

MONTEREY COUNTY REGIONAL TAXI AUTHORITY
BOARD OF DIRECTORS
REGULAR MEETING
April 25, 2011

One Ryan Ranch Road, Monterey

1. CALL TO ORDER

Chair Sanchez called the meeting to order at 10:00 a.m. in the MST Conference Room. A roll call was conducted and The Pledge of Allegiance followed.

Present:	Karen Sharp (10:07)	City of Carmel-By-The-Sea
	Libby Downey	City of Monterey
	Alan Cohen	City of Pacific Grove
	David Pendergrass	City of Sand City
	Sergio Sanchez	City of Salinas
	Alvin Edwards	City of Seaside
	Fernando Armenta	County of Monterey
	Tom Greer (alt)	Monterey Peninsula Airport District
Absent:	Kristin Clark	City of Del Rey Oaks
Staff:	Hunter Harvath	Asst. General Manager/Finance & Administration
	Tom Hicks	CTSA Manager
	Sonia Bannister	Office Administrator
	Carl Sedoryk	General Manager/CEO
	Mark Eccles	Director of IT
	Michael Hernandez	Asst. General Manager/COO
	Beronica Carriedo	Mobility Trainer
Others:	Sam Martinez	Independent taxi operator
	Roy Graham	TAC Member
	Kathi Krystal	TAC Member
	Steve Cardinalli	Yellow Cab
	David Laredo	DeLay & Laredo
	Robert Baswell	Associated Taxi
	Richard Stember	Yellow Cab
	Michael Cardinalli	Yellow Cab
	Dmitry Perliev	Big Sur Taxi
	Luis Lomelli	Green Cab
	B. Villegas	Green Cab

Apology is made for any misspelling of a name.

2-1. – 2-4. Consent Agenda

2-1 Mr. Sedoryk announced agenda highlights.

The consent agenda items consisted of the following:

2-2. Informational minutes from the regular meeting of February 28, 2011.

2-3. Informational minutes from the Ad-Hoc Committee on Budget of March 4, 2011.

Director Downey pulled item 2-3 questioning the record of her statement that taxi cab company fees should be adjusted higher. Mr. Sedoryk corrected the minutes to reflect that Director Downey commented that she would like to see individual taxi owners pay less for fees.

Director Downey made a motion to approve the consent items and was seconded by Director Edwards. The motion carried unanimously.

Director Sharp arrived at 10:07 a.m.

3. SPECIAL PRESENTATIONS

None.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Sam Martinez, independent taxi operator, presented information on the per capita data of the RTA. He does not believe the data qualifies to create an accurate model for the RTA to follow. He stated the Orange County model reflects a much higher number of calls than Monterey County drivers receive and the data for airport departures also present an inaccurate comparison for Monterey Peninsula Airport.

Dmitry Perliev, Big Sur Taxi, wants to start a taxi service in Big Sur and requested clarification on insurance requirements.

5. COMMITTEE REPORTS AND PRESENTATIONS

5-1. Update from RTA staff.

Mr. Harvath updated the Board on administration improvements of the RTA. Interim taxi permits have been established with several applications requested and provided; however, no applications have been received to date. Taxi permit renewals cannot be issued until approval to perform criminal background checks is received from the Department of Justice. Those with expired permits have been grandfathered in and may operate within the MCRTA jurisdiction until renewals are authorized. When the Board provides direction regarding Section 8.3 of the agenda (MCRTA Regulations) the power to regulate taxis will be established.

Director Downey questioned whether the permit fees are currently tentative. Mr. Harvath confirmed that final fees have not been established.

Director Armenta requested if taxi service is being impacted while approval from the DOJ is pending. Mr. Harvath responded that it is not being impacted.

Public Comment

Mr. Martinez requested who authorized issuance of temporary permits. Mr. Harvath responded that the Board provided that authority.

Mr. Graham, TAC member, does not recall the RTA board authorizing temporary permits.

Mr. Cardinalli stated that the RTA board never gave authorization to issue temporary permits. Mr. Harvath responded that applications have been sent, but no permits have been issued. He stated that the Board directed the RTA to set interim fees and to issue interim permits in December of 2010.

Mr. Perliev asked Mr. Harvath the status of insurance requirements. Mr. Harvath responded that insurance requirements have not been established. The issue will be brought before the Board at a future meeting.

End of Public Comment

Director Downey remembers that at an early RTA Board meeting the Board was not comfortable with the proposed budget, but that an interim budget was approved so interim permits could be issued.

Director Armenta asked for clarification on grandfathered taxis. Mr. Harvath responded that drivers operating with current or expired permits may operate without legal enforcement against them until permanent permits are issued.

Director Sanchez requested that minutes be researched to reference the authorization of issuing temporary permits.

5-2 TAC meeting highlights.

6. BIDS / PROPOSALS

None.

7. PUBLIC HEARINGS

None.

8. UNFINISHED BUSINESS

8-1 Proposed TAC public transit appointments.

Mr. Harvath announced Tom Hicks, Consolidated Transportation Services Agency Manager, as the MST representative to the TAC Committee. Beronica Carriedo, Mobility Trainer, has been selected as an alternate.

Public Comment

Mr. Martinez asked if the alternate positions were made available to the public or if they were selected by MST. Mr. Harvath responded that there are designated seats on the TAC Committee, and this seat is specifically designated to represent the interests of public transit. Mr. Harvath confirmed that after extensive public outreach for TAC committee representatives, no one from the public came forward to fill this seat.

Mr. Martinez asked how many temporary permits will be issued and how many MST employees sit on the TAC Committee and RTA Board. Mr. Harvath responded that there are currently no MST employees serving on the TAC Committee or the RTA Board.

Kathi Krystal asked if she is now the TAC Committee member in the absence of the original member and if an alternate will be appointed. She suggested that Mr. Martinez be considered as an alternate. Mr. Harvath responded that she was appointed as a TAC Member at the last meeting, and that an alternate will be considered with receipt of an application. Director Downey requested confirmation that this slot was to serve as a representative of an owner/operator.

Director Downey made a motion to approve the appointment of Tom Hicks as the MST representative to the TAC Committee with Beronica Carriedo as an alternate. Director Edwards seconded. Motion carried unanimously.

8-2 Taxi Senior Scrip update.

Mr. Harvath provided an update on the Senior Scrip Program. MST is requesting local jurisdictions continue their participation in the program. Up to \$250,000 in grant funds will be available as a match for all participating jurisdictions.

Director Cohen asked the implication of not participating in the program. Mr. Harvath explained that citizens of non-participating jurisdictions would not receive the benefit of the program.

Director Edwards asked how soon the jurisdictions needed to decide. Mr. Harvath responded that the issue will be brought back to the Board in one month.

Director Armenta asked if other taxi authorities are using this model. Mr. Harvath responded that he is unaware of other participating authorities.

Director Downey confirmed that one half of the fee is paid by the customer, one quarter is paid by the city, and the taxi company forgives the remaining quarter fee. This program will allow grant funds to cover the taxi company portion and will allow for a reduction in fees to seniors.

Director Pendergrass asked how the seniors take advantage of the program.

Public Comments

Mr. Cardinalli is not aware of the New Freedoms Grant allowing for the Senior Scrip Program. He stated that the program will run out of money with only \$125, 000 to supplement it. He requested a copy of the application. Mr. Sedoryk stated that Section 5317 of the US Code contains the language supporting the appropriate use of funds.

Close Public Comments

Mr. Laredo confirmed that members of the public can review grant applications upon request.

8-3 Second reading and adoption of ordinance for uniform regulation of taxicabs within MCRTA jurisdiction.

Mr. Harvath presented comments from members of the TAC and the public regarding proposed changes to the MCRTA regulations.

Mr. Laredo confirmed that the TAC recommendations are appropriate to be adopted as suggested. He stated that this is the second reading of the ordinance and there are restrictions on the amendments that can be suggested.

Director Downey requested an update on TAC attendance.

Public Comment

Kathy Krystal stated that Sections 21.2 and 21.4 were not discussed by the TAC. She asked if delivery of prescription drugs to Convalescent Hospitals and alcohol to those of drinking age will now be illegal. She feels that it is inappropriate to ask taxi companies not to sue the RTA if their decisions or actions negatively affect taxi companies or drivers. She asked for clarification on Section 22.2.10 regarding the time limit for convictions. She asked for clarification on Section 22.7. She does not believe that the RTA should be able to determine what constitutes the "proper action" of a driver. She requested a time limit be stipulated in Section 23.4.1.3. She requested that the limit be raised from two to three citations in Section 23.4.1.5. She requested information on Penal Code 290 referenced in Section 23.4.1.9. She asked why taxi cab drivers need to have medical clearance as referenced in 23.4.1.15. She does not agree with Section 24.2 and 24.3 regarding limiting the right of taxi drivers to appeal to only

ten days. Sections 26.6, 26.7, 26.9 contain confusing definitions of employment. Section 27.2.1 is too strict on the discrepancy of taximeters.

Mr. Cardinalli requested clarification on meter rates in Section 7.4. He also requested clarification on 24 hour service requirements.

Close Public Comment

Mr. Laredo recommended Section 21.2 be deleted and referred back to the TAC for a recommendation for an amendment. He confirmed that there is currently no time limitation to convictions in Section 22.2.10. He suggested that the Board select either five or seven years for misdemeanors and recommends no time limitation be set for felonies. He suggested that any changes to time limits be referred back to TAC as a recommendation. He disagreed with the public comment regarding the language of the Hold Harmless provision on Page 61, and does not believe that the language limits the taxi owners or operators of their right to challenge the actions of the RTA. He believes that the language simply protects the RTA against any liability arising from reason of taxicab operation. He confirmed that Penal Code Section 290 and its subsections address sex offenders. He confirmed that the proposal to provide leeway for taxi meter discrepancies is logical and appropriate, and suggests that TAC decide what the limits should be.

Mr. Sedoryk suggested that any taximeter discrepancies could be based on the Department of Weights and Measures guidelines.

Mr. Laredo stated that Ms. Krystal was correct regarding the split vote on Section 23.4.1.5 addressing the violations of the vehicle code and whether the regulations should allow for two or three violations. Mr. Laredo stated that it is allowable for drivers to provide flat rates as long as they were lower than the per mile rate. He stated that it was decided to soften the 24 hour requirement. A sentence was added to Page 60, Section 4 allowing for exceptions to the requirement.

Mr. Laredo summarized the following revisions to the regulations:

Strike the first four words in Section 4 “at this public hearing.”

Delete in its entirety Section 21.2.

Add a seven-year limitation to Section 22.2.10.

Change “two” to “three or more violations” in Section 23.4.1.5.

Strike Section 23.4.1.15 in its entirety.

Change the time periods for appeal to reflect thirty days in Sections 24.2 and 22.3.

Strike Section 27.5 in its entirety.

Refer Section 27 back to TAC to confirm a “plus or minus 3%” discrepancy allowance for taximeters.

Director Sharp motioned to approve the adoption of the ordinance for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Tax Authority, with stated revisions, to be returned to the TAC for further review and modification. Motion was seconded by Director Downey. The motion carried unanimously.

Public Comment

Sam Martinez stated that he did not feel the ordinance should be adopted and should be referred back to the TAC.

Close Public Comment

8-4 Review taxi fee structure and provide direction to staff.

Mr. Harvath noted that the chart on page 83 details how rates are prorated for interim permits for new taxi drivers and companies only. He stated that more discussion is needed to determine fee structures for renewals. He stated that the committee ran out of time at the last TAC meeting and was unable to discuss the fee structure. He is not prepared to ask for a decision from the board at this time, but asks for comments or direction.

Director Downey stated the City of Monterey has a problem comparing our jurisdiction to San Diego. She requested that both Monterey and Salinas propose a tentative budget to administer the program in an effort to save money on administrative costs. She requested that Chair Sanchez request this information from Salinas as soon as possible. She read a letter from the Monterey City Manager encouraging the RTA to move forward to implement the program.

Director Edwards motioned to send the fee structure back to TAC for further review and was seconded by Director Cohen. The motioned carried unanimously.

Public Comment

Steve Cardinalli liked that the City of Monterey and/or City of Salinas regulate the RTA. He also asked that the Airport be added as a regulator. He believes that the flaw in the program is having MST regulate the program because they are competitive with the taxi industry.

Sam Martinez stated that the Monterey Cab Drivers Association would like to help with the permitting process. He believes the current proposed fee structure is too burdensome to taxi drivers and companies. He believes the comparative cities used to set the fees have much more business and higher population than the County of Monterey.

Richard Stember, Yellow Cab, is concerned with the schedule of fees on page 83. He questioned the Board's knowledge and expertise of the taxi industry. He requested that a subcommittee be formed to educate the board on the taxi industry.

Close Public Comment

Director Downey called a point of order stating that there needs to be a budget for all agendas before an item is discussed.

Mr. Sedoryk confirmed that it has been the intention of MST to remove staff from the day to day operations of administering the program; however they would continue to support the board.

9. NEW BUSINESS

10. REPORTS & INFORMATION ITEMS

11. COMMENTS BY BOARD MEMBERS

11-1 Reports on meetings attended by Board members at RTA expense.

Director Armenta left at 12:16 p.m.

Director Cohen left at 12:17 p.m.

Mr. Sedoryk commented that if day-to-day operations were handled by the cities, it might be cheaper for permitting fees.

12. ANNOUNCEMENTS

None.

13. CLOSED SESSION

14. RETURN TO OPEN SESSION

15. ADJOURN

There being no further business, Chair Sanchez adjourned the meeting at 12:18 p.m.

Prepared by: _____
Deanna Smith, Deputy Secretary