

Memorandum



Date: December 10, 2008

EDHS
Agenda Item No. 1(F)2

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Miami Tours, LLC application for a transfer of Passenger Motor Carrier
Certificate of Transportation No. 320

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 320 from Tours in the Sun, Inc.

SCOPE

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

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new service provider. The Consumer Services Department will be responsible for monitoring this company. There has been no enforcement history within the last five years.

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 Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

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 December 10, 2008 Economic Development and Human Services Committee meeting (Attachment A). The Board may approve or refuse to approve the 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.

Tours in the Sun, Inc. has filed an application to transfer PMC Certificate of Transportation No. 320 to Miami Tours, LLC. Originally issued on July 27, 1999 via Resolution R-858-99 (Attachment B), PMC No. 320 authorizes Special Operations Service. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing or subscription service, not between fixed terminals or on a regular route.

Miami Tours, LLC located at 14050 Biscayne Boulevard, #518, Miami, Florida 33181, seeks to continue providing this class of service by transporting resident and tourist 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 company is required to adhere to the terms of the resolution which approved the initial certificate in 1999. The proposed rates are listed on the attached rate schedule (Attachment C).

The management plan submitted by Mr. Angel Barroeta, President of Miami Tours, LLC 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 D) between Ms. Sunny Managan, President of Tours in the Sun, Inc., and Mr. Angel Barroeta, President of Miami Tours, LLC, establishes the acquisition by Mr. Angel Barroeta of PMC Certificate of Transportation No. 320 for a total price of \$15,000.



Assistant County Manager

A

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE ECONOMIC DEVELOPMENT AND HUMAN SERVICES COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Wednesday, December 10, 2008, at 9:30 a.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 320 to Miami Tours, LLC to provide Special Operations Services as a passenger motor carrier.

A person who decides to appeal any decision made by the Economic Development and Human Services Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Approved _____ Mayor

Agenda Item No. 4 (CC)
7-27-99

B

Veto _____

Override _____

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-858-99

RESOLUTION APPROVING APPLICATIONS FOR CERTIFICATES OF TRANSPORTATION TO JOSEPH A. DIPATRIZIO D/B/A SABRE INVESTIGATIVE AGENCY/ LIMOUSINE SERVICE; ALL POINTS LIMOUSINE SERVICES, INC.; BRICKELL KEY TOURS & TRANSPORTATION, INC.; TOURS IN THE SUN, INC.; WORLD CLASS LIMOUSINE SERVICE, INC.; JET LAKE CORP. D/B/A LAKE LIMO SERVICE; SEA-AIR LIMO SERVICE, INC. D/B/A FAMILY CAR SERVICE; BLANC & NOIR SERVICES, INC.; FASCINATION TRANSPORT, INC.; AIRLINE SERVICE, INC. D/B/A CARELI TOURS, INC.; ONE WAY TRANSPORTATION, INC.; KING ARTURO'S CORP.; AND MIAMI NET TOURS AND TRANSPORTATION, INC. TO PROVIDE SPECIAL OPERATIONS 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,

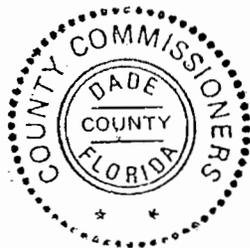
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the Certificates of Transportation to provide prearranged special operations Passenger Motor Carrier Transportation listed in the appendix to the County Manager's report are hereby approved and authorized to be issued to Joseph A. DiPatrizio d/b/a Sabre Investigative Agency/Limousine Service; All Points Limousine Services, Inc.; Brickell Key Tours & Transportation, Inc.; Tours In The Sun, Inc.; World Class Limousine Service, Inc.; Jet Lake Corp. d/b/a Lake.Limo Service; Sea-Air Limo Service, Inc. d/b/a Family Car Service; Blanc & Noir

Services, Inc.; Fascination Transport, Inc.; Airline Service, Inc. d/b/a Careli Tours, Inc.; One Way Transportation, Inc.; King Arturo's Corp.; and Miami Net Tours and Transportation, Inc. .

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

Dr. Miriam Alonso	absent	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Miguel Diaz de la Portilla	absent
Betty T. Ferguson	absent	Gwen Margolis	aye
Natacha Seijas Millan	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto			aye

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of July, 1999. 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.



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

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

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

5



TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 27, 1999

SUBJECT: Applications for Passenger
Motor Carrier Certificates

FROM: M. B. Stierholm
County Manager

RECOMMENDATION

It is recommended that the Board approve the applications of Joseph A. DiPatrizio d/b/a Sabre Investigative Agency/Limousine Service; All Points Limousine Services, Inc.; Brickell Key Tours & Transportation, Inc.; Tours In The Sun, Inc.; World Class Limousine Service, Inc.; Jet Lake Corp. d/b/a Lake Limo Service; Sea-Air Limo Service, Inc. d/b/a Family Car Service; Blanc & Noir Services, Inc.; Fascination Transport, Inc.; Airline Service, Inc. d/b/a Careli Tours, Inc.; One Way Transportation, Inc.; King Arturo's Corp.; and Miami Net Tours and Transportation, Inc. for Passenger Motor Carrier Certificates of Transportation to provide prearranged special operations service as a passenger motor carrier.

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 Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-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.

In an effort to streamline the number of resolutions for consideration, applications have been combined into one item.

The management plans by the applicants, as outlined in the attached appendix, include 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. Background investigations reveal no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

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

These applications were filed prior to the adoption of R-1404-98 which provides that new applications will not be received by the department after December 15, 1998; however, applications on file will be processed for Board consideration.

C

MIAMI TOURS LLC
1150 NE 204 Tr. Miami Fl. 33179
Phone. 786-9994406 Fax. 305-2498152

FLAT RATE PRICING

Everglades Tours: \$ 49 per Px.	Orlando: \$ 600.00 one way
City Tours: \$ 49 per Px.	Tampa: \$ 600.00 one way
Service per hr: \$ 45 - 2 hr. min.	Key West: \$ 450.00 Round trip

DESTINATION	Miami Int. Airport	FLD Int. Airport Everglades Seaport	Miami Beach
Miami Int. Airport	N/A	80	55
Miami Seaport	55	80	55
Miami Beach	40	80	N/A
Downtown Miami	40	80	40
Coral Gables	40	100	60
Kendall	70	120	80
North Miami Beach	45	50	40
Surf Side	50	60	40
Sunny Isles	55	50	50
Aventura	55	50	50
Hallandale Beach	70	50	80
Hollywood Beach	70	50	70
FLD Int. Airport	80	X-	80
Everglades Seaport	80	X-	80
Sawgrass Mills	100	X-	100
Pompano Beach	120	X-	120
Boca Raton	150	X-	150
West Palm Beach	180	X-	180

Prices do not include 20 % gratuity. Prices are for a maximum of five passengers; for each additional passenger add \$ 10 per person (Px). Advanced payment required for all Seaport fares. Additional waiting time to be charged \$ 15 per half hour.

* WE DO NOT HAVE A BROWARD COUNTY AUTHORIZATION TO MAKE TRANSPORTATION (GROUND) IN BROWARD AND PALM BEACH COUNTIES.

D

Bill of Sale

BE IT KNOWN, for good consideration, and in payment of the sum of 15,000
 Dollars (\$ fifteen thousand) the receipt and sufficiency of which is acknowledged, the
 undersigned Sunny Managan of Tours in the Sun
me (Seller) hereby sells and transfers to MIAMI TOURS LLC.
 of _____ (Buyer) and the
 Buyer's successors and assigns forever, the following described chattels and personal property:

Business.
pmc license to be transferred to
MIAMI TOURS LLC. OF PMC # 30320

The Seller warrants to Buyer that the Seller holds good and marketable title to said property, full authority to sell and transfer said property and, that said property is sold free of all liens, encumbrances, liabilities and adverse claims of every nature and description whatsoever.

Seller further warrants to Buyer that the Seller will fully defend, protect, indemnify and hold harmless the Buyer and its lawful successors and assigns from any adverse claim made thereto by all persons whomsoever.

Said property is otherwise sold in "as is" condition and where presently located.

Signed this 10 day of August, 2007

Signed in the presence of:
[Signature]
 Witness

Alexander Arnetz
 Print Name of Witness
750 Arthur Godfrey Rd
 Address of Witness

Sunny Managan
 Seller

1300 Cromwell Exp / MB A
 Address of Seller

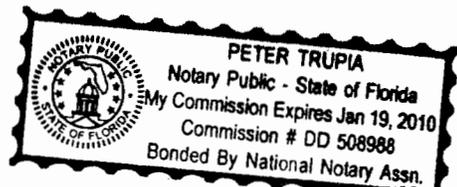
[Signature]
 Buyer

14050 Biscayne Blvd Apt 518 N. MIAMI FL 33181
 Address of Buyer

STATE OF FLORIDA
 COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before
 me this 10 day of August, 07
 By Sunny R. Managan
Angel E. Barcoeta

Notary Public
 My Commission Expires 1/19/2010



9



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 20, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
1-20-09

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF
TRANSPORTATION NO. 320 TO MIAMI TOURS, LLC TO
PROVIDE SPECIAL OPERATIONS 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, and

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, the transfer of Certificate of Transportation No. 320 to Miami Tours, LLC to provide special operations passenger motor carrier service is approved. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

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

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2009. 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.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez