



MEMORANDUM  
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TAC  
Agenda Item No. 6(A)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Transportation and Aviation Committee

**DATE:** January 15, 2014

**FROM:** Christopher Agrippa  
Director, Clerk of the Board Division

**SUBJECT:** Approval of Commission  
Committee Minutes

A handwritten signature in black ink, appearing to read "Chris Agrippa".

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Transportation and Aviation Committee:

November 13, 2013 TAC Meeting  
December 11, 2013 TAC Meeting

CA/jt  
Attachment



Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

# CLERK'S SUMMARY OF Meeting Minutes Transportation & Aviation Committee

Dennis C. Moss (9) Chair; Bruno A. Barreiro (5) Vice Chair; Commissioners Esteban  
L. Bovo, Jr. (13) and Jean Monestime (2)

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Wednesday, November 13, 2013

2:00 PM

COMMISSION CHAMBERS

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**Members Present:** Bruno A. Barreiro, Esteban L. Bovo, Jr., Dennis C. Moss.

**Members Absent:** Jean Monestime.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Jill Thornton, Commission Reporter, (305) 375-2505*

**1A INVOCATION AS PROVIDED IN RULE 5.05**  
**(H)**

**1B**      **ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayors Alina Hudak and Jack Osterholt, Assistant County Attorneys Bruce Libhaber and Gerald Sanchez, Clerk of Board Division Director Christopher Agrippa and Deputy Clerks Jovel Shaw and Jill Thornton.*

*Commissioner Edmonson was also present, but is not a voting committee member.*

*Chairman Moss called the meeting to order and welcomed everyone present. He announced the order of the day was to hear the non-ground transportation items first, followed by the public hearing items. He suggested that Agenda Item 3A, regarding Miami-Dade Aviation Department's Request for Proposal of a pizza concession at Miami International Airport, be deferred to allow the Department to continue working on it.*

*Assistant County Attorney Libhaber advised that Agenda Item 7D was added to the agenda, and that Agenda Item 3A would be deferred, as requested by the Chair and in Board of County Commissioners (BCC) Chairwoman Sosa's memorandum entitled "Requested Changes to the Transportation & Aviation Committee Agenda."*

*It was moved by Commissioner Barreiro that the November 13, 2013 Transportation and Aviation Committee agenda be approved with the requested changes noted by Assistant County Attorney Libhaber. This motion was seconded by Commissioner Bovo, and upon being put to a vote, passed by a vote of 3-0. (Commissioner Monestime was absent)*

**1C**      **PLEDGE OF ALLEGIANCE**

**1D**      **SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 1:30 PM)**

1D1

**132188 Special Presentation**

**Rebeca Sosa**

PRESENTATION OF SERVICE AWARDS TO THE  
FOLLOWING EMPLOYEES:

*Presented*

- ROSE J. DALEY - AVIATION - 35 YEARS
- DICKIE K. DAVIS - AVIATION - 40 YEARS
- LAWRENCE JENRETTE - AVIATION - 30 YEARS
- JOSEPH MC LEOD - AVIATION - 35 YEARS
- DAVID W. TUCKER - AVIATION - 30 YEARS
- OMAR VALDES - TRANSIT - 40 YEARS
- DANIEL WILSON - TRANSIT - 30 YEARS

**Report:** *Ms. Rose J. Daley was not present to receive her award.*

**1E DISCUSSION ITEMS**

**1F PUBLIC HEARINGS**

1F1

**132051 Ordinance** **Jose "Pepe" Diaz**

*Amended*

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ESTABLISHING TECHNOLOGY REQUIREMENTS FOR TAXICABS INCLUDING, BUT NOT LIMITED TO, CREDIT CARD PROCESSING SYSTEMS, GLOBAL POSITIONING DISPATCH SYSTEMS, SUNPASS DEVICES, DIGITAL SECURITY CAMERA SYSTEMS, TOP LIGHTS AND WARNING LIGHTS; AMENDING VEHICLE AGE REQUIREMENTS AND STANDARDS; ESTABLISHING ADDITIONAL STANDARDS AND REQUIREMENTS FOR CHAUFFEURS OPERATING TAXICABS; ESTABLISHING REQUIREMENTS RELATING TO CREDIT CARD PROCESSING SYSTEMS AND PROVIDERS; EMPOWERING DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES TO APPROVE CREDIT CARD PROCESSING SYSTEMS; AMENDING PROVISIONS RELATING TO VIOLATIONS AND PENALTIES; AMENDING PROVISIONS RELATING TO TAXICAB FARES; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

*At Chairman Moss' request, Mr. Joe Mora, Division Director, Department of Regulatory and Economic Resources For-Hire Transportation/Business Affairs Division, provided an overview of the foregoing ordinance. He noted this ordinance would amend the definition of luxury limousine sedans to include eco-friendly luxury vehicles; eliminate the one-hour prearrangement requirement; include digital dispatch software as an alternative to a central dispatching company; define digital dispatch software as a technology that connects a passenger to a duty, licensed for-hire limousine via advanced reservation through a mobile phone text, computer e-mail, web base reservation or other similar technologies; eliminate the requirement that limousines shall be owned by licensed holders; provide that licensed holders of luxury limousine sedans may operate more than one vehicle per license; eliminate the current limitation on the number of luxury limo sedans licenses allowed; amend the existing minimum rates regulations; and amend the vehicle age requirements.*

*Chairman Moss noted it was necessary for speakers to fill out a speaker's card for each item in order to ensure that all speakers had an opportunity to address all items.*

*At Chairman Moss' request, Assistant County Attorney Bruce Libhaber read Rule 6.05 regarding decorum, into the record.*

*Chairman Moss asked the Sergeant at Arms to ensure decorum was maintained in the Commission Chambers and to escort out of chambers those individuals who violated the rule.*

*Chairman Moss opened the public hearing for persons wishing to speak in connection with this ordinance, and the following persons appeared in support:*

*1. Ms. Rachel Holt, Regional General Manager of Uber Technologies' East Coast Division, 1920 N. St NW, Washington, D.C., defined Uber Technology (Uber) as a software company that used innovative technology to connect the for-hire industry with passengers in need of a ride, through mobile technical applications (app); noted Uber has partnered with local, licensed commercial limousine companies that are insured, regulated and comply with Miami-Dade County (MDC) requirements; Uber is used by 18,000 MDC residents in other markets worldwide. She noted MDC is the only county in the nation with a cap of 625 limousines; and this ordinance would provide significant opportunities for more than 400 limousine drivers who have expressed an interest in Uber's software. She urged the Committee to approve this item.*

*2. Mr. Brian May, 235 Catalonia Avenue, Coral Gables, representing Uber Technologies, expressed appreciation to Commissioner Edmonson for bringing this ordinance forward. He noted digital dispatch technology is a positive game changer for the consumers and the for-hire vehicle industry; it would grow the market exponentially, provides very reliable and accountable service and jobs. He urged the Committee to support it.*

*3. Mr. Manny Sarmiento, President/CEO, Doral Chamber of Commerce, 8181 NW 36 Street, noted digital dispatch technology was useful in helping riders to hail a taxicab easier; he noted it was important for the County to come into the age of technology; raise its standards to that of other cities and look to improve the revenue sources for*

*taxicab drivers. He expressed support for modernization of taxicabs and improving cab service at the airport and seaport, but expressed concern that this ordinance did not address ways to generate more revenues for taxicab drivers.*

*4. Mr. Laguerre Leone Sainneus, taxicab driver, 16151 NE 18 Place, noted the need for the County to help taxicab drivers become better ambassadors, improve competition in this industry and raise the drivers' standard of living.*

*5. Mr. Jean Claude Tema, taxicab driver, 74 NW 69 Street, spoke in support of this ordinance (1F3) for better competition and to regulate the lease costs, but opposed Agenda Items 1F1, 1F2, 1F4 and 1F5.*

*6. Mr. Esau Mardy, taxicab driver, 14911 NE 9 Court, supported this ordinance and Uber to increase competition.*

*7. Mr. Kurt Vantuyn, 2511 Tigertail Avenue, noted this ordinance would allow for alternatives and improve prices and quality of service, as the market would demand it. He expressed concern that a market entry of an unlimited number of vehicles in would cause chaos in this industry, and suggested that taxicabs be branded to ensure safety and quality of services.*

*8. Mr. Gustavo Chacon, limousine driver, 1051 NW 18 Avenue, expressed frustration about the medallion system, its abuse t and existing regulations and a lack of permits and transparency. He supported Uber to provide drivers more opportunities to obtain a permit and more transparency.*

*9. Mr. Joanel Ceremy, 12930 NW 21 Ave, spoke through certified Haitian interpreter Fabie Bodek in support of this ordinance, black cabs and reform for the limousine/taxicab industry, in order to relieve chauffeurs from expensive medallion rental fees.*

*10. Mr. Luckenson Mompremier, business owner/taxicab driver, 17215 NW 12 Court, supported this ordinance and black taxicabs for better competition and a better living.*

*11. Ms. Eva Etienne, 15210 NW 10 Court, spoke through certified Haitian interpreter Fabie Bodek in support of this ordinance, more competition and change in the taxicab industry, to relieve drivers from the abuse of this system.*

*12. Mr. Raymond Francois, Administrator for New Vision Taxi Drivers Association, 11970 NE 16 Avenue, spoke in support of this ordinance and Uber for improved competition and services, but recommended limiting the number of permits to one per vehicle and an provide an opportunity for taxicab drivers to enter the limousine industry*

first.

13. Mr. Ernst Derizier, 830 NW 143 Street, spoke through certified Haitian interpreter Fabie Bodek in support of this ordinance/competition; noted the companies owning multiple permits were responsible for the broken system and the current issues faced by taxicab drivers today.

14. Mr. Jonathan Addison, entrepreneur/user of Uber, 3250 NE 1 Ave, spoke of his experiences as a taxicab passenger in MDC; supported this ordinance and Uber to provide customer service that was paramount to their business model.

15. Mr. Jose Dominguez, taxicab driver, 485 NW 135 Street, supported this ordinance, Black Cabs and Uber Technologies to increase competition.

16. Mr. Miguel Lantigua, taxicab driver, 12304 SW 122 Street, supported this ordinance and Uber; noted most taxicab drivers worked in poor conditions and desired a better living.

17. Mr. Bill Talbert, President/CEO, Greater Miami Convention and Visitors Bureau (GMCVB), 701 Brickell Avenue, spoke on behalf of 14 business groups and several Chambers of Commerce listed in the memorandum he provided,; noted all supporting this ordinance and demanded a world class transportation system for Miami to remain a world class destination; noted the County's ground transportation system was broken, substandard, and in need of repair.

18. Ms. Patty Arias, Managing Director of the Latin Chamber of Commerce of U.S.A. (Camacol), supported this ordinance to open up a third class of service for the business community; and contribute to the trade and tourism which are crucial to the community's economic growth and development.

19. Ms. Alyce Robertson, Executive Director, Miami Downtown Development Authority (DDA), 200 S. Biscayne Blvd, spoke in support of Uber Technology; and submitted for the record two resolutions passed by the DDA in support of this ordinance (see exhibits).

20. Mr. Jose Montero, 320 W. 53 Terrace, spoke through interpreter Mr. Jon Ocampo, 5700 SW 127 Ave, in support of this ordinance and Uber to improve competition for this industry; noted the medallion owners were responsible for the transportation system being broken.

21. Ms. Ramona Hall, 1051 NW 14 Street, supported this ordinance and presented a video produced by CBS4 News entitled "taxicab reflections" (played at 4:28 p.m.)

22. Mr. David Cardenas, 1441 Brickell Avenue, supported this ordinance and Uber to empower

consumers and drivers and to improve the drivers' incomes. He presented a video on Uber Technology (played at 4:36 p.m.)

23. Mr. Jackson Rip Holmes, 915 Palermo Avenue, Coral Gables, supported this ordinance, noting the taxicab services in MDC were dismal, particularly on Miami Beach.

24. Mr. Tim Gomez, 235 Catalonia Ave, supported this ordinance and Uber, and presented a video about Uber Technology (played at 5:22 p.m.)

25. Mr. Jack Smith, owner, Jack Smith Enterprise Inc., 1751 NW 191 Street, Miami Gardens, supported this ordinance, newer technology, the proposed changes eliminating the one hour prearrangement requirement and allowing for an unlimited number of permits.

26. Mr. Al Dotson, Attorney, 1450 Brickell Avenue, supported this ordinance and Uber; said this technology did not cause the taxicab industry to go out of business in New York, Chicago, Atlantic, or other major cities where it was introduced; that existing industries always resist newer technology because they fear losing their jobs; and that the County needed to be at the forefront of technology, and could not afford to lag behind other cities. He noted this ordinance would bring accountability to the industry and expand the market, while allowing the County to regulate its taxicab and limousines industry. He pointed out that no hospitality group came forward to say this ordinance should not go forward, and urged the Board to support this ordinance and not succumb to the scare tactics.

27. Mr. Raymond Cruz, 1301 SW 135 Court, spoke through interpreter Jon Ocampo, 5700 SW 127 Ave, in support of this ordinance and modernization of the taxicab industry to increase competition, improve salaries of the taxicab drivers, eliminate the costly leases and abuse of companies that own the vehicles.

28. Mr. Avelino Paula, 13201 SW 192 Terrace, supported this ordinance to improve the taxicab industry, and provide taxicab drivers relief from paying \$700 per week to lease a vehicle from the medallion owners.

The following individuals appeared in opposition:

1. Ms. Lorraine Celestino Wilde, retired taxicab driver/owner/operator of 37 luxury sedan permits with Go Executive Car, Inc., 221 W. Oakland Park Blvd, opposed this ordinance in part, and an unlimited number of limousine vehicles; however supported modern technology for cabs; noted this

ordinance would create gridlock and a traffic nightmare in the County, and most executive cars already operate, using modern technical applications.

2. Mr. Sanford (Sandy) Bohrer, 701 Brickell Ave, representing taxicab medallion owners, opposed this ordinance because it would result in price gauging and allow unmetered cabs to charge unregulated prices and compete with regulated taxicabs; noted taxicabs provide services that Uber's luxury sedans do not, like pick up anyone and take them anywhere, without the use of specialized apps or smart phones and are needed the most by residents with smaller incomes. He suggested only a few new licenses be added to the existing framework and tested to see if it worked before more was added in the future.

3. Mr. Abraham Brejt, 3685 SW 18 Terrace, retired taxicab driver/current operator, questioned the need to change the definition of limousines and Passenger Motor Carriers in order for the industry to progress and use 'e-hail' software.

4. Ms. Anna Kaplan, 1270 NE 174 Street, employee of Jackson Memorial Hospital's Quality Assurance Health Care and a daughter of a taxicab driver, noted the reason for implementing the medallion system was to ensure quality service, but an unlimited number of vehicles under one permit and loosened regulations for vehicle age requirements would cause chaos, total gridlock and reduce jobs in the industry; said she believed Uber was trying to monopolize the market of e-hail applications and noted other applications were available.

5. Mr. Jean Claude Desile, Taxicab driver, 315 NW 99 Street, supported growing the taxicab industry, but expressed concerned with the impact on taxicab drivers of increasing the number of permits.

6. Mr. Les Eisenberg, 3600 NW 37 Court, representing the taxicab industry, presented a video by TV's King 5 Jesse Jones in Seattle, Washington on consumer issues and the shocking rates/bills imposed by Uber (played at 3:06 p.m.).

7. Mr. Neil Goodman, former limousine driver/current operator of a company with 47 permits, 3780 NE 207 Terrace, noted an unlimited number of luxury limousine permits and unregulated rates would be impossible to enforce, cause havoc, gridlock and jeopardize safety. He noted Uber has never contacted the industry's companies or him to discuss this proposal but only wants to monopolize the market.

8. Mr. Terry Eisenberg, 3600 NW 37 Court,

opposed Uber Technology, relaxed regulations and fares and the entry of an unlimited number of limousine vehicles ; noted Uber would destroy the taxicab industry, which is a legal regulated licensed entity that provides services for the County.

9. Mr. Ram Haskell, taxicab driver, 284 Taylor Street, Hollywood, opposed this ordinance because it would destroy the taxicab industry.

10. Mr. Syed Quadri, taxicab driver, 7946 Highsmith Court, Lake Worth, opposed this ordinance and Uber Technology because he felt it had no connectivity to the livelihood and income of taxicab drivers. He urged the Committee to reconsider the taxicab industry's proposed reform of the industry.

11. Mr. Rudy Gonzalez Jr., owner/USA Taxi, 3620 NW 22 Avenue, supported newer technology/applications, but opposed black towncars/Uber because it charged a fee of 20 percent of a driver's revenue and tips; opposed deregulating this industry and an entry of an unlimited number of permits/vehicles which would cause chaos, overcharges/complaints, and cost the taxpayers in the long run.

12. Mr. Patrick O'Neill, 4141 N. Miami Ave, opposed Uber and unlimited permits; suggested the County take care of its local drivers first before inviting outside companies in, and suggested a compromise to give the taxicab drivers the opportunity to obtain a permit without changing the existing ordinance.

13. Ms. Mercedes Gonzalez-Arango, representing Transportation Sunshine Inc. and various taxicab permit holders, 4218 SW 9 Street, spoke in opposition to this ordinance because it would harm the taxicab industry.

14. Mr. Boris Shvartsman, President, Central Cabs, 251 E. 174 Street, Sunny Isles, spoke of his work experiences in the taxicab industry, and opposed this ordinance.

15. Mr. Frank Hernandez, 3111 NW 27 Avenue, opposed this ordinance and Uber because this company is a price gouger; noted Uber's drivers are considered private contractors with no skin in the game, and charged outrageous daily rates during special events; Uber was being sued by its own drivers for mal practices in three large cities from coast to coast.

16. Mr. Jack Joseph Russell, Medallion Owner/retired cab driver, 9850 SW 88 Drive, opposed this ordinance and Uber; opposed an unlimited number of Uber vehicles, the vehicle age restrictions and forcing cab drivers to use a credit card process system/ technology; noted an

- unlimited number of vehicles could not be regulated, and this ordinance would destroy the taxicab industry and force drivers into bankruptcy.
17. Ms. Shayna Stenchever, daughter of a cab driver/medallion owner, 6547 Via Trento, Del Rey Beach, opposed this ordinance and Uber, but supported the ordinances proposed by Commissioners Zapata and Moss.
18. Ms. Lynn O'Quendo, daughter of a cab driver, 1101 NE 191 Street, opposed Agenda Items 1F1, 1F2, 1F3 and 1F4, but supported Commissioner Zapata's proposed ordinance in Agenda Item 1F5.
19. Mr. Jose O'Quendo, 1101 NE 191 Street, opposed this ordinance, and said that big corporations destroy the little people and their dreams.
20. Mr. Mohamed Khan, 13701 SW 90 Avenue, opposed this ordinance, but supported innovative technology, competition and reform for the taxicab industry, to benefit the taxicab drivers and improve quality of services.
21. Mr. Jerry Moskowitz, 2284 NW 36 Street, opposed this ordinance and Uber, noting it would deregulate and force taxicabs to compete with luxury limousines; opposed eliminating the prearranged requirement for passenger pickup.
22. Mr. Bogdan Kukharsky, 353 W 47 Street, Miami Beach, opposed this ordinance and Uber, because it would negatively impact the value of the medallions.
23. Mr. Geoffrey Radlein, taxi driver/medallion holder, 21226 SW 197 Place, opposed this ordinance and Uber, which was not regulated, but based on driver conduct and relationship with the consumer; supported newer technology like Hail-O, E-taxi, which worked with the taxicab drivers without disrupting the industry; expressed concern that this legislation would produce unintended consequences like a gypsy cab service, and concern that the last video shown did not reveal the true story.
24. Mr. Antonio Guerrier, medallion owner, 17945 NE 19 Ave, opposed this ordinance and Uber, but thanked the Commissioners for supporting the taxicab industry, which enabled him to provide an education for his family.
25. Mr. Alex Zagruzny, 16400 Collins Avenue, representing Miller's Transportation Credit Union, opposed this ordinance and noted clearly the taxicab drivers make good money.
26. Mr. Akhtar Kamal, 1865 W. Flagler Street, taxicab driver and medallion owner/operator, opposed this ordinance because it discriminated against taxicab drivers and eroded the value of the

*taxicab medallions.*

27. *Mr. Diego Feliciano, President, South Florida Taxicab Association, 3111 NW 27 Ave, opposed this ordinance and Uber; noted the issue was how Uber wanted in this town; noted Uber was not a friend of the taxicab industry, but wanted to flood the market and collapse the taxicab industry; expressed concern that Uber charged \$85 a day for a lease, plus 20 percent of the drivers income and tips; noted over 5,000 families in this community who are voting citizens depend on a taxicab driver's income; said he still awaits a response from the Mayor and the airport/seaport Administrators to his request to discuss the industry's input on these issues.*

28. *Ms. Lauren Mayer, 6820 SW 129 Terrace, Manager of Miami Meter Company, opposed this ordinance because it would not hold Uber accountable, but would undermine and destroy the taxicab industry; urged the Commission to correct any perceived problems with the taxicab industry; supported the technology proposed by Speaker Lorne Wray.*

29. *Mr. Reinaldo Rodriguez, medallion owner, 9520 SW 148 Place, opposed this ordinance, noting many taxicabs were already equipped with modern computer technology, GPS, a credit card processing service, and other newer technology.*

30. *Mr. Lorne Andrade Wray, 11825 Island Lakes Lane, Boca Raton, business owner/ strategic partner, Taxi Magic and Sedan Magic, opposed this ordinance and Uber; noted several lawsuits have been filed against Uber for providing a demand service using taxicab rates, but noted that luxury sedan limousines are a pre-arranged service, not a demand service, and the two needed to be differentiated; noted that deregulating this service would not benefit the community in the long run, and suggested the RER Department be the executor and regulator of the evolving digital dispatch software.*

31. *Ms. Odalys Verdin, Medallion Owner, 6470 West 22 Ct, Hialeah, opposed this ordinance, Uber, and an unlimited number of sedans operating like taxicabs.*

32. *Mr. Joseph Bessard, representative of American Association for Taxicabs, 6700 NW 27 Avenue, opposed this ordinance and deregulating the limousine industry because it would allow the drivers to charge whatever they wanted, destroy the taxicab industry and violate Title 49, Section 131.01(d) of the Code prohibiting discrimination of the industry.*

33. *Mr. Niaz Mohammed, taxicab driver, 17922 SW 145 Ave, opposed this ordinance and Uber*

*because it would destroy the taxicab industry; and Uber charged expensive fees; suggested the County empower the taxicab drivers by giving them permits instead of an outside company.*

34. *Mr. Austin Cohen, 1420 NE 163 Street, NMB, opposed this ordinance and Uber; spoke of his experiences in New York City with Uber, which charged very high rates, lacked customer service and did not protect its consumers; noted Uber was not all bad, but not all good either, and was about job transfer not job creation; enforcing a yellow sedan industry would be challenging.*

35. *Mr. Silvio Fontes, representing Verifone Inc., 9100 S. Dadeland Blvd, , opposed this ordinance and Uber, but supported newer technology for the Taxicab Industry, with choices for the passengers and increased revenues for the taxicab drivers. He concurred with speaker Mr. Fontes' comments, and said this ordinance may be premature, as no one had discussed the service levels that Uber would provide or its responsibility.*

36. *Ms. Orlie Jedwab, 199 NW 79 Street, opposed this ordinance and Uber, noting Miami had different transportation needs than NYC, Washington DC, and Los Angeles; noted taxicab drivers did not oppose newer technology, but wanted it within the existing realm; noted she worked with Verifone, Inc. to integrate its Hail-O system into taxicab vehicles; however, it had fewer resources than Uber (a multimillion dollar company) to promote and advertise its services. She said she had reached out to the seaport/airport and to the Hotel Association on numerous occasions to discuss developing a better taxicab system in Miami that worked effectively and would benefit all the stakeholders.*

37. *Mr. Paul Phanor, 1620 NW 120 Street, North Miami, opposed this ordinance and Uber.*

38. *Madame Renita Holmes, 350 NW 4 (Labrae) Street, spoke on behalf of the consumers and expressed appreciation to Commissioner Edmonson for bringing this ordinance forward; expressed concern that Corporate America, Limo Express, American Express and deregulation would compromise the health and safety of consumers and destroy the taxicab industry; noted she believed this legislation had good intentions, but would result in bad consequences that impact the consumers and taxicab drivers.*

39. *Mr. Arie Nir, retired taxicab driver/ medallion owner, 3670 N. Park Road, Hollywood, opposed this ordinance and Uber; noted it was the taxicab drivers that had invested in this County, not Uber, and questioned why several companies*

were now promoting Uber.

40. Mr. Herb Woods, President, Wireless Edge International, a taxicab dispatch technology supplier, 135 Michael Cowpland Dr. Ottawa, Canada, opposed this ordinance, partly; pointed out that other cities were devastated from deregulating their ground transportation industry and ended up reverting back to regulating it; noted there are some existing mobile applications that work well with the existing taxicab structures. He said he liked the proposed Ambassador Cabs Program and would consider investing in it if the environment was stable. He urged the Board to consider the history and consequences of deregulation.

41. Mr. Roberto Puente, 927 NE 199 Street, NMB, opposed this ordinance and Uber; questioned why regulation of the limousine industry had not been addressed yet; noted Uber spent many months misleading the taxicab drivers to believe they would own their own cars, but many will not qualify nor be able to afford a vehicle; noted Uber was not a taxicab or limousine company but a con artist that charged 20 percent of all taxicab fares to make a profit, without investing a penny into the industry; Uber is not the only application; noted there are approximately 100 different existing software applications that provide the same service.

42. Mr. Rogelio Lofri, taxi driver, 5803 W. 28 Avenue, Hialeah, opposed this ordinance and Uber; expressed concern that Uber would destroy the taxicab Industry.

Chairman Moss closed the public hearing after no other persons appeared to speak.

Commissioner Bovo expressed appreciation to all who participated in this hearing. He asked if this ordinance would in any way jeopardize the safety and security of passengers, as some speakers had said, and would it change the Code requirements for the chauffeurs or cabdrivers.

Mr. Joe Mora, Division Chief, For-Hire Transportation Business Affairs, Department of Regulatory and Economic Resources (RER), noted this ordinance would not change the standards set forth in the Code requiring that luxury limousine sedan vehicles be licensed, insured and inspected and that drivers obtain a chauffeurs registration and be vetted by the RER (consumer services) Department.

Mr. Mora confirmed that passenger security

would not be threatened by this ordinance, if passed, and that the ordinance would not change any of the current standards set forth in the Code.

Commissioner Bovo asked if the passage of this ordinance would erode the value of the taxi medallions. He also asked if the value of the taxi medallions had increased or decreased when Uber or other technology was introduced in other cities that used a taxi medallion system.

Assistant County Attorney Gerald Sanchez noted he was unaware if this ordinance or Uber would impact the value of the taxi medallions.

Commissioner Edmonson noted she believed the value of taxi medallions had increased in the City of Chicago after the technology was introduced there.

Mr. Mora clarified that the value of taxi medallions did not decrease when Uber was introduced in New York City (NYC); however, pointed out that NYC has an opened, competitive for-hire system which allows an unlimited number of luxury black sedans, as permitted by law.

Responding to Commissioner Bovo's concern whether Uber had impacted the value of the taxi medallions when introduced in other cities, Mr. Mora noted staff reached out to NYC and could only say that the medallions did not decrease in value when Uber was introduced there.

Commissioner Bovo noted some speakers had stated and shown videos that revealed Uber had increased its prices during peak times or special events; and his concern was whether Uber could charge higher prices during a catastrophic event, such as a hurricane.

Ms. Theresa Therilus, Legal Advisor for the Department of Regulatory and Economic Resources (RER), advised that the State's anti-price gouging laws would take effect during a catastrophic event and those laws are regulated by the Attorney General's Office, not the County.

Commissioner Bovo asked if there was a correlation concerning the price variation and weekends, peak hours and economic conditions.

Ms. Therilus noted prices have varied and surged in different counties, based on demand, peak hours, holidays and during big events, but Uber's

customers are notified of any price changes or surges.

In response to Commissioner Bovo's question whether price variation was applicable to the taxicab industry at this point, Ms. Therilus said "No."

Mr. Mora added that the rates of the taxicab industry were set and regulated by the County.

Commissioner Bovo asked whether the daily rate charged by a medallion owner to lease a taxicab vehicle was included in the contract between the driver and the medallion owner, and was that contract subject to County review and approval.

Mr. Mora affirmed that the rate was included in the contract, but noted that State law prohibited the County from regulating the lease prices charged by the medallion holders. He also noted the contract is reviewed by the County to ensure certain criteria within the Code are met, such as the expiration date, the duration of the contract, etc. Mr. Mora pointed out that legislation was recently introduced in Tallassee urging the Legislature to allow the County to regulate the medallion lease prices.

Chairman Moss clarified that even if the County wanted to enact changes to the lease prices, it could not at this point, because the rates were governed by State law.

Mr. Mora concurred.

Assistant County Attorney Gerald Sanchez noted the County is expressly precluded by State law from regulating the lease prices; however, certain terms and conditions contained within the chauffeurs agreement must be met and are regulated by the County, including duration of the agreement, 90-day notice clause for terminating the lease, full name/address of the passenger service company, itemized compensation to be paid by the Chauffer to operate the vehicle; the name of the party responsible for obtaining the required insurance and operating permit; and terms/conditions for handling and returning the chauffeur's security deposit.

Commissioner Bovo asked if it was fair to assume that the County played no role in the contractual agreement between the medallion owner and driver; and that the contract included vehicle

*maintenance and fuel costs.*

*Mr. Mora noted those conditions could be included in a contract, but only the specific criteria required by Code are regulated by the County.*

*Commissioner Bovo inquired whether the standard lease charged by the medallion holder was approximately \$70 per day.*

*Mr. Diego Feliciano, representing South Florida Taxicab Association, reappeared before the Board and noted a taxicab vehicle could be leased in different ways, but typically it cost between \$65 and \$85 per shift for a driver to lease a vehicle owned by someone else or a company. He noted that most drivers owned a vehicle and leased the license, which generally cost between \$380 and \$450 per week and included the cost to renew the license, insure and maintain the vehicle and the radio dispatching dues. He said that insurance alone was approximately \$80 to \$125 because the cost of insurance had skyrocketed over the last year.*

*Commissioner Bovo pointed out that price fluctuations occurred for a number of reasons, and sometimes a consumer opted to pay extra money for luxury, such as using the Interstate 95 managed lane during peak hours. He agreed the County should be at the forefront of modern technology, but was not totally convinced that Uber would be a success here or that competition would impact the value of the medallions. Commissioner Bovo noted it was apparent at this hearing that most people from the taxicab industry did not fear competition, and he believed it should not be hampered by legislation. He said he would support forwarding this ordinance without any amendments to the full Board of County Commissioners, for discussion.*

*Commissioner Barreiro noted he totally supported innovative technology, Uber Technology, and particularly E-hail applications, which should be embraced to improve competition. He also noted he supported eliminating the one-hour advanced reservation requirement for an executive car, but opposed price fluctuations in limousine fares and felt those rates should be higher than taxicab rates. He said he did not support unlimited limousine licenses/permits and felt the issue needed to be studied more. He noted the Board should pass the portion of the ordinance requiring use of an e-hail application, but within the existing*

*structure of 635 executive cars until such time it was determined that more vehicles were needed.*

*Chairman Moss expressed appreciation to all who participated in this meeting and for most conducting themselves in a respectable manner. He said he fully supported digital dispatch technology, but felt the County should be able to regulate the dispatch companies and applications to ensure fair competition and transparency, and to enforce when companies violated the rules and regulations. He commented that the fares for luxury limousines/black sedan services should be different than that for taxicab services. Chairman Moss pointed out that this ordinance required a minimum rate for luxury limousine/black sedan services of twice the minimum rate of a taxicab for the first 1/6th of a mile, but did not regulate the fares thereafter. He expressed concern that chauffeurs could charge less for the duration of the trip than what taxicabs charged, and felt luxury services should cost more. He noted the County Commission was responsible for ensuring that taxicab drivers earned a decent living, as well as protecting the consumer and allowing competition in the industry.*

*Chairman Moss further noted he supported eliminating the one-hour advanced reservation requirement for executive cars, but did not support the provision for an open-ended entry of an unlimited number of for-hire licenses, which could flood the market. He said he preferred the number be limited until the market was further studied to see if a demand existed to justify expanding it. Chairman Moss pointed out that Miami was a suburban community with different transit needs than NYC or Washington D.C. He also noted he did not believe competition would destroy the taxicab industry, but believed a 'world class' for-hire ground transportation system could be fashioned in a win-win way for all stakeholders, with minimal impact on the taxicab drivers. Chairman Moss noted he could not support this ordinance as written, but would embrace digital dispatch technology for the future with some regulation.*

*Commissioner Bovo noted he would like to hear from the sponsor of this ordinance before offering an amendment.*

*Commissioner Edmonson, sponsor of the ordinance, noted she believed the committee addressed the concerns for more public discussion*

since this was the second major public hearing conducted for community input on this matter. She also noted she believed the value of the medallions would not be eroded by this ordinance because the requirements for chauffeurs to be licensed, insured and vehicles inspected would remain the same and still be regulated by the County. She pointed out that page 19, Section 31-604 of this ordinance required the fare calculation method, the applicable rates charged and the option for an estimated fare be made available to the customer prior to booking a vehicle. In addition, she noted this ordinance did not regard one particular company (Uber), but only proposed e-hail digital dispatch technology. She suggested forwarding this ordinance as presented to the County Commission, without a recommendation for further discussion, and that she be allowed to come back with an amended item providing for a cap on the number of for-hire licenses and a minimum rate charged beyond the first 1/6th of a mile.

Chairman Moss expressed concern with forwarding this ordinance as written, without the Committee addressing his concerns or discussing any amendments. He said he still believed a way existed to embrace innovative technology, and provide him assurance that the digital dispatch companies would be regulated.

Commissioner Edmonson proffered an amendment to set a cap of 300 vehicles.

Commissioner Barreiro suggested amending the ordinance to approve utilization of e-hail applications and striking the language for number of vehicles and minimum fares until such time the Board had more information to address the cap and fares.

Commissioner Bovo noted one of the concerns expressed was that the ordinance allowed for an unlimited number of vehicles. He asked Assistant County Attorney Sanchez to read into the record the amendment he proffered to limit the number of vehicles and engage only licensed chauffeurs with five years of experience.

Assistant County Attorney Gerald Sanchez read for the record, the amendment proffered by Commissioner Bovo as follows:

-to delete the provisions providing for an open entry;

-to insert language providing that five year limousine and taxicab chauffeurs would be eligible for one luxury sedan license in the year 2014 , so it would be limited to one year;  
 -to insert language that provided for one vehicle for each for-hire luxury sedan issued; and  
 -to insert language providing that luxury limousine licenses issued in year 2014 would not be transferable.

Responding to Chairman Moss inquiry regarding what this language represented in terms of the number of vehicles allowed, Assistant County Attorney Sanchez noted it would allow for the issuance of approximately 4,000 licensed vehicles.

Commissioner Bovo noted he would be amenable to an open process but with a cap set on the number of vehicles allowed, and that it should only apply to licensed chauffeurs that had experience in this industry.

Commissioner Edmonson suggested setting the cap at 3,000 since the County currently had approximately 2,200 licensed luxury vehicles. She also suggested setting the minimum fare at \$12, regardless of the length of the trip, and issuing limousine licenses for the first six months to chauffeurs who were currently licensed in Miami-Dade, before allowing others to enter the market.

Chairman Moss noted a cap of 3,000 was unacceptable to him, but he would agree to a cap of 200 or 300.

Commissioner Barreiro noted he preferred to address the cap at a later time when the Board had more information, but would support Chairman Moss suggestion for an additional 200 to 300, if necessary.

Commissioner Edmonson noted her reason for requesting this item be forwarded with no recommendation was so she could come back with a set cap; however, suggested this ordinance be deferred to the next committee meeting for her to bring back an amended item containing a cap and a minimum fare amount.

In response to her inquiry, Assistant County Attorney Sanchez noted another public hearing would not be required if this ordinance was deferred.

It was moved by Commissioner Bovo that the foregoing ordinance be deferred to the December

*11, 2013 Transportation and Aviation Committee (TAC) meeting. This motion was seconded by Chairman Moss, followed by more discussion.*

*Commissioner Barreiro noted he was inclined to support a motion to move this ordinance forward with an amendment to delete the language regarding the number of vehicles and minimum fares because he was concerned about the public's perception that the Committee did not support digital dispatch technology; however, he would support a deferral, if necessary. He said he preferred not to debate this issue too long, and pointed out that the sponsor could always bring back a separate ordinance containing the numbers.*

*Chairman Moss noted the purpose of the committee process was for the Committee to review the issues before them and vote the items up or down or forward it without a recommendation. He said he was not willing to move this ordinance forward without a full debate on the proposed amendments. He reiterated that he was supportive of digital dispatch technology in Miami-Dade County, but would not support an unregulated process.*

*Commissioner Bovo asked for clarification on the amendment proffered by Commissioner Barreiro.*

*Commissioner Barreiro noted his motion was to forward the portion of the ordinance approving e-hail applications and eliminating the one-hour reservation requirement, but to exclude the portion regarding number of vehicles allowed and minimum fares, which meant the existing regulations for fares and number of vehicles would remain.*

*At the request of Commissioner Bovo, Chairman Moss permitted a representative of Uber to come forward and address the amendment and whether the numbers would impact the business model and applications.*

*Ms. Rachel Holt, representing Uber Technologies, 1920 End Street NW, Washington DC, 20036, noted it was important to understand how other cities and markets had performed where Uber operated. She noted NYC currently had 40,000 for-hire black sedan cars; Los Angeles currently had 20,000 vehicles and Washington DC had 8,000 and was similar in size to Miami. She noted only MDC capped its sedans at 625, compared to other cities where Uber operated.*

*Commissioner Bovo pointed out the number of sedans in MDC was substantially less than in Washington DC, which was similar in size to MDC. He asked if 200 to 300 additional cars would impact the model.*

*Ms. Holt noted the demand for the for-hire black sedans and the number of trips increased tremendously when Uber entered the market. She also noted Miami's demand surpassed any market she had seen before, and it did not make sense to think that it would shrink the growth of one industry.*

*Commissioner Bovo noted he could support allowing the Sponsor to come back with an amended item that contained a cap and a minimum fare.*

*Chairman Moss reiterated that Washington DC was nothing like Miami, but the nation's capital consisted of several government buildings and much traffic.*

*Commissioner Bovo noted he supported Commissioner Barreiro's motion to move the portion approving e-hail digital dispatch technology forward and allow the Committee to debate the numbers later, which meant the current regulations for licenses, insurance and fares would remain the same with a cap of 625 vehicles.*

*Following further comments by Commissioner Edmonson, it was moved by Commissioner Barreiro that the foregoing ordinance be forwarded to the County Commissioners with amendments to delete the language providing for an open ended entry and the minimum fares. The motion was seconded by Commissioner Bovo.*

*Assistant County Attorney Sanchez read the proffered amendment as follows: -to delete all of the amendments to section 31.603 dealing with the distribution of luxury limousine sedan licenses; to delete the amendments to section 31.604 dealing with limousine rates; and to delete the changes to Section 31.602(f), limiting the number of licenses that may be operated under each luxury limousine sedan, which in essence would remove all of the overstrikes and underlines made by this ordinance and keeping the existing language as prior to this ordinance.*

*Chairman Moss noted he could not support this motion because it did not address his concerns for regulating the dispatch companies/applications.*

*Commissioner Barreiro asked if the title of the ordinance would also be amended by this motion, to which Assistant County Attorney Sanchez noted the title of the ordinance could not be amended. Discussion ensued among the Committee members regarding why the title of this ordinance could not be amended to reflect the intent of Commissioner Barreiro's motion.*

*Assistant County Attorney Sanchez explained that no process existed at this point to change the ordinance title.*

*Assistant County Attorney Bruce Libhaber explained that the issue was the manner in which this ordinance was advertised for first reading and for this public hearing.*

*Following further discussion and a phone call made by Assistant County Attorney Libhaber to verify whether the title of the ordinance could be amended, Commissioner Barreiro concurred with Chairman Moss that the issues needed to be dealt with at committee level, and withdrew his motion. Commissioner Bovo withdrew his second.*

*It was moved by Commissioner Bovo that the foregoing ordinance be deferred to the December 11th Transportation and Aviation Committee meeting for the sponsor to bring back a supplemental item amending the minimum fare and providing a cap on the number of for-hire luxury sedan licenses issued. The motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Monestime was absent).*

*Assistant County Attorney Sanchez noted for the record that he conferred with the County Attorney, who supported his argument and explanation for why the title of the ordinance could not be redacted.*

*Hearing no further discussion, the Committee proceeded to consider the next Agenda Item.*

1F2

**132052 Ordinance**

**Jose "Pepe" Diaz**

*Amended*

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, DESIGNATING TAXICABS THAT TRANSPORT PERSONS AND THEIR BAGGAGE FROM MIAMI INTERNATIONAL AIRPORT AND THE PORT OF MIAMI AS AMBASSADOR CABS; ESTABLISHING SPECIAL REQUIREMENTS FOR AMBASSADOR CABS INCLUDING, BUT NOT LIMITED TO, CREDIT CARD PROCESSING SYSTEMS, GLOBAL POSITIONING DISPATCH SYSTEMS, SUNPASS DEVICES, DIGITAL SECURITY CAMERA SYSTEMS AND WARNING LIGHTS; AMENDING VEHICLE AGE REQUIREMENTS AND STANDARDS; ESTABLISHING ADDITIONAL STANDARDS AND REQUIREMENTS FOR CHAUFFEURS OPERATING AMBASSADOR CABS; ESTABLISHING REQUIREMENTS RELATING TO CREDIT CARD PROCESSING SYSTEMS AND PROVIDERS; EMPOWERING DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES TO APPROVE CREDIT CARD PROCESSING SYSTEMS; PROVIDING PRIORITY ACCESS TO AIRPORT AND SEAPORT TERMINALS FOR ALTERNATIVE FUEL VEHICLES; AMENDING PROVISIONS RELATING TO TAXICAB FARES; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

*In response to Vice Chair Barreiro's question whether the public hearings on all ordinances related to taxicabs could be combined, Chairman Moss noted some concerns were expressed regarding that process; therefore, the items would be heard separately.*

*Chairman Moss opened the public hearing for persons wishing to speak in connection with this ordinance, and the following individuals appeared:*

- 1. Ms. Wendy Kallergis, President/CEO, Greater Miami & the Beaches Hotel Association, 1674 Meridian Ave, Miami Beach, appeared on behalf of 13 tourist businesses and organizations, in support of this ordinance.*
- 2. Mr. Joseph Bessard, American Association for Taxicabs, 6700 NW 27 Ave, supported this ordinance, but felt more should be done to protect*

*the taxicab drivers from the riders, such as partitioning the driver's seat from the rider; he spoke of an incident that occurred in Canada where a rider attacked a taxicab driver with a knife.*

*3. Mr. Brock Rosayn, President of Metro Taxi/Chair of Palm Beach County's Vehicle For-Hire Advisory Committee/Member of the Steering Committee and Board of Directors for the Taxicab, Limousine, Para Transit Association (TLPA), 1587 SW 4 Ave, Delray Beach, appeared on behalf of colleagues in the taxicab industry and spoke about the superiority, durability, space and comfort of the Crown Victoria sedan compared to other for-hire vehicles. He provided pictures for the Commission to review (See Exhibit).*

*4. Mr. Miguel Lantigua, taxicab driver, 12304 SW 122 Street, noted he supported real reform for the taxicab industry, but opposed the Ambassador Cab ordinance.*

*5. Mr. Robert Puente, 924 NE 199 Street, NMB, supported this ordinance, except for the security camera requirement.*

*6. Mr. Roko Aparicio, 4464 SW 136 Place, spoke through interpreter Jon Ocampo, and requested the taxicab drivers be allowed to have their own permits.*

*7. Ms. Orlie Jedwab, 199 NW 79 Street, opposed this ordinance, but supported Commissioner Zapata's ordinance and the Lincoln Town Car; she urged the Committee to support both or wait for the forthcoming vehicle replacing the Lincoln Town Car.*

*8. Mr. Lorne A. Wray, 11825 Island Lakes Lane, Boca Raton, noted he supported the requirements for a credit card processing system, GPS Dispatch, Sunpass Device, and a security camera system and to add a partition, but suggested the ordinance be amended to replace the vehicle age with vehicle mileage up to 300 miles; increase the meter rates within 12 months; and that it be in conjunction with Commissioner Zapata's proposed ordinance.*

*9. Mr. Diego Feliciano, President, South Florida Taxicab Association, 3111 NW 27 Ave, opposed this ordinance, but wholeheartedly supported Commissioner Zapata's proposed ordinance and reform of the taxicab industry.*

*10. Mr. Geoffrey Radlein, 21226 SW 197 Place, opposed this ordinance, noting he supported the taxicab vehicle improvements, but had strong reservations about the proposed Ambassador Cab Program and the required technical improvements, which would be very costly for the taxicab drivers. He suggested the County require*

more vehicle inspections and step up its enforcement for non-compliance.

11. Mr. Jackson Rip Holmes, 915 Palermo Avenue, Coconut Grove, supported this ordinance and the Ambassador Cabs Program, but expressed disappointment with the outcome of the previous ordinance (Item 1F3). He noted the importance of making a good first impression on Miami-Dade County's visitors/tourist, especially at the airport and seaport. He noted his involvement in an FBI investigation regarding Landside Operations at the airport, which revealed the need for cameras at airports and in taxicabs to circumvent terrorist attacks.

12. Mr. Jerry Moskowitz, 2284 NW 36 Street, opposed the Ambassador Cabs Program, but supported the technology improvements required by this ordinance except for the credit card system; opposed changing the vehicle age requirements, and suggested they remain the same; supported Commissioner Zapata's proposed ordinance and credit card system; suggested one public medallion with mini-inspection stations placed at the airport and seaport for vehicle inspections.

13. Mr. Bill Talbert, President/CEO, GMCVB, 701 Brickell Avenue, appeared on behalf of 14 business groups, in full support of this ordinance, the Ambassador Cabs Program, and all the proposed technical improvements.

14. Mr. Les Eisenberg, representing the taxicab industry, 3600 NW 37 Court, supported the Ford Crown Victoria as the best taxicab model and opposed this ordinance, which would accelerate the demise of it; opposed the penalties of an indefinite suspension of the HAC license for two cited violations; supported Commissioner Zapata's ordinance; and urged the Commission to wait for a better car and bring back the inspection stations.

15. Ms. Alyce Robertson, Executive Director, Miami Downtown Development Authority, 200 S. Biscayne Blvd, supported this ordinance and the Ambassador Cabs Program.

16. Mr. Rudy Gonzalez Jr., USA Taxis, 3620 NW 22 Avenue, opposed this ordinance and the Ambassador Cabs Program, and said it would cost him between \$7,000 and 10,000 to replace his car, which he could not afford; supported Commissioner Zapata's proposed ordinance and credit card processing system.

17. Mr. Terry Eisenberg, 3600 NW 37 Court, opposed the Ambassador Cabs Program and eliminating the Ford Crown Victoria model, noting newer cars provided little trunk space to

carry luggage and demonstrated it through photos and a video (See Exhibit).

18. Mr. Raymond Francois, Director of New Vision Taxi Drivers Association, 11970 NE 16 Ave, opposed the Ambassador Cabs Program.

19. Mr. Salomon Cenord, 240 NE 152 Street, spoke through certified Haitian interpreter Fabie Bodek, in opposition to this ordinance.

20. Mr. Dieufils Desir, New Vision Tax Drivers Association, 16030 Miami Drive, NMB, opposed this ordinance and the Ambassador Cabs Program.

21. Mr. Marcos Feldman, Professor at Center of Labor Research and Studies, Florida International University, 511 Beacom Blvd, shared some preliminary findings of a study he began conducting this summer on taxicab drivers; noted most taxi drivers agreed with reform and modernizing of the industry, but were concerned with the cost of the required upgrades, who would bear the costs, and the penalties for non-compliance.

22. Mr. Syed Quadri, taxicab driver, 7946 Highsmith Court, Lake Worth, opposed this ordinance, noting very little was said about the treatment of taxicab drivers and how they are compensated for their services in this industry.

23. Mr. Niaz Mohammed, 17922 SW 145 Avenue, opposed the Ambassador Cabs Program, noting drivers could not afford it; and suggested issuing the permits to the taxicab drivers to relieve them of expensive leases and allow them to provide excellent services.

24. Mr. Charles Elsesser, Attorney for New Vision Taxi Drivers Association, Florida Legal Services, 3000 Biscayne Blvd, noted the proposed technology and vehicle changes, required by this ordinance would be too costly for the drivers and impose severe consequences for failure to comply, including loss of the HAC (please clarify for the reader this acronym due to first usage) license after two citations; noted this system provided for additional costs and penalties, but no provision to guarantee adequate compensation for the drivers.

25. Mr. Jon Ocampo, 5700 SW 127 Ave, opposed the Ambassador Cabs Program, stated the ordinance was unjust and infeasible, and did not stipulate who would pay for the upgrades; noted the owning companies and medallion owners were at fault for the taxi system being broken; urged the Board to consider the proposal of the Taxicab Industry for reform, which would provide taxicab drivers a permit in lieu of a lease and additional revenues to the County of \$6,000 per year for each driver; affording the drivers the

ability to pay for the required upgrades and provide the superior service the County was seeking.

26. Mr. Joanel Ceremy, taxicab driver, 12930 NW 21 Ave, spoke through certified Haitian interpreter Fabie Bodek in opposition to this ordinance.

27. Mr. Ernst Derizier, 830 NW 143 Street, spoke through certified Haitian interpreter Fabie Bodek in opposition to the Ambassador Cabs Program, but supported a credit card processing system in taxicabs.

28. Mr. Luckenson Mompremier, 17215 NW 12 Court, opposed the Ambassador Cabs Program ordinance, but agreed with the credit card processing system for taxis.

29. Mr. Paul Phanor, 1620 NW 120 Street, opposed the Ambassador Cabs Program.

Chairman Moss opened the public hearing for Item 1F2 in conjunction with Item 1F1 because speakers were speaking on both items. He asked the Assistant County Attorney to read the ordinance into the record.

Assistant County Attorney Bruce Libhaber read the title of the proposed ordinance in Agenda Item 1F2, for the record.

Mr. Joe Mora, Division Director, For-Hire Transportation/Business Affairs Division, Department of Regulatory and Economic Resources (RER), explained the difference between the two ordinances, noting Agenda Item 1F2 addressed the Ambassador Cabs Program and required all taxicab vehicles transporting passengers to and from Miami International Airport and PortMiami be designated and registered as an Ambassador Cab with the RER Department and be equipped with certain equipment. Agenda Item 1F1 addressed the countywide services and contained longer timeframes (of 24 to 30 months) to comply with the equipment standards as opposed to shorter timeframes for complying with the equipment standards under the Ambassador Cabs Program. He noted concerns were raised at the County Commissioners Committee of the Whole meeting held last September that implementation of an Ambassador Cabs Program would create a two-tier system; therefore, two ordinances were introduced with different timeframes for complying with the required equipment standards.

Mr. Mora clarified that the penalties referenced by

speakers regarding loss of the HAC license for two violations was in reference to the Ambassador Cabs Program; however, it would not prevent cab drivers from operating countywide, outside the airport and seaport.

In response to Chairman Moss' question regarding whether those penalties were prospective, Mr. Mora confirmed that they only applied to the Ambassador Cabs Program and were prospective.

Chairman Moss continued the public hearing to include persons wishing to speak in connection with either ordinances, and the following persons appeared:

30. Mr. Les Eisenberg, 3600 NW 37 Court, opposed the ordinance, noting the penalties were too harsh, and would cripple the taxicab industry, plus, no funding existed to cover the costs of the required equipment. He urged the Board to for a more practical car than the Toyota Prius to change the vehicle requirements, and bring back the inspection stations and the regulations in year 2008.

31. Mr. Jerry Moskowitz, 2284 NW 36 Street, echoed Mr. Eisenberg's comments; noted 70% of taxicab drivers own their own vehicles and urged the Board to allow them to purchase the old police vehicles; urged the Board to require the technology be implemented within one year, except for the cameras and to support Commissioner Zapata's ordinance, which provided a discount for passengers paying cash.

32. Mr. Lorne A. Wray, 11825 Island Lakes Lane, Boca Raton, supported the ordinance in Agenda Item 1F1, but opposed the ordinance in Agenda Item 1F2.

33. Mr. Salomon Cenord, 240 NE 152 Street, spoke through certified Haitian interpreter Fabie Bodek in support of industry changes, but with all concerned parties to come to the table to discuss a solution.

34. Mr. Roberto Puente, 927 NE 199 Street, NMB, opposed the Ambassador Cabs Program, and reminded Board members that people are ambassadors, not equipment; noted that Crown Victoria was no longer produced by FORD; suggested the County train drivers to be good ambassadors when they apply for the HAC license, and use the training model used in London, England.

35. Mr. Joseph Bessard, American Association

for Taxicabs, 6700 NW 27 Ave, opposed the penalties stated in Agenda 1F2 for two violations of the Ambassador Cabs Program, since many taxicab drivers work at the airport and seaport.

36. Mr. Dieufils Desir, representing New Vision Tax Drivers Association, 16030 Miami Drive, NMB, spoke through certified Haitian interpreter Fabie Bodek in opposition to the ordinances of Agenda Items 1F1 and 1F2, noting neither were fair to the taxicab industry; neither provided a process for appealing the tickets, and both placed drivers at risk of losing their livelihood.

37. Mr. Niaz Mohammed, 17922 SW 145 Avenue, opposed the penalties of the ordinance and urged the Board to allow taxicab drivers to obtain an affordable permit.

38. Mr. Jackson Rip Holmes, 915 Palermo Avenue, Coral Gables, supported both ordinances; and the countywide ambassador services; urged the Board to allow drivers to purchase former police cars for taxicab vehicles because they were more durable.

39. Mr. Raymond Francois, Director, New Vision Taxi Drivers Association, 11970 NE 16 Ave, opposed both ordinances and the Ambassador Cabs Program.

40. Mr. Diego Feliciano, President, South Florida Taxicab Association, 3111 NW 27 Ave, noted the required credit card equipment was too expensive for taxicab drivers; attempts were made in previous ordinances to implement a credit card processing system, but were voted down; supported newer technologies, but not the Mayor's ordinance because no funding existed to pay for it.

41. Mr. Brock Rosayn, President, Metro Taxi of Palm Bch, 1587 SW 4 Ave, Delray Beach supported restoring use of the Ford Crown Victoria as a taxicab because the frames were stronger and safer than the newer, smaller hybrid vehicles required by this ordinance.

42. Mr. Terry Eisenberg, 3600 NW 37 Court, suggested the Committee defer these ordinances and pass Commissioner Zapata's ordinance, increase the meter rates and enforcement, and then everything else would fall in place. He noted the taxicab drivers have provided much more work and service than what the media has portrayed.

43. Mr. Bill Talbert, President/CEO, GMCVB 701 Brickell, spoke on behalf of 14 local business organizations in support of Items 1F1 and 1F2 for an Ambassador Cabs Program at MIA and the PortMiami; noted 1F2 would help to accomplish the County's goal to have a 'world class' transportation for a world class destination.

44. Mr. Syed Quadri, 7946 Highsmith Court,

Lake Worth, opposed all of the ordinances presented today, and said they were unfair, not needed, not inclusive of all respective parties; and would choke out the poor working class.

45. Ms. Lise Registre, 18928 NW 63 Court Circle, Hialeah, supported Commissioner Zapata's ordinance, but opposed the ordinance requiring hybrid vehicles. She urged the Board to allow continual use of the Ford Crown Victoria as a taxicab vehicle.

46. Mr. Miguel Lantigua, 12304 SW 122 Street, representing New Vision Taxi Drivers Association, opposed this ordinance, but supported real reform for the taxicab industry and the medallion system that would benefit the taxicab drivers.

47. Ms. Wendy Kallergis, President/CEO, Greater Miami & Beaches Hotel Association, 1674 Meridian Ave, Miami Beach, supported the ordinances, especially the Ambassador Cabs Program; and offered to assist the taxicab drivers/industry in this process.

48. Ms. Alyce Robertson, Executive Director, Miami Downtown Development Authority, 200 S. Biscayne Blvd, supported the ordinances and the goal to provide a world class destination for 14 million tourists that visit the County each year.

49. Ms. Susan Fried, 1875 NE 197 Terrace, opposed these ordinances and pointed out that 14 million tourists visited Miami last year despite the poor condition of the County's taxicab industry.

Chairman Moss closed the public hearing, after no one else appeared to speak.

Vice Chair Barreiro noted he supported these ordinances in part; supported the ambassador cab services for countywide and Agenda Item 1F2 as the template for it. Regarding the use of police or government vehicles as taxicabs, he noted the issue was the vehicle's age and not the model, and agreed that newer models should be used. However, he disagreed with the permanent revocation penalty for more than two violations, and said he could support a five year suspension instead. He also noted he supported the proposed credit card processing system in Commissioner Zapata's ordinance; and the technology upgrades for a GPS and camera equipment, but with a 30-month timeframe for compliance.

Responding to Vice Chair Barreiro's inquiry regarding the need for GPS equipment, Mr. Mora noted GPS was necessary for digital dispatch technology because it was designed to interface with the digital dispatch service companies;

however, most credit card processing devices come with a GPS; therefore, drivers may not need to purchase it separately.

Commissioner Bovo noted he supported both ordinances (Agenda Items 1F1 and 1F2) and was prepared to offer a motion to move them forward. In response to Chairman Moss' question regarding what type of vehicles did NYC acquire for its current taxicab fleet, and what were the vehicle age requirements, Mr. Mora noted that NYC purchased the Prius, the Ford Escape and a Nissan model, and its vehicle age requirements for the fleet vehicles were brand new and out by 3 years old; and for a vehicle owned by a driver were brand new and out by 5 years old.

In response to Chairman Moss' request for clarification regarding the penalty provisions of the countywide ordinance, Ms. Theresa Therilus, Legal Advisor for the Department of Regulatory and Economic Resources (RER), noted the penalties in the countywide ordinance are the same as the existing penalties in the Code, except for refusal of service, which has a penalty of a 30 day suspension for one violation, a 60 day suspension for two violations, and removal from the program, thereafter.

Mr. Mora added that under the countywide ordinance, a driver could acquire several violations without incurring any penalties, unless it was a specific violation such as refusal to provide service, for which, three violations would result in the driver being removed from the program.

Commissioner Moss asked staff to explain the difference between the penalties in the two ordinances (countywide services and the Ambassador Cabs Program in Agenda Item 1F2).

Ms. Therilus explained that under the Ambassador Cabs Program, a chauffeur that committed two violations for refusal of service would not be permitted to transport passengers to/from the Miami International Airport (MIA) or Port Miami for one year, but could reapply to participate in the Program after one year; whereas, under the countywide ordinance, a chauffeur that committed two violations for refusal of service would be suspended for 60 days.

Chairman Moss asked what type of violations would result in a permanent suspension or

removal from the Ambassador Cabs program.

Mr. Mora explained that under the Ambassador Cabs Program in Agenda Item 1F2, a chauffeur that committed any two violations of Chapter 31 or one violation of overcharging or refusal of service to transport would be removed from the Program for one year, but could reapply to participate in the Program after one year; however, the Chauffeur could still continue to operate as a taxicab countywide, outside the airport and seaport.

Chairman Moss noted recently, while in San Diego on county business, he made it a point to utilize the city's taxicab services and noticed the standards for airport cabs were different from those of the community cabs that worked outside the airport. He commented that the Committee had talked about potentially increasing the fares of taxicabs with the objective of providing drivers additional revenues to help offset some of the costs of the required technology, and asked if that issue had been addressed by RER.

Mr. Mora noted both foregoing ordinances contained a provision requiring the Department's staff to come back to the Board with a resolution for a fare increase to help offset the cost of the technology requirements.

Chairman Moss pointed out that even with a fare increase, the County had no way of controlling the revenues would go to the drivers to help them pay for the equipment costs.

Mr. Mora agreed that the County had no control over the lease agreements, but the fares are collected by the drivers and the County could possibly include in the resolution for a fare increase, a surcharge that would strictly be used for the purchase of the required technology equipment, within the compliance timeframes.

Chairman Moss asked Mr. Mora if he had spoken with representatives of Verifone or any other credit card company about installing the required equipment in taxicabs at no cost to the drivers.

Mr. Mora noted most of these companies were willing to install the credit card processing devices in the backseat of the vehicle at no cost to the driver, since they earn revenue from the processing fees.

Chairman Moss noted he felt the County needed to

get serious about 'stepping up its game' to reform its taxicab industry, without overburdening the drivers in this process. He suggested the County urging the State Legislature to reconsider its policies on regulating lease prices, noting his concern for fairness and equity; however, he said he supported this ordinance as the County needed to move forward on this matter, but would like to continue looking at these issues and lessen the burden on the drivers.

Assistant County Attorney Gerald Sanchez noted Commissioner Bovo proffered the following amendments: 1) to provide a discount for cash payments as provided for in Commissioner Zapata's ordinance; 2) to allow utilization of police cars as taxicab vehicles; and 3) to change the penalty provision for a third violation of failure to discharge or refusal to transport, from a permanent revocation to a five year suspension.

Discussion ensued between members of the Committee and staff regarding the proposed amendments, and the rationale for barring the use of former police cars as taxicab vehicles if they were in good condition. Mr. Mora noted the purpose was to improve the appearance of the fleet.

Deputy Mayor Jack Osterholt noted one of the issues of the police vehicles was they had large interceptive engines that met certain performance standards but did not get good gas millage, and this would compromise the need discussed to reduce the drivers operating costs.

Chairman Moss inquired about the amendment to utilize former police cars as taxicab vehicles since concern was expressed regarding the performance of the older models. He asked if the amendment applied to those police vehicles that passed inspection and were found to be in good condition.

Commissioner Bovo noted had no problems allowing them if the passenger felt safer in a larger vehicle and as long as they were inspected for safety by the RER Department. He noted the ultimate goal was to ensure the passenger had a positive experience and felt safe.

Commissioner Barreiro noted he supported eliminating the provision that totally prohibited police vehicles as some were good performing cars. He noted he did not want to discriminate against police cars as other high performance

vehicles have been converted to street vehicle that were gas guzzlers such as the Ford Crown Victoria.

Commissioner Bovo noted he was primarily concerned with the other two amendments than the vehicle model/age requirement amendment, and said he could forego it in order to move these ordinances forward.

In response to Chairman Moss inquiry whether the amendment should remain, Commissioner Barreiro said he would like it to remain.

It was moved by Commissioner Bovo that the foregoing proposed ordinance in Agenda Item 1F1 be forwarded to the County Commission with a favorable recommendation with committee amendment(s):

-to add a provision under Sec. 31-89(c) (1), handwritten page 6, entitled, "Credit Card Processing System" that mirrored the ordinance language in Agenda Item 1F5, sponsored by Commissioner Zapata, which offered a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card, as permitted by section 501.0115, Florida Statutes;

-to delete the words 'police vehicle' from Sec. 31-89(f) (1) on handwritten page 9, in order to permit the use of police vehicles as taxicabs; and

-to change the penalty provision on handwritten page 8 for an operator or chauffeur that commits a third violation of Section 21-82(j)(12), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration shall be automatically suspended for five years, rather than be permanently revoked and ineligible for a chauffeur's registration in the future.

This motion was seconded by Commissioner Barreiro, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Monestime was absent).

Regarding Agenda Item 1F2, Mr. Sanchez noted the third amendment would not apply to this ordinance.

It was moved by Commissioner Bovo that the foregoing proposed ordinance in Agenda Item 1F2 be forwarded to the County Commission with a favorable recommendation with committee amendment(s):

-to add a provision under Sec. 31-93 (1),

*handwritten page 7, entitled, "Credit Card Processing System", that mirrored the ordinance language in Agenda Item 1F, sponsored by Commissioner Zapata, which offers a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card, as permitted by section 501.0115, Florida; and*

*-to delete the words 'police vehicle' from the Sec. 31-93(b) (8), on handwritten page 9, entitled, "Vehicle Age Requirements and Standards", in order to permit the use of police vehicles as taxicabs.*

*This motion was seconded by Commissioner Barreiro, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Monestime was absent).*

1F3

**131217 Ordinance**

**Audrey M. Edmonson,**

**Xavier L. Suarez**

ORDINANCE AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING FOR-HIRE LIMOUSINES; AMENDING DEFINITIONS OF DIRECTOR, CSD, LIMOUSINE, LUXURY LIMOUSINE SEDAN AND PRE ARRANGED; DEFINING DIGITAL DISPATCH SOFTWARE AND DIGITAL DISPATCH SOFTWARE PROVIDER; REQUIRING DIGITAL DISPATCH SOFTWARE PROVIDERS TO OBTAIN A BUSINESS LICENSE, MAINTAIN A WEBSITE, AND ONLY DISPATCH PROPERLY LICENSED LIMOUSINES AND REGISTERED CHAUFFEURS; ELIMINATING REQUIREMENT THAT LIMOUSINES SHALL BE SOLELY OWNED OR LEASED BY THE FOR HIRE LICENSE HOLDER; AMENDING PROHIBITIONS REGARDING THE ADVERTISEMENT OF LIMOUSINE SERVICES; PROVIDING THAT LUXURY LIMOUSINE SEDAN LICENSE HOLDERS MAY OPERATE MORE THAN ONE VEHICLE PER LICENSE; AMENDING RULES OF OPERATION; ELIMINATING LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR HIRE LICENSES THAT MAY BE ISSUED BY THE DIRECTOR; PROVIDING THAT LIMOUSINE LICENSE HOLDERS OR DIGITAL DISPATCH SOFTWARE PROVIDERS SHALL DETERMINE LIMOUSINE RATES IN EXCESS OF MINIMUM RATES; AMENDING VEHICLE AGE REQUIREMENTS; AMENDING REQUIREMENT FOR MINIMUM LIMOUSINE RATES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Deferred to December 11, 2013*

*Mover: Bovo, Jr.*

*Seconder: Moss*

*Vote: 3-0*

*Absent: Monestime*

**Report:** *See Agenda Item 1F2; Legislative File No. 132052 for the report.*

1F4

**131673 Ordinance**

**Dennis C. Moss,**

**Esteban L. Bovo, Jr.**

*Amended*

ORDINANCE RELATING TO VEHICLES FOR HIRE;  
 AMENDING CHAPTER 31, ARTICLES II AND V OF THE  
 CODE OF MIAMI-DADE COUNTY, FLORIDA,  
 REGULATING FOR HIRE VEHICLES; AMENDING  
 DEFINITIONS OF FARES OR RATES AND RATE CARD;  
 PROVIDING FOR DEFINITION OF VIOLATION;  
 AMENDING PROVISIONS RELATING TO RATE  
 REGULATION; PROHIBITING THE ADDITION OF ANY  
 SURCHARGE, FEE, CONVENIENCE FEE OR ANY  
 OTHER COMPENSATION FOR THE USE OF A CREDIT  
 CARD OR DEBIT CARD WITHOUT APPROVAL BY THE  
 COUNTY COMMISSION; INCREASING PENALTIES  
 WHERE CHAUFFEUR COLLECTS, REQUIRES,  
 CHARGES, DEMANDS, REQUESTS OR ACCEPTS FARES  
 OR COMPENSATION OTHER THAN ESTABLISHED  
 FARES OR RATES; AMENDING PROVISIONS  
 RELATING TO TAXIMETERS AND CREDIT CARD  
 PROCESSING SYSTEMS; PROHIBITING OPERATOR OR  
 CHAUFFEUR FROM OPERATING A CREDIT CARD  
 PROCESSING SYSTEM THAT HAS NOT BEEN  
 INSPECTED AND CERTIFIED; PROHIBITING  
 OPERATOR OR CHAUFFEUR FROM OPERATING A  
 TAXICAB WHERE THE TAXIMETER OR CREDIT CARD  
 PROCESSING SYSTEM DOES NOT ACCURATELY  
 DISPLAY APPROVED RATES AND FARES; AMENDING  
 CHAPTER 8CC OF THE CODE TO PROVIDE FOR  
 PENALTIES; PROVIDING SEVERABILITY, INCLUSION  
 IN THE CODE, AND AN EFFECTIVE DATE

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

*Chairman Moss noted he would move to amend this ordinance as was done in the previous ordinance, to change the penalty provision from a permanent revocation to a five year suspension, for a third violation of refusal to transport.*

*Chairman Moss opened the public hearing for persons wishing to speak in connection with this ordinance, and the following persons appeared:*

- 1 .Mr. Diego Feliciano, President, South Florida Taxicab Association (SFTA), 3111 NW 27 Ave, supported this ordinance.*
- 2. Mr. Jerry Moskowitz, 2284 NW 36 Street, supported this ordinance.*
- 3 .Mr. Bill Talbert, President/CEO, GMCVB, 701 Brickell, supported this ordinance.*
- 4. Mr. Jackson Rip Holmes, 915 Palermo*

Avenue, Coral Gables, supported this ordinance.

5. Mr. Terry Eisenberg, 3600 NW 37 Court, supported this ordinance, and asked for clarification on the Committee's decision on the vehicle age requirement.

6. Mr. Roberto Puente, 927 NE 199 Street, NMB, asked for clarification regarding the States' regulations and how it applied if drivers charged for the usage of credit card services.

7. Mr. Lorne A. Wray, 11825 Island Lakes Lane, Boca Raton, noted his company provided the credit card equipment at no cost to its customers because its revenues were earned through the credit processing transactions. He asked how this ordinance would impact the driver's cost and the providers of the equipment.

8. Mr. Jeremy Phillips, representing Taxi Magic, 5904 Richmond Highway, Alexandria, Virginia, supported Agenda Item 1F5 and the technology offered by Lorne Wray's organization; Taxi Magic has installed over 15,000 taxicab information monitors in 60 locations worldwide, processed millions of dollars in fares, and has explicit approval for its technology systems in NYC, Washington D.C., and several other major cities.

9. Mr. Les Eisenberg, 3600 NW 37 Court, noted he understood that funding would exist for the credit card technology due to approval of the cash discount option; however, erred on the issue of the vehicle age requirement because it would raise the cost of the vehicles over \$10,000, and there was no funding for that. He urged the Committee members to reconsider that issue for an amendment.

10. Mr. Raymond Francois, Director, New Vision Taxi Drivers Association, 11970 NE 16 Ave, opposed this ordinance.

Chairman Moss closed the public hearing, after no one else appeared to speak.

In response to speaker Mr. Fuente's inquiry, Assistant County Attorney Gerald Sanchez explained that should the Florida Statutes change at some point in the future and the County Commission decided to impose a surcharge, it would be permissible, only if the County Commission did so through a future fare change permitted by State law. He noted currently, it was not permitted by State law. He affirmed that this ordinance permitted a discount for passengers paying by cash.

Chairman Moss clarified that the cash discount option in Item 1F5 was incorporated into Items

*1F1 and 1F2, and if those ordinances were approved, then Item 1F5 would not be needed. He answered in the affirmative to Mr. Fuente's comment that for now, the taxicab drivers would have to pay for the use of the credit card processing system, until such time the County Commissioners approved to change it.*

*In response to speaker Mr. Wray's inquiries, Assistant County Attorney Sanchez noted the intent was to structure the fare structure similar to the gas station model so that the fare amount would include the cash discount for a credit card transaction. The difference in the credit card payment versus a cash payment would be passed on to the facilitator or service provider. Mr. Lorne asked staff to consider that certain States prohibited credit card providers from charging the passenger a fee for the credit card transaction. Mr. Sanchez noted that State law specifically allowed for the gas station model.*

*Chairman Moss noted the significance was the cash discount option.*

*Assistant County Attorney Sanchez read into the record the proposed amendment to change the penalty provision from a permanent revocation to a five year suspension, for a third violation.*

*Chairman Moss relinquished the chair to Vice Chair Barreiro and stated the intent of the amendment was to address the issues that occurred in the taxicab industry that passengers were being overcharged by the drivers; and said this behavior would not be acceptable in Miami-Dade County.*

*It was moved by Commissioner Moss that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change the penalty provision in Sec. 31-92, handwritten page 8, for an operator or chauffeur that commits a third violation of Section 31-303(i)(7), where a chauffeur collects, requires, charges, demands, requests or accepts fares or compensation above the established rates or fares (overcharges), such person's chauffeur's registration shall be automatically suspended for five years, rather than be permanently revoked and ineligible for a chauffeur's registration in the future. This motion was seconded by Commissioner Bovo, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Monestime was absent).*

*Commissioner Moss resumed the chair and the Committee proceeded to consider the next agenda item.*

1F5

**131883 Ordinance**

**Juan C. Zapata,**

**Esteban L. Bovo, Jr., Audrey M. Edmonson, Rebeca Sosa**  
 ORDINANCE RELATING TO FOR-HIRE VEHICLES;  
 AMENDING CHAPTER 31, ARTICLE II, OF THE CODE  
 OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO  
 TAXICABS; MANDATING THAT TAXICABS BE  
 EQUIPPED WITH CREDIT CARD PROCESSING  
 SYSTEMS WITHIN SPECIFIED TIME PERIOD;  
 ESTABLISHING REQUIREMENTS RELATING TO  
 CREDIT CARD PROCESSING SYSTEMS AND  
 PROVIDERS; EMPOWERING DEPARTMENT OF  
 REGULATORY AND ECONOMIC RESOURCES TO  
 APPROVE CREDIT CARD PROCESSING SYSTEMS;  
 REQUIRING COUNTY COMMISSION TO AMEND  
 TAXICAB FARES TO INCLUDE DISCOUNT FOR  
 PAYMENT BY CASH, CHECK OR OTHER MEANS NOT  
 INVOLVING THE USE OF A CREDIT CARD WITHIN  
 SPECIFIED TIME PERIOD; AMENDING CHAPTER 8CC  
 OF THE CODE TO PROVIDE FOR PENALTIES;  
 PROVIDING SEVERABILITY, INCLUSION IN THE  
 CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable  
 recommendation*

*Mover: Barreiro*

*Seconder: Bovo, Jr.*

*Vote: 3-0*

*Absent: Monestime*

**Report:** *Assistant County Attorney Bruce Libhaber read  
 the foregoing proposed ordinance into the record.*

*Chairman Moss inquired about the difference  
 between this ordinance and those in Agenda Items  
 1F1 and 1F2.*

*Assistant County Attorney Gerald Sanchez noted  
 the only difference between this ordinance and the  
 other two was the language in paragraph 4 on  
 typewritten page 3, which specifically addressed  
 the cash discount option. He noted that language  
 was now incorporated into Items 1F1 and 1F2 by  
 a Committee amendment.*

*In response to Chairman Moss' inquiry regarding  
 the necessity of this ordinance since Items 1F1  
 and 1F2 were amended to include the cash  
 discount option, Assistant County Attorney Gerald  
 Sanchez noted if Agenda Items 1F1 and 1F2 were  
 adopted by the County Commissioners, then Item  
 1F5 would not be needed; however, if they were  
 not adopted, then Item 1F5 would be available as  
 an option to provide for a credit card processing  
 system with a cash discount.*

*Chairman Moss opened the public hearing for  
 persons wishing to be heard in connection with  
 this ordinance, and the following persons  
 appeared:*

1. Mr. Charles Elsesser, Attorney, Florida Legal Services, 3000 Biscayne Blvd, representing New Vision Taxi Drivers Association, expressed concern regarding a 2-day turnaround provision described in Subsection (3) for credit card payments; and suggested a 1-day turnaround, as done in San Francisco and Chicago to assist drivers with a tight cash flow. He also expressed concern regarding section 17(1), prohibiting taxicab drivers from picking up passengers if their credit card machine had malfunctioned until such time the system was inspected, and suggested the County operate an inspection center 7 days a week or provide a 48-hour grace period as done in NYC. He also urged the Board to approve installation of the credit card processing devices at no cost to the drivers.

2. Mr. Diego Feliciano, President, South Florida Taxicab Association, 3111 NW 27 Ave, supported this ordinance and incorporating it into the countywide ordinance.

3. Mr. Lorne A. Wray, 11825 Island Lakes Lane, Boca Raton, asked for clarification regarding whether adoption of Items 1F1 and 1F2 would nullify Item 1F5.

4. Mr. Jerry Moskowitz, 2284 NW 36 Street, supported this ordinance, but with assurance that the credit card devices would be installed by the providers at no cost to the drivers.

5. Mr. Roberto Puente, 927 NE 199 Street, NMB, noted his cab was already equipped with a credit card processing system that broke down easily. He requested that drivers be given a grace period or a warning if they picked up passengers not knowing their system had broken on the weekend.

6. Mr. Joseph Bessard, representing American Association for Taxicabs, 6700 NW 27 Avenue, said he opposed all five ordinances.

7. Mr. Bill Talbert, President/CEO, GMCVB, 701 Brickell, spoke on behalf of 14 local business groups, in support of this ordinance.

Chairman Moss closed the public hearing, after no one else appeared to speak.

Regarding speaker Mr. Elsesser's concerns, Chairman Moss inquired whether a 1-day turnaround was mandated by the regulations of those cities or was it the result of an efficient system, to which Mr. Charles said he did not know.

Chairman Moss asked Deputy Mayor Alina Hudak, along with Division Director Joe Mora of

*RER's For-hire Transportation Division, to verify whether a 2-day turnaround for credit card payments was mandated by regulations of other cities or by the credit card service providers, and to report on whether this ordinance could be changed to provide for a 1-day turnaround instead, prior to this Item going before the County Commissioners for consideration.*

*In response to speaker Mr. Wray's question, Assistant County Attorney Sanchez reiterated that if Agenda Items 1F1 and 1F2 were adopted by the Board of County Commissioners as amended today (11/13), then Item 1F5 would not be necessary as it had some timing differences; however, if Items 1F1 and 1F2 were not adopted, the Board could still adopt Item 1F5 to provide for the credit card system with a cash discount option. He noted the language for a cash discount option in Item 1F5 was now incorporated into Items 1F1 and 1F2.*

*Commissioner Barreiro added that the main difference between Agenda Item 1F5 and the other two ordinances was the timeframe for implementing the system.*

*Chairman Moss inquired about the process for inspecting the credit card processing devices that had broken down on the weekend.*

*Mr. Mora noted the normal hours of operation for the County's inspection centers was Tuesday through Saturday from 7:30 a.m. to 3:30 p.m., but drivers could always come to the 140 building on the weekend to get authority to continue operating if they had issues with the credit card machine, except on Sundays.*

*In response to Chairman Moss' question regarding whether inspection stations or offices were located at Miami International Airport to assist, Mr. Mora noted the Department provided inspection services 7 days a week in offices located countywide, however, the hours of operation varied for these offices. But, noted Sundays were prioritized for the Seaport to handle the loading and unloading of cruise ships.*

*Chairman Moss noted part of the problem was finding a way to raise revenues for drivers in order to enforce and regulate the technical requirements.*

*In response to Chairman Moss' inquiry regarding*

*whether expertise was required of persons inspecting the machines, Mr. Mora noted the process may just require an inspector re-engaging the machine to make sure it was working properly, or possibly using a special card to reprogram the machine.*

*Chairman Moss asked Mr. Mora to review and report to this Committee whether expertise was required to inspect the credit card processing machines used in taxicab vehicles and if a location existed for drivers to go to on the weekends to have their malfunctioned system inspected.*

*Mr. Mora noted he did not believe that expertise was required to ensure the equipment was functioning; however, his only concern was the location for inspecting the vehicles on Sundays, since the Department was obligated to the Seaport on that day.*

*Hearing no further comments or questions, the Committee proceeded to vote on this ordinance as presented.*

*Chairman Moss emphasized his appreciation to his colleagues and meeting attendees for their participation in this lengthy meeting.*

**2 COUNTY COMMISSION**

**3 DEPARTMENTS**

3A

**131957 Resolution**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH THE NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR THE NORTH TERMINAL MARKETPLACE CONCESSIONS PROGRAM AT MIAMI INTERNATIONAL AIRPORT, PACKAGE 3 (PIZZA BY THE SLICE), RFP NO. MDAD-03-11 (Aviation Department)

*Deferred to no date certain  
Mover: Barreiro  
Seconder: Bovo, Jr.  
Vote: 3-0  
Absent: Monestime*

3B

**132127 Resolution**

RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT, RETAIL CONCESSIONS PROGRAM 2012, PACKAGE 1, RFP NO. MDAD-07-12, TO MASTER CONCESSIONAIR, LLC, WITH A MINIMUM ANNUAL GUARANTEE OF \$631,218.00, AND FOR A TERM OF EIGHT (8) YEARS, WITH A TWO (2) YEAR OPTION TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Bovo, Jr.*

*Secunder: Moss*

*Vote: 3-0*

*Absent: Monestime*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution and closed it after no one appeared to speak.*

*Hearing no comments or questions, the Committee proceeded to vote on the foregoing resolution as presented.*

3C

**132129 Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H.J. ROSS ASSOCIATES, INC., FOR AVIATION PLANNING CONSULTANT SERVICES FOR THE COUNTY'S SYSTEM OF PUBLIC USE AIRPORTS, PROJECT NO. E13-MDAD-01; IN AN AMOUNT NOT TO EXCEED \$825,000; AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Forwarded to BCC with a favorable recommendation*  
*Mover: Bovo, Jr.*  
*Second: Moss*  
*Vote: 3-0*  
*Absent: Monestime*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution and closed it after no one appeared to speak.*

*Chairman Moss asked Deputy Mayor Alina Hudak, along with Miami-Dade Aviation Department Director Emilio Gonzalez, to ensure the Aviation Planning Consulting Services included a consultant review/study of the feasibility of establishing an airway system and gateway between Miami-Dade County and West Africa, and to provide this Committee with a report on the findings.*

*Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.*

3D

**132130 Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND RICONDO & ASSOCIATES, INC., FOR AVIATION PLANNING CONSULTANT SERVICES FOR THE COUNTY'S SYSTEM OF PUBLIC USE AIRPORTS, PROJECT NO. E13-MDAD-01; IN AN AMOUNT NOT TO EXCEED \$825,000; AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Forwarded to BCC with a favorable recommendation  
Mover: Bovo, Jr.  
Secunder: Moss  
Vote: 3-0  
Absent: Monestime*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution and closed it after no one appeared to speak.*

*Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.*

3E

**132141 Resolution**

RESOLUTION AUTHORIZING THE COUNTY TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PINECREST FOR THE CONSTRUCTION OF TWO NEW BUSWAY STATIONS AT APPROXIMATELY SOUTHWEST 120 STREET NEAR US 1 AND REMOVAL OF TWO EXISTING BUSWAY STATIONS LOCATED AT APPROXIMATELY SOUTHWEST 117 STREET NEAR US 1; AND AUTHORIZING THE COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE, OR MIAMI-DADE TRANSIT DIRECTOR TO EXERCISE THE PROVISIONS CONTAINED THEREIN AND TAKE ANY ACTION REQUIRED BY THE COUNTY (Miami-Dade Transit)

*Forwarded to BCC with a favorable recommendation  
Mover: Bovo, Jr.  
Secunder: Moss  
Vote: 3-0  
Absent: Monestime*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution and closed it after no one appeared to speak.*

*Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.*

**4 COUNTY MAYOR**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

6A

**132189 Report**

APPROVAL OF CLERK'S MEETING MINUTES FOR THE OCTOBER 9, 2013 TRANSPORTATION AND AVIATION COMMITTEE MEETING (Clerk of the Board)

*Approved*  
*Mover: Bovo, Jr.*  
*Secunder: Moss*  
*Vote: 3-0*  
*Absent: Monestime*

**7 REPORTS**

7A

**132146 Report**

**Bruno A. Barreiro**

MIAMI-DADE TRANSIT RIDERSHIP REPORT (AUGUST 2013)

*Report Received*  
*Mover: Bovo, Jr.*  
*Secunder: Barreiro*  
*Vote: 3-0*  
*Absent: Monestime*

7B

**132145 Report**

PEOPLE'S TRANSPORTATION PLAN 90-DAY REPORT THIRD QUARTER FISCAL YEAR 2012-13 (Citizens' Independent Transportation Trust)

*Report Received*  
*Mover: Bovo, Jr.*  
*Secunder: Barreiro*  
*Vote: 3-0*  
*Absent: Monestime*

7C

**132232 Report**

MONTHLY REPORT FROM THE FLORIDA  
DEPARTMENT OF TRANSPORTATION ON THE MIAMI  
INTERMODAL CENTER (Mayor)

*Report Received*  
*Mover: Bovo, Jr.*  
*Seconder: Barreiro*  
*Vote: 3-0*  
*Absent: Monestime*

7D

**132287 Report**

MIAMI-DADE TRANSIT RIDERSHIP REPORT  
SEPTEMBER 2013 (Mayor)

*Report Received*  
*Mover: Bovo, Jr.*  
*Seconder: Barreiro*  
*Vote: 3-0*  
*Absent: Monestime*

**8 ADJOURNMENT**

**Report:** *There being no further business to come before the  
Transportation and Aviation Committee, the  
meeting was adjourned at 9:48 p.m.*



Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

# CLERK'S SUMMARY OF Meeting Minutes Transportation & Aviation Committee

Dennis C. Moss (9) Chair; Bruno A. Barreiro (5) Vice Chair; Commissioners Esteban  
L. Bovo, Jr. (13) and Jean Monestime (2)

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Wednesday, December 11, 2013

2:00 PM

COMMISSION CHAMBERS

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**Members Present:** Bruno A. Barreiro, Esteban L. Bovo, Jr., Jean Monestime, Dennis C. Moss.

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Jill Thornton, Commission Reporter  
(305) 375-2505*

**1A INVOCATION AS PROVIDED IN RULE 5.05  
(H)**

**1B ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayor Alina Hudak; Assistant County Attorneys Bruce Libhaber and David Murray; Deputy Clerks Jovel Shaw and Jill Thornton.*

*Assistant County Attorney Libhaber noted the changes to the agenda were as follows: Agenda Items 1E1 and 3E were added to the agenda and Agenda Item was withdrawn, at the request of the sponsor, Commissioner Edmonson.*

*It was moved by Commissioner Monestime that the December 11, 2013 Transportation and Aviation Committee (TAC) meeting agenda be approved with the changes noted by Mr. Libhaber. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 4-0.*

*Chairman Moss congratulated Ms. Ysela Llort, Miami-Dade Transit Director, on her newest grandbaby.*



1E1

**132476 Discussion Item** **Dennis C. Moss** *Presented*  
 DISCUSSION ITEM REGARDING TAC DEPARTMENTAL  
 COST SAVING GAIN SHARING IDEAS, PRESENTED BY  
 COUNTY EMPLOYEES

**Report:** *Chairman Moss noted the purpose of this item was to discuss scheduling an open forum before this Committee for the purpose of obtaining input from County employees on how the County could do business more efficiently and effectively. He said it was mentioned in recent discussions with the labor bargaining unions that some county employees had ideas they would like to share with the Board on how the County could do business effectively and save on costs. Therefore, he would like to give employees an opportunity to express their thoughts and ideas before this Committee in the near future for a discussion. Chairman Moss said that he and his colleagues were receptive to any ideas that were reasonable and attainable.*

*Vice Chair Barreiro noted he supported the open forum idea which might provide useful information and enlighten the Commission and the Administration on the matter.*

**1F PUBLIC HEARINGS**

1F1

**132346 Resolution**

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30221 FROM KEN-BE-CAR TOURS, INC. TO WILDAYMIL RODRIGUEZ D/B/A WORLD INFINITY TRANSPORTATION SERVICES, LLC TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation  
Mover: Bovo, Jr.  
Seconder: Monestime  
Vote: 4-0*

**Report:** *Hearing no objection, Items 1F1, 1F2 and 1F3 were heard together.*

*Assistant County Attorney Bruce Libhaber read the foregoing proposed resolutions into the record.*

*Chairman Moss opened the floor for public comment on these items, and the following individual(s) appeared:*

*1.Mr. Samuel Lee Gilmore Jr., 2230 NW 193 Terrace, Miami Gardens, appeared before the Committee in support of Item 1F1; however, spoke on the prior non-agenda item regarding the Airport City Project. (See Non-Agenda Item; Legislative File No. 132546 for his additional comments)*

*Chairman Moss closed the floor after no one else appeared wishing to speak.*

*Hearing no further comments or questions, the Committee proceeded to vote on these resolutions as presented.*

1F2

**132349 Resolution**

RESOLUTION APPROVING APPLICATION FOR ONE (1) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO THROWER MOBILITY TRANSPORTATION SERVICE CORP. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation  
Mover: Bovo, Jr.  
Seconder: Monestime  
Vote: 4-0*

**Report:** *(See Agenda Item 1F1; Legislative File No. 132346 for the report)*

1F3

**132425 Resolution**

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2013 FTA SECTION 5307 URBANIZED AREA FORMULA PROGRAM FLEXIBLE FUNDING IN THE AMOUNT OF \$1,731,980.00 TO PURCHASE TWO NEW BUSES FOR THE SOUTH MIAMI-DADE BUSWAY SERVICE; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; WAIVING RESOLUTION R-178-02; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS (Miami-Dade Transit)

*Forwarded to BCC with a favorable recommendation*  
*Mover: Bovo, Jr.*  
*Seconder: Monestime*  
*Vote: 4-0*

**Report:** (See Agenda Item 1F1; Legislative File No. 132346 for the report)

**2 COUNTY COMMISSION**

**NON-AGENDA ITEM**

**Report:** *Chairman Moss noted he was interested in knowing the status of the proposed Airport City Project at Miami International Airport (MIA), as it had been ongoing for some time. He asked Deputy Mayor Alina Hudak to prepare a discussion item for inclusion on the January 15, 2014 committee agenda to discuss the status of the proposed Airport City Project at MIA; and to ensure that a representative was present at that meeting to provide a full, detailed report on the progress of this project and the plans for moving it forward.*

*Mr. Samuel Lee Gilmore Jr., 2230 NW 193 Terrace, Miami Gardens, expressed appreciation to Chairman Moss for his leadership and remarks concerning this project, and for providing an opportunity to discuss it at the next Committee meeting. He said this project included a ten percent (10%) minority business enterprise commitment that would pair nine African American companies with other companies to do the project, and provide jobs for folks out of work in the community.*

2A

131217 Ordinance

Audrey M. Edmonson,

Xavier L. Suarez

ORDINANCE AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING FOR-HIRE LIMOUSINES; AMENDING DEFINITIONS OF DIRECTOR, CSD, LIMOUSINE, LUXURY LIMOUSINE SEDAN AND PRE ARRANGED; DEFINING DIGITAL DISPATCH SOFTWARE AND DIGITAL DISPATCH SOFTWARE PROVIDER; REQUIRING DIGITAL DISPATCH SOFTWARE PROVIDERS TO OBTAIN A BUSINESS LICENSE, MAINTAIN A WEBSITE, AND ONLY DISPATCH PROPERLY LICENSED LIMOUSINES AND REGISTERED CHAUFFEURS; ELIMINATING REQUIREMENT THAT LIMOUSINES SHALL BE SOLELY OWNED OR LEASED BY THE FOR HIRE LICENSE HOLDER; AMENDING PROHIBITIONS REGARDING THE ADVERTISEMENT OF LIMOUSINE SERVICES; PROVIDING THAT LUXURY LIMOUSINE SEDAN LICENSE HOLDERS MAY OPERATE MORE THAN ONE VEHICLE PER LICENSE; AMENDING RULES OF OPERATION; ELIMINATING LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR HIRE LICENSES THAT MAY BE ISSUED BY THE DIRECTOR; PROVIDING THAT LIMOUSINE LICENSE HOLDERS OR DIGITAL DISPATCH SOFTWARE PROVIDERS SHALL DETERMINE LIMOUSINE RATES IN EXCESS OF MINIMUM RATES; AMENDING VEHICLE AGE REQUIREMENTS; AMENDING REQUIREMENT FOR MINIMUM LIMOUSINE RATES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Withdrawn*

*Mover: Monestime*

*Seconder: Moss*

*Vote: 4-0*

**Report:** *During consideration of changes to the agenda, the foregoing proposed ordinance was withdrawn at the request of the Prime Sponsor Commissioner Edmonson.*

2B

**132450 Resolution**

**Dennis C. Moss,**

**Jean Monestime**

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO EXPLORE AND EVALUATE FUNDING OPTIONS, SUCH AS A TECHNOLOGY SURCHARGE, TO PAY FOR TECHNOLOGY UPGRADES IN TAXICABS

*Forwarded to BCC with a favorable recommendation*

*Mover: Monestime*

*Seconder: Bovo, Jr.*

*Vote: 4-0*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss noted concerns were raised at the November 13, 2013 Transportation and Aviation Committee meeting that it would be too costly for the taxicab drivers to comply with the required vehicle/technology upgrades. He said he would like to ensure that every alternative for installing the equipment was explored by staff in order to reduce the burden on the drivers. Chairman Moss asked Deputy Mayor Alina Hudak to ensure that staff explored every alternative and a surcharge method that might assist taxicab drivers with the costs of implementing the required taxicab upgrades; and provide this committee with a report on the findings, within 60 days.*

*Commissioner Barreiro said he had no problems with staff exploring other cost options or evaluating the funding issues, but expressed concern that this could delay implementation of the upgrades.*

*Chairman Moss noted the requested report would not delay implementation of the required equipment, but would address the drivers concerns and provide useful information to this Committee on how to minimize the cost and impact on the drivers.*

*Commissioner Monestime noted he supported this resolution, and asked to be listed as a co-sponsor of it.*

*Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.*

*Later (during consideration of Agenda Item 3A), Chairman Moss said he failed to provide an opportunity for public input on this resolution.*

*Hearing no objection, the Committee by motion*

*duly made, seconded and carried, approved to reconsider Agenda Item 2B to allow for public input.*

*Chairman Moss opened the floor for public comment on the foregoing resolution, and closed it after no one appeared wishing to speak.*

*Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.*

**3 DEPARTMENTS**

3A

**132228 Resolution**

RESOLUTION AUTHORIZING \$6,000,000 INCREASE TO SPENDING AUTHORITY FOR THE NON-EXCLUSIVE TELECOMMUNICATIONS AND NETWORK SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND NORSTAN COMMUNICATIONS, INC. D/B/A BLACK BOX NETWORK SERVICES FOR MIAMI-DADE AVIATION DEPARTMENT, RFP NO. MDAD-08-06 (Aviation Department)

*Forwarded to BCC with a favorable recommendation as corrected*  
**Mover: Monestime**  
**Seconder: Moss**  
**Vote: 4-0**

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Assistant County Attorney David Murray noted this resolution contained a scrivener's error on handwritten page 2, under the section entitled Projects that needed to be corrected to reflect the expiration date as 2015, instead of 2016.*

*Chairman Moss opened the floor for public comment on this resolution, and closed the floor after no one appeared wishing to speak.*

*Hearing no further comments or questions, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation as corrected to reflect the expiration date of the contract as 2015, instead of 2016, on handwritten page 2 of the memorandum, under the section entitled Projects.*

3B

**132317 Resolution**

RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT, RETAIL CONCESSIONS PROGRAM 2012, PACKAGE 2, RFP NO. MDAD-07-12, TO AIRPORT SUBWAY II, LLC, WITH A MINIMUM ANNUAL GUARANTEE OF \$306,000.00, AND FOR A TERM OF EIGHT (8) YEARS, WITH A TWO (2) YEAR OPTION TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Bovo, Jr.*

*Seconder: Moss*

*Vote: 4-0*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution, and closed the floor after no one appeared wishing to speak.*

*Hearing no comments or questions, the Committee proceeded to vote on this resolution as presented.*

3C

**131957 Resolution**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH THE NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR THE NORTH TERMINAL MARKETPLACE CONCESSIONS PROGRAM AT MIAMI INTERNATIONAL AIRPORT, PACKAGE 3 (PIZZA BY THE SLICE), RFP NO. MDAD-03-11 (Aviation Department)

*Deferred to January 15, 2014*

*Mover: Monestime*

*Secunder: Bovo, Jr.*

*Vote: 4-0*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the public hearing for persons wishing to speak in connection with this resolution, and the following persons appeared:*

*1. Mr. Mitch Bierman, 2525 Ponce De Leon, attorney representing 305 Pizza, LLC, noted his client was originally recommended the award by the selection committee; signed a negotiated concession lease agreement with Miami-Dade Aviation Department (MDAD) and purchased property, before receiving notice of the Mayor's recommendation to reject all bids. Mr. Bierman pointed out that very few businesses are provided opportunities to contract directly with the airport, and this contract represented the American Dream for his client, but was snatched from him, based on the Administration's incorrect assumption that the vendors would cook pizza on the premises. Mr. Bierman said that MDAD hired a consultant from Inman Foodservices Group to provide an expert opinion on this issue, and the consultant concluded that 305 Pizza was in compliance with the Request for Proposal (RFP) 'no cooking' requirement. He noted that seven small businesses spent a considerable amount of money to put forth a proposal in expectation of receiving an award and that any vendor in violation of the no cooking requirement could be evicted from the airport. Mr. Bierman urged the Committee to deny the Mayor's recommendation to reject all bids, and award his client the lease concession agreement.*

*2. Ms. Lillian Ser, co-counsel for 305 Pizza, 4070 Laguna Street, Coral Gables, noted her client, Gustavo Sidenick, was advised by her that the MDAD procurement process was fair and that he had a good chance at winning the award. She said her client presented a wonderful proposal before the selection committee, met every requirement of the RFP, competed against major*

*pizza companies and won the award fairly. He also underwent a three-month negotiating process, signed a lease agreement in April 2012, was scheduled to come before the Board in June 2012, and demonstrated his oven equipment prior to the design review, before the Mayor submitted his recommendation to reject all bids. Ms. Ser said this award was a dream come true for Gustavo and he spent a lot of money on the proposal. She urged the Committee to consider the MDAD consultant's opinion which stated that 305 Pizza was in compliance with the No Cooking requirement; deny the Mayor's recommendation; and allow her client the opportunity to provide a good product at MIA.*

*3. Mr. Gustavo Sidenick, owner of 305 Pizza, 1606 South Bay Shore Drive, noted he left his country several years ago to pursue the American Dream; was chosen by the selection committee as the best candidate for the award and won it fairly, but lost it on a technicality that his equipment would violate the No Cook requirement. He explained that his equipment was not intended for cooking, but to warm or reheat the food, and he urged the Committee to make the right decision concerning this award.*

*4. Mr. Eugenio Martinez Sr., 7400 SW 57 Avenue, representing Power Pizzeria, appeared on behalf of his son "EJ" in opposition to this resolution. He said his son developed a healthier pizza concept, operated the family-owned business for the past 8 years, and pursued the opportunity to work at MIA through MDAD's RFP, allowing small businesses to sell a good product (pizza) at the airport. He said they spent two years and more money than they had to develop a proposal because they believed in MDAD's commitment for a market place concept at MIA. He noted they clearly understood the no cooking requirement, and found a way to make pizza without cooking it on site.*

*5. Mr. Eugenio "EJ" Martinez, owner/creator of Power Pizzeria, 7400 SW 57 Avenue noted, in order to be responsive to the RFP and the no cooking requirement, he partnered with an existing concessionaire at the airport terminal located 100 yards away from the market concessionaire area, to cook pizza using his recipe, concept and brand, and store the pizza for no more than 25 minutes. He referenced a letter addressed to Mayor Gimenez from MDAD's Director that stated only one vendor proposed to*

cook pizza at an airport commissary utilizing the equipment of an existing concessionaire, and another proposed to transport fully cooked pizza to the airport. He also referenced the Mayor's response letter that said 7 of the 9 proposers would partially cook their pizzas offsite, and finish cooking it at the airport, which was interpreted to mean cooking onsite. Mr. Martinez pointed out that cooking pizza offsite and then transporting it to the airport required going through security and compromised the quality of the product; however, his proposal was the most responsive to the RFP because he owned a small, local business that provided amazing customer service and a consistent, healthy product that was ubiquitous to the landscape of the airport food concessions. He urged the Committee to deny the Mayor's recommendation to reject all bids, and grant the award to Power Pizzeria.

Chairman Moss closed the public hearing after no other persons appeared to speak.

Commissioner Monestime said he understood the Mayor's recommendation was to ensure the customers were provided a positive experience at MIA. In regards to the comments made by the last speaker, Commissioner Monestime asked if the proposed technology to prepare pizza away from the premises had ever been tested, and why that bidder was not considered for the award.

Mr. Ken Pyatt, Deputy Director, MDAD, noted the dilemma concerning this RFP was that two vendors proposed different methods for cooking pizza without violating the No Cook requirement, and staff felt the methods were contradictory, if both vendors were considered experts. He also noted that although 7 of the 9 bidders proposed to use an oven to reheat the pizzas, and the conclusion of the consultant was that reheating pizza in an oven did not necessarily mean cooking it; the problem was the Marketplace Concept in MIA's Concourse D was very small, consisting of 225 square feet, and could not be ventilated. Mr. Pyatt also noted that four of the six concessionaire leases were already awarded and three of them to other food vendors. He said that staff needed to be certain that the product sold by the successful bidder, 305 Pizza, did not emit an odor that overpowered, or detracted from the other vendors' products.

Commissioner Monestime asked whether it was the intent of the successful bidder to cook pizza on

*the premises.*

*Mr. Bierman, attorney representing 305 Pizza, noted his client presented a plan that said he would not cook anything on the premises, but would reheat his product in an oven that was in compliance with the No Cooking requirement. He pointed out that all of the vendors located in the subject area sold products that needed to be reheated, except for the vendor that sold stone crabs.*

*In response to Commissioner Monestime's question regarding whether the two bidders before the Committee today had claimed they would not cook their pizzas on the premises, Mr. Pyatt noted that was correct.*

*Commissioner Monestime noted, although he understood the issue concerning ventilation, he was uncomfortable with throwing out all bids and the RFP, based on the consultant's opinion and that two bidders were deemed responsive to the RFP.*

*Mr. Pyatt noted staff's concern was that only two bidders came forward with a different method to cook the pizzas, which indicated a disparity in how the food product was prepared; and concerned that the smell emitted by the pizza would impact the existing vendors. He agreed this RFP was difficult and problematic since the consultant concluded that the oven to be used contained a catalytic converter that would eliminate the odor; however, staff was concern with the risk of a strong odor emitted from opening and shutting the oven door several times a day.*

*Chairman Moss said that he had asked the Administration to go back and review these issues because of his concerns that the bidders had completed the entire process and an award was made. He also said he felt the decision to reject all bids should have been made earlier in the process. Chairman Moss noted he was aware that the smell of pizza could be overpowering when reheated in a microwave, and since the County was in the process of modernizing and transitioning the airport, his concern was that pizza reheated onsite could become a nuisance and create a bad environment for the airport patrons. Chairman Moss asked staff if they had complied with his request to explore other available spaces at the airport to accommodate the prevailing bidder.*

*Mr. Pyatt noted staff went back and reviewed the concessionaire space at MIA, but unfortunately, could not find any space currently available to lease the vendor; however, it was possible that a space could become available in the future.*

*In response to Commissioner Bovo's inquiry regarding when the RFP went out for bid and when the contract was negotiated and signed by the prevailing bidder, Mr. Pyatt noted the RFP was advertised in March 2012 and the bids were finalized in July 2012.*

*In response to Commissioner Bovo's inquiry regarding when did staff or the airport personnel realize that ventilation was a problem in the concessionaire marketplace area, Mr. Pyatt noted that MDAD's Director reviewed the proposal and concluded the RFP was problematic due to the different methods proposed for cooking the pizza, and the potential of odor being emitted in this small space; so he sent a letter to the Mayor requesting that all bids be rejected.*

*In response to Commissioner Bovo's inquiry regarding when was the MDAD Director's letter sent out to the Mayor and for how long had this process gone on, Ms. Lillian Ser noted the letter was sent on June 14, 2013, and the process has been ongoing for the past 20 months.*

*Commissioner Bovo expressed concern regarding the amount of money the bidders spent on their proposals and this RFP process, noting some said they spent their life savings.*

*Mr. Pyatt noted he had the same concerns, and said it took longer than it should have to reach this conclusion.*

*Mr. Bovo directed a question to the owner of 305 Pizza, asking him how much had he invested up to this point to prepare and present a proposal.*

*Mr. Sidenick reappeared before the Committee and noted he invested approximately \$450,000 to \$500,000 dollars to purchase a property near the airport to set up his business.*

*Commissioner Bovo further inquired of Mr. Sidenick whether he purchased the property specifically for the purpose of complying with the RFP requirements; did he understand that the award was not final until the Commission*

*approved it; and was he advised by his counsel on the rules, regulations and risk in this process.*

*Mr. Sidenick said yes, he was advised by his counsel and that he bought the property in order to make a special commissary and cook pizza offsite in a wood burning oven. He also clarified that aside from the price he paid for the property, he spent more than \$20,000 to prepare the proposal.*

*Mr. Bovo directed a question to the owner of Power Pizzeria, asking him how much money had he spent to prepare and present a proposal.*

*Mr. EJ Martinez noted he spent about \$50,000 to prepare the RFP.*

*Commissioner Bovo asked Mr. EJ Martinez if the reason he spent less than the other bidder was because he had a different design that did not require purchasing land or a warehouse offsite to prepare the pizza.*

*Mr. Martinez noted that was correct, and clarified that since his pizza would be cooked in an existing airport terminal commissary and then carted to the marketplace concessionaire area, his method would resolve the ventilation and odor issues detracting from the other vendors.*

*In response to Commissioner Bovo's inquiry regarding how much money had the County invested into this RFP process, Mr. Pyatt said he did not know the amount.*

*Commissioner Bovo noted, although he desired to be supportive of MIA's development and the marketplace concept, his concern was rejecting all bids after a 20 month RFP process and the bidders investing much money into it. He said it would have been another issue had the bidders presumed they won the award; however, he believed the County could find a way to resolve the issues and fulfill its obligations to the airline passengers.*

*Vice Chairman Barreiro concurred that this was a difficult RFP due to issues stated, and the amount of resources invested into it by small family businesses. He asked Mr. Pyatt if he could provide a timeframe for when a concessionaire space might become available at the airport in the near future.*

*Mr. Pyatt noted it could take up to one year for a*

*new concession space to become available at the airport.*

*In response to Chairman Moss' inquiry that if a space became available, would it be legal for the Department to relocate the prevailing vendor to it, without needing to go through an RFP process again, Assistant County Attorney David Murray replied that it would be legal, provided the Administration identified a location and the Mayor proffered a bid waiver.*

*Commissioner Monestime noted, although he understood the Department's position on the need to ensure a good customer experience and that the smell of the product did not detract from the other vendors' products, he was still uncomfortable with rejecting all bids. He said he would like to see the prevailing vendor receive an opportunity to work at the airport, and asked staff if that was possible.*

*Mr. Pyatt noted the RFP was problematic and unusual because the RFP was advertised for a marketplace concessionaire concept in an area where the spaces were extremely small; however, it was possible that a larger space than that offered in the RFP could become available in another section of the airport sooner than one year, and could be considered for a pizza concession.*

*In response to Commissioner Monestime's inquiry whether this resolution could be deferred for staff to work out a solution, Mr. Pyatt advised that this resolution had already been deferred once.*

*In response to Chairman Moss' inquiry and comments, Assistant County Attorney David Murray noted the resolution could be deferred up to three times.*

*Following a brief discussion between the Committee members and staff; and Commissioner Barreiro's comments that he would like to address a proposed solution with the Administration, the Committee voted to defer this resolution to the next committee meeting.*

3D

**132431 Resolution**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING FORTY-YEAR DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND LAN CARGO, S.A. (LAN) FOR LAN'S CONSTRUCTION OF A HANGAR FACILITY ON THE WEST SIDE OF THE AIRPORT AT AN INITIAL ANNUAL GROUND RENTAL OF \$134,164.90; AUTHORIZING THE MAYOR OR DESIGNEE TO TAKE REASONABLE AND APPROPRIATE STEPS FOR THE AVIATION DEPARTMENT AND LAN TO OBTAIN FEDERAL AND STATE FUNDING FOR THE HANGAR FACILITY PROJECT; APPROVING THE USE OF AVIATION DEPARTMENT FUNDS TO DEMOLISH EXISTING BUILDING 715 AND TO CONSTRUCT THE COMMON-USE APRON; WAIVING THE RESPONSIBLE WAGES PROVISION OF SECTION 2-11.16 OF THE CODE OF MIAMI-DADE COUNTY IN REGARD TO THE HANGAR PORTION OF THE PROJECT; AUTHORIZING THE MAYOR OR DESIGNEE TO TAKE ALL STEPS NECESSARY OR REASONABLE TO ASSIST LAN WITH THE COMPLETION OF THE PROJECT  
(Aviation Department)

*Forwarded to BCC with a favorable recommendation  
Mover: Bovo, Jr.  
Seconder: Monestime  
Vote: 4-0*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comment on this resolution, and the following person(s) appeared:*

*Mr. Alan Eichenbaum, 10059 NW 1 Court, Plantation Florida, attorney representing Miami Building and Construction Trades Council, noted he reviewed the entire development lease agreement between Lan Cargo SA and the County, and said that Section 5.10 of the agreement indicated that the negotiated terms were completed and had commenced prior to the amendment of the responsible wage ordinance. He said that if this representation was correct, his client had no objection to the passage of this resolution; however, requested that projects not be subject to this process in the future, if they were not negotiated prior to the passage of the wage ordinance. He also noted his client was most disturbed by the 'opt out' provision in this lease agreement, which allowed persons doing business with the County the ability to walk away from the project, if the County Commission did not grant a waiver. He said he believed this was a poor practice, and requested a caveat that those terms*

*not be included in lease agreements.*

*Chairman Moss closed the public hearing after no one else appeared wishing to speak.*

*Chairman Moss noted he agreed with Mr. Eichenbaum, and did not want to set a bad precedent by doing business in that fashion. He said the County should set the example by paying fair and responsible wages for workers doing business with the County. He asked the Assistant County Attorney to explain the process.*

*Assistant County Attorney David Murray noted the exemption language contained within this resolution and adopted by the Board, applied solely to matters that were either in the process of being awarded or negotiated prior to the effective date of the wage ordinance. He noted the exemption would not apply to matters going forward nor would it create a prospective precedent for future procurements or leases.*

*In response to Chairman Moss's inquiry whether the process would only apply to those projects that were already in the pipeline or had commenced prior to the amendment of the ordinance, Assistant County Attorney Murray noted that was correct.*

*Chairman Moss noted that based on Mr. Murray's comments, he would support this resolution.*

*Commissioner Monestime echoed the comments of Chairman Moss and expressed appreciation to Mr. Murray for providing the explanation. He noted that hopefully this process would be short term, and acknowledged the County's efforts and incentives to attract other companies to invest here. He said the County had spent monies to improve the property where the hangars would be built; however, it should not be done at the expense of fair wages and said the County needed to look out for its local workers and small businesses.*

*Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.*

3E

**132429 Resolution**

RESOLUTION APPROVING CHANGE ORDER NO. 2 TO SOUTH TERMINAL BAGGAGE HANDLING SYSTEM OPERATION AND MAINTENANCE CONTRACT BETWEEN MIAMI-DADE COUNTY AND JOHN BEAN TECHNOLOGIES CORPORATION, PROJECT NO. ITN-MDAD-01-06, INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$3,696,399.50, WAIVING SECTION 5.03(D) OF THE HOME RULE CHARTER BY TWO THIRDS VOTE OF MEMBERS PRESENT, AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO PERFORM ALL NECESSARY ACTIONS TO ENFORCE ITS TERMS (Aviation Department)

*Forwarded to the BCC by the BCC Chairperson with a favorable recommendation*  
**Mover: Monestime**  
**Seconder: Moss**  
**Vote: 4-0**

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public comments on this resolution, and closed it after no one appeared wishing to speak.*

*Commissioner Bovo noted this practice of granting change orders at the last minute on an emergency basis needed to stop, because it put the Commissioners in a bind to have to explain it. He said he hoped this would serve as notice to the Departmental heads that the practice of submitting change orders at the last minute would not be tolerated in the future.*

*Chairman Moss asked staff to provide an explanation for the foregoing resolution's change order and the delay of this contract.*

*Mr. Ken Pyatt, Deputy Director, Miami-Dade Aviation Department, noted the foregoing resolution would extend the existing baggage handling contract for up to six months, while airport staff worked through the RFP process for a new contract award. He explained the reason for the delay was that the airlines had raised some concerns regarding the bidders, and staff was working diligently to resolve those issues. He noted staff expected to resolve it and move forward with the award by next month.*

*Chairman Moss noted staff needed to do a better job at foreseeing these circumstances and to bring it forward in a timely fashion so that the Commission would not be put in a bind, as Commissioner Bovo had said.*

*Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.*

*Assistant County Attorney Libhaber advised that a request was made for this resolution to be waived to the next Board of County Commission (BCC) meeting for consideration.*

*Chairman Moss requested that staff prepare the appropriate memorandum requesting the BCCs' Chairwoman Sosa waive the Board's rules and procedures to allow the foregoing resolution to be forwarded to the December 17, 2013 BCC meeting agenda for consideration.*

**4 COUNTY MAYOR**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

**7 REPORTS**

7A

**132452 Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER (Mayor)

**Report Received  
Mover: Bovo, Jr.  
Seconder: Monestime  
Vote: 4-0**

**8 ADJOURNMENT**

**Report:** *There being no further business to come before the Transportation and Aviation Committee, the meeting was adjourned at 3:36 p.m.*