

MONTEREY COUNTY REGIONAL TAXI AUTHORITY
BOARD OF DIRECTORS
REGULAR MEETING
June 27, 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:

Kristin Clark	City of Del Rey Oaks
Alan Cohen	City of Pacific Grove
Alvin Edwards	City of Seaside
Mary Ann Leffel	Monterey Peninsula Airport District
David Pendergrass	City of Sand City
Sergio Sanchez	City of Salinas
Karen Sharp	City of Carmel-By-The-Sea

Absent: Fernando Armenta County of Monterey
Libby Downey City of Monterey

Staff: Hunter Harvath Asst. General Manager/Finance & Administration
Carl Sedoryk General Manager/CEO
Mark Eccles Director of IT
Beronica Carriedo Mobility Trainer
Kathy Williams Director of Budget and Accounting
Kelly Halcon Director of Human Resources
Angela Dawson Accountant
Michael Hernandez Asst. General Manager/Operations

Others: Tom Mancini TAC Representative
Scott Phillips Citizen
Kathi Krystal Associated Taxi
Roy Graham TAC Member
Michael Cardinalli Yellow Cab
David Laredo DeLay & Laredo
Greg Akins Coastal Yellow Cab
Ken Griggs MPAD
Tom Greer MCAD

Apology is made for any misspelling of a name.

2. 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 May 23, 2011.

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

3. SPECIAL PRESENTATIONS

3-1. Receive presentation on Airport District Report position regarding Taxi rates and charges.

Ken Griggs presented a PowerPoint presentation detailing the airport's position on how to accommodate open-entry and the challenges that lie ahead

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Phil Penko, TAC Chair, provided the Board with a Taxi Permitting Budget from the City of Monterey. He emphasized that the budget is an estimate to issue permits and does not include additional administrative costs. He will email the document to Deanna Smith to send to all TAC Members.

Scott Phillips, citizen, stated that he had submitted a bid to administer the RTA, and if he had been chosen the RTA would be issuing permits by now. He believes that the MST staff is doing the work the administrator, Greg Yancey, should be doing. He stated that he has requested information on the RTA's financials, and while \$45,000 has been spent to date, no permits have been issued. He stated that there have been citations issued to taxi drivers for having expired permits. He believes the "Yancey experiment" has failed. He requests answers to his questions, and stated that the San Diego Ordinance being used as a template for the RTA is not appropriate for Monterey County. He requested that everyone sit down together to discuss the problem.

Roy Graham, TAC Member, stated that it has been two years since the inception of the RTA, yet no progress has been made. He believes the City of Salinas bought in to the RTA because they were promised funding to obtain handicap-accessible vehicles. He requests that the RTA license existing taxi companies and then go from there to license new companies.

Close Public Comment

5. COMMITTEE REPORTS AND PRESENTATIONS

5-1. Receive update from RTA staff.

Mr. Harvath provided an update on RTA activity. He stated that the approval from DOJ to perform background checks should be received by Wednesday. This approval is necessary before the RTA can issue taxi driver and company permit renewals.

Director Downey asked if taxi driver citations are in fact being issued. Mr. Harvath responded that the City of Monterey did erroneously issue two citations approximately four months ago, but that the citations were rescinded and no others have been issued since then.

Director Armenta asked who would be performing the DOJ background checks. Mr. Harvath responded that the current RTA Administrator, GY Investigations, would be performing them.

Chair Sanchez stated that he is concerned with the frustrations of taxi companies and drivers and asked what will happen if the DOJ does not approve the RTA to perform background checks. Mr. Harvath responded that the City of Monterey or the City of Salinas could perform them. He stated that if the RTA decided to subcontract the background checks out to a police department, they could also provide the service.

Director Downey asked if the City of Salinas has provided a budget for RTA administration yet. Mr. Harvath responded that he has made the request and is still waiting for a quote. Director Downey requested that staff set a one week deadline and provide the City of Salinas with the City of Monterey's budget to use as a reference. She stated that time is crucial.

Director Leffel asked if Mr. Harvath had any idea how long it would take for Monterey to issue a permit if they took over. Mr. Harvath responded that he had not had enough time to review the document and could not answer the question. Director Leffel asked how long it would take under the original administrator's proposal. Mr. Harvath responded that he did not know how long it would take the DOJ to return the results of a background check. He stated that only one person reviews the background checks.

Director Leffel requested that staff prepare a chart of all administrative budget proposals for Board comparison.

Director Downey asked if permit applications could be staggered when the RTA begins to issue permits in an effort to reduce an administrative "backlog." She stated that the City of Monterey is concerned that permit demand will be too high if they take over the administration of the RTA. Mr. Harvath responded that he agreed that "rolling" applications were desirable.

Director Leffel asked how the applications could be staggered with so many taxi drivers and companies needing permits. Mr. Harvath responded that each driver's original renewal month would be maintained, and drivers would be "grandfathered" in until their renewal month rolled around. He stated that no one would be required to pay more for their permits; in fact, they would be given a full year from their renewal month plus the months in between the time RTA began issuing permits and their renewal month.

Director Downey asked how many new temporary permits have been issued to date. Mr. Harvath responded that no taxi drivers have applied for the temporary permit to date.

Public Comment

Scott Phillips stated that the police departments can take fingerprints and perform background checks right now. He stated that MST doesn't know what they are doing and that there is not an ordinance to govern the process, nor have fees been set.

Jerry Edelen, alternate for Director Clark, arrived at 10:26 a.m.

Steve Cardinalli of Yellow Cab stated that MST needs to be out of the process. He stated that he likes the idea of the cities of Monterey or Salinas taking over the administration of the RTA because MST is in competition with the taxi industry.

Roy Graham asked why the RTA needs to wait for the DOJ approval to begin issuing permits. He stated that the cities can still do the work, and they keep all driver records anyway. He stated that taxi drivers are not currently required to submit to a background check in between renewals anyway.

Director Sanchez asked Mr. Graham if he was sure that background checks were not required in between permit renewals. Mr. Graham said he was not positive that they were not required for each renewal, but he didn't think it was required.

Kathi Krystal of Associated Taxi stated that several people have wanted to apply for taxi permits and drive for her company, but when they find out what the fees are, they change their minds. She stated that there is no DOJ background check required for driver renewals; drivers just bring in their drug test chain of custody and current DMV printout to renew.

Sam Martinez, member of Monterey County Cab Driver Association, stated that there is no demand for new permits, but there is a demand for renewals.

Close Public Comment

5-2 Highlights from the TAC meeting of May 17, 2011.

Director Downey asked for clarification on Item 3-C. Mr. Harvath responded that there was a lengthy discussion about current taxi companies with similar color schemes and the confusion this causes. He stated that there was no consensus on how to deal with the problem. Director Downey asked if the staff could make a recommendation for the Board. She suggested that to speed up the process, the TAC review and vote on options.

Director Downey stated that she thought drivers should not wear cologne while operating a taxi. Mr. Harvath stated that staff is researching best practices regulatory options and will bring information back to the TAC.

Director Downey asked for clarification on the vehicle inspection sheets. Mr. Harvath responded that the sheets being used now are for interim permits and will need to be updated once the RTA approves the Safety, Security, and Operational Policy.

Director Downey asked for clarification on Item 5-N regarding ADA laws concerning service animals. Mr. Harvath responded that staff is researching how to legally accommodate drivers who are allergic to dogs.

Director Downey asked Mr. Harvath to explain why Item 5-N recommended a differentiation between “shortness of trip” and “length of trip.” Mr. Harvath explained that drivers might need to refuse a long trip at the end of their shift. The TAC restricted refusal of service based on shortness of trip to avoid refusal of service based on a lesser fare.

Director Downey asked why there were no minutes from the TAC meeting. Mr. Harvath explained that there is not enough turn-around time between TAC and RTA meetings to have minutes available. Director Downey asked if the TAC meeting could be moved in order to speed up the approval process. Mr. Harvath stated that it simply was not feasible to change dates. Director Downey believes the dates can and should be changed because the entire RTA process is taking too long.

Mr. Sedoryk stated that the highlights were provided so the information was fresh and the Board could prepare for the next month’s meeting.

Public Comment

Sam Martinez asked if Mr. Sedoryk is acting in the capacity of an MST employee or a member of the RTA Board.

Jeff Barnard, taxi driver, stated that taxi companies are private entities and the cost of repainting a taxi fleet is an excessive burden. He suggested raising fares to cover the costs that will be incurred by this requirement. He stated that drivers work long hours and must be allowed to wear deodorant and cologne. He stated that if a driver has a valid reason to refuse service to passengers with service animals, such as allergies to dogs, they can call another taxi to take the call.

Scott Phillips asked the Board to refer to the last item of TAC Highlights on page 10. He has been asking for the vehicle inspection sheet since November. He stated that Mr. Yancey does not respond to his requests. He stated that if the RTA dictates whether taxi drivers wear cologne, then drivers should be able to refuse service if their passengers wear cologne. He stated that part of the reason the process is taking so long is that TAC meetings are only one hour and forty-five minutes. He stated that the RTA administrator is not doing his job.

Kathi Krystal clarified that she was the one who brought up that some taxi drivers are allergic to and fearful of dogs. She stated that the RTA could not disregard a driver’s disability to accommodate a passenger’s disability. She stated that some passengers wear such strong

cologne that they leave their scent behind. She does not believe the RTA should regulate this issue at all.

Close Public Comment

Mr. Sedoryk stated that he acts Secretary of the RTA Board.

Mr. Harvath stated that he will make sure Mr. Phillips gets the current vehicle inspection sheet. He stated that he is also concerned with the financial burden of repainting taxi cabs.

Director Leffel suggested that the RTA and TAC take the “Triple AE Training” that covers many of the taxi-related regulatory issues that are under consideration. She stated that she will provide staff with specific information on the training.

6. BIDS / PROPOSALS

None.

7. PUBLIC HEARINGS

7-1 Approve application of Coastal Yellow Cab to provide taxi services in the Monterey County Regional Taxi Authority jurisdictions.

Mr. Harvath stated that the RTA has received an application from Coastal Yellow Cab. He stated that there are several criteria detailed on pages 11, 12, and 13 that the Board should consider in making their decision to approve the application. He stated that this applicant provides wheelchair-equipped vehicles that are not currently provided by any other taxi company within the jurisdiction of the RTA. He stated that Coastal Yellow Cab is willing to make 25% of their fleet wheelchair accessible, and at this time will have a fleet of five to ten taxis. He stated that in 2008, the federal government required all regions in the country to perform a Coordinated Public Transit Human Services Transportation Plan. AMBAG coordinated this effort and, as required by law, each county prioritized their human service transportation demands and developed a plan for accommodating the need. This study identified public transit wheelchair access as a priority in Monterey County. Since then, there has been no significant implementation of wheelchair accessible cabs, although grant funding is available to help implement the program. Unfortunately, Caltrans has restricted MST from using the funds to purchase the vehicles. He stated that Coastal Yellow Cab meets the requirement of Items 22.4.3.1, 22.4.3.3, and 22.4.3.4 on page 13. He stated that they will have confirmation from DOJ on Item 22.4.3.2 soon.

Tim Conlon stated that his company also trains all of their drivers to assist special needs passengers.

Director Leffel stated her concern that the company’s name is “yellow cab.” Mr. Conlon stated that he can be flexible with the company name and color scheme.

Director Armenta stated that it would be helpful to have a photo of the wheelchair accessible vehicle. He asked why current companies cannot provide this service.

Mr. Harvath stated that the wheelchair accessible cabs are very expensive. He stated that MST has tried to supplement this cost for taxi companies by applying for grant funds. He stated that the funding has been granted, but is not available because of Caltrans procurement issues. He stated that he cannot answer why other cab companies have not invested in these vehicles.

Chair Sanchez stated that he has been concerned about this issue for years, and the Board is not trying to take business from current cab companies, but simply trying to meet the needs of special needs passengers.

Director Edelen stated that he does not see a problem with the cab color scheme issue. He stated that yellow cabs have proven to be safer in studies, and states like New York have multiple cab companies with similar color schemes.

Public Hearing

Jeff Barnard stated that taxi drivers already pick up special needs passengers, although motorized wheelchairs are too heavy to pick up. The units needed to handle these chairs are extremely costly. He stated that Coastal Yellow Cab will compete with current companies.

Scott Phillips stated he only received up to page 12 of the agenda packet. He stated that Mr. Harvath had promised that handicap vehicles were being built and were supposed to be on order. He believes MST is trying to supplement its expensive RIDES program. He does not believe there is a "need and necessity." He stated that he cannot find any information on Coastal Yellow Cab.

Carol Chorbajian of the Hospitality Association stated that many special needs passengers prefer the wheelchair lift to being physically moved from their chair into a taxi. She stated that she has had to turn away special needs groups because wheelchair accessible taxis are not available. She stated that this is a loss of revenue for private companies and the entire community.

John Cardinalli of Yellow Cab stated the board should not issue a permit for Coastal Yellow Cab at today's meeting. He believes that MST rigged this company and that the board has no legal authority to approve the permit. He does not believe the public hearing was properly noticed. He stated that he will take "step two" if the board does approve the permit. He stated that MST is criminal.

Roy Graham stated that there are three cab companies in Salinas that want to implement wheelchair accessible taxis. He believes the RTA should allow existing companies to operate before licensing new companies.

Kathi Krystal asked where Coastal Yellow Cab is based. She has never heard of them. She believes that 25% of their fleet designated for wheelchair accessible vehicles leaves too many regular fare cabs in competition with current companies.

Chris Chidlaw of Chidlaw Marketing believes there is a concrete reason for the RTA to approve the application because of the demand for special needs transit services in Monterey County. He stated that current cab companies do not provide the type of access that is needed.

John Narigi, TAC member, stated that there is only one private firm that can accommodate large special needs groups with wheelchair accessible vehicles. He stated that the hospitality industry needs this service. If he provides a courtesy vehicle for his guests, he is required by ADA law to provide a courtesy vehicle for special needs guests, and the expense is exorbitant. He stated that it is wrong to continue to badger MST. He urges the taxi companies to consider the customer service component.

Steve Cardinalli stated that this application was not mentioned at the last TAC meeting, and Coastal Yellow Cab's application has not been made public. He asked why Mr. Harvath did not mention the application at the TAC meeting when asked. He asked where the public hearing was advertised. He is unhappy with the company's proposed name. He asked why MV representatives are at the meeting. He stated that Mr. Chidlaw will say anything because he has the contract for MST advertising.

Ken Griggs, TAC member representing the Monterey Airport, considers passenger customer service to include service to and from the airport. He stated that Monterey Peninsula Airport is a vital economic engine for the county and needs transit for their special needs passengers.

Sam Martinez asked to see the necessity study.

Close Public Comment

Mr. Harvath stated that MST had every intention to purchase the wheelchair accessible vehicles, but they have been prohibited to use the funds per a procurement rule. He is working to resolve this issue.

Mr. Harvath stated that the current RTA ordinance was adopted by the board at the April meeting. The ordinance allows the RTA to approve the Coastal Yellow Cab application pending the DOJ results. Mr. Harvath stated that he anticipates approval from the DOJ in several days which will allow taxi companies to purchase permits by June 1, 2011.

Mr. Harvath stated that Coastal Yellow Cab is based out of Southern California in Santa Ana.

Mr. Harvath stated that he never stated to the TAC that the RTA had not received taxi company applications. He did state that no permits had been issued to date.

Mr. Harvath stated that he checked with legal counsel and confirmed that the 72 hour posting requirement was sufficient for a public hearing.

Mr. Harvath stated that to his knowledge, MV is not affiliated with Coastal Yellow Cab in any way.

Mr. Harvath stated that the regional study conducted by AMBAG was the basis for determining the special needs transit priority in Monterey County.

Chair Sanchez asked if Coastal Yellow Cab will be allowed to provide regular cab service in addition to wheelchair accessible service. He also asked if they would receive their permit if the application was approved. Mr. Harvath responded that 25% of their fleet would be for special needs passengers and the remaining vehicles in the fleet would operate all fares. He stated that Coastal Yellow Cab must wait for their DOJ approval just like other cab companies before a permit can be issued.

Mr. Laredo confirmed that the notice of public hearing may be published with the agenda within 72 hours of meeting. MST has not approved public hearing requirements more stringent than required by law. He confirmed that if the public hearing is federally mandated, then additional requirements exist.

Director Downey asked if all ten of Coastal Yellow Cab's taxis would be equipped with wheelchair devices. Mr. Harvath stated that 25% of their fleet would be equipped.

Mr. Conlon stated that the 25% is a ratio that he uses in other areas, but if they needed to increase this amount, they are willing to do so.

Chair Sanchez asked if Coastal Yellow Cab is receiving funds to pay for their vehicles and if an RFP was put out for the service they offer. Mr. Harvath responded that they were receiving no funding and that the application was all that was required to establish their company.

Director Armenta asked if the RTA is required to wait for the TAC to weigh in on the application and if there would be any financial impact on rates for the special vehicles.

Mr. Laredo responded that it would be inappropriate to give TAC the authority to weigh in on the application; it is the discretion of the RTA board to approve applications.

Mr. Harvath stated that the RTA board sets the fares county-wide and that rates are the same for all fares.

Director Leffel stated that a study she read confirmed that 40% of air travelers today are in the "baby boomer" generation and that it is imperative to provide this service. She confirmed that the Caltrans funds have been awarded, and when the issue is resolved, the funding could be used for additional handicap accessible vehicles.

Mr. Sedoryk stated that MST's state association is advocating on behalf of MST to resolve the issue of obtaining the promised funding.

Chair Sanchez stated that he was concerned that the two proposed wheelchair accessible cabs are not enough to meet the demand in Monterey County. He is also concerned that the additional cabs will be too much competition for the county. He asked on which study we are basing the need for new companies.

Mr. Harvath stated that staff believes Coastal Yellow Cab meets all qualifications except the confirmation of DOJ background check. He stated that extensive studies were conducted that confirm the need for additional wheelchair accessible public transportation. He also stated that Coastal Yellow Cab is willing to place more wheelchair equipped vehicles in service if required.

Director Pendergrass stated that he did not believe the RTA should base their decision on competition between taxi companies, but on the criteria specified on pages 11, 12, and 13. He stated that having TAC members, who are themselves competing businesses, weigh in on the final decision to approve additional company permits is not advisable.

Director Edelen asked Mr. Laredo to address the accusations of the RTA acting outside its legal authority by approving Coastal Yellow Cab's application.

Mr. Laredo confirmed that the application request has been properly brought before the RTA. He confirmed that the board adopted the ordinance which authorizes them to act today as long as the applicant meets the requirements set forth on pages 11, 12, and 13.

Chair Sanchez stated that he does not believe the RTA is ready to process new applications. He believes the RTA should approve existing companies before approving new applications and table this agenda item.

Director Downey made a motion to approve the application of Coastal Yellow Cab to provide taxi services in the Monterey County Regional Taxi Authority jurisdictions, contingent upon receiving approval from the DOJ. Director Leffel seconded. Chair Sanchez voted no. The motion carried.

8. UNFINISHED BUSINESS

8-1 Receive update on Taxi Senior Scrip Program.

Mr. Harvath provided an update on the Senior Scrip Program, stating that a meeting was held on May 18, at which time two models were discussed. The recommended model is based on a program used at Carmel Meadows Senior Area that utilizes a voucher program. MST has secured grant funds to supplement the program. The program provides for 50% of fare to be paid with grant funds, a \$3.00 co-pay to be paid by senior passengers, and the remaining balance to be paid by participating cities, thus relieving taxi drivers of the burden of any costs. He requests that the recommendation be brought to the board in June for final approval. The program will be implemented when grant funding becomes available in September.

Public Comment

None.

9. NEW BUSINESS

9-1 Receive update on Regional Taxi Authority funding and refer Draft FY 2012 Budget to Finance Committee for review.

Mr. Harvath stated that he did not receive RTA budget information from the City of Monterey in time to include in the draft budget. He requests that the item be referred to the Finance sub-committee to include budget information from the City of Monterey and the City of Salinas. The Draft FY 2012 Budget will be sent back to the Finance Committee, and will be up for consideration at the June RTA meeting.

Mr. Sedoryk stated that several months ago an ad hoc Committee on Budget consisting of Directors Sanchez, Downey, and Orozco was established to seek out and review budget information from the Cities of Monterey and Salinas for RTA administration. They have met and have provided their input.

Mr. Laredo confirmed that ad hoc committees do not need to notice their meetings.

Chair Sanchez requested volunteers to establish the RTA Finance Committee, to include members of the ad hoc Committee on Budget. Directors Armenta and Leffel volunteered.

Public Comment

Scott Phillips stated that he was not provided a copy of the draft budget. He requested budget information.

Jeff Barnard requests to know the revenue neutral source of the money.

Mr. Harvath stated that based on the existing fee structure, revenue is estimated at \$100,000 to \$125,000 per year. He stated that the fee structure is still an item for TAC consideration, so the revenue estimates might change. The expenses are still an estimate. He stated that the program is required to be revenue neutral.

Director Downey asked for an expense comparison between the City of Monterey's estimate and current estimate.

Mr. Laredo clarified that the City of Monterey's budget does not include administrative overhead.

Director Downey made a motion to convene a meeting within two weeks to include representatives from the Cities of Monterey and Salinas and the Finance Committee to finalize estimated administrative costs. Director Leffel seconded. The motion carried unanimously.

Director Armenta asked if the City of Monterey wants to assume administration of the RTA.

Director Downey confirmed that to her knowledge, the Cities of Monterey and Salinas do not necessarily want to assume administration, but are willing to assume some responsibilities if it is more cost effective.

Mr. Sedoryk stated that based on complaints about high fees, it was necessary to compare administrative options.

10. REPORTS & INFORMATION ITEMS

10-1 Letter from Monterey County Cab Drivers of April 23, 2011.

Director Armenta did not have a copy of the letter in his PDF agenda.

11. COMMENTS BY BOARD MEMBERS

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

None.

Director Downey asked why there were no comments on today's agenda from the TAC regarding proposed ordinance.

Mr. Harvath stated that the TAC ran out of time and motioned to adjourn the meeting rather than extend.

Director Downey asked that the item be placed at the top of the next TAC agenda. She asked that board members be copied on all questions that come to staff. She also requested that TAC push forward establishing a free structure. She asked when the board will be hearing from the Monterey Airport and asked that they be included on the next TAC agenda.

Chair Sanchez requested that comments from the Monterey Airport be included on the next agenda.

Director Edelen stated that there were scurrilous accusations made by the public against MST and the RTA. He recommends that if anyone knows of any illegal or unethical actions, they refer them to the District Attorney of Monterey County or media.

Director Armenta believes that the RTA is still in its infancy. He requests that the board consider starting meetings at 9:00 a.m.

Mr. Laredo announced that there are still several TAC members who need to complete their AB 1234 training. He stated that he will be providing another training opportunity and all members who have not completed the training will be contacted to sign up.

Chair Sanchez requested that a study session be scheduled with all TAC members and interested members of the community to be educated on the taxi industry. He asked Sam Martinez to present his PowerPoint presentation in an effort to bring all parties together and promote positive dialogue. He also believes there needs to be a definite plan to deal with the backlog of taxi permits once the RTA is up and running.

Director Downey asked how long TAC members have to complete their ethics training.

Director Laredo stated that they have within one year of holding office, but recommends that they take it sooner. He stated that it is a legal requirement and recommends that if TAC members do not take it within their first year of service, they be removed from the committee.

Director Sanchez asked for an ongoing report to the RTA on AB 1234 attendance.

12. ANNOUNCEMENTS

None.

13. CLOSED SESSION

None.

14. RETURN TO OPEN SESSION

15. ADJOURN

There being no further business, Chair Sanchez adjourned the meeting at 12:19 p.m.

Prepared by: _____
Deanna Smith, Deputy Secretary