECTOR.

SO THAT WOULD BE HIS TERM.

I THINK THAT WOULD BE NO LATER THAN DECEMBER 31st OF THIS YEAR.

ON ANOTHER NOTE, I WOULD LIKE TO MEDICATION THAT WE DID INCORPORATE A BACKGROUND CHECK INTO THE REQUIREMENTS FOR HIS ON BOARDING, AND AS WELL AS SOME ETHICS PROVISIONS THAT REQUIRE HIM TO ATTEND ETHICS AND PUBLIC RECORDS AND SUNSHINE LAW CLASSES, AND WOULD REQUIRE HIM TO ADHERE TO CONFLICT OF INTEREST PROVISIONS.

I HAVE FORWARDED THE EMPLOYMENT AGREEMENT TO THIS COMMISSION BEFORE THE MEETING TODAY, AND IF THIS COMMISSION SO APPROVES I WOULD ASK FOR A MOTION TO APPROVE THE EMPLOYMENT AGREEMENT, AUTHORIZE THE CHAIRMAN TO SIGN THE AGREEMENT.

>> AND MR. JACKSON IS HERE IF YOU WOULD LIKE TO MAKE A FEW REMARKS. I KNOW YOU'RE NOT PREPARED TO, BUT YOU ARE MORE THAN WELCOME TO IF YOU WOULD LIKE TO BEFORE WE TAKE A VOTE.

>> THANK YOU, MR. CHAIRMAN, COMMISSIONERS.

YES, AS MS. OSTER READ IT'S PLAIN THAT'S WHAT WE TALKED ABOUT LAST COUPLE OF WEEKS.

I'M RETIRED.

WORKED AT THE COUNTY A NUMBER OF YEARS.

I DID DO A STINT AT THE PTC ABOUT SEVEN MONTHS.

DURING THE RECRUITMENT OF KYLE COCKREAM, MIKE MERRILL THE COUNTY ADMINISTRATOR, GREAT RESPECT FOR HIM.

HE RECOMMENDED I COME DOWN AND HELP HIM DURING THE PROCESS IN THE CASE THE SPECIAL ACT IS REPEALED SO I'M LOOKING FORWARD TO DO THAT. WE HAVE A VERY UNIQUE OPPORTUNITY IF THE SPECIAL ACT IS REPEALED. CLEAN SLATE, WE CAN START OVER AND START MOVING THOSE RESPONSIBILITIES INTO THE COUNTY IN SOME WAY, SHAPE, OR FORM.

SO I'M READY, WILLING, AND ABLE TO DO THAT.

I'M HIGHLY MOTIVATED TO GET THIS DONE BEFORE DECEMBER 31st.

I HAVE NO INTEREST IN GOING PAST THAT.

BUT I WILL DO WHATEVER I CAN WITH THIS COMMISSION TO GET THE JOB DONE.

>> THANK YOU.

ANY QUESTIONS?

I'LL NEED A MOTION AND A SECOND.

WE HAVE A MOTION AND A SECOND.

ALL IN FAVOR, AYE.

OPPOSED?

WELCOME ABOARD, SIR.

>> THANK YOU.

>> MS. OSTER.

>> MR. CHAIR, THE LAST ITEM UNDER MY REPORT IS THE RFP FOR LEGAL SERVICES.

AS YOU RECALL AT THE DECEMBER MEETING, THIS COMMISSION AUTHORIZED ME TO MOVE FORWARD WITH DRAFTING A REQUEST FOR PROPOSALS FOR LEGAL SERVICES TO PROVIDE SERVICES TO THIS BOARD.

I HAVE MOVED FORWARD AND DRAFTED THAT RFP.

HOWEVER, WHAT MOTIVATED THAT RFP WAS SOME CONCERNS ABOUT A POTENTIAL CONFLICT BETWEEN THIS COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS IN TERMS OF DISSOLUTION TO DISSOLVE THE PTC THAT TYPE OF LEGISLATION WHETHER THERE BE A DIFFERENCE OF INTEREST, THAT DOES NOT APPEAR TO BE THE CAR, SO I THINK THE CONFLICT ISSUE HAS ESSENTIALLY BEEN RESOLVED AT THIS POINT IN TIME IF THE SITUATION EXISTS THAT THE COMMISSION WILL BE DISSOLVED BY THE END OF THE YEAR, I WILL DEFER TO THE COMMISSION IF IT FEELS AN RFP IS APPROPRIATE PENDING THAT POTENTIAL LEGISLATION AND THE POSSIBLE WIND DOWN OF THE COMMISSION.

>> I PERSONALLY DON'T THINK THAT WE NEED TO MOVE FORWARD WITH IT AND BEING MINDFUL OF THE BUDGET AND THE AMOUNT IT WOULD COST.

I WOULD ASK FOR A MOTION TO SUPPORT THE RECOMMENDATION OF THE COUNTY ATTORNEY.

ALL RIGHT, I HAVE A MOTION AND A SECOND.

ALL IN FAVOR, AYE?

ALL OPPOSED?

THANK YOU.

>> THANK YOU.

THAT WOULD CONCLUDE MY REPORT.

>> ALL RIGHT.

TNC EMERGENCY RULES.

>> OKAY, MR. CHAIR, MEMBERS OF THE COMMISSION, AS YOU RECALL IN NOVEMBER OF LAST YEAR, THIS COMMISSION APPROVED EMERGENCY RULES THAT CREATED A SUBCLASSIFICATION FOR TRANSPORTATION NETWORK COMPANIES UNDER THE TITLE OF NON-LUXURY LIMOUSINE.

THE PURPOSE OF ADOPTING THE EMERGENCY RULES IN PART WOULD BE TO FILL THE GAP WHILE THE PERMANENT RULES WHICH THIS BOARD ALSO ADOPTED WAS MOVED THROUGH THE PROCESS REQUIRED UNDER FLORIDA'S ADMINISTRATIVE PROCEDURE ACT.

YOUR SPECIAL ACT REQUIRES THAT FROM BOARD MEETING TO BOARD MEETING, THIS COMMISSION CONTINUE TO RENEW APPROVAL OF THOSE RULES.

I DID HEAR MR. ANDERSON'S ARGUMENTS IN ESSENCE ABOUT DUE PROCESS. I WILL SAY IN RESPONSE TO THAT THAT THE EMERGENCY RULES ALONG WITH THE PERMANENT RULES HAD BEEN DISCUSSED FOR A NUMBER OF MONTHS AT VARIOUS MEETINGS, INCLUDING RULES AND POLICIES COMMITTEE MEETINGS, AND THIS MEETINGS BEFORE THIS COMMISSION, AND THE MATTER WAS SET FOR PUBLIC HEARING, AT WHICH POINT ALL AFFECTED PARTIES HAD AN OPPORTUNITY TO BE HEARD.

SO THAT WOULD BE MY RESPONSE TO THE DUE PROCESS ARGUMENT.

IN TERMS OF THE EMERGENCY FINDINGS REFERENCED BY MR. ANDERSON, THOSE FINDING WERE PREPARED BY OUTSIDE COUNSEL, BRANIGAN HUMPHRIES WHO PROVIDES SERVICE TO THIS COMMISSION.

WE FIND THAT THOSE FINDINGS ARE WELL STATED AND THEY HAVE BEEN NOTICED ON THE WEB SITE AND PUBLISHED TO THE PUBLIC.

SO AT THIS POINT IN TIME, I WOULD SUGGEST THAT IF YOU WANT TO CONTINUE TO PURSUE THE PERMANENT RULES, YOU RENEW THESE RULES AS PART OF THAT PROCESS AND UNTIL SUCH TIME AS WE ADOPT PERMANENT RULES.

>> AND WHAT ABOUT THE 90 DAYS?

>> MY POSITION ON THAT IS IN TERMS OF WHAT TIME THAT CLOCK STARTS TICKING, I MAY HAVE A DIFFERENCE OF OPINION FROM MR. ANDERSON IN THAT REGARD.

THERE'S ALSO ANOTHER CAVEAT IN THE RULES IN THAT IF THERE IS A CHALLENGE TO THE PROPOSED RULES AND IT REMAINS PENDING, THE EMERGENCY RULES CAN CONTINUE TO BE RENEWED.

I THINK THERE'S AN ARGUMENT THAT CAN BE MADE THAT SUCH A CHALLENGE HAS BEEN CERTAINLY PRESENTED TO THIS COMMISSION.

>> NEED A MOTION TO APPROVE RECOMMENDATION BY COUNTY ATTORNEY? SECOND?

ALL IN FAVOR, SAY AYE.

OPPOSED?

LET THE RECORD SHOW IT WAS 4-1.

SLOW MOVING VEHICLES.

>> OKAY, MEMBERS OF THE COMMISSION, AS YOU MAY RECALL AT THE END OF LAST YEAR, THE RULES AND POLICIES COMMITTEE MET AND APPROVED INCORPORATING SLOW-MOVING VEHICLES, WHICH I DON'T KNOW IF YOU'VE SEEN THEM, THEY'RE THE LITTLE KIND OF GOLF CART TYPE VEHICLES THAT THE DOWNTOWN PARTNERSHIP USES.

APPROVE MOVING FORWARD WITH THESE RULES THAT WOULD INCLUDE THEM AS A SUBCLASS OF LIMOUSINES.

I HAVE PROVIDED TO YOU A MATRIX OF WHAT THAT LOOKS LIKE IN GENERAL POLICY CONSIDERATIONS.

IN ESSENCE, THOSE VEHICLES WOULD BE REQUIRED TO ADHERE TO THE SAME REQUIREMENTS AS TAXICABS AND LIMOUSINE AND THE OTHER CATEGORIES IN TERMS OF BACKGROUND CHECK, MECHANICAL INSPECTION, THE AGE OF THE VEHICLE.

THE ONE DIFFERENCE WOULD BE THAT THEY ARE NOT GOING TO BE REQUIRED TO HAVE A MINIMUM FARE OR A MINIMUM WAIT TIME; AND NOR WILL THEY BE REQUIRED TO UTILIZE STREET HAILS TO OBTAIN PASSENGERS.

THEY ALSO WILL BE LIMITED TO PROVIDING TRANSPORTATION DOWNTOWN TAMPA AREA, WHICH SHOULDN'T BE AN ISSUE SINCE THOSE VEHICLES CAN ONLY BE ON A CERTAIN ROADS THAT HAVE A POSTED SPEED LIMIT THAT'S RELATIVELY LOW.

I BELIEVE KAREN CRESS IS HERE FROM THE PARTNERSHIP.

I DON'T KNOW IF SHE HAS SOMETHING SHE WANTS TO ADD OR IF THE COMMISSION HAS ANY QUESTIONS ABOUT THE SLOW-MOVING VEHICLES.

IF THE COMMISSION APPROVES MOVING FORWARD THEN WE WILL FINALIZE LEGAL DRAFTSMANSHIP OF THE RULES AND GET THE RULES NOTICED PUBLICLY AND IN THE NEWSPAPER AS REQUIRED BY FLORIDA'S ADMINISTRATIVE PROCEDURE ACT.

>> WHAT'S THE PLEASURE OF THE BOARD?

WE NEED A SECOND.

ALL IN FAVOR, AYE.

OPPOSED?

MOTION PASSES.

RFP INVESTIGATIVE REVIEW, MS. TAR?

WELCOME, MA'AM.

>> GOOD MORNING, MEMBERS OF THE COMMISSION, WITH THE COUNTY ATTORNEY'S OFFICE.

I'M HERE TO PRESENT THE RESULTS OF THE RFP CONDUCTED ON BEHALF OF THE PUBLIC TRANSPORTATION COMMISSION, SO I PROVIDED FOR YOU IN ADVANCE THE RESULTS OF THAT TO PERFORM THE RFP FOR INDEPENDENT FACT FINDING INVESTIGATION FOR THE PTC, AND BASED ON THE EVALUATION COMMITTEE'S SCORES AND THE COST COMPONENT, THE RECOMMENDATION FROM THE COMMITTEE IN ITS TOTALITY IS TO AWARD THE CONTRACT TO GRAY ROBINSON.

>> MY QUESTION AT THIS POINT IS THIS GOING TO BE NECESSARY, YOU KNOW, IF WE'RE TRYING TO GET INFORMATION FROM WE READ IN THE PAPER TAKING THE 5th, AND BASED ON THE FINANCIAL CONDITION OF THE PTC AT THIS POINT, I'M NOT SURE THAT WE SHOULD MOVE FORWARD WITH THIS.

BUT I'D LIKE TO HEAR IF THERE'S ANY OTHER THOUGHTS FROM THE BOARD.

>> IF I MAY?

>> I SHARE THAT SAME CONCERN, AND I THINK I VOICED THAT TO SOME DEGREE AT THAT LAST MEETING THAT I THINK THE EXPECTATION IS THAT THIS BOARD IS NO LONGER GOING TO BE IN EXISTENCE.

TO SOME DEGREE IT'S A MOOT POINT AND POTENTIALLY A WASTE OF DOLLARS. I THINK WE NEED TO BE LOOKING FORWARD NOT BACKWARDS ON THIS, AND WE NEED TO MAKE SURE THAT WE KNOW THERE'S GOING TO BE SOME TANGIBLE BENEFIT TO THOSE THAT WILL BE REGULATED IN THE FUTURE AND THE CITIZENS OF HILLSBOROUGH COUNTY IF WE ARE GOING TO SPEND THIS MONEY, AND THE ONLY REASON THAT THAT MIGHT MAKE SENSE IS IF IN SOME WAY, SHAPE, OR FORM, WE CAN RESTORE WHATEVER PUBLIC TRUST HAS BEEN LOST, BUT THIS INSTITUTION IS GOING TO BE TRANSITIONING.

SO IF WE'RE GOING TO SPEND THE DOLLARS, IT ONLY MAKES SENSE WE WOULD LOOK AT COMING UP WITH INFORMATION THAT WOULD HELP US FORMULATE THE RIGHT PATH FORWARD AND I'M NOT SURE THAT THAT WOULD BE ACCOMPLISHED WITH THIS SCOPE OF WORK.

>> I TEND TO AGREE WITH YOU.

SO ARE YOU MAKING A MOTION TO DENY?

>> I WILL MAKE THAT MOTION.

>> SECOND.

>> ALL RIGHT, MOTION AND A SECOND.

ALL IN FAVOR?

OPPOSED?

I KNOW YOU DID A LOT OF WORK AND APPRECIATE WHAT YOU HAVE DONE.

>> I WILL DO THAT, SIR.

>> IN NEW BUSINESS, THIS IS WHERE WE WOULD DISCUSS SETTING UP THE COMMITTEES SUBCOMMITTEES THAT WE'VE OPERATED IN THROUGH THE YEARS PAST.

MY RECOMMENDATION IS WE SUSPEND THOSE COMMITTEES WHILE WE'RE IN TRANSITION, SEE HOW THE NEW ORGANIZATION LOOKS, AND LET THAT DECISION BE MADE BY THE UPCOMING MEMBERS OF THE BODY, WHATEVER IT MAY BE.

I DON'T KNOW THAT WE NEED -- TO THE COUNTY ATTORNEY, DO WE NEED A MOTION TO SUSPEND COMMITTEES?

>> MR. CHAIR, I WOULD SUGGEST THAT BECAUSE IT IS INCLUDED IN YOUR BYLAWS AND POLICIES.

>> OKAY.

>> SO I WOULD SUGGEST IT BE PHRASED AS MAYBE A WAIVER OF THAT PARTICULAR POLICY.

>> ALL RIGHT.

SO I'M GOING TO NEED A MOTION TO SUSPEND COMMITTEE ASSIGNMENTS.

>> I'LL MAKE THE MOTION TO SUSPEND THE COMMITTEE ASSIGNMENTS.

>> I NEED A SECOND.

ALL IN FAVOR, AYE.

OPPOSED?

VERY GOOD.

MS. OSTER?

>> YES, SIR, I BELIEVE MR. GARCIA CAN ADDRESS THE NEXT ITEM, WHICH DEALS WITH THE FDLE AUDIT AND THE PVDL DENIAL APPEAL PROCESS.

I THINK THERE WERE SOME ISSUES INVOLVING PROCESSING OF BACKGROUND CHECKS BEFORE A PUBLIC BODY, AND IF MR. GARCIA CAN MAYBE ELABORATE ON THAT.

>> AS YOU MAY BE AWARE, WE HAD AN FDLE AUDIT RECENTLY, AND IN THAT AUDIT, IT WAS BROUGHT TO OUR ATTENTION THAT SOME OF THE PRACTICES IN THE PAST REGARDING CRIMINAL HISTORY DEALING WITH THE PUBLIC VEHICLE DRIVER'S LICENSE APPLICATION, THE PROCEDURES WERE CALLED INTO QUESTION.

WE WERE PROVIDED A COPY OF THE ORIGINAL USER AGREEMENT DATED FROM 2008 FROM THE FDLE, WHICH STIPULATES THAT ANY CRIMINAL JUSTICE INFORMATION OBTAINED THROUGH THAT CHANNEL CAN'T BE DISSEMINATED TO PEOPLE WHO ARE UNAUTHORIZED TO RECEIVE SUCH INFORMATION.

THAT PRESENTS A PROBLEM WHEN PEOPLE APPEAL TO THE BOARD, PARTICULARLY IN A PUBLIC FORUM.

WE ARE TRYING TO ADDRESS THAT ISSUE, AND I THINK WE'VE COME UP WITH A SOLUTION REGARDING TRAINING FOR A HEARING OFFICER TO BE AUTHORIZED TO HEAR THAT INFORMATION THAT'S GLEANED FROM THE CRIMINAL HISTORIES THAT WE OBTAIN.

>> THANK YOU.

NEED A MOTION TO RECEIVE THE REPORT.

ALL IN FAVOR?

SECOND?

ALL RIGHT.

ALL IN FAVOR, AYE.

OPPOSED?

THANK YOU.

MS. OSTER.

I'M GOING TO ASK YOU TO MAKE COMMENT, AND THEN EXPLAIN TO THE BOARD THAT WE MAY NEED A WORKING AGREEMENT BETWEEN THE COUNTY AND THE PTC TO ASSIST WITH TRANSITION.

>> YES, SIR.

I BELIEVE THERE WAS A MEETING YESTERDAY TO GO OVER PROSPECTIVELY HOW DO WE BRIDGE THE GAP BETWEEN THIS AGENCY IF IT IS DISSOLVED AND A NEW COUNTY AGENCY IN TERMS OF PLANNING AND DRAFTING LAWS ESSENTIALLY WHICH WOULD BE NECESSARY ON THE COUNTY SIDE AND HOW DO WE BRIDGE THAT GAP.

ONE OF THE PROPOSALS WAS TO CONSIDER MEMORANDUM OF UNDERSTANDING OR AN INTERLOCAL AGREEMENT TO DELINEATE BOTH SIDES' RESPONSIBILITIES AS PART OF THAT TRANSITION PROCESS.

I AM HAPPY TO RESEARCH WHAT THAT WOULD LOOK LIKE AND COME BACK WITH A RECOMMENDATION TO THIS BOARD.

>> NEED A MOTION TO INSTRUCT COUNTY ATTORNEY TO DO SUCH.

>> SO MOVED.

>> AND A SECOND?

>> SECOND.

>> ALL IN FAVOR, AYE?

OPPOSED?

THANK YOU.

ONE OF THE ITEMS THAT IN THE DISCUSSIONS THAT I HAD WITH MR. JACKSON YESTERDAY WAS TO LOOK INTO ACCOUNT'S RECEIVABLE AND YOU DON'T HAVE TO COME UP AT THIS POINT UNLESS YOU WANT TO MAKE COMMENT, BUT TO DISCUSS ACCOUNTS RECEIVABLE, AND ALSO THE FEES AND WHETHER THEY'D BE SUSPENDED, ADJUSTED, OR COLLECTED.

AND ON HIS CHECK LIST OF THINGS THAT HE'S GOING TO BE DOING, WE'RE ADDRESSING THAT RIGHT AWAY.

AND FOR THOSE OF YOU WHO COMMENT ON THAT DURING PUBLIC COMMENT OR EXPRESSED CONCERN DURING PUBLIC COMMENT, IT DIDN'T FALL ON DEAF EARS. WE'RE AWARE OF IT, AND WE'LL KEEP YOU APPRISED OF DEVELOPMENTS, AND WE'LL BRING BACK A REPORT AT THE NEXT MEETING.

AT THIS POINT WE HAVE TWO WAIVERS OF REQUEST.

ONE IS UNIQUE CAR SERVICE, THE OTHER IS TAMPA AIRPORT TRANSPORTATION. BOTH RECOMMENDATIONS HAVE BEEN APPROVED BY STAFF, AND THEY'RE ASKING US TO APPROVE THESE.

CAN I VOTE ON THESE -- DO WE HAVE TO VOTE ON THESE SEPARATELY, OR CAN WE DO THEM TOGETHER?

>> MR. CHAIR, IF THERE IS ANYBODY THAT WANTS TO ADDRESS THE WAIVERS, THEN I WOULD ASK THEY BE DONE SEPARATELY.

I DON'T ANTICIPATE THAT'S THE CASE.

OTHERWISE, I THINK YOU CAN DO THEM TOGETHER.

>> OKAY.

IS THERE ANYONE WHO WANTS TO COMMENT ON UNIQUE CAR SERVICE OR TAMPA AIRPORT TRANSPORTATION?

SEEING NONE, IF I COULD GET A MOTION TO APPROVE THE WAIVERS ON UNIQUE CAR SERVICE AND TAMPA AIRPORT TRANSPORTATION.

>> MOVE TO APPROVAL BOTH WAIVERS.

>> SECOND?

ALL IN FAVOR, SAY AYE.

OPPOSED?

VERY GOOD.

WE HAVE ALSO APPEALS ON PUBLIC VEHICLE DRIVER'S LICENSE APPLICANT REVIEW.

THERE'S MR. ERIC KNIGHT, RIDELL SADDLER, CARMELLO SANTANA, CHARLES TUDOR, LVIN VAUGHN, AND MICHAEL BURKS.

THEY HAVE ALL RECEIVED A RECOMMENDATION OF PROBATIONARY PERIOD OF SIX MONTHS.

I WAS INFORMED WE COULD VOTE ON THESE EN BLOC.

I NEED A MOTION TO ACCEPT STAFF'S RECOMMENDATION.

SECOND?

THANK YOU.

ALL IN FAVOR, SAY AYE.

DISAPPROVE?

MOTION CARRIES.

IS THERE ANY OTHER BUSINESS?

I'D BE HAPPY TO DRAG THE MEETING OUT, BUT I THINK THAT 40 MINUTES IS FINE.

WE'RE ADJOURNED.

THANK YOU VERY MUCH.