

Metropolitan Taxicab Commission

**July 22, 2014 @ 10:00a.m.
Commission Headquarters, 2628 Delmar, Hearings Room**

Members present: Commissioners: Hamilton, McNutt, Reeves, Rudawsky, Tucci, Satz, Asfaw and Sommers
Members absent: Commissioners:
Legal Department: Neil Bruntrager & Chuck Billings

EXECUTIVE SESSION

The Meeting was called to order by Chairman Hamilton and the roll was called by Beth Dunham; Chairman Hamilton-here, Commissioner McNutt-here, Reeves-here, Rudawsky-here, Satz-here, Tucci-here, Asfaw-late, and Sommers-here. A quorum being found Chairman Hamilton made a motion to enter into Executive Session under Missouri Statute 610.021(1) to discuss legal, confidential, or privileged matters. The motion was seconded by Commissioner Reeves, roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Sommers-yes, and the Commissioners entered into Executive Session at 10:11a.m.

Pursuant to Missouri Statute 620.021, an Executive Session may be held to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor

Chairman Hamilton reconvened the Public Session of the meeting at 11:00a.m. He also stated that Commissioner Asfaw had made it to the meeting.

MINUTES

The first order of business was approving the minutes from the June 26, 2014 meeting. A motion to approve the minutes was made by Chairman Hamilton, seconded by Commissioner Tucci and moved by Reeves. With no discussion on the minutes roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-abstain, Commissioner Sommers was not a member of the Commission at the date of the previous meeting and therefore abstained from voting on those minutes, the minutes were approved.

NEW BUSINESS

The first order of new business was discussing the meeting for August, which was tentatively set for Thursday, August 21, 2014.

The second item of new business was the CCN hearing for Total Medical Transportation – NEMT Class. The Deputy Director presented the CCN application for discussion and approval. Chairman Hamilton made a motion that the CCN be approved, seconded by Commissioner Asfaw. There was no discussion by the board. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, the CCN was approved.

The third item of new business was the CCN hearing for Ride Leaf, LLC – Alternative Transportation Class. The Deputy Director presented the CCN application for discussion and approval. Chairman Hamilton made a motion that the CCN be approved, seconded by Commissioner Reeves. There was no

discussion by the board. Roll was called; Chairman Hamilton-yes, McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, the CCN was approved.

The fourth item of new business was the transfer of one (1) share Hearing for Show Me Airport. Bhupinder Jaswal was selling his one (1) share of Show Me Airpot to Osman Sapir. The Director explained the transfer was reviewed by the staff, the \$250.00 transfer fee was paid, and that the staff was presenting the transfer of the share of ownership to the Commission for approval. A motion was made by Chairman Hamilton to approve the transfer of one (1) share of Show Me Airport. The motion was seconded by Commissioner Reeves. There was no discussion by the board roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the transfer was approved.

PUBLIC COMMENTS

Raja Naeem was the first to address the Commission in opposition to the proposed Code revision Section 217 1. A.

Muhammad Akram was next to address the Commission in opposition to the proposed Code revision Section 217 1. A.

Ahsan Malik was the next to address the Commission in opposition to the proposed Code revision Section 217 1. A.

Umar Lee was the next to address the Commission he said he was there on behalf of the cab drivers to voice his concerns and opposition on the Code revisions being considered at the July 22 meeting.

Jessica Passmore also addressed the Commission on her opposition to the proposed Code revision Section 217 1. A.

Kim Garner was next to address the Commission opposing the Code revision 604 O. on the agenda. She also expressed her concern about surge pricing and Uber.

Martin Zlatev was next to address the Commission expressing his opposition to the Code revisions, and the impact the revisions would have on premium sedan business.

Fred Sweets was next to speak expressing his opposition to the proposed Code revisions.

Mark Dilcom was next to speak he expressed his views on the Code revisions and stated he believes we need more time before any of these revisions pass to see the need and necessity for more black cars on the market.

John Long was next to speak, stating that by taking away the sixty minute time call order window for premium sedans we were lowering the standards of service, and that he was in opposition to Code revision 604 E.

Zerebrook Gebru also spoke in opposition to the proposed Code revisions and expressed his concerns on Uber operating in St. Louis.

Val Grabsky also addressed the Commission on his concerns of Uber coming to the St. Louis area.

Jamie Doldby was the last to address the Commission in opposition of Uber coming to the St. Louis area.

NEW BUSINESS

After concluding public comments, Chairman Hamilton went back to new business on the agenda to discuss and vote on Code revisions. The first Code revision presented to the Commissioners was Chapter 6, section 604 A.

604 Special Requirements for Premium Sedans.

A. Premium sedans shall be no older than five (5) model years while in service.

1. No premium sedan shall be entered into service older than two (2) model years.

Is hereby amended to read:

A. Premium sedans shall be no older than SIX (6) model years while in service. Any sedan entered into service if more than two model years old and any premium sedan still in service after the fifth model year shall be required in addition to the requirements of Section 304 to submit to inspections every six months.

Chairman Hamilton made a motion to amend Chapter 6, section 604 A. The motion was seconded by Commissioner Asfaw. Discussion ensued. The Chairman called the question and a vote was taken. Chairman Hamilton-yes, Commissioner McNutt-no, Reeves-yes, Rudawsky-no, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the amendment passed, but will not be effective until MTC adopts a Director's rule defining premium sedans.

Chairman Hamilton presented the next Code revision to section 604 C;

604 Special Requirements for Premium Sedans.

C. The fact that a premium sedan driver is stationed on, or within twenty-five hundred (2,500) feet of, a hotel or business property, whether or not on private property, without a written trip ticket in the vehicle shall constitute prima-facie evidence that the driver is operating an illegal taxicab service.

Is hereby amended to read:

C. The fact that a premium sedan driver is stationed on, or within two hundred (200) feet of, a hotel or business property, whether or not on private property, without an electronic or written trip ticket in the vehicle shall constitute prima-facie evidence that the driver is operating an illegal taxicab service.

After presenting the revision, he made a motion to amend Chapter 6, section 604 C. The motion was seconded by Commissioner Reeves, discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the amendment passed unanimously.

The next revision Chairman Hamilton presented was to section 604 E;

604 Special Requirements for Premium Sedans.

- E. Premium sedans are required to operate strictly by prearranged contract with the specific passenger being transported and his guests. Contracts must be arranged at least sixty (60) minutes prior to pick up.

Is hereby amended to read:

E. Premium sedans are required to operate strictly by prearranged contract with the specific passenger being transported and his guests. For the purpose of enforcement, the driver of a premium sedan may prove the prearranged contract by display in electronic or digital form.

After Chairman Hamilton presented the revision he made a motion to amend Chapter 6, section 604 E. The motion was seconded by Commissioner Sommers. discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-no, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the amendment passed.

The next revision Chairman Hamilton presented to the board was 604 F;

604 Special Requirements for Premium Sedans.

- F. Any premium sedan parked on hotel, or business property - or across the street from a hotel, or business property with or without consent of the property owner - must maintain written evidence in the vehicle (in the form of a trip ticket or written contract) of having been summoned to provide service for this specific date, time, and trip.

Is hereby amended to read:

F. Any premium sedan parked on hotel, or business property - or across the street from a hotel, or business property with or without consent of the property owner - must maintain written or electronic/digital evidence (in the form of a trip ticket, written contract or digital dispatch on a smartphone or digital device) of having been summoned to provide service for this specific date, time, and trip. Such evidence will also include the MTC number of the driver and identify theCCN holder. Evidence of having been summoned by the passenger, by MTC authorized hotel personnel or by a representative of the business, must be available for inspection in some form

whether written or electronic by the Director or his designees upon demand. The failure to provide such evidence shall constitute prima facie evidence that the driver is operating an illegal taxicab service.

After Chairman Hamilton presented the revision he made a motion to amend Chapter 6, section 604 F. The motion was seconded by Commissioner Asfaw, discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the amendment passed.

The next Code revision to be presented by Chairman Hamilton was to section 604 G;

604 Special Requirements for Premium Sedans.

- G. Written evidence of having been summoned by the passenger, by MTC-authorized hotel personnel or by a representative of the business, must be available for inspection by the Director or his designees. Lack of such written evidence shall constitute prima facie evidence that the driver is operating an illegal taxicab service.

Is hereby amended to read:

G. When waiting for a passenger at any designation, a premium sedan driver shall display the surname of the passenger prominently in the rear side window of the vehicle or held by hand or otherwise as determined by the Director unless digitally dispatched and able to provide electronic or digital proof of a summons.

After Chairman Hamilton presented the revision he made a motion to amend Chapter 6, section 604 G. The motion was seconded by Commissioner Reeves, discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the amendment passed.

The next revision Chairman Hamilton presented was to 604 H.;

604 Special Requirements for Premium Sedans.

- H. When waiting for a passenger at any designation, a premium sedan driver shall display the surname of the passenger prominently in the rear side window of the vehicle or held by hand or otherwise as determined by the Director.*

Is hereby removed from the Vehicle for Hire Code.

Chairman Hamilton made a motion to strike the language to 604 H., from the Vehicle for Hire Code, the motion was seconded by Commissioner Reeves. There was no discussion by the board roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-

yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the language was removed from the Code.

The next revision Chairman Hamilton presented was to 604 M;

604 Special Requirements for Premium Sedans.

M. In order to qualify for a CCN for premium sedans, the proposed CCN holder must have a minimum of three (3) premium sedans ready for operation at the time the CCN goes into effect.

Is hereby removed from the Vehicle for Hire Code,

Chairman Hamilton made a motion to table the Code revision to 604 M, until later in the meeting, seconded by Commissioner Reeves, no discussion was held roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the motion was tabled.

A second motion was made by Chairman Hamilton conditioned upon the motion to amend 604 M. that the Metropolitan Taxicab Commission authorize the issuance of 25 new premium class sedan permits. As part of this motion, the MTC would accept application from anyone who meets the requirements of a CCN holder as set forth in Section 201, either by currently possessing a CCN or must have made an application for a CCN contemporaneously with application for permits. Applications will be accepted for a period of thirty (30) days. At the close of the application period, permits will be awarded by lottery. Of the twenty five permits awarded, twenty percent (5) will be awarded to single car operators (single premium sedans) and eighty percent (20) will be awarded to multi-car operators (operators with at least three premium sedans). Those permits awarded to multi-car operators shall be awarded in increments of two (2) each. The list of applicants will remain in place for one (1) year and any additional permits deemed necessary by this Board shall first be awarded by lottery to those on the list who have not yet received permits. Discussion ensued and Chairman Hamilton then made a motion to amend the amendment to read as follows;

Conditioned upon the motion to amend 604 M. that the Metropolitan Taxicab Commission authorize the issuance of 26 new premium class sedan permits. As part of this motion, the MTC would accept application from anyone who meets the requirements of a CCN holder as set forth in Section 201, either by currently possessing a CCN or must have made an application for a CCN contemporaneously with application for permits. Applications will be accepted for a period of thirty (30) days. At the close of the application period, permits will be awarded by lottery. Of the twenty six permits awarded, twenty percent (5) will be awarded to single car operators (single premium sedans) and eighty percent (21) will be awarded to multi-car operators (operators with at least three premium sedans). Those permits awarded to multi-car operators shall be awarded in increments of three (3) each. The list of applicants will remain in place for one (1) year and any additional permits deemed necessary by this Board shall first be awarded by lottery to those on the list who have not yet received permits. This motion will be effective upon the establishment of a definition of a premium sedan but in no event later than August 21,

2014.

The motion was seconded by Commissioners Reeves. With no discussion, a vote was taken to amend the amendment; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the motion passed.

Chairman Hamilton then made a motion to approve the amended amendment, seconded by Commissioner Reeves. With no discussion the Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-no, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the motion passed.

After the amendment passed, Chairman Hamilton gave time for additional public comments.

Debbie Rudawsky was the first to speak with concerns of the market for more premium sedans in St. Louis and questioned the whole lottery system.

Fred Sweets also addressed the Commission with the same concerns of the market and lottery system.

Jamie Dolby expressed she would like to see a study completed for the need of more premium sedans before adding more permits to St. Louis.

Chairman Hamilton then renewed the tabled motion to strike the language to 604 M., from the Vehicle for Hire Code, the motion was seconded by Commissioner Asfaw. After discussion roll was called; Chairman Hamilton-yes, Commissioner McNutt-no, Reeves-yes, Rudawsky-no, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the language was removed from the Code.

Chairman Hamilton then presented language to add to Chapter 2;

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

Section 217 CCN Application Fees

- 1. An application for a Certificate of Convenience and Necessity requires background investigation and substantial administrative costs. In order to offset these costs., the following fee schedule set:*
 - A. New application for CCN will be the maximum amount allowed under Mo statute 67.1808 and 67.1809 but not to exceed the maximum amount of \$2,500.00*
 - B. This shall be effective August 1, 2014.*

Chairman Hamilton made the motion to add the language to Section 217 of the Vehicle for Hire Code. Seconded by Commissioner Reeves, discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes,

Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the language was added to the Code.

Chairman Hamilton then presented language to add to Chapter 3;

Section 306 A. 7 Premium Sedan Permit Renewal Fees

A. Premium Sedans in addition to inspection fees, shall pay permit and permit renewal fees of \$500.00 per year.

Chairman Hamilton made the motion to add the language to Chapter 3 of the Vehicle for Hire Code. Seconded by Commissioner Sommers, discussion ensued. The Chairman called the question and a vote was taken; Chairman Hamilton-yes, Commissioner McNutt-abstain, Reeves-yes, Rudawsky-abstain, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the language was added to the Code.

Chairman Hamilton then presented more language to add to Chapter 3;

Section 304 A. 5

5. A premium sedan shall be subject to an annual inspection in order to maintain those standards set for premium sedans by the Director. Any premium sedan which is five (5) model years old shall be subject to an inspection every six months, to be completed by April 30. Premium sedans shall pay for each inspection at the same rate as the annual inspection.

Chairman Hamilton made the motion to add the language to Chapter 3 of the Vehicle for Hire Code. Seconded by Commissioner Sommers, discussion ensued. The Chairman called the question and a vote was taken Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the language was added to the Code.

The final revision on the agenda was tabled until the August 21, 2014 meeting.

DIRECTOR'S REPORT

There was no Director's report at the July 22, 2014 meeting.

TREASURER'S REPORT

There was no discussion on the treasurer's report at the July 22, 2014 meeting.

OLD BUSINESS

There was no old business at the July 22, 2014 meeting.

EXECUTIVE SESSION

With no more on the agenda Chairman Hamilton made a motion to reconvene into Executive Session under Missouri Statute 610.021(1) to discuss legal, confidential, or privileged matters. The motion was seconded by Commissioner Tucci, roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Sommers-yes, and the Commissioners reconvened into Executive Session at 1:48p.m.

ADJOURNMENT

Chairman Hamilton opened the meeting back up to the public at 1:59p.m. With no more on the agenda, Chairman Hamilton made a motion to adjourn the July 22, 2014 meeting. The motion was seconded by Commissioner Reeves. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Rudawsky-yes, Satz-yes, Tucci-yes, Asfaw-yes, and Sommers-yes, and the meeting was adjourned.

Minutes were interpreted from an audio recording of the meeting by Beth Dunham.