Minutes of the Metropolitan Taxicab Commission Board Meeting
Friday, December 19, 2003
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Call to Order at 1:10 p.m.

Roll Call – all 8 Commissioners were present (Mr. Tadesse's successor has not yet been named)

Old Business

Director Tully addressed each of the following items of old business:

Random drug testing:
Mr. Tully presented a "white paper" about his survey of local drug testing facilities; discussion about acceptability of urine/saliva tests followed. There was much concern about whether to have the random tests replace the annual, or to be done in addition to the annual, testing. Extensive discussion ensued, about who should bear the cost, and about how the Commission might respond should a driver receive a positive test result.
Mr. McCarthy asked for a recommendation in this regard to be presented by Mr. Tully at the January meeting.

Special license plates
Mr. Tully reported that we are unable to obtain special "TX" plates from the Missouri Department of Revenue, and our only recourse is to require drivers to obtain personalized plates. We must, however, effect statutory change through the Legislature, to require issuance of special plates and to be given the authority to seize such plates whenever a vehicle leaves service as a taxicab.

Municipal League
Mr. Tully gave his report of whom he contacted; they requested that we mail them a letter stating how they can promote us, and that we include a copy of our Code; that letter was mailed earlier this week.

Correspondence /special mailings we have issued at the Commission's instruction:
Mr. Tully enumerated the letters which have been issued; a copy of each is in the Commissioners' folders today for reference.

Investigation into driver's complaint about "violation report" distribution procedures
Mr. Tully reported that his investigation found the driver's allegation to be substantiated – drivers have not heretofore been given copies of these "write-ups." A three-part form already has been developed and will soon be printed. Mr. McCarthy interjected his view that the driver's *company* should also automatically be informed whenever any driver receives a violation report.

(Mr. McCarthy announced that he is re-ordering today's agenda, since some of the Commissioners may have to leave early to fulfill other obligations, and he now wants to address items which require motions/voting by the members).

New business

Bardgett and Associates

Mr. McCarthy then mentioned the agenda item concerning contracting with Bardgett and Associates for personal services; he stated that this contract is not required to be bid.

Mr. Hamilton made a motion to approve the MTC's contract with this firm; seconded by Mr. Satz; passed by unanimous vote.

Suggested amendments to the VFH Code

Mr. Hamilton, perusing the materials in his folder, asked about these recommendations. Mr. McCarthy said he will defer these proposed changes; he then stated that the public should review them also – and suggested that Mr. Tully post the proposed changes on our website.

Moratorium expiration approaching

Mr. Tully issued a reminder that the moratorium will expire at the end of this month, on Dec 31.

Mr. McCarthy then made a motion to extend it for another 6 months, adding that we will review it during that time period. Mr. Hamilton seconded, and this was passed by unanimous vote.

Mr. McCarthy clarified that he wants the Commission to *entertain* any applications it may receive during those 6 months, but it will not *act upon* them until the Commission can review the entire process, and he pledged that review will be accomplished prior to July 2004.

Financial Report

Mr. McCarthy called on our Treasurer, Mike Morgan, to make his report.

Mr. Morgan provided figures which are current as of November 30.

Mr. McCarthy asked whether these figures include the transfer of funds from St. Louis County and Mr. Morgan replied in the affirmative.

Mr. Rudawsky observed that there is *very little* drivers license revenue in that figure, and Mr. Morgan replied that renewals are just starting in earnest.

Mr. McCarthy commented that this will be our first full year of operation; he cautioned that we probably won't have a complete assessment until the entire year has elapsed. Mr. Hamilton mentioned that many of our expenditures were start-up costs, and other types of one-time costs. Mr. Morgan stated that, at year end, he will prepare a breakdown for the January meeting, including administrative costs and salaries, etc.

Statutory compliance requirement

Mr. Hamilton reminded the Commissioners that we have a requirement for statutory compliance by April 2004. Mr. McNutt acknowledged that fact, and stated that St. Louis County has said it will assist us with our preparations so as to meet that deadline. Mrs. Karen Wittkoetter, St. Louis County Administration Manager, was in the audience and nodded her assent to assist MTC in doing so.

Selection of a Certified Public Accountant

Mr. Hamilton then asked whether the MTC must obtain St. Louis County's approval of our choice of CPA. Mr. Patrick McCarthy, legal counsel, replied that MTC must provide a CPA audit report – but that St. Louis County does *not* have to approve our choice of CPA.

Mr. McCarthy made the motion to have Mr. Tully work with Mr. Morgan , as Treasurer, to promulgate an RFQ, to take bids as soon as practicable. Mr. Morgan seconded. Motion was passed by unanimous vote.

Continuation of Administrative Support by St. Louis County

Mr. Hamilton mentioned the fees which the St. Louis County Public Works department charges the Commission for the work it performs for MTC. Mr. McCarthy replied that MTC maintains a small cash fund, which is a two-signature account; the County is acting as our agent and that agreement has just been extended today.

Mr. McCarthy asked if there are any questions concerning the Treasurer's report; there were none.

Courtesy, performance, and knowledge of drivers

Mr. McCarthy stated that Mr. Harris wishes to revisit an item of Old Business:

Mr. Harris said that in the last 3 weeks, he has personally received 4 complaints about Airport drivers – about drivers who do not speak English fluently, who don't open the door for passengers, who don't load the luggage into the trunk, and who don't know their way around the City.

Mr. McCarthy asked whether these complainants filed a report with us, to which Mr. Harris replied no, then Mr. Harris stated that the drivers should be completely tested.

Mr. Tully replied that we do indeed test applicants, by asking them what route they would take to reach (for example) City Hall, the Savvis Center, etc. He stated that we sometimes administer written tests also, if the applicant appears to be deficient; should he fail, , he is given a few weeks to further learn, and then returns for re-testing.

Mr. Harris replied that we should aggressively screen all applicants, and that they must be required to know their way around the *entire* Metro area, not only to know directions to major sites within the City.

"Customer Comment" Cards

Mr. McCarthy suggested that MTC should develop a postage-prepaid complaint form, so that a passenger can simply fill it out on the spot and mail it to us immediately, if desired.

Mr. Hamilton emphatically agreed, stating he has traveled to Newark and Minneapolis, and both those cities provide such a reply card; the format is a 3 by 5 card which is self-addressed to the Commission, and it is stiff enough to write on.

Mr. Satz added, there should *also* be an area on the form for *commendations.*

Mr. McCarthy directed Mr. Tully to develop a prototype and research the cost for the January meeting.

January 2004 meeting date

Mr. McCarthy stated that he again must alter the order of today's Agenda items, since some Commissioners' departures are imminent. He offered alternative dates, and the date was set for *Friday, January 23, at 1:00 p.m.*

(Mr. McCarthy asked for any additional items of New Business to be submitted.)

Transportation of School Children

Mr. Bennett expressed a need for clarification at a future meeting concerning transportation of schoolchildren whose weight is less than 40 lbs. He asked which Board of Education rules, enforced by the School Superintendent, would prevail in these situations.

Mr. McCarthy replied, this is an excellent point, and that there is a State statute involved. He directed Mr. Tully to investigate this matter and report his findings at the January meeting.

Contacting the MTC Commissioners

Mr. McCarthy mentioned that one Commissioner has received constituents' phone calls of inquiry / complaint *at his home*. He instructed that we make the companies and drivers aware that they are not to contact commissioners at their homes; the sole access to the MTC Commission members must only be via the Director's office.

"Waiting time" limitations

Mr. Satz stated his opinion that the current allowable waiting time at the airport of one hour, for on-call cabs, is too long – thus, business is being taken from the airport cab drivers. He requested that the waiting time be reduced to 30 minutes, adding that he understands people are sometimes running late, but in such cases, if a driver must leave the airport after the 30 minutes have elapsed, he should not have to pay the $2 User Fee if he exits the garage *without a passenger*.

Mr. McCarthy responded that we should bring this matter to Deputy Director Slay's attention, but again cautioned the MTC cannot compel the airport to alter its methods of operation.

Sgt. Tim Sampson, of the Airport Police unit, interjected that some companies are not using any transponders, which poses a logistical enforcement problem. Sgt. Sampson added that the problem is not actually the *timeframe* itself, it's more a situation of *opportunity*.

Mr. Rudawsky asked why some airport companies have no transponders. Sgt. Sampson replied that obtaining them, or not, was left to their choice, and many didn't wish to participate in the airport's monthly billing procedure, so the airport allowed them that choice.

Mr. McCarthy directed Mr. Tully to discuss this with Deputy Director Slay, and to explore the ramifications of the MTC requiring every airport taxi to have a transponder, adding that if it is feasible, we might even post it on our website as a "proposed rule" so as to elicit comments and feedback.

Mr. McCarthy asked whether Sgt. Sampson informs the Commission when these incidents occur. Sgt Sampson replied yes, that he sends a packet of reports to the MTC staff every week.

Mr. McCarthy asked whether the companies also know of these occurrences, and firmly stated that they should be informed automatically.

Enforcement Agent Doug Scherer interjected the comment that, as we build our database, the owners will be made aware, because the system will automatically generate a form letter to both the company and the driver).

Mr. McCarthy instructed Mr. Tully to develop a proposal about this procedure, encompassing the airport "starters," MTC personnel, and containment/security personnel.

Mr. McCarthy then requested that the Director make his monthly report

Director's Report

Mr. Tully began by asking Mr. Patrick McCarthy to give his report about the 'closed meetings' issue.

Mr. Patrick McCarthy reported that he is developing specific guidelines; the "Sunshine Law" requires us to record all votes by the Commissioners' names, and to specify how each voted, adding that the requirement also includes any Executive Sessions. Finally, personnel decisions made in a closed session must be reported within 72 hours.

(Mr. McCarthy, again changing the Agenda order so as to conduct a vote on a motion, asked for any comments/revisions to the November 6 meeting Minutes. There were none offered.

Mr. McCarthy then moved to approve the November Minutes, as written; Mr. Bennett seconded; motion was passed by unanimous vote.

Mr. McCarthy apologized for the interruption, and asked Mr. Tully to resume his report.

Mr. Tully stated a number of investigations have been conducted in the last month, and he passed around some photographs taken at the airport during one such investigation, adding that these were taken by use of the agents' Palm Pilot equipment.

Mr. Tully noted that MTC has now marked its 6-month anniversary since its founding on June 7.

Mr. Tully then provided the results of its recent Census; there are 975 cars on the street.
Mr. McCarthy responded by instructing Mr. Tully to add an item to his 'to do' list: develop information on the appropriate proportional number of taxis versus the metro population.

Mr. Tully enumerated several undercover operations which occurred during weekends, and on some evenings; he commented that we do stagger shifts, especially during the holidays, and that ours is not solely a 9-to-5, Monday-to-Friday operation.

Mr. McNutt suggested to Mr. Tully that he check with the ITLA about insurance, adding the acronym stands for "International Taxi/Livery Association." (note: ITLA is now known as TLPA, the "Taxicab, Limousine and Paratransit Association.")

Mr. Tully then concluded his report by introducing Mr. Dan Busse, who will demonstrate how our new licensing system works; Mr. Busse then explained the entire procedure and demonstrated the various information fields which the licensing clerk completes on the computer.
While watching Mr. Busse's presentation, Mr. McCarthy commented that he sees applicants' Social Security numbers, and asked Mr. Busse what procedures are in place to safeguard the security of electronic information the applicants provide. Mr. Busse replied that the security considerations are beyond the scope of what he was asked to develop.
Mr. Patrick McCarthy interjected an assurance that we do already have a firewall in place.
Mr. McCarthy directed Mr. Tully to improve the security aspects, specifically the electronic security features of this new licensing method.

Mr. Busse's presentation continued, by demonstrating how the user can click on a field and generate a violation report, which automatically generates a letter of notification to the driver.
Mr. Tully then stated that since the equipment was installed the first week of November, the issuance time now averages 5 to 6 minutes, instead of 30 minutes as in the past.
Mr. Bennett asked what the back-up procedure is? Mr. Busse replied that back-up is done daily, then asked Mr. Tully to confirm his stated intention to "burn a CD" and send it home with some employee as an added safeguard; Mr. Tully did confirm that he will do so.

Mr. McCarthy, citing an Executive Session on today's Agenda, asked the speakers to be brief, and instructed speakers not to bring up any issue again if it has been mentioned previously.

PUBLIC COMMENTS

Mr. McCarthy called the first speaker, Larry Goldstein, owner of West County Cab Co.
Speaker stated his negative comments are not directed at the enforcement personnel; he feels they are honest, dignified, and professional – nevertheless, he has 3 comments to make:

1) Stated he submitted a written complaint and has never received a reply
2) Asked about an MTC fundraising event which he claims he saw publicized on our website, and to which he says he has directed an investigative reporter's attention. Director Tully and the enforcement agents were perplexed, then Director Tully said he has no idea what the speaker is referring to; Mr. Tully added that he will have our website checked for accuracy. He assured the speaker that we have no such fundraiser underway, or planned. (note: this material was found; it was the remnants of an installation template; all this text was removed immediately following today's meeting).
3) Speaker's third point is that the MTC is mandated to improve service in the area; he alleged that the biggest company had raised its fees and then shrank its fleet. He stated he has some suggestions to correct these alleged infractions.
Mr. McCarthy asked the speaker to please leave a copy of his complaints for us to review.

Second speaker was Gary Blase – introduced himself as the owner of Custom Works Golf Clubs, at 2300 South Grand in the Tower Grove neighborhood. He then introduced an associate (both represent the Grand Tower Grove Betterment Association) who accompanied him to today's meeting, Michelle Maple, who is their Commercial District Manager. He then read excerpts of his December 15 letter and said they are requesting the MTC's intervention – there are two different owners (of Midwest Cab, and of Metropolitan Cab) sitting outside the area's "problem location," which is the site of the former Pelican Restaurant at Grand and Shenandoah.
Mr. Tully replied he has already begun an investigation and is indeed working on the problem.
Mr. McCarthy added that it is really more appropriate to direct this particular issue to the Director for investigation and resolution.

Third speaker was Dr. Ioan Ziub, President of Airport Taxi Council
1. Speaker stated that on October 21, he sent a letter to MTC, alleging that the limousine drivers violate the Code, yet nothing is ever done by MTC.
2. Dr. Ziub continued, saying only 5 of the 230 airport cabs do not use the "automatic system" (meaning, transponders) and complained that there are drivers who place a "Disabled Driver" sign in the front windshield to circumvent MTC regulations….
Mr. McCarthy interjected that the MTC does not enforce that aspect of operations (meaning, the Airport Authority does so).

Fourth speaker was Michelle Maples, also of the Grand Tower Grove Betterment Assn.
Stated she works with the St. Louis Development Corporation; stated that the big problem is Metro Cabs, and Midwest Cabs – further stated she has done some research and knows that "their license is for the office only, it's not for coming and going"
Mr. McCarthy pledged that the MTC will do what we have the authority to do, commending Ms. Maples for pursuing these matters on behalf of the neighborhood association she represents.

Fifth speaker was Pamela Welch of ABC Cab
1) Complained about issuance of Temporary Permit letters: alleges these were readily given out by MTC when it was convenient to them; but now there is a new policy and they won't issue them any more. Stated the drivers are just trying to earn a living, but many don't have the money all at once, so she suggested the MTC allow them to pay their fees in installments.
2) Ms Welch requested that the moratorium be extended for only three months, rather than for six months.
Mr. McCarthy replied by requesting that she please submit her applications and the MTC will review them thoroughly.

Sixth speaker was Edward Shanayev of Royal Car Service
Speaker stated he had sent a fax, one and a half months ago, concerning a situation of an owner who allegedly has not established a non-residential address from which to operate on a "24/7" basis.
Mr. McCarthy replied that the MTC will prioritize this issue, but cautioned that additional money will then need to be spent on *enforcement* issues in response to such complaints. He added that the MTC periodically reviews its fees; if it accrues a significant balance we may consider reducing the various fees.

Seventh speaker was Irv Eltinge, owner of Skyway Cab Company
Stated that, years ago, he had suggested that fees be increased. Stated that he doesn't care how much the MTC charges as fees, however he requests that we reduce the total number of cabs so that the remaining drivers can make a decent living.
Mr. McCarthy replied that the MTC will address this subject, prior to the upswing of tourism in the spring or summer of 2004; but that we have repeatedly asked the airport drivers how to resolve this impasse, and they respond that we should have the "other guys" leave the industry. He strongly agreed, we must resolve this, since it remains a major issue.

Eighth speaker was Patricia Lynn, who distributed presentation folders / bound proposals for the cab company she wishes to establish so as to service the bilingual (Spanish speaking) community, since she maintains these prospective passengers have no effective way to communicate directly with the Commission.
Mr. Patrick McCarthy replied that we are at this moment officially accepting her proposal and her application.
Ms. Lynn indicated she has brought along a speaker who will testify to the need for this particular service, which Ms. Lynn claims is an under-served portion of the community, and that she will also supply several letters of endorsement in support of her proposal/application.

Mr. McCarthy said that we will be glad to review her application, and added to Mr. Tully that if there are any application deficiencies, we must help her, and all applicants, to submit the best possible proposals /applications.

Mr. McCarthy then moved to adjourn

Meeting adjourned at 3:15 p.m.

.....Minutes taken by Judith Cannon