

**City of Bethel
Regular Transportation Commission Meeting
March 20, 1997**

I. CALL TO ORDER

The meeting was called to order at 7:11 p.m. by Chairperson Himshoot.

II. ROLL CALL

Present: Chairperson Robert Himschoot Jr., Thor Williams, Allen Glore, Doreen O'Brien, Richard Robb, Tania Oh, Phillip White

Absent: None

III. APPROVAL OF MINUTES

motion Chairperson Himschoot moved to approve the minutes of the February 6, 1997 meeting with the addition that an astrict be included after New Business stating that the tape recorder went faulty and that was the reason for the shortness of the minutes; seconded by Phil white.

vote Voice vote passed.

IV. APPROVAL OF AGENDA

New Business

Item B. Sharon Gregory's appeal;

Item C. Process for Revocation for non-payment;

Item D. Lee Sharp's recommendations.

Old Business

Item B. Amendments to Ordinance-Chauffeur Application (ADA);

Item C. Amendments to Testing Requirements;

Item D. Review limits on Driving Hours;

Item E. Resolution 97-01 Shared Road Use;

Item F. Betty Evans - Update.

motion Thor Williams moved to accept the Agenda as amended; seconded by Allen Glore.

vote Voice vote passed unanimously.

V. TRANSPORTATION INSPECTORS REPORT

Chief Eilers stated that he has no further comments other than what was submitted in the packet; unless the commission has questions.

VI. PEOPLE TO BE HEARD

motion Thor Williams moved to temporarily suspend the commission members comments; seconded by Allen Glore.

Dick Russell handed out a DRAFT format citing the Alaska Statutes Chapter 64 Sec. 18.35.300 PLACES WHERE SMOKING IS REGULATED "non-smoking cabs in Bethel" See attachment. Submitted for consideration. The proposal is to make all cabs non-smoking. Commission consented to have this item added to the agenda at the next meeting.

VII. COMMISSION MEMBER COMMENTS

Phil White

City Cab #53 Lic PI #ZZJ764 early 80's American Eagle station wagon abandoned at Church Slough; contact owners and have removed immediately. If not removed within 7 days will be towed at City Cab expense.

Chief Eilers stated that the Police Department will look into the matter and have it taken care of. Discussion followed.

Rick Robb

No comment

Tania Oh

No comment

Thor Williams

Random cab inspections; are we continuing with these? He stated that the price list must be visible; really clear violation of the ordinance. Also, top lights shall be illuminated only when in service.

Chief Eilers stated that he will request the officers to continue random cab inspections.

Also requested that the business that is conducted by the Transportation Commission is to be brought to the City Council in an expedient manner and that the minutes be submitted to the City Clerk so they can be in the packet for City Council meetings.

How many cabs are on the road? Requested that this information be submitted each month.

Thor Williams stated that Madam Mayor Richardson requested to bring ordinances that people want to change in front of City Council and express the reasons why you want to change them; and getting the direction from City Council to give it to Lee Sharp as our attorney, to change the ordinance; then the ordinance would come back to City Council first as Old Business to be voted on.

Chairperson Himschoot clarified that this means that the commission does not have to worry about the wording to fit it into the code as is. What we do is try to express our ideas on how we want it changed to the city council. The city council will then decide if they want to take it to the lawyer to turn it into a format. We are to provide the city council with ideas, not finished product. Discussion followed.

Allen Glore submitted several pages of paper with cab company names, cab numbers and license plate numbers that he has collected over a months time. These cabs are all in violation of the ordinance. See attached.

Requested a hearing meeting for revoking permits, would like to schedule that for next meeting. Alaska Cab 96 and 121. Letter sent to the owners requesting their attendance, regarding the revocation of their permits.

Would like to continue the records keeping, it is in the ordinance and must be continued.

Doreen O'Brien read letter regarding mishaps that have occurred to passengers of cabs. See attached.

Thor Williams regarding the flow of traffic at the hospital. Doreen stated that the hospital has put out notices that when the snow and ice is gone they will paint the parking lot. Hospital security guard can help them to remind the cabs not to bunch up in that area.

Chief Eilers stated that he had to physically get out of his vehicle and tell the cabs not to bunch up in the front area of the hospital, only then did they actually move to the taxi zone.

Allen Glore asked if we had heard anything about the Dead Beat Parent law where the state has revoke drivers licenses if the parent is behind in child support payments.

Doreen O'Brien stated that she thought it would go into effect in July. All professional licenses will be at risk for delinquent child support payments. Drs., dentists, licenses, etc. If you are in arrears that license can be taken away from you.

Chairperson Himschoot thanked Allen for putting in the time to document taxi ordinance violators. It was suggested that he be hired as a taxi cab bounty hunter. Also that the cab owners should be given a fine, not just a "fix-it" ticket. Give a dozen cabs a fine.

Chief Eilers stated that 2-3 weeks ago he authorized Sgt. Walker some overtime and he wrote 8 tickets. All cabbies paid the fines some went to court but most just paid the

fine. Discussion followed. He will assign officers to spend their whole shift doing nothing but cabs.

Chairperson Himschoot suggested two hours, three times a week. Illegible numbers on cabs can be "fix-it" tickets and have the vehicles inspected in 24 hours. Cabs need to be fined for non-compliance of ordinance.

Taxi cab 146, has been on the out of order list for too long.

Thor Williams requested that under New Business add designated dispatch area. Waiting in a specified, designated area or at their central location area.

Chairperson Himschoot requested a working group to discuss the following two Items:

1. All cabs will be required to keep records.
2. It will be part of the working group that they submit ideas of their own that we will look at.

Write to all cab companies requesting their attendance. Bring forth ideas besides what the Transportation Commission has provided.

Add to agenda review of the working group. We can approve or disapprove of their ideas since it will already be on the agenda. Discussion followed.

Post working group tomorrow or Monday. It was suggested that the meeting be held at 6:00 pm before the regularly scheduled meeting at 7:00 pm; April 3, 1997.

VIII. OLD BUSINESS

Item A. Appeals (Kusko and Alaska)

LJ. Tanner spoke to Lee Sharp, city attorney and he has a seemingly easy way to handle this and that is to have the owner of the car be the person to pay for the permit; therefore, there is no discrepancy in "ownership" of the permit, or proprietary rights to the permit. This information can be submitted to the city council by Thor and hopefully adopted into the code.

If we say the owner of the car is the person who comes in and pays for the permit, then they don't have a financial claim to it. Discussion followed.

*Ground rules not set up. (T. Williams)

*Let Lee make the decision. (R. Himschoot)

*Appeal should be presented (T. Williams)

- motion** Doreen O'Brien moved to request, from the city council, a status report from Lee Sharp regarding the appeals, are they still negotiating what the ground rules. Clarify what the Transportation Commissions' responsibilities are; seconded by Phil White.
- vote** Voice vote passed.

Jim Randall issue is mute because he did not file an appeal nor was he present at this meeting.

Item B. Amendments to Ordinance-Chauffeur Application (ADA)

Thor Williams wants clarification on whether or not this is an ADA requirement or if we are infringing on peoples rights, because of that being in the ordinance. LJ. Tanner, City Clerk has contacted Lee Sharp, he has not returned her call. Discussion followed. Rick Robb requested a written response. Discussion followed.

- motion** Rick Robb moved to send to the city council, to give to Lee Sharp city attorney, the motion to delete Section 5.40.030 Chauffeur's License, letter D., #5 "Being committed voluntarily or involuntarily to a medical facility or a psychiatric institution by reason of mental illness or substance abuse be deleted; and section 5.30.040 Permit Applications, letter C., #2 "Being committed voluntary or involuntary to a medical facility or psychiatric institution by reason of mental illness or substance abuse be deleted"; and

State that we believe that this may be in violation of ADA and therefore take a look at it and strike it if they find it necessary; seconded by Doreen O'Brien.

It is the belief of the Transportation Commission that it may be in violation of the ADA.

- vote** Voice vote passed.

Item C. Review for Test Requirements

- motion** Rick Robb moved to propose an amendment to ordinance 5.40.040 Chauffeur Licenses to add a section G. The applicant passes with a minimum score of 70% a written test of basic knowledge of the ordinances pertaining to the duties and responsibilities of a chauffeur. A series of comparable tests will be written by the Transportation Commission; seconded by Doreen O'Brien.

Discussion followed covering pro's and con's of testing permit applicants including language, braille, reading comprehension.

- vote** Roll call vote: PW-y; RR-y; TO-n; TW-n; AG-n; DO-y; RH-n
Motion fails.

Chairperson Himschoot stated that the commission may be biting off more work than we want to and also might be biting off more liability than we want to by opposing a test. Discussion followed.

motion **Thor Williams moved to ask the Transportation Inspector have every Chauffeurs' licensee permit holder cab owner sign, once a year when they renew their permits, that they have received a copy of the ordinance and are responsible for understanding it's contents; seconded by Phil White.**

vote **voice vote passed.**

Item D. Resolution 97-01 Shared Road Use; and
Amendment to Ordinance add 5.40.100 Time of Service

Discussion followed regarding previous passage of these two items at the February 6, 1997 Transportation Commission meeting; however, due to tape recorder malfunction the exact wording was lost. See attachments.

Item E. Betty Evans - Update

Betty addressed the commission stating that her chauffeurs permit was revoked by the Transportation Inspector due to a background investigation. Betty stated that her probation was completed in January.

IX. NEW BUSINESS

Item A. Rates and Fees

Allen Glore stated that the amendment would raise some maximum rate that can be changed during certain times of the year (Oct.1 - April 30). We will be having a new subdivision out behind the subdivision. Discussion followed. See attached.

motion **Doreen O'Brien moved to take the proposed amendments 5.20.020 Rates and 5.20.110 Fees to the city council for their discussion; seconded by Allen Glore.**

vote **Roll call vote PW-N; RR-N; YO-N; RH-N; TW-Y; AG-Y; DO-Y; RH-N. Motion fails.**

Discussion followed.

Allen Glore brought up a conflict of interest issue stating that the commission has two people associated with the industry voting "no" on this. Chairperson Himschoot stated that the two people were added with council's approval, with full voting privileges. Thor Williams stated that when you have a conflict of interest the people have to identify what that conflict of interest is and if its financially liable for that person, then it is up to the committee to decide. Chairperson Himschoot asked if any one here have anything to declare as a conflict? Rick Robb stated that this would effect him, under fees and he

offered to change his vote to "ABSTAIN"; Rick Robb stated that for the record he is not driving and does not own a chauffeur's license, as you all know my wife operates a cab. Chairperson Himschoot commented that money would be coming out of your household, personally. Rick Robb stated that yes it would, and he would abstain.

Phil White stated that his only problem was with the 5.20.020 has nothing to do with the rates. Discussion followed.

Thor Williams called for reconsideration of this motion; seconded by Allen Glore.

Discussion followed regarding fees and the reasons for increasing the fees.

Chairman Himschoot stated that Chief Eilers asked if him to have a break in the discussion at 10:00 pm because he would have to leave here very shortly, stating that Chief Eilers would like to be present for the Sharon Gregory Appeal. Chairperson asked the commission if could grant this break in the discussion.

motion **Thor Williams moved to suspend the rules to allow that the appeal for Sharon Gregory could go on at this time; seconded by Allen Glore.**

vote **Voice vote passed.**

Item F. Sharon Gregory - Appeal

Sharon Gregory provided to the City Clerk that was then forwarded to the Transportation Commission stating the reasons for her appeal. Phil White asked Ms. Gregory is she was convicted of assault in the 4th, in 1993? Ms. Gregory stated "yes". He then asked if she had been driving cab last year. Ms. Gregory stated that she had been driving in 1995/96 and not this year. Phil White asked why Ms. Gregory had not been denied those years, and why was it picked up this year? Chairperson Himschoot stated that neither Chief Eilers nor Darlene Engebretson were here in those years. Chairperson Himschoot asked if Ms. Gregory had followed the instructions of the court, that were given to you? Ms. Gregory stated "oh, ya". Chairperson Himschoot asked if she was on probation? Ms. Gregory stated "no". Phil White asked Ms. Gregory if there were any other convictions since that time? Ms. Gregory stated "no". Chairperson Himschoot suggested that we allow Ms. Gregory to continue with her permit with maybe one check in with us in six months. It was asked if Ms. Gregory had stated the assault charges on her application? Chief Eilers stated "yes". Chief Eilers stated that he had no problem with the recommendation of the Chairperson.

- motion** Thor Williams moved to allow Sharon Gregory have a conditional Chauffeur's License for the next six (6) months and return back to us in our September, 1997 meeting. Ms. Gregory is to "stay clean". Ms. Gregory is to obey all laws and to read and understand the ordinance; seconded by Doreen O'Brien.
- vote** Voice vote passed.

Chairperson Himschoot suggested that the commission review section 5.20.050 Hearings - Appeals and amend it to include "at the Transportation Inspectors discretion".

Chairperson Himschoot requested that the committee continue with discussion previous agenda Item A. Rates and Fees

Chairperson agreed with Doreen O'Brien that these items be proposed to the city council as two separate items; 1. The Rate Increase; and 2. The Fee Increase and let the council however they fell necessary. Discussion Followed.

- motion** Doreen O'Brien moved to send amended ordinance 5.20.020 Rates, to city council with changes/additions made to include:
FARE TO AND FROM THE AIRPORT EXCEPT AS NOTED;
FARE TO BIA EXCEPT TO AND FROM AIRPORT;
and add the following fares to include YKHC subdivision
FARE TO AND FROM YKHC SUBDIVISION EXCEPT AIRPORT - \$7.00;
FARE TO AND FROM AIRPORT TO YKHC SUBDIVISION - \$4.00;
seconded by Allen Glore.
- vote** Voice vote passed unanimously.

- motion** Doreen O'Brien moved to send amended ordinance 5.20.110 Fees, to city council with changes/additions made to include:
- A. \$100.00 MONTHLY SHALL BE PAID FOR THE RENEWAL OF BUS, DISPATCH SERVICE OR TAXICAB PERMIT NO LATER THAN THE 10TH OF EACH MONTH IN LIEU OF SALES TAX;**
- B. \$100.00 SHALL BE PAID FOR THE ISSUANCE OF AN INITIAL APPLICATION FOR A CHAUFFEUR'S LICENSE AND \$50.00 FOR A RENEWAL THEREAFTER. THE RENEWAL FEE IS NON-REFUNDABLE.**
- C. \$100.00 MONTHLY SHALL BE PAID FOR THE ISSUANCE OR RENEWAL OF A RIVER TAXI PERMIT NO LATER THAN THE 10TH OF EACH MONTH OF OPERATION.**

D. \$50.00 SHALL BE PAID FOR EACH APPEAL FROM THE DECISION OF THE TRANSPORTATION INSPECTOR OR HIS DESIGNEE TO DENY OR REVOKE AN APPLICATION FOR A CHAUFFEUR'S LICENSE/CAB PERMIT/DISPATCH SERVICE PERMIT. SUCH FEE SHALL BE REFUNDED IF THE DECISION OF THE TRANSPORTATION INSPECTOR OR HIS DESIGNEE IS SUBSEQUENTLY REVERSED OR IF THE TRANSPORTATION COMMISSION DOES NOT MEET WITHIN 15 DAYS OF THE FILING OF THE APPEAL. THE CITY CLERK MUST NOTIFY ALL TRANSPORTATION COMMISSION MEMBERS WHEN AN APPEAL IS FILED. THE FEE SHALL BE FORFEITED IF THE PARTY MAKING THE APPEAL FAILS TO SHOW FOR THE APPEAL HEARING. THE FEE FOR FILING AN APPEAL MAY BE WAIVED BY THE CITY'S FINANCE DIRECTOR UPON RECEIPT OF PROOF THAT THE PETITIONER CANNOT AFFORD TO PAY SUCH A FEE.

E. \$100.00 SHALL BE PAID FOR EACH APPLICATION FOR THE TRANSFER OF A TAXICAB PERMIT FROM ONE DISPATCH SERVICE TO ANOTHER.

ADD:

F. \$1,000.00 ANNUALLY SHALL BE PAID FOR THE USE OF A CITY OF BETHEL TAXICAB PERMIT IN ADDITION TO THOSE FEES PRESCRIBED IN SECTION (A) ABOVE. THIS FEE SHALL BE PAID NO LATER THAN THE 10TH OF JANUARY OR \$100.00 PER MONTH BY THE 10TH OF EACH MONTH TO EQUAL \$1,200.00 ANNUALLY.

G. \$3,000.00 ANNUALLY SHALL BE PAID FOR THE USE OF A CITY OF BETHEL DISPATCH SERVICE PERMIT IN ADDITION TO THOSE FEES PRESCRIBED IN SECTION (A) ABOVE. THIS FEE SHALL BE PAID NO LATER THAN THE 10TH OF JANUARY OR \$300.00 PER MONTH BY THE 10TH OF EACH MONTH TO EQUAL \$3,600.00 ANNUALLY; seconded by Thor Williams.

Chairperson Himschoot asked for discussion. Rick Robb stated that the commission needs to think about if more, that you have to do a cost analysis, I think that it should be kicked around with the people that are going to be paying the fees, and see what they think. I think it should be kicked around by the consumers of the industry. Does everyone here want to go on record as charging an additional sales tax on the already over taxed people of this community? Discussion followed. Chairperson Himschoot asked for a roll call vote. He also stated that this was just going to the city council, this is not becoming a working item until after several things have happened, their

introduction, Lee's mangling of it and the city council's passage of it. Chairman Himschoot again asked for a roll call vote on sending it through to the city council as amended.

vote **Roll call vote PW-y; RR-ob; Tania-n; TW-y; AG-y; DO-y; RH-y.**

The meeting was again interrupted allowing "People to be Heard". Consumer stated that his River Cab permit has been denied because I was too late, it was January 21st. I went to the Police Station my application was denied because it was late. I didn't see any regulation with deadline dates on it. Chairperson Himschoot stated that you may or may not have a point but right now that is mute. What you needed to do was appeal denial within 15 days of the denial. We can't do a thing without an appeal. Chief Eilers is not here to tell us why it is denied, so my suggestion to you is to look through the ordinance to see what you can do for an appeal, for River Cab. Whenever you get something denied and you feel that you have a right to an appeal. When you appeal your money comes back to anyway. Re-apply tomorrow can be heard at next meeting.

motion **Thor Williams moved to suspend a permit if by the 10th of the month the \$100.00 in lieu of sales tax has not been paid, and waiting for the appeal hearing to be held at the next meeting; seconded by Phil white.**

Allen Glore suggested that the motion be amended to strike "in lieu of sales tax" because that is not what's in the ordinance. A \$100.00 a month permit fee is what we now have in the ordinance.

Chairperson Himschoot suggested it be amended to say that "all required fees are to be paid by the 10th of the month. It is whatever fees is required of the person by the ordinance.

motion **Thor Williams moved to accept amended motion to read a permit is to be suspended if not all required fees are paid by the 10th of the month; seconded by Phil White.**

vote **Voice vote passed.**

Chairperson Himschoot requested to have Old Business Item D. Lee Sharp Recommendations, tabled until next meeting. Chairperson Himschoot stated that he would ask LJ Tanner to attend the next meeting since she is the one having the one on one conversations with Mr. Sharp.

X. ADJOURNMENT

motion Thor Williams moved to adjourn the meeting; seconded by Phil White.
vote voice vote passed.

Meeting was adjourned at 10:33 pm.

PASSED AND APPROVED THIS 4th DAY OF APR., 1997.



Chairman Bob Himshoot Jr.

ATTEST:



Darlene F. Engebretson, Recording Secretary