



***MASS TRANSPORTATION AUTHORITY
MINUTES OF THE APRIL 23, 2009 BOARD MEETING***

- PRESENT:*** Paul Newman, Chairman, Paul Luttenbacher, Richard Abrams, Mike Zelle, Ted Henry, Duane Miller, John Northrup
- STAFF:*** Robert Foy, Suzanne Shepherd, Jerry Ragsdale; Ed Benning, Lynn McLean, Charlene Kowalski, Terry Jurrens
- GUEST:*** Penny Roberts, VAAA, Mike Joliat, Attorney
- ABSENT:*** Sheldon Neeley

Chairman Newman called the meeting to order at 8:07 A.M.

Comments of the Public

Ms. Penny Roberts stated that she has a concern about the bus stop at Meijers on Center Road. The stop used to be at the south end of the Meijers store. Meijers requested the MTA to move the stop to the north end of the building and place it about four feet back where you cannot see the bus coming. If the bus doesn't see anyone they will go right by and the passengers are left there. At night, it is dark and there are cars sitting there and people are afraid of being robbed. Originally Meijers agreed that the bus could pick the passengers up in the front but have now moved the stop to the end of the building. Ms. Roberts wondered if we could have another meeting with Meijers to see if we could move the bus stop back to the front.

Mr. Foy stated that we have had on going discussions with the Meijers Corp. about the location of bus stops on their property. For years we had operated on the south end of the Center Road facility and they asked us to move to the north end.

Ed Benning, MTA Assistant General Manager-Services stated that the Meijers Corp. is going through a reconstruction of their garden area. They are going to expand it and as a result they asked us to move our bus stop to the north end of the building. We have done the same thing at Pierson Road. When we talked to the manager at Center Road he is willing to allow us to have more than one bus stop so if we want to set up an additional stop in front of the building between the two doors, that would be a safe location. We can go back and discuss with them about a second stop.

Minutes of the March 19, 2009 Regular Board Meeting

Mr. Zelle moved, supported by Mr. Northrup to approve the minutes of the March 19, 2009 Regular Board Meeting. Motion passed unanimously.

Minutes of the March 17, 2009 Finance Committee Meeting

Mr. Abrams moved, supported by Mr. Northrup to approve the minutes of the March 17, 2009 Finance Committee Meeting. Motion passed unanimously.

Minutes of the April 2, 2009 Personnel Committee Meeting

Mr. Luttenbacher moved, supported by Mr. Northrup to approve the minutes of the April 2, 2009 Personnel Committee Meeting. Motion passed unanimously.

Resolution #09-30 authorizing payment of settlement in pending litigation in Dorothy Brandon v. Virginia Reinhardt and Mass Transportation Authority Case No. 08-88727-NF before Judge Richard B. Yuille in Genesee County Circuit Court for mediation amount of \$20,000.00.

Mr. Foy stated that this was brought before the Board and there was a general agreement to allow our attorney to mediate to a successful settlement of \$20,000.00. At the time that we did this we did not have a full quorum.

Attorney Michael Joliat stated that the summary of our discussion at the last meeting is on page five of the Board minutes. This was a case evaluation where a pedestrian was injured when she was struck by an MTA Your Ride vehicle when it was backing up in a parking lot. It was a slow speed collision. It went to case evaluation and was accepted at \$20,000.00. This settles the tort bodily injury claim full and finally forever and resolves all but PIP medical expenses and replacement services and attendant care service. There has been no medical treatment in the last year and a half so we expect this to be a full and final settlement.

Mr. Northrup moved, supported by Mr. Zelle to approve Resolution #09-30. Motion passed unanimously.

Resolution #09-31 authorizing the General Manager to issue Change Order Number Seven (7) in the amount of \$3,705.00 for a total construction Contract of \$1,601,038.13 to Siwek Construction, for the construction of the Swartz Creek Service Facility.

Mr. Foy stated that this is the last little piece of the contract for the construction of the Swartz Creek Service Center.

Jerry Ragsdale, MTA Assistant General Manager-Administration stated that we originally proposed that the entrance to the Swartz Creek Service Center would be Miller Road. In discussions with the city and the road commission we purchased an additional piece of land on Dye Road for the entrance. In the design from CHMP they removed the electrical conduits on Miller Road and put them onto Dye Road. However, we had lighting on Miller Road that we needed conduit to so we required a change order for Consumers to install the wiring. Secondly, there was an error in the design of the garage door. They put the wrong set of locks on the

design so once the project manager discovered that, we had to go in and add the change from the specifications.

Mr. Abrams stated that the Finance Committee has reviewed this and recommended approval to the full Board, however we were hoping that CHMP would be here to explain why they couldn't put the right locks for the door into their specifications when they designed every other facility.

Mr. Abrams moved, supported by Mr. Zelle to approve Resolution #09-31. Motion passed unanimously.

Resolution #09-32 authorizing the General manager to enter into an agreement with Sportsworks Northwest, Inc. for the purchase of bicycle carriers for transit vehicles in an amount not to exceed \$49,020.51.

Mr. Abrams stated that the Finance Committee reviewed this and recommends approval to the full Board, therefore Mr. Abrams moved Resolution #09-32. Mr. Zelle supported.

Mr. Foy stated that we are purchasing fifty (50) bike racks for a total of \$27,447.00. There is an option to purchase twenty-seven (27) more at \$799.00 each for a total of \$49,020.51. These are the standard bicycle racks that we put on the front of our vehicles.

Mr. Abrams stated that relative to the difference in cost from the first order to the second order, we found out that the first order is an extremely low bid and the second order is approximately what it cost to furnish each unit.

Mr. Foy stated that you have two companies that are the strongest competitors in the marketplace. Sportsworks lost the bid the last time we went through this process. This time through on their base bid they were significantly low. We had discussions with other transit agencies that have had Sportswork and they told us that the price we are getting is about 50% of what they had to pay. Clearly what they have done is low ball the bid so they can get into the marketplace here.

Mr. Ragsdale stated that we submitted the grant under the enhancement program. Originally we only submitted the grant for the fifty bike racks. We got a call from the Director of the enhancement program indicating that they did not receive a large number of enhancement grants so they asked if we would purchase and install three tier bike racks and gave us additional money to purchase them. This is the total amount of the grant that they gave us.

Motion passed unanimously.

Resolution #09-33 authorizing the General Manager to issue Amendment Number Two (2) for an agreement with Genesee County for implementation of a Pilot "Door-Through-Door" Transportation Program, for an extended program to April 30, 2009, with a contract that commenced on March 1, 2008, for a total contract amount not to exceed \$291,666.00.

Mr. Foy stated that we initially entered into with Genesee County a pilot program for providing service from the curb. Normally in our public transit responsibility we provide the service curb-to-curb. Genesee County requested that we provide service from the curb to the door for individuals who qualified and then further they had a need for us to provide service that went into the home to help individuals with putting on their coats, carry out packages, etc. So we have what we call door-to-door and secondly door-through-door. We had a contract that took us through the end of February. Previously we dealt with the issue of extending it one month through the end of March and now this one will extend it through the end of April. We anticipate that we will have a long-term contract before the end of this period.

When we first started this in March of 2008 there were no identified needs. Genesee County asked MTA to structure a program. The program initially started out with less than a hundred people the first month. It increased each month and now we are up to 3,600 passengers that we are carrying each month. In structuring the program we said that what we are providing out of our public transit millage is the cost of providing the transportation curb-to-curb. The only thing that the Senior Millage is being billed for is the additional cost of providing service to those individuals that require service from the curb to the door or providing it from the curb through the door into their home.

Mr. Zellely asked that in the future we provide a breakdown of the number of door-to-door passengers and the number of door-through-door passengers.

After further discussion, Mr. Henry moved, supported by Mr. Abrams to approve Resolution #09-33. John Northrup, Richard Abrams, Mike Zellely, Ted Henry, Duane Miller and Paul Newman voted in the affirmative. Paul Luttenbacher voted no. Motion carried.

Resolution #09-34 authorizing the General Manager of the Flint Mass Transportation Authority to take the action necessary to request that the City of Flint call for an election on a proposal to amend the City Charter and have a Flint Mass Transportation Authority Renewal proposition submitted to a vote of the electorate of the City of Flint at the Election of November 3, 2009.

Mr. Abrams moved, supported by Mr. Northrup to approve Resolution #09-34.

Mr. Foy stated that the current millage does not run out until next year. We originally wanted to go for the millage in May but it was delayed until August. Now it is in the best interest of the community if we moved the millage to November. We are asking that we now provide all the information so that it gets put on the ballot for November.

Attorney Joliat stated that years back when the funding for the Mass Transportation Authority was coming from the city funding rather than a general fund the city transitioned in their tax

limitation section of their Charter that rather than use general fund money to go out for a millage for 6/10ths of a mill, increase the Charter cap and use the money generated from the millage to support the Mass Transportation Authority. The Mass Transportation Authority statute limits millages that the MTA can levy itself to five years. So the Mass Transportation Authority has always asked that the City of Flint when they go out for a millage, limit it to five years. The current millage expires next year and this is to extend and amend the City Charter to add a section because if we pass this one now and didn't amend the existing section we would lose the last year of the previous millage. This will add a section so it won't be levied until the previous millage expires.

Motion passed unanimously.

Discussion on Changing the Board Meeting Date to the Fourth Thursday of the Month

Mr. Foy stated that it has been brought to our attention that our valued member of the Board, Ted Henry has a conflict on the third Thursday of the month with a State of Michigan meeting that he must attend. We have a request that the meeting date be moved to the fourth Thursday of the month. On several months of the year there are five Thursdays in the month and we move the meeting to the fourth Thursday during those months. At this time it would give us the opportunity for Commissioner Henry to be able to serve on the Board if we hold all of the meetings on the fourth Thursday.

Mr. Zelle moved, supported by Mr. Northrup to move the Board meetings to the fourth Thursday of the month and when a holiday falls on the fourth Thursday the meeting will be moved to the Monday before the holiday. Motion passed unanimously.

General Manager's Report

Mr. Foy stated that we have a copy of a lawsuit that was filed with the American Public Transit Association dealing with an unusual issue that came up but could be a very significant impact on transit here in Genesee County.

In Portland, Oregon we had an individual who attempted to test the system in saying that using the para-transit service he had the right to say what vehicle was going to pick him up and what driver was going to drive the vehicle. As strange as it may seem, that had a positive response from the court that said yes he had that right. It created a serious situation and right now is under appeal. In our particular case we have a few individuals that say they want a certain vehicle and we try to accommodate to them. Not because we have a legal responsibility but we're trying to do it to give good customer service. The test is whether they do have the right to be able to make that type of demand which would be devastating to us if we had 150 people everyday trying to tell us what driver and what vehicle was going to pick them up. We just wanted the Board to be aware of this and we will keep you informed.

Mr. Foy also stated that we received a request from the Genesee County legal department for the right to be able to house the Emergency Management Command Post vehicle in an MTA facility. They have requested that they be able to place their vehicle in the Swartz Creek Service Center.

We have the capacity to do that. We just wanted the Board to be aware that they have requested this. It will mean that they will have to have access to the facility so they will be able to get their vehicle when an emergency does occur. It is our intention that they can park it there. There is no fee. They will have the responsibility for their vehicle and we won't be liable for anything that may happen.

Mr. Ragsdale stated that he received a call from the police chief of Grand Blanc Township. Currently the vehicle is stored at the station on Grand Blanc Road. Because they are planning on expanding and purchasing some new equipment they can no longer store it there and there are no other fire facilities that can accommodate that vehicle. We discussed the liability requirements and the access to the building and we would be working with the county risk manager to insure that they have the proper coverage and we would be protected for anything that might occur with the vehicle.

Mr. Northrup and Mr. Henry thought that some type of time frame needs to be worked out so that the Board can renew, if they so desire, to allow them to continue to park the vehicle in Swartz Creek.

Mr. Foy stated that he has provided the Board with reading material that deals with the issue of Art in Transit. Phoenix, Arizona is implementing an Art in Transit program in the amount of \$6.3 million. Recently Jerry was in Chicago and the Chicago facility now has Art in Transit there. They have an atrium in the middle and art all the way up the middle of the facility. Minneapolis is putting art in their facility. We were just a little bit ahead of everyone in terms of the extent of what we were doing but it is becoming more of the common practice to have art in the facilities.

We have an opportunity to go forward for a grant out of the \$100 million that is being set aside through the stimulus package to adapt our facilities for the use of natural gas vehicles. In our service centers we have regular unleaded fuel and also diesel fuel at each of those locations. It is our intention that over the next five years that we will be moving away from diesel as much as possible and going into alternative fuels. We have the opportunity to submit a grant for the purpose of converting our facilities. The first area that we are going to start converting over to CNG will be our para-transit vehicles. We are looking at purchasing 120 of them over the next few years that will then be converted over. We will have to convert our facilities because you cannot put a CNG vehicle in just any building. It has to be specifically modified to accept the vehicle because the fumes from the natural gas rises and can get trapped in the roof of the building and can explode. We are submitting a grant for the purpose of converting our Grand Blanc, Fenton, Mt. Morris and Swartz Creek facility over to CNG capability. We are also asking in the grant for additional money to be able to convert the fueling system to CNG at the locations.

Mr. Foy stated that this fall he would be giving the Board a briefing on all of the things that we are working on in our conversion over to alternative fuels.

Chairman Newman ruled that the General Manager's Report be received and filed.

Mass Transportation Authority 2nd Quarter Performance Indicators

Mass Transportation Authority Quarterly Investment Report

March, 2009 Income/Expense Statement

March, 2009 Ridership Statistic Report

March, 2009 Complaint Statistic Report

Mr. Henry moved, supported by Mr. Northrup to accept the Mass Transportation Authority 2nd Quarter Performance Indicators, the Mass Transportation Authority Quarterly Investment Report, the March, 2009 Income/Expense Statement, the March, 2009 Ridership Statistic Report and the March, 2009 Complaint Statistic Report. Motion passed unanimously.

Comments of Board Members

Mr. Henry stated that he appreciated the Boards action to move the meetings because he does have full intention of being an active member of the Board.

Mr. Miller stated that he really appreciated Mr. Foy working with them to move the millage to the November ballot because they had other items on the ballot in August.

Adjournment

Meeting was adjourned at 9:15 A.M.