

Approved Minutes
June 17, 2009
Ann Arbor Transportation Authority
Board of Directors Meeting
AATA Headquarters, 2700 South Industrial Highway, 6:30 p.m.

Board Members Present: Ted Annis, Charles Griffith, Sue McCormick, David Nacht
(Chair), Rich Robben

Board Members Absent: Paul C. Ajegba*, Jesse Bernstein

*Mr. Ajegba participated via telephone for a portion of the meeting

Staff Present: Terry Black, Francis Borzo, Ron Copeland, Lois Crawford, Dawn
Gabay, Jan Hallberg, Ed Robertson, Mary Stasiak, Phil Webb,
Chris White

LAC Representative: Rebecca Burke

Recording Secretary: Karen Wheeler

Chairman David Nacht declared that a quorum was present and called the meeting to order at 6:38 p.m.

1.0 Public Hearing – None Scheduled

There was no Public Hearing.

2.0 Communications and Announcements

Sue McCormick made a motion to amend the agenda for the Board to go into Executive Session following the first occurrence of public time for the Board to discuss a contract with Michael Ford. Mr. Nacht announced that the Executive Session was being called as an exception to the Michigan Open Meetings Act which allows public bodies to enter closed session “to review the contents of an application for employment when the candidate requests the application to remain confidential”. Ms. McCormick indicated that Mr. Ford requested confidentiality. Charles Griffith supported the motion to amend the agenda. The motion passed unanimously.

Mr. Nacht announced that he was contacted by the American Civil Liberties Union of Washtenaw County to inquire about videotaping and audio taping on AATA buses. Mr. Nacht indicated that he would raise the issue with the Interim Executive Director during Question Time.

Charles Griffith announced that he may want Dawn Gabay to provide some particulars on what is going on with state funding for transportation.

3.0 Public Time – Comment on Agenda Items

Jim Mogensen appeared before the Board. Mr. Mogensen commented on items contained in the proposed goals and objectives: plans for a new park and ride lot at Plymouth Road, the Arborland situation, and an intermodal facility planned for Fuller Road. Mr. Mogensen encouraged the Board to reconcile the needs of people who live in the urban area and the needs of commuters.

Thomas Partridge appeared before the Board. Mr. Partridge challenged the two minute limit for an individual to speak during public time, and the limitation that comments be limited to items pertaining to agenda items. Mr. Partridge labeled the limitations unethical, and something that could be viewed as illegal if challenged in court. Mr. Partridge commented on the goals and objectives contained in the Board packet indicating that there is no priority given to countywide bus transportation. Mr. Partridge also indicated that the goals contained no item pertaining to senior ride service on a countywide basis. Mr. Partridge alleged that there AATA management employees carrying on a campaign against paratransit eligible riders in the county and against senior riders and called for the alleged campaign to stop now.

No one further appearing, Mr. Nacht declared Public Time closed.

4.0 Executive Session – Discuss Employment Application

Sue McCormick moved to enter Executive Session for the purpose of discussing an employment application. Charles Griffith supported the motion. On a roll call vote, the motion passed unanimously: Robben – Yes; McCormick – Yes; Annis – Yes; Griffith – Yes; Nacht – Yes. The Executive Session commenced at 6:49 p.m.

Charles Griffith moved to adjourn the Executive Session. David Nacht supported the motion. The motion passed unanimously. The Executive Session closed at 7:12 p.m.

Mr. Nacht announced that during Executive Session the Board considered the terms of a contract to be extended to Michael Ford.

Ms. McCormick moved that the Board support the appointment of Michael Ford as CEO of AATA upon July 6, 2009 or as soon thereafter as is mutually agreeable by both parties, subject to Mr. Ford's acceptance of a final written offer and contract from the AATA. Ted Annis supported the motion. The motion passed unanimously on a roll call vote: Robben – Yes; McCormick – Yes; Annis – Yes; Griffith – Yes; Nacht – Yes.

Paul Ajegba voiced support for the motion, although he could not vote due to not being in attendance.

Mr. Nacht thanked Ms. McCormick for conducting the negotiations and Mr. Ajegba for handling the hiring process.

5.0 Review and Approval of Minutes

5.1 Review and Approval of Minutes of May 20, 2009

Mr. Griffith moved approval of the minutes as written with support from Ms. McCormick. The motion carried with four affirmative votes; Mr. Annis abstained.

6.0 Board and Staff Reports

Arborland

Dawn Gabay reported on the status of the transfer location at Arborland. The conflict with the owner has been discussed with the management company who notified Ms. Gabay that the owner will not extend AATA's occupancy. Staff has started making arrangements to move to an alternate site which would be located across Washtenaw Avenue and would cause buses to go through the neighborhood.

A press release has been informing customers about the details of the situation. Ms. Gabay indicated that AATA has received support from Borders Books and Hiller's grocery store indicating that they are not in favor of AATA vacating the property. Ms. Gabay reported that an additional complication is a construction project scheduled for July at the proposed new boarding site. Ms. Gabay indicated that staff will work through the issues and keep the Board apprised of further developments.

Mr. Nacht noted that Jesse Bernstein undertook an effort to preserve the relationship between AATA and Arborland. Mr. Nacht suggested that AATA offer to pay to use the property. Ms. Gabay responded that she was informed by the management company that money is not an issue, but agreed to contact the management company again and restate AATA's offer to rent the site.

Mr. Nacht thanked staff, Board members, other members of the community, Borders and Hiller's for their expressions of support.

Mr. Annis noted that there is a gas station nearby that if purchased and turned into a bus stop, would be ideal. Mr. Robben noted a little stretch of street that goes out near the Belle Tire store that may also be an option.

Connector Study

Ms. Gabay reported on a resolution for a revised authorization to provide funding for the Connector Study. Ms. Gabay indicated that in November the Board passed a resolution authorizing the project. Ann Arbor City Council approved the City's share of the study.

The share from the partners changed and the new breakdown is \$160,000 from the University of Michigan, \$80,000 each from the City of Ann Arbor and the Downtown Development Authority, and \$320,000 from AATA using ARRA (Stimulus) funds.

Mr. Nacht inquired as to the office location of the contractor, URS. Chris White responded that the headquarters is located in Minneapolis. Mr. White noted that the University and the City of Ann Arbor have contracted with URS extensively. In response to a question from Mr. Nacht regarding the principals on the project, Mr. White indicated that he will represent AATA on the project but that Eli Cooper from the City of Ann Arbor will be the project manager. Rick Nau was identified as the participating consultant. Mr. Nacht requested a copy of Mr. Nau's bio.

Mr. Nacht indicated that the Board never talked about contributing \$320,000, to the project. Mr. White indicated that the subject was discussed with the Planning and Development Committee when federal Stimulus funds became available.

Mr. Nacht indicated that the Board should have been alerted well in advance of the meeting of the change in the funding. Members of the Board discussed the recommendation from staff to commit \$320,000 to the project, and there was support for delaying a vote. In response to a concern that Stimulus funds should be spent locally, Ms. Gabay reminded the Board that AATA must comply with federal procurement regulations and cannot give local preference.

Mr. Annis requested that staff prepare an executive summary, to include deliverables, prior to the Board voting to approve funding. Ms. Gabay indicated that staff would provide the Board with an executive summary prior to the August Board meeting.

Ms. McCormick asked about the consequence of a delay until August. Mr. White indicated that URS has agreed to extend the original pricing so far, and they will need to decide if they will continue to honor their proposal.

Mr. Nacht restated his concern of a lack of communication between staff and the Board on significant changes on a project.

Link

Ms. Gabay reported that the Downtown Development Authority (DDA) decided to discontinue funding the downtown portion of the Link route. The service for the coming year would cost \$83,000. Subsequent to that decision the University of Michigan decided to operate their portion of the Link themselves. Ms. Gabay indicated that while the Link has developed into a valuable service to many customers, the DDA Transportation Committee decided to reevaluate their goals for a downtown circulator.

Mr. Nacht indicated that he does not want the Link to disappear and requested that the PMER Committee work with the DDA Transportation Committee to see if there is a way to preserve the service.

Purchase of Service Agreements (POSA)

Ms. Gabay reported on meetings with representatives from Ypsilanti Township and the City of Ypsilanti during which both expressing difficulty in funding transit services for next fiscal year. The City is working on alternatives to reconfigure routes and consolidate service. Ed Koryzno, Manager of the City of Ypsilanti has agreed to take the lead on the Ypsilanti Chamber calling a meeting to include the City, Washtenaw Community, St. Joseph Mercy Hospital, Eastern Michigan University, Ypsilanti Township and Superior Township. The group will discuss transportation in the region.

Ms. Gabay reported that Pittsfield Township is considering a new service configuration that would include collection points and demand response service. Ms. Gabay indicated that staff will continue working with POSA partners on service and funding issues to come to conclusion before the new contracts begin on October 1.

State and Federal Funding

Ms. Gabay reported that the State Senate passed the FY2010 summary budget which includes possible funding reductions from freight service, passenger service, planning administration, specialized service, and bus operating. Bus operating is proposed to be reduced by \$4.2Million and bus capital by \$3Million for the state.

Ms. Gabay indicated that the Governor's Transportation Taskforce has issued a list of recommendations for funding alternatives for transit. Ms. Gabay indicated that she would provide a copy of the alternatives to Mr. Nacht so that he could share AATA's support for the proposal in an upcoming meeting with Jeff Donofrio from the Governor's office.

It was noted that AATA is at the "floor" of state funding at an aggregate of \$7Million. Phil Webb explained the different components of the funds and indicated that the FY2010 budget will likely reflect a conservative estimate of state funds of approximately \$6.5Million.

Mr. Nacht noted the variance in federal operating assistance which is currently shown at \$1.3Million to date while the budget is \$1.7Million. Mr. Webb explained that this is a timing issue; some funds are left in reserve to be drawn down for preventive maintenance dollars or for other purposes later.

Mr. White reported on receipt of an extension from the state for \$400,000 of matching funds to the \$1.6Million in federal funds to renovate or rehabilitate the Blake Transit Center. The state share was set to expire in September, but the state decided to renew it. Mr. White also reported on receipt of an extra \$55,000 in Ridesharing and outreach funding for the FY2010. AATA's capital match from the plan from state was approved essentially allowing AATA to save up Federal 5307 funds for bus purchases in future

years or like large expenses. The state agreed to provide the match for bus replacements in FY2011 when AATA will be using FY2009 funds for bus purchases.

Blake Transit Center

Mr. Nacht inquired as to the status of renovating the Blake Transit Center. Ms. Gabay responded that the project is included in the proposed FY2010 goals and objectives. A request for proposals was issued to hire an architectural firm to conduct an assessment and make a recommendation on whether to renovate or demolish and rebuild the facility. Ms. Gabay indicated that the proposals were received, and staff was reviewing the responses.

Federal Triennial Review

Ms. Gabay reported that she provided a report to the PMER Committee on the results of the Federal Transit Administration's Triennial Review. There were three minor findings during the May review, all of which were resolved before the reviewers left the property. Mr. Nacht requested that the reviewer's report be provided to full the Board.

7.0 Question Time

Mr. Nacht announced that the Americans Civil Liberties Union wants to know if we are spying on people when they ride the bus. Ms. Gabay indicated that no one is spying. There are cameras on the buses and following some incidents and accidents, tapes are removed from the bus for investigation. Depending on the incident, it may be necessary to save a portion of a video for court involvement. Under normal circumstances, video is taped over every 35 to 40 days.

Mr. Nacht asked if the police would be allowed to view video so that they could listen to conversations on the bus. Ms. Gabay indicated that there has to be a specific incident that would warrant such a review. Ms. Gabay reported that one of the agreements made with the labor union is that staff would not just watch tapes, but there has to be a specific reason. Ms. Gabay indicated that management is interested in protecting the privacy of AATA employees and passengers, and that the cameras are there as a means of protection, not merely observation. Mr. Nacht noted that there is no specific policy governing cooperation with law enforcement, but to date there has not been an issue. Two members of the audience spoke up and indicated that the cameras are visible and that there are signs posted indicating that there are cameras.

Mr. Nacht asked if there was anything that the Board needed to be aware of on the budget. Ms. McCormick reported that the agency is operating below budget and is in good shape. Mr. Webb reported on a change to reporting local depreciation to the National Transit Database which lowers the cost per bus service hour.

Mr. Nacht asked for a report from the Board Committees. Ms. McCormick reported that in addition to discussing the budget and Arborland, the PMER Committee discussed the

features of an employer annual pass pilot program. The pass is similar to the go!pass, but broader and applicable to other employers. Ms. McCormick will provided updates to the Board.

Mr. Annis reported that PDC spent a significant amount of time working on goals and objectives. Mr. Annis indicated that he presumed that the Board would hand the goals over to Michael Ford. Mr. Annis noted three goals that he considers mission critical: renovation of the Blake Transit Center, relocation of the current Arborland bus stop and transfer location, and an improved business continuity plan (a disaster recovery plan) for the IT Department.

Mr. Nacht referred to the goal on WALLY which calls for hiring a consultant, the cost of which is estimated at \$500,000. Ms. Gabay indicated that the figure is an industry estimate, and not a bid number. Mr. Nacht advised Ms. Gabay that Michael Ford should take a hard look at hiring a consultant prior to bringing a consultant contract to the Board for a vote.

Mr. Annis reported that PDC has spent some time discussing WALLY. At the last PDC meeting Tom Cornillie announced that the figures in the RL Banks study of 1,000 daily riders might be high and the capital expenditures of \$33Million might be low. Mr. Annis indicated that PDC needed to spend more time discussing the project.

Ms. Gabay reported on a meeting scheduled for the following with representatives from the Michigan Department of Transportation, the City of Howell, and key partners to talk about budgets, funding and what the needs are for getting good figures.

Rebecca Burke reported that the Local Advisory Council began working on a project looking at bus stop accessibility. Problems with gaining access to line buses will be reported to Chris White. A subcommittee continues work on a code of conduct. A resolution proposed to the LAC to unify the LAC and LAC Executive Committee was voted down. Ms. Burke restated the LAC's concern that there is not a Board liaison in place. Ms. Burke extended an invitation for a Board member to attend the August LAC meeting.

8.0 Old Business

There was no Old Business.

9.0 New Business

There was no New Business.

10.0 Public Time

Sandra Holley appeared before the Board. Ms. Holley commented on the discussion regarding surveillance on buses stating that a bus is considered a public entity and

suggested a blanket memo stating that this paranoia is not needed and that maybe there is a lack of communication and understanding on due process.

Ms. Holley commented on Michael Ford's impending arrival and asked if there will be someone shadowing him in first few months. Ms. Holley suggested that the bulk of the Link ridership is students and no one is looking at the fact that they are the main consumers in Ann Arbor. Ms. Holley stated that the Link is not just good for school, but it is also good for downtown.

Ms. Holley commented on the Arborland situation suggesting that the mall ownership is making decisions because they don't know history of the situation. Ms. Holley concluded her comments indicating that state funding cuts are due to the recession, and cautioned staff to budget for the lowest possible anticipated funds.

Jim Mogensen appeared before the Board. Mr. Mogensen commented on the American Civil Liberties Union activity in the City of Ann Arbor, and an action that may have been taken by City Council to place a digital video recording device in every patrol car. Mr. Mogensen speculated that federal appropriation bills for safety equipment could have strings attached.

Mr. Mogensen commented on the situation in Arborland which is used as a park and ride location and a transfer location. Mr. Mogensen indicated that crossing Washtenaw Avenue in good weather may be fine, but may be an extreme chaos during the winter months. Mr. Mogensen urged the Board to solve the park and ride problem and the bus connection problem together.

No one further appearing, Mr. Nacht declared Public Time closed.

11.0 Adjournment

Ms. McCormick moved to adjourn the meeting with support from Mr. Annis. The motion passed unanimously. The meeting was adjourned at 8:28 p.m.

Respectfully Submitted,



for

Charles Griffith, Secretary