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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2016

Agenda Item No. 3(B)(6)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Pink 2216 LLC d/b/a Pink Shuttle Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30220

Resolution No. R-12-16

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30220 from G & M Transportation, Inc. to Pink 2216 LLC d/b/a Pink Shuttle.

Scope

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. There is an annual regulatory fee of $625.00 per certificate and $625.00 per vehicle that will yield $1,250.00 in revenue annually for the first vehicle and $625.00 for each additional vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. The County also collects $38.00 per vehicle inspection with frequency varying with the vehicle age from one (1) to four (4) inspections per year.

Track Record/Monitor

The applicant is a new service provider and is in compliance with all requirements of the Code of Miami-Dade County (Code). Joe Mora, Division Chief within the Department of Regulatory and Economic Resources, will be responsible for monitoring this company.

Background

On February 17, 1981, the Board adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the public hearing. The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

G & M Transportation, Inc. has filed an application to transfer Passenger Motor Carrier Certificate of Transportation No. 30220 to Pink 2216 LLC d/b/a Pink Shuttle. Approved on February 25, 1997, via Resolution R-184-97 (Attachment A), PMC No. 30220 authorizes contract carrier service. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons.

The company is required to adhere to the terms of Resolution R-184-97, which approved the certificate. Pink 2216 LLC d/b/a Pink Shuttle, located at 9100 SW 24 Street, #5, Miami, Florida 33165, seeks to continue providing this class of service by transporting tourist and resident groups to and from various locations throughout Miami-Dade County 24 hours a day, seven days a week. Transportation is required to be pre-arranged at least 24 hours prior to service, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Mr. Marcelo Pascual, Manager of Pink 2216 LLC d/b/a Pink Shuttle, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement (Attachment C) between G & M Transportation, Inc. and Pink 2216 LLC d/b/a Pink Shuttle establishes the acquisition of Passenger Motor Carrier Certificate of Transportation No. 30220 for a total price of $35,000.00.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(6)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(6)
1-20-16

RESOLUTION NO. R-12-16

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30220 FROM G & M TRANSPORTATION, INC. TO PINK 2216 LLC D/B/A PINK SHUTTLE TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code of Miami-Dade County, the transfer of Certificate of Transportation No. 30220 from G & M Transportation, Inc. to Pink 2216 LLC d/b/a Pink Shuttle to provide contract carrier service as a passenger motor carrier is approved. This class of transportation is defined as any passenger motor carrier who is not a common carrier and who repeatedly and continuously transports persons for compensation under written contracts with one (1) or more persons.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

ATTACHMENT A

Approved _____ Mayor

Agenda Item No. 4(M)
2-25-97

Veto _____

Override _____

RESOLUTION NO. R-184-97

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO G & M TRANSPORTATION, INC. TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide contract carrier passenger motor carrier services to various points in Dade County, pursuant to written service contracts, as recommended by the County Manager, be issued to G & M Transportation, Inc.

The foregoing resolution was offered by Commissioner James Burke, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	James Burke	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	aye
Gwen Margolis	aye	Natacha Seijas Millan	aye
Jimmy L. Morales	aye	Dennis C. Moss	absent
Pedro Reboredo	aye	Katy Sorenson	aye
Javier D. Souto	absent		

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The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of February, 1997. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as to
form and legal sufficiency. GKS

By KAY SULLIVAN
Deputy Clerk

MEMORANDUM Agenda Item No. 4(M)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 25, 1997

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: G & M Transportation, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 302)

RECOMMENDATION

It is recommended that the Board approve the application of G & M Transportation, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged contract carrier service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedures to be followed by Metro-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

(1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.

(2) That the transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS

G & M Transportation, Inc, located at 8175 NW 12 Street, #S-12, Miami, Florida 33126, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged contract carrier transportation to passengers throughout all of Dade County. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons.

The company seeks to transport residents to and from medical facilities located throughout Dade County. Transportation will be pre-arranged 24 hours in advance. These services will be provided seven days a week, between the hours of 6:00 a.m. and midnight, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates for transportation service are $28.00 per person, round trip.

The management plan submitted by Mr. Gilberto Martin, President of G & M Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal record for the applicant or any of its officers.

In accordance with Section 31-103(e) of the Code, a 20 day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

This item is being submitted for the January, 1997 Policy Formulation and Internal Support Committee meeting.

PRICES

ATTACHMENT B

	0-4	5-7	8-10	10-14
AEROPUERTO - SOUTH MIAMI	55	85	115	145
PUERTO - SOUTH MIAMI	60	90	120	155
MIAMI - FORT LAUDERDALE	75	105	135	165
MIAMI - KEY WEST	450	550	600	680
MIAMI - ORLANDO	550	600	650	750
MIAMI - TAMPA BAY	600	650	700	800
MIAMI CITY TOUR 3HS	150	200	250	300
MIAMI X HR MINIMUM 2HS	45	45	45	45

ATTACHMENT C

PASSENGER MOTOR CARRIER CERTIFICATE TRANSFER AGREEMENT

Through this Agreement, G&M Transportation Inc., a Florida corporation (the "Transferor") transfers Passenger Motor Carrier Certificate number 30220-851 (the "Certificate") to Pink 2216 LLC, a Florida limited liability company (the "Transferee") on this ___ day of April, 2014. The Parties agree to the following conditions:

1. **Compensation**: In consideration for the Certificate, the Transferee promises to pay $35,000.00 USD to the Transferor upon the execution of this Agreement.

2. **Validity**: The Transferor acknowledges that the Certificate is active. The Transferor renewed the Certificate on March 25th, 2014.

3. **Indemnification**: The Transferor shall defend, indemnify and hold the Transferee, its officers, officials, employees and volunteers harmless from any and all, past and future, claims, injuries, damages, losses, debts, complaints or suits including attorney fees, against the Transferor.

4. **Governing Law**: This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, without regard to its conflict of laws rules.

5. **Conflict Resolution**: The exclusive method for resolving any dispute, disagreement, controversy or claim which cannot be resolved by and between Transferor and Transferee, including, but not limited to, tort and contract claims, arising out of this Agreement for transfer of Certificate shall be mediation and/or arbitration as provided in this Agreement. Each Party waives the right to a jury trial or court trial.

   (a) A Claim may be submitted first to mediation, which shall be non-binding and conducted in accordance with the mediation dispute resolution procedures of the American Arbitration Association ("AAA"). Both parties shall observe good faith and put their best efforts to resolve any dispute during the mediation procedure.

   (b) If the mediation does not result in settlement of the Claim within six months from the date of the action that gave rise to the Claim, the aggrieved party shall initiate an arbitration conducted in Miami, Florida, pursuant to the Commercial Arbitration Rules of the American Arbitration Association, with either side having the option of designating the Expedited Commercial Arbitration Rules.

   (c) The prevailing party shall be entitled to reasonable attorneys' fees, in addition to all costs and necessary disbursements.

6. **Integration**: This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the parties, whether oral or written. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that said Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other party or any other person or entity whatsoever, prior to the execution of this Agreement. The parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

7. **Modification**: This Agreement may be modified or amended only by a writing executed by both Parties.

8. **Savings Clause**: If any term or provision of this Agreement is or are held to be invalid or unenforceable, the remaining portions of this Agreement shall continue to be valid and will be performed, construed and enforced to the fullest extent permitted by law, and the invalid or unenforceable term shall be deemed amended and limited in accordance with the intent of the Parties as determined from the face of the Agreement, to the extent necessary to permit the maximum enforceability or validity of the term or provision.

This Agreement contains the entire understanding of the Parties.

The signatures of Transferor and Transferee below acknowledge review, understanding and full, knowing and voluntary acceptance by Transferor and Transferee of the terms and conditions set forth in this Agreement.

TRANSFEROR:

G&M Transportation Inc.
a Florida corporation

By: Gilberto Martin
Title: President

TRANSFEREE:

Pink 2216 LLC
a Florida limited liability company

By: Marcelo Pascual
Title: Manager