

**SAN MATEO COUNTY TRANSIT DISTRICT
1250 SAN CARLOS AVENUE, SAN CARLOS, CALIFORNIA**

**MINUTES OF BOARD OF DIRECTORS MEETING
NOVEMBER 12, 2009**

Members Present: M. Church, J. Deal, R. Guilbault, S. Harris, J. Hartnett, A. Lloyd, K. Matsumoto, A. Tissier

Members Absent: Z. Kersteen-Tucker (Chair)

Staff Present: J. Cassman, M. Colondres, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Martinez, N. McKenna, D. Miller, C. Patton, M. Scanlon, M. Simon

Vice-Chair Rose Guilbault called the meeting to order at 3:09 p.m.

CONSENT CALENDAR

The Board unanimously approved the consent calendar (Church/Hartnett).

- a. Approval of Minutes of Board of Directors Meeting of October 14, 2009
- b. Acceptance of Statement of Revenues and Expenses for September 2009
- c. Acceptance of the Quarterly Investment Report, Fixed Income Market Review and Outlook for the Quarter Ended September 30, 2009
- d. Approval of 2010 Board of Directors Meeting Calendar

PUBLIC COMMENT

Jerry Grace, San Lorenzo, said people are not listening to the California Highway Patrol and slowing down on the “S” curve on the Bay Bridge and asked how many new riders were on SamTrans and Caltrain due to the closure of the Bay Bridge.

APPROVAL OF ELIGIBLE DISCOUNT FARE REDUCTION

Deputy CEO Chuck Harvey said at the fare increase public hearing there was one area of concern expressed among the community, the rate of \$32 staff proposed for the monthly eligible discount pass. Staff went back and did an analysis of what other agencies charged for the eligible pass, what the discount percentage is from the base pass and what the percentage discount is compared to the normal passes. After this research the recommended \$25 was fairly consistent from a policy perspective and other local transit agencies. Mr. Harvey said staff is asking the Board to modify the codified tariff for this section and reduce the increase in the eligible discount monthly pass from \$32 adopted by the Board at the September 9, 2009 meeting down to \$25. This increase would be effective February 1, 2010.

The motion (Lloyd/Tissier) to approve the eligible discount fare reduction was passed unanimously by roll call.

REPORT OF CHAIR

Vice-Chair Guilbault congratulated General Manager/CEO Michael Scanlon on his 10-year anniversary with the District. Mr. Scanlon has not only been a leader here at SamTrans, but also in San Mateo County and nationally.

Public Comment

Jerry Grace, San Lorenzo, congratulated Mr. Scanlon on his 10-year anniversary.

REPORT OF THE GENERAL MANAGER/CEO

Mr. Scanlon reported:

- Thanked the Board for their recognition and support over the past 10 years.
- Recognized Chair Zoe Kersteen-Tucker on her sustainability letter that was sent to all District employees.
- Thanked the Board for approving the recommended reduction in the eligibility discount monthly pass.
- Recognized Leslie Fong, Diane Shaw, David Olmeda and Chuck Harvey for their efforts on the annual American Heart Association campaign. District employees raised over \$40,000 and were recognized with eight awards.
- Staff is working on the service reductions and fare increase and the revised run cut has been completed and shared with members of the Amalgamated Transit Union.
- Last week 14 employees were recognized for 25 years of service and two employees for 30 years of service.
- On November 9 the Supervisor Academy graduates began identifying the bus operators who will be laid off and providing them with tools including interviewing skills, emotional intelligence training, techniques, and resources along with a transit supervisory certificate that will be citable on their resume.
- Staff completed base inspections the first week of November and overall the condition of the facilities is very good.
- Starting April 10, 2010 SamTrans will be operating at the new temporary Transbay Terminal in San Francisco.
- Extra holiday service will begin on November 27 on Route 120.
- SamTrans received favorable press on the Senior Mobility Ambassador program.
- SamTrans is in pending negotiations with the San Francisco Public Utilities Commission (SFPUC) regarding the Dumbarton Rail Bridge. The SFPUC will soon be awarding a major contract to upgrade the regional water supply. SamTrans is the legal title holder of the Dumbarton Rail Bridge and is being asked to grant two sub-service tunnel easements. Staff and legal counsel are engaged in negotiations for these easements to protect future transportation options for use in the Dumbarton Corridor and also accommodate this important regional water facility project. The SFPUC is requesting the San Francisco Board of Supervisors adopt a resolution of necessity to permit an initiation of imminent domain proceedings to acquire the underwater corridor. The passage of this resolution will enable the SFPUC to certify that they will have possession of the necessary rights by the time actual construction starts next year.
- The annual Caltrain Holiday Train will be December 5 and 6.

COMMUNITY RELATIONS COMMITTEE

(Accessibility, Senior Services, and Community Issues)

SUBJECTS DISCUSSED

- a. Accessibility Update
- b. Paratransit Coordinating Council (PCC) Update
- c. Citizens Advisory Committee Liaison Report
- d. Performance Report – Fixed-route Bus Service
- e. Multimodal Ridership Report – September 2009

FINANCE COMMITTEE

RESOLUTIONS

- a. Authorize Amending the Operating Budget, Waive the Requirement for a Competitive Solicitation Process and Award a Contract to New Age Security Solutions (NASS) to Provide Counter-Terrorism Training at a Cost Not-to-Exceed \$76,250
- b. Authorize Award of Contracts to Bender Rosenthal, Inc., Dana Properties and Diaz, Diaz and Boyd to Provide Real Estate Appraisal Services for a Five-year Term Not-to-Exceed \$75,000

The motion (Hartnett/Tissier) to approve the resolutions was approved unanimously by roll call.

LEGISLATIVE COMMITTEE

SUBJECTS DISCUSSED

- a. State and Federal Legislative Update

PLANNING, DEVELOPMENT AND SUSTAINABILITY COMMITTEE

SUBJECTS DISCUSSED

- a. Draft Fiscal Year 2009-2018 Short-Range Transit Plan
- b. District's Sustainability Program

WRITTEN COMMUNICATIONS

In reading file.

BOARD MEMBER COMMENTS

Director Jim Hartnett thanked the Board for all their time and effort. He said he attended Veteran's Day ceremonies yesterday in Redwood City and it made him realize how lucky we all are to have been born here; so lucky to have the opportunity to serve in the way we do; and so lucky to have people who served for us so that we can serve. Director Harnett said most of what people complain about is an inconvenience, but we should all hold ourselves to great standards and high expectations for serving the public. What each of us experienced today is a matter of greatness, luck and generosity.

Director Karyl Matsumoto said the city of South San Francisco adopted the Marine Corps unit in San Bruno that works with Caltrain on the Toys for Tots Holiday Train.

Vice-Chair Guilbault said Director Harnett's voice, wisdom and sense of humor will truly be missed.

DATE AND TIME OF NEXT MEETING – December 9, 2009, at 2 p.m., San Mateo County Transit District, Administrative Building, 1250 San Carlos Avenue, San Carlos, CA 94070.

GENERAL COUNSEL PROPOSAL

Legal Counsel David Miller said items (a) and (b) are not going to be the subject of closed session discussions today. There have been ongoing negotiations and discussions with representatives of the Amalgamated Transit Union (ATU) and Teamsters Union.

The other two items which will be the subject of the closed session deal with the Transit Oriented Development Project with Legacy Partners and an agreement that is in place. This is a real estate negotiation matter. The final matter will be the performance evaluation of the general manager.

- a. Closed Session: Conference with Labor Negotiator – Pursuant to Government Code Section 54957.6, Teamsters Union, Local 856 (Bus Transportation Supervisors, Dispatchers and Radio Controllers)
- b. Closed Session: Conference with Labor Negotiator – Pursuant to Government Code Section 54957.6, Amalgamated Transit Union, Local 1574 (Customer Service Center Employees)
- c. Closed Session: Real Estate Negotiations – Pursuant to Government Code 54956.8:
Property: (1) Property Located at the Northeast Corner of El Camino real and Holly Street in San Carlos and (2) Property Located at the Southeast Corner of El Camino Real and Holly Street in San Carlos
Agency Negotiators: David J. Miller and Brian Fitzpatrick
Negotiating Parties: Legacy Partners Residential LLC
Under Negotiation: Price and Terms of Lease
- d. Closed Session: Public Employee Performance Evaluation and Associated Negotiations - Pursuant to Government Code Sections 54957 and 54957.6: General Manager/CEO

Adjourned to closed session at: 3:59 p.m.

Director Adrienne Tissier left at 3:59 p.m.

Reconvened to open session at: 4:20 p.m.

Mr. Miller reported that the General Manager and Legal Counsel recommend that the Board authorize execution of an amendment to the Option Agreement with Legacy Partners pertaining to the proposed transit oriented development project in and around the San Carlos Caltrain Station to extend the term of the agreement to December 31, 2013 and to authorize modifications related to the exercise of the option to enter into a long term ground lease of the property.

A motion (Church/Deal) to authorize the General Manager/CEO to execute an amendment to option agreement with Legacy Residential Partners was approved unanimously by roll call.

Mr. Miller reported that the Board received a report from an Advisory Committee of the Board consisting of Board Chair Zoe Kersteen-Tucker and Directors Tissier, Shirley Harris and

Karyl Matsumoto regarding the annual performance evaluation of General Manager/CEO Michael J. Scanlon. The Board was provided with a comprehensive report summarizing the various activities and accomplishments of the three organizations led by Mr. Scanlon, together with a list of goals for the coming year. The Board of Directors unanimously determined that Mr. Scanlon continues to warrant an evaluation of Outstanding performance. Additionally, at the request of Mr. Scanlon, the Board agreed that notwithstanding his continued superb performance, no amendments to his Employment Agreement will be implemented during the November 1, 2009 through October 31, 2010 term of that Agreement.

A motion (Hartnett/Harris) to approve the performance evaluation of the General Manager/CEO was approved unanimously by roll call.

Adjourned: 4:22 p.m.