

Minutes of the Metropolitan Taxicab Commission  
Friday, May 6, 2005  
1:00 p.m., in the Auditorium at 100 N. Tucker Blvd.

( Note: there were 23 attendees in the audience today)

**Call to Order at 1:18 p.m.**

**Roll Call: w/ instruct to add them as they arrive, but we do have a quorum as of now.**

**Present were: XXXXXXXXXXXXXXXXXXXXXXXX**

**(no Approval of (April 22) Minutes;** Peggy Walsh took them and the transcript isn't here yet)

TMC: Now, do I hear a motion to go into Executive Session? (turning to the audience he explained) We have Commissioners who have a tight schedule today, so we're re-ordering things somewhat. We have some litigation and personnel matters to discuss, which must be in a closed session, hence we need to do this **first**, while everyone is still here to participate in that vote.

Mr. McNutt made the motion, it was seconded by Mr. Morgan.

TMC: (again addressing the audience) Excuse us, while we go into Executive Session; this should only take us about 20 minutes. Thank you.

<b>Adjourned for Executive Session in the MTC offices; reconvened at 1:50 p.m., to resume the public session.</b>
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**(PJM said “where are Lou’s proposals? Oh, I see.” Some gentleman approached, shook Patrick’s hand, and handed some written materials to Patrick and to Mike Tully. (???)**

**New Business**

Next meeting date: (discussion) chose Friday, June 3, with a 1:00 p.m. start time. Mr. Tully, make sure that June 3 is posted to all the Commissioners.

Mr. Tully then stood and introduced Brian Kinsey and Ted LaBoube, from the Lambert- St. Louis Airport Authority; they are here to present to us the Airport’s proposal concerning putting the airport taxi operation out for bid as a ‘concession’ operation.

Mr. Kinsey thanked the Commisison for this opportunity to outline the proposal . Consulting the ‘bid packet’ he recapitulated all the salient pont, beginning with a summation of the key dates: and the actions to be taken on each date.

We will make the award sometime in October, pending the approval process by the City of St. Louis. The bid is in several parts – note the ‘experience level’ of the bidder, we are requiring that they have operated a minimum of 20 cabs in the last 5 years.

Mr. Morgan questions why it has been limited it to the last 5 years? He suggested it read ‘for at least’ 5 years? You could have someone who’s operated for 20 years, and left the business and wants to come in, who has that experience but just not that recently...Mr. Kinsey conceded the point, and said it can be amended.

Concerning a referncd by Mr Kinsey to DBE’s (diabled Business Enterprises) Chairman cmCarthy asked: Wasn’t there recently a Kansas City court development that impacts DBEs? Or is THIS based on Federal? Mr. Kinsey replied, Yes, it is Federal. There is a requirement for a \$25,000 bid bond, and for a \$300,000 \_\_\_\_\_ bond. Note there is a \$350,000 minimum concession fee, which means annual, of course. The annual concession fee is the bid *minimum*, but \$350,000 is the *floor* of that.

Mr. Kinsey then addresses insurance stipulations; Mr. McNutt asked if that means, two separate policies? Mr. Kinsey deferred to Mr. Laboube as the Ground Transportation manager and the Airport's Risk Manager. TLB: (spoke but I could not hear him, he is seated with his back to me, addressing the dais and isn't speaking loudly enough)

DMN: It reads as if it's a combination: General Liability of \$2 million, but a much lesser amount for auto liability? (again I cannot hear the reply)

Mr. Kinsey read aloud the "Living Wage" portion; no questions were asked or comments made about this. Mr. Kinsey cited the annual 'concession fee,' explaining it is to be paid monthly, however. There is a \$2.00 airport exit fee and there will be a \$2.00 drop-off fee too, if that is ultimately authorized.

Mr. McNutt asked, Who's gonna keep track of all that? Mr. Kinsey replied We reserve the right to audit any concession, and of our concessions (then read something aloud I didn't catch)

Mr. Rudawsky asked: What is the thinking, on having to own 50 percent of the fleet?

Mr. Kinsey replied : We DO want to hear back from potential bidders on that – it may prove unrealistic.

Chairman McCarthy suggested that, At the pre-bid meeting, you may want to point out, about color schemes: say that an out-of town - who doesn't know this market - comes in with schemes we already have- so, please have them acquaint themselves with what scheme is still available via a visit to the Commission

Mr. Hamilton added : The MTC reserves the ultimate right to approve all color schemes, of course.

TMC: Again, I caution the bidders: any uniform they choose must be (basically) the one in our Code!

Mr. Kinsey: Next, they have to accept three major credit cards, and they must accept airline vouchers as payment: that has been a really big issue in the past!

TMC: Our Code will be the minimum – if you want it more stringent, that's acceptable.

Mr. Kinsey stated the 'Pear Tree' lot will be the staging lot. Please refer to page 4: the "Assignment of Subcontractors" – note that there is no 'sell off' agreement. There are also very stiff fines ...

TMC: Let's talk: a lot of these are covered by MTC Code, as well as by the City/ and County and by various municipal ordinances. Already, a violation of OUR Code is also a violation of City ordinance. In most jurisdictions the fines are not nominal, but they also are not staggering. Please, **talk with Director Tully** and the Commission's counsel regarding the size of fees, and of how they relate to ordinances currently in effect. You can get agreement from the *concessionaire*, but not from the *drivers*! I am skeptical of the Airport's ability to fine an individual driver as opposed to the company!

BK: If the driver violates the regs, we look to the concessionaire!

LH: If you cite them, then you have a legal obligation to report it to us, and then there will be another 'whack' from us!

TMC: Again, **get in touch with counsel on this** – and bear in mind the proportionality – it's a potential invitation... (was interrupted, see below)

LS: (interjected) What's this thing about a '10 minute wait between midnight and 5:00 a.m.'? The last flight lands at 11:30, so to justify having 1 cab there you'd need to have a starter; but why pay that salary with so little potential use?! It's a "catch 22" for drivers AND for the concessionaire...

BK: We do random audits with all our concessionaires – so, ***it's not up to the starter agents*** – or, we might hear about it from other sources such as the Airport police officers, other personnel...

**LA:** The object is, to let the drivers make some money! To sit there, with no potential revenues, is....

TMC: (Interjected) ...the object is, to *draw attention to* it, and to *stop it*, but not to make it into a 'profit center'!

NL: I know it's not your decision, but what is your understanding of this: if there's a bidder not related to entities (whom) we know now – what could happen to them?

BK: I understand they'd continue to be On-Call cabs...

(several audience members called out angrily: “yeah, but from what companies?!”)

TMC: That is not the current law: they are not, and cannot be On-Call cabs; that's anecdotal, by the way...

TMC: Well, remember **we already have an Airport study**; what we **don't** have is an **On-Call study**, and we need to get one done! Also, we don't want the guys at the Airport to look like totem poles with a thousand badges all over their shirts...

LH: We require a badge already; so if you require a badge, too, then we need to decide whose goes on top, etc.

TMC: **Work with counsel, may I suggest?**

DMN: If there are any questions, permits are the function of the MTC – the disposition of cabs at the Airport ...

TLB: This is all new for us – that badging, I mean – (couldn't hear the rest)

LS: One line here (on the proposal) that Basil and I just discussed, where it says “the Airport encourages the successful bidder to consider employment of...” I would prefer: “hire current drivers first” or something much more forceful than this wording!

BK: That is at THEIR discretion, the successful bidder's, I mean...

TMC: I myself would look more favorably on applicants who ... (couldn't hear) If you bring in brand - new drivers who've never done this, then we're basically **starting all over!**

LH: Give us your best-case scenario and your worst, for the 'timing issues' here.....

BK: We're asking to get all approvals by mid-October, so we'd like to see November 1, but I admit that may be too optimistic! Out schedule doesn't improve by moving the due date up, because this has to go through the Board of Aldermen and they have the summer recess, after which they reconvene in early September..

TMC: (interjected) so what's the worst-case...?

BK: This is longer than usual, actually. The worst case – say there is equipment problem or some other operations reasons, then it'd be over, I would think, by the end of the year

TMC: Well, some of us have had some experience with legislative bodies (chuckles from audiences who know he is a former state senator) and it's an imperfect process at best!

We have a couple of considerations here: a) you, our Commission, has control...

LH: ( interjected) and there's E and A (**Board of Estimate and Apportionment?**)

TMC: Right, E and A, and then c) is the Board of Aldermen

BK: Well, the first Wednesday in September, is when...

TMC: Let's just say the Board of Aldermen is less-than-completely-prompt...(more chuckles)

BR: So, let's say at the outside, it's the end of the year for all the approvals; but the successful bidder won't go out and get 500 vehicles at once!

LH: That's an excellent point! He has to get it all filed, **then** he has to get it all licensed!

TMC: Assuming we're ecstatically happy and there are no...

LH: (interjected) ...If the successful bidder is NOT an industry incumbent, then that's really daunting!

Treasurer's Report; **let's postpone having the Treasurer's Report due to a late-received item of business...** (???)

(Director Tully walked to the dais and asked :Do you want me to address the Ace Cab/ABC thing? )

(I didn't hear what was said in reply) then TMC said : No, let's do the **Director's Report** now, Mike.

## Director's Report

**Item A:** the owner of **ABC Cab** is here today – this subject came up at a prior meeting – I declined his request to expand, strictly due to the moratorium, so Mr. Beal is here today to appeal it to the full Commission ...

TMC: (interjected) Well, let's go on to other items and then **come BACK to that one...**

MT: **TWO:** \_\_\_\_\_ is being sold to Archway; the staff has made its recommendation to *approve* the sale, subject to your approval. (**WHERE DID THIS GO?!? Died on the vine?**)

Then, the **third thing** I have, is that I made an emergency decision to extend the deadline for Airport cabs until May 31, until we decide what we'll do about all that....

TMC: Okay, let's **move on, to Lou's handout**, Mike ... (**FOUR??**)

MT: Gentlemen, in your packets is: the Vice Chairman and I have developed some information about On-Call licenses, the fee structures, and creation of a new classification of "Airport On-Call License" In addition I am in negotiations with the Airport Parking Authority to impose a \$1.00 exit fee which will come directly to this Commission. Then, *every vehicle transiting the Airport* will have to have a transponder – which is obtainable from the Airport Authority at a cost of \$16 each.

Then, each month, the airport will give us a count of how many vehicles from each of the companies has exited, and our Commission personnel will then bill the companies....

TMC: Whoa! Why not just collect it as they exit the Airport? Why not just give him \$3 instead of \$2, then there's no chasing around for it!

MT: We've set this up so that they will provide the data, and we will provide the billing

TMC: No, we'll want to simplify this....

MT: That's been discussed but it \_\_\_\_; if so, we can have it in place by June 1 – otherwise, we'd have to negotiate a contract and that could take quite some time. Also, I need to mention that for anyone found NOT having a transponder, we would impose a mandatory \$50 fine. (man sitting next to me started complaining, I didn't hear the end of MT's statement)

(side discussion between MT and PJM about some disciplinary matter of a West County driver, so I didn't hear what was said from the dais, either)

TMC: The \$50.00 fine and these other proposed changes to the ordinance are inextricably bound. I'd like to see it **posted on the Website** with the opportunity for the affected parties to respond; I also propose a special meeting....**this is why I want to postpone today's Treasurer's Report.**

I propose we now **select a date for this (special) meeting**...how's two weeks from today? Let's say May 20? Or May 25?

TMC: Wait, we can do Thursday morning of next week, if we do it by phone! That means that 8am on the 12<sup>th</sup> is the fastest we can possibly DO it. It **has** to be an '**open session**' – so, we need as many bodies (meaning, of Commissioners) in here as possible, gentlemen –

TMC: Right. Okay, then, **we're saying Thursday, May 12**, at 8:00 a.m., with one Commissioner (Satz) calling in by phone. The good news is, that gives us time to resolve this, prior to the Airport's 'pre-bid' meeting on the 27<sup>th</sup>. The bad news is, that only gives the public 6 days to comment. We need to get this on the website, notify them that the proposal is there;

So, we're saying, retroactive to April 30<sup>th</sup>; and if we adopt the funding proposed (shown) here should we lower the driver rolls at the Airport, or doesn't the Airport, only, change those?

DMN: That's **not true**..(a fire truck went by, so I didn't hear the end of his statement)

PJM: ...tell them to send their input to the Director by e-mail...

TMC: Perfect! Then the Director can encapsulize them for us, prior to the meeting!

TMC: Now, what else do you have for us, Mr. Director?

MT: There are still **two issues** outstanding:

first, Mr. Steve Ukman and the Archway / Ace sale...

PJM: Counsel has reviewed the application by New York \_\_\_\_\_ Holdings...there is a recommendation for approval by the staff and by the Director...Mr. Ukman is available today for any questions from the Commissioners...

TMC: All the liabilities will be assumed by the purchaser?

Note: I took notes but they made little sense – everyone was talking at once, and PJM and MT were having a side conversation next to me, so I could not hear much of it. Have Patrick fill me in on the essence of what was debated.

TMC: **Do I hear a motion to approve this, with conditions?**

LD: Yes

TMC: Well, what are they?!

TMC: Okay, then I will second it!

**THE SALE WAS VOTED ON AND UNANIMOUSLY APPROVED: TMC had me poll the Commissioners and record the vote.. ENUMERATE IT HERE**

TMC: Now, the **next issue is ABC Cab**. Mike--?!

MT: Mr. Beal has 32 cabs, and he requested 18 more to bring his total to 50; he did request it in writing, and I and the staff reviewed his request and I denied it, based on the moratorium...

LH: (interjected): All 32 are in service?

MT: Yes.

TMC: Does he propose to put those 18 in service right away?

Mr. Beal: (stood and interjected) No, sir, a few at a time, and over two years...if it's about the age of the cars, I could...

MT: Make it, in writing

MT. I have it in writing, already...

TMC: ...then let's see it

MT: I don't have it with me, in here...!

TMC: If you get or have stuff in writing, Mike, then you should share it! The study we are undertaking will help us a lot to make this decision – I am anxious to lift the moratorium and deal with these on a case-by-case basis. Unless someone objects, I'd love to see the written proposal, etc., before making any decisions.

AS: Is there a need...? ” (couldn't hear the end of his question)

Mr. Beal: I don't understand...

LS: Do you have data, showing that you're missing calls?

Mr. Beal: Oh, yes, I have Trip Sheets

TMC: Having no reserves speaks to that – your data is useful to us – if it's based on merits and not just on the moratorium, it's not a waste of your time...

Mr. Beal: So, now you want all the data, but for the next meeting?!

TMC: No, the **next one (meaning, May 12) will be about Airport issues only** – let's hold **YOURS** until the June 3 meeting

DMN: (interjected) Well, the City had a provision that, if properly licensed, they allowed **ten percent** growth a year...

Mr. Beal: the COUNTY did unlimited growth, so why should I conform to only ten percent?! .....

TMC: (interjected) We merged two, very different, Codes. We mostly used the City's, but we don't have to *adhere* to that! This really needs to be documented, then decided in context...

Mr. Beal: Sure, I'll have LOTS of time until JUNE (sarcastically, dejectedly)

TMC: that's fine. Any further business? From the Commissioners?

PJM: **Public Comments...**

TMC: It's 3:20. We've lost a few Commissioners since this all started – let's keep it succinct and on point, please, to those of you who are speaking to us today. Who first, counsel?

**Speaker # 1** : I'm \_\_\_\_\_ Hoffman of \_\_\_\_\_: yesterday I found the Code is being violated by premiums, parking all over hotel property...

TMC: What hotel are you referring to?

Speaker: the Marriott, the Ritz

Edward Shanayev interjected “nothing ever changes, never, at all (there were some some discussions between Shanayev and Hoffman, and among the Commissioners, all happening simultaneously)

LS: We really need to enforce MORE

TMC: Coordinate this with them, please! If they're kind enough to 'tip us off' then we can tell the cops..

Speaker: Hey, why involve the cops?! You have your own Agents! That's THEIR job!

MT: (interjected) It's better to get the cops involved, believe me.

LH: (interjected) ..that's because the cops can ticket and tow...

LS: (interjected) I'm the Alderman for Town and Country – we HAVE done enforcement, we HAVE talked to the hotel managers and desk clerks, bellmen – we have done it, I assure you, but we can't be there all the time!

TMC: I don't comment on past conduct, but, Mike (addressing Director Tully) : I want to see a report from you about what's been going ON, what's been alleged, how you've responded....

Speaker: I got a ticket just last week, but THESE GUYS didn't get tickets, oh NO!

MM: Can't we revoke...

TMC: Damn right, we can! If you see violations, take down the pertinent information, the license place, the company name, everything! Do we have that...?

MT; (turning to his Agents, asked:) Gentlemen?

MTC Agent Doug Scherer replied: Yes, we DO.

TMC: Then act on it, damn it!

MT: I'll do a report for the next meeting...

**Speaker Two** : Mr. Ron Yuzenoff ( Spelling) ( affiliation)

PJM: Mr. Yuzenoff? (pause) it says he wants to talk about the concession and the bidding process?

(someone spoke up from the audience\_) Oh, he left? Okay, then. That's it.

**Speaker Three:**

A man in the audience arose and said “Wait, I submitted one! I am David \_\_\_\_\_ the Vice President of Windows off Washington. Ours is a family-owned business, we are a banquet facility operating shuttle vehicles, after our events, back to the downtown hotels. I want to know: where is the line drawn on shuttles/courtesy cars? I've seen church vans and schools giving rides to people and THEY aren't regulated, but I am! Places like Dobbs Tire & Auto shuttles people all around...

PJM: (interjected) Did you present this subject to our staff yet?

Speaker: No

TMC: What is your context? Because: we do hotel vans, car parks, etc., but generally not shuttles run in conjunction with a business or a non-profit.

MM: (interjected) What are you asking for, exactly?

DMN: Why not let the Director and his staff know the specifics...

Speaker: Okay, I'll make up a list!

TMC: Good. We avoid not-for- profits, charitable organizations, and so forth, but if we've missed anyone, by all means draw it to our attention.

LH: If you derive or procure a benefit, even indirectly, to your customers, that's the thing...

TMC: All right, then. I need someone to make the **motion to adjourn**

LS: I so move

LH: I'll second.

TMC: We are adjourned ([the time is 3:25 p.m.](#) ) We'll see you at our next meeting, on Thursday May 12<sup>th</sup> and remember its **at 8:00 a.m. this time**. Thank you.

--- minutes taken by Judith Cannon / Office Administrator