

Memorandum



Date: June 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Agenda Item No. 8(C)(1)(B)

Subject: Magic City Carrier, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30183

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30183 from Miami Blue Sea, Inc. to Magic City Carrier, Inc.

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 Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of \$625 per certificate and \$625 per vehicle that will yield \$1,250 in revenue annually if the company operates only one (1) vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are \$38 per vehicle.

TRACK RECORD/MONITOR

Applicant is a new service provider; however, the principal of the corporation, Ms. Christiane Naumann, has been a registered chauffeur since August 2010. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

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 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.

Miami Blue Sea, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30183 to Magic City Carrier, Inc. Transferred on December 7, 2010, via Resolution R-1156-10 (Attachment A), to Miami Blue Sea, Inc., PMC No. 30183 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.

The company is required to adhere to the terms of the resolution, which approved the certificate. Magic City Carrier, Inc., located at 12245 NE 12th Place, North Miami, Florida 33161, 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 proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Ms. Christiane Naumann, President of Magic City Carrier, 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 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 Magic City Carrier, Inc. and Zoraida Villalobos, President of Miami Blue Sea, Inc., establishes the acquisition by Magic City Carrier, Inc. of PMC Certificate of Transportation No. 30183 for a total price of \$12,000.00.


Assistant County Manager

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(C)(1)(B)
12-7-10

ATTACHMENT A

RESOLUTION NO. R-1156-10

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30183 FROM BLUE SEAS TRANSPORTATION, INC. TO MIAMI BLUE SEA, 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 transfer of Certificate of Transportation No. 30183 to Miami Blue Sea, Inc. to provide special operations service is approved. This class of transportation 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 **Sally A. Heyman** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Lynda Bell	aye
Audrey M. Edmonson	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

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The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez

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Date: December 7, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Miami Blue Sea, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30183

Agenda Item No. 8(C)(1)(B)

Resolution No. R-1156-10

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30183 from Blue Seas Transportation, Inc. to Miami Blue Sea, Inc.

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

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new permit holder. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

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 Government Operations Committee (GOC) meeting. 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.

Blue Seas Transportation, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30183 to Miami Blue Sea, Inc. Originally issued on February 7, 1995, to Miami Transtours, Inc. via Resolution R-156-95 (Attachment A) and transferred to Blue Seas Transportation, Inc. in 2005 via Resolution R-571-05 (Attachment B), PMC No. 30183 authorizes special operations services. This class 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.

*Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
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The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-156-95). Miami Blue Sea, Inc., located at 3750 NW 28 Street, Suite 313, Miami, Florida 33142, 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 proposed rates are listed on the attached rate schedule (Attachment D).

The management plan submitted by Ms. Zoraida Villalobos, President of Miami Blue Sea, 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 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 E) between Ms. Zoraida Villalobos and Mr. Nildo Nunez, President of Blue Seas Transportation, Inc., establishes the acquisition by Ms. Villalobos of PMC Certificate of Transportation No. 30183 for a total price of \$20,000.00.



Assistant County Manager

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ATTACHMENT B

Price range. MCC operates, notwithstanding its excellent service, with equitable prices and flat rates. Here is an excerpt from MMC's current price list:

<i>Flat rates from Miami International Airport to</i>	<i>1 - 5 pax</i>	<i>6 - 11 pax</i>
Aventura	\$55.00	\$89.00
Bal Harbour and Surfside	\$45.00	\$74.00
Boca Raton	\$140.00	\$207.00
Boynton Beach	\$165.00	\$250.00
Coral Gables	\$32.00	\$47.00
Downtown Miami	\$26.00	\$39.00
Fort Lauderdale, north	\$95.00	\$145.00
Fort Lauderdale, south	\$85.00	\$125.00
Golden Beach and Sunny Isles Beach	\$65.00	\$102.00
Key Biscayne	\$45.00	\$78.00
Key Largo	\$150.00	\$238.00
Key West	\$410.00	\$510.00
Miami Beach, north of 63rd street	\$47.00	\$70.00
Miami Beach, south of 63rd street	\$42.00	\$62.00
North Miami	\$40.00	\$66.00
North Miami Beach	\$50.00	\$78.00
Orlando	\$480.00	\$630.00
Palm Beach	\$200.00	\$312.00
Port Charlotte	\$450.00	\$702.00
Port Everglades	\$60.00	\$90.00
Port of Miami	\$35.00	\$51.00
Waiting time (per hour)	\$30.00	\$30.00
Rates per mile	\$3.00	\$4.50
Rates per shift (1 x continuous 8 hours)	\$250.00	\$350.00
Rates per week (7 x continuous 8 hours)	\$1,500.00	\$2,000.00
Magic City Carrier INC - T.: 561.459.6077 - http://mcc.dadetaxi.com - MIA flat rates as of Dec-01, 2010		

ATTACHMENT C

AGREEMENT FOR THE SALE OF PMC 30-183

This Agreement for the Sale of the PMC Certificate No. 30183 made and effective this Dec-10th, 2010, by and between ZORAIDA VILLALOBOS and MAGIC CITY CARRIER INC.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

1. Sale.

Seller agrees to sell, transfer and convey to Buyer, and Buyer agrees to purchase the PMC TRANSPORTATION LICENSE 30-183.

2. Price.

Buyer shall pay Seller for the Goods the sum of "Twelve thousand dollars (\$12,000.00)". Buyer shall make payment of the purchase price in full within ten (10) days following delivery of the Goods by Seller as provided herein, subject to Buyer's right of inspection as set forth in Section 4 below. In the event that the purchase price is not timely paid, in addition to its other remedies, Seller may impose, and Buyer shall pay, a late payment charge equal to one percent (1 %) of the overdue amount each month.

3. Warranty.

Seller warrants that the Goods shall be free of all liens and encumbrances at the time of delivery, except for any lien or encumbrance created or permitted to be created by Buyer. Seller warrants that it is the owner of the Goods or otherwise has the right sell the Goods and otherwise performs Seller's obligations set forth in this Agreement and neither knows, nor has any reason to know of the existence of any outstanding title or claim of title hostile to the rights of Seller in the Goods. EXCEPT AS SET FORTH HEREIN, SELLER MAKES NO WARRANTY TO BUYER WITH RESPECT TO THE GOODS, AND BUYER DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

4. Transfer of Title.

Title to and ownership of the goods shall not pass from Seller to Buyer until Buyer has paid in full the purchase price to Seller.

5. Limitation of Liability.

In no event shall Seller be liable for any special, indirect, incidental or consequential damages arising out of or connected with this Agreement or the Goods, regardless of whether a claim is based on contract, tort, strict liability or otherwise, nor shall Buyer's damages exceed the amount of the purchase price of the Goods.

6. Taxes.

Buyer shall pay or reimburse Seller as appropriate for any sales, use, excise or other tax imposed or levied with respect to the payment of the purchase price for the Goods or the conveyance of title in the Goods to Buyer. In no event shall Buyer be responsible for any tax imposed upon Seller based upon Seller's income or for the privilege of doing business.

7. Notices.

Any notice required by this Agreement or given in connection with it, shall be in writing and shall be given to the appropriate party by personal delivery or by certified mail, postage prepaid, or recognized overnight delivery services.

If to Seller:

ZORAIDA VILLALOBOS

2161 SW 139 AVE, MIAMI, Florida, 33175

If to Buyer:

MAGIC CITY CARRIER I

12245 NE 12 TH PLACE, NORTH MIAMI , Florida, 33161

8. Governing Law.

This Agreement shall be construed and enforced in accordance with the laws of the state of Florida

9. Final Agreement.

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

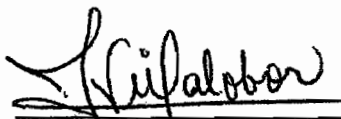
10. Severability.

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

11. Headings.

Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

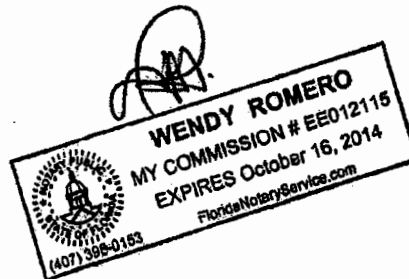
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.



ZORAIDA VILLALOBOS



CHRISTIANE NAUMANN
PRESIDENT MAGIC CITY CARRIER INC



must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

- (5) Shall maintain a log of all customer complaints;
- (6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and
- (9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(1) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2-16 as Art. III, §§ 31-101-31-115, has been at the editor's discretion.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2011

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

SUBJECT: Agenda Item No. 8(C)(1)(B)

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
- Ordinance creating a new board requires detailed County Manager'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

Agenda Item No. 8(C)(1)(B)

Veto _____

6-7-11

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30183 FROM MIAMI BLUE SEA, INC. TO MAGIC CITY CARRIER, 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 transfer of Certificate of Transportation No. 30183 to Magic City Carrier, Inc. to provide special operations service is approved. This class of transportation 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:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2011. 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