



MINUTES OF REGULAR MEETING

5:00 p.m.
1021 San Pedro

Tuesday, January 29, 2008
VIA Metro Center

VIA Metropolitan Transit Board of Trustees

Eskridge Community Room
San Antonio, Texas

Attending

Board Members

Heriberto Herrera – Chairman
Hank Brummett – Vice Chair
Sidney Ordway – Secretary
Mary Briseno
Melissa Castro-Killen
Gregory Geis
Oliver Hill
Ruby Perez

Absent

Barbara Christian
Leo Lopez
Rick Pych

VIA Staff

John Milam	President/CEO
Jesse Balleza	Vice President Strategic Planning & Project Development
Michael Catalani	Vice President Human Capital & Development
Bonnie Prosser Elder	General Counsel, Legal Services
Gary Glasscock	Vice President Maintenance
Priscilla Ingle	Vice President Public Affairs
Steve Lange	Vice President Fiscal Management/CFO
Larry Wallis	Director of Audit
Manjiri Akalkotkar	Manager of Strategic Planning
Yvonne Deleon	Executive Assistant to the President/CEO
Debra Longoria	Board Support Specialist
Mary McDougale Homburg	Attorney, Legal Services
Thomas Bailey	Attorney, Legal Services
David Frost	Manager of Paratransit Operations
Joel Shields	Customer Service Coordinator
Jim Barnett	IT Systems
Tracy Manning	Manager of Route Planning
Michael Ledesma	Manager of Business Service Transportation
Steve Williams	Auditor III
Janice Williams	Auditor II
David MacCabe	Quality Review Specialist
Melinda Hernandez	Secretary II
David Benavides	Shop Steward, ATU Local 694

Guests

Frank Garza	Davidson & Troilo
Damon Mason	Citizen
Bill Martin	Citizens Advisory Council/Citizen to be heard
Phil Meaders	Lockwood, Andrews, & Newnam
Tim Schmidt	Lockwood, Andrews, & Newnam
Tom Turk	Lockwood, Andrews, & Newnam
Carmen Garcia	C.C. Garcia & Co.
Joel Perez	Padgett, Stratemann & Co., L.L.P.
Mel Feldman	Citizen to be heard

Larry Johnson	Citizen to be heard
Faris Hodge	Citizen to be heard
Glen Alan Graham	Citizen to be heard
Mary Jean Hoover	Citizen to be heard
Joe McMullen	Citizen to be heard
Bill McGarry	Citizen to be heard
William Witte	Citizen to be heard
Loretta Nunn	Citizen to be heard
Laurie Zertuche	Citizen to be heard
Ismael Herrera	Citizen

I. Call to Order

Chairman Herrera called the meeting to order at 5:10 p.m.

II. Moment of Reflection, Pledge of Allegiance, Announcements

Mr. Milam announced that an artists rendering of the Medical Center Transfer Facility has been set up for viewing in the Boardroom.

III. Consent Agenda

- A. Approval of Minutes of Regular Board Meeting of December 18, 2007
- B. Marketing/Promotion and Community Outreach Report- *Marketing/Promotions and Community Outreach activities that have taken place since the previous board meeting to actively promote VIA services, provide information, and foster community goodwill.*
- C. March Service Changes- *to inform the Board of proposed March 2008 service changes*
- D. Procurement
 1. Contract Modifications for South Central Transit and Training Center - *to request ratification of Contract Modifications 1 and 2, and approval for Contract Modification 3 for the construction of the South Central Transit and Training Center*
- E. Status Reports
 1. Bus Rapid Transit (BRT) Update / Next Steps – *to provide a status report on VIA’s BRT initiative including recent accomplishments and work to be completed within the next 90 days*
 2. Architect & Engineering Contracts Update – *Quarterly update on architect & engineering contracts*
- F. Procurements
 1. Fuel - *to request approval to award a contract for the purchase of B5 biodiesel fuel for all diesel vehicles of the VIA fleet*
 2. Security Guard Services – *to request approval to award a contract for security guard services*
- G. Grand Hyatt San Antonio Transportation Partnership - *to apprise the Board of a proposed agreement between VIA and the Grand Hyatt San Antonio to promote bus ridership*
- H. Investment Policy Revision - *to execute an agreement with Frost Bank to participate in an automated sweep program*
- I. Status Reports
 1. Update on Operator Manpower - *monthly update on status of operator hiring*
 2. Solar Powered Lighting at VIA Bus Shelters - *a report on the performance and reliability of solar powered lighting systems at VIA stops*

- 3. Fuel Hedging Policy for Price Risk Management - *to present an update on fuel hedging, present a draft copy of VIA's Fuel Hedging Policy for Price Risk Management, review "next steps", and obtain approval for pursuing next steps*
- J. Status Reports
 - 1. Quality Assurance Review – *to provide the VIA Board with a status report on the Internal Audit Department Quality Assurance Review (QAR) project.*
 - 2. Quarterly Audit Update - *to provide performance results related to VIA's Audit Plan for the first quarter of Fiscal Year 2008*
- K. Approval for Board Chair Travel to Washington, DC for Legislative Visits – *to authorize the Chair of the VIA Board of Trustees to travel to Washington D.C. with senior staff to visit the Bexar County Delegation and Federal Transit Administration staff*
- L. EZ Pass Program - *to inform the Board regarding the program under which employers provide all of their employees with free transportation passes*

Upon motion by Dr. Ordway, seconded by Mr. Hill, the consent agenda was approved, and resolutions nos. 01-29-08-01, 01-29-08-02, 01-29-08-03, 01-29-08-04, 01-29-08-05, and 01-29-08-06 were adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Melissa Castro-Killen - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

(Items VII. A & B and V. C. 1-3 were presented prior to item IV. Regular agenda order resumed thereafter.)

- IV. Citizens Advisory Council (CAC)
 - A. Report from CAC Chair, Bill Martin

Mr. Martin gave a brief overview of the previous Citizens Advisory Council meeting. The next CAC meeting is scheduled for February 18, 2008.

- V. Board of Trustees
 - A. Election of Board Vice Chair
 - 1. Report from the Nominating Committee

Dr. Ordway, Nominating Committee Chair, reported that the Nominating Committee, made up of Ms. Christian, Ms. Briseno, and himself, determined to recommend to the Board that notice be given each November advising the full Board that the Nominating Committee will be meeting. Anyone interested in serving as a Board Officer should notify the Board Chair, who will then notify the Nominating Committee Chair of their interest. This process should serve to establish transparency of the procedure and provide sufficient time for candidates to express their interest in serving. He suggested that the Board adopt the procedure.

He then announced that the Committee unanimously recommends the nomination of Hank Brummett for the position of Board Vice Chair for the period commencing January 29, 2008 and ending December 31, 2008, and made a motion to accept the nomination as rendered.

2. Nominations From the Floor (if any)

None.

3. Remarks From the Nominee(s)

Mr. Brummett said he would do his best to fulfill the duties relegated to the Board Vice Chair.

4. Election of Board Vice Chair for a 1-year Term Ending December 31, 2008.

Upon motion by Dr. Ordway, seconded by Mr. Hill, resolution no. 01-29-08-07 was adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Melissa Castro-Killen - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

Mr. Herrera, Dr. Ordway, and Ms. Briseno thanked Ms. Castro-Killen for her service as Vice Chair for the past year.

B. Election of Board Secretary

1. Report from the Nominating Committee

Dr. Ordway, Nominating Committee Chair, reported that the Committee nominates him for the position of Board Secretary for the period commencing January 29, 2008 and ending December 31, 2008.

2. Nominations From the Floor (if any)

None.

3. Remarks From the Nominee(s)

Dr. Ordway said he would continue to uphold his duties.

4. Election of Board Secretary for a 1-year Term Ending December 31, 2008.

Mr. Herrera called for a vote for Dr. Ordway for the position of Board Secretary.

Upon motion by Mr. Hill, seconded by Mr. Brummett, resolution no. 01-29-08-08 was adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Hank Brummett - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Melissa Castro-Killen	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

C. Report from Audit Committee Chair (January 17, 2008)

1. Annual Audit Fiscal Year 2007
2. Audit Conduct and Management Letters

Ms. Castro Killen briefed the Board on proceedings during the Audit Committee meeting of January 17, 2008, and introduced Joel Perez of Padgett, Stratemann & Co. and Carmen Garcia of C.C. Garcia & Co. Mr. Perez explained the objective of the Letter on Conduct of Audit and the Management Letter, and reported that VIA received an unqualified opinion and the financial statement indicated favorable results in line with expectations.

Following the presentations, Dr. Ordway made a motion to approve both independent 2007 audit reports.

Upon motion by Dr. Ordway, seconded by Ms. Castro-Killen, resolution no. 01-29-08-09 was adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Hank Brummett – Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Melissa Castro-Killen	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

3. Audit Committee Charter

Larry Wallis gave an overview of the Audit Committee Charter that was revised with the assistance of Mr. Pych, Ms. Elder, Mr. Garza, and input from the Audit Committee.

A brief discussion was had regarding what part the Audit Committee Chair will have in voting on items brought before the committee. It was clarified that this was recommended at the Executive Committee level, taking into consideration that the Board Chair and the President/CEO are not Ex Officio members of the Audit Committee. Since the committee has four members, the Chair’s vote will serve as a tiebreaker should a tie occur.

Upon motion by Dr. Ordway, seconded by Ms. Castro-Killen, resolution no. 01-29-08-10 was adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Hank Brummett - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Melissa Castro-Killen	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

VI. Financial Items

A. November 2007 Financial Report

Mr. Lange presented highlights of the November 2007 financial report.

- Dr. Ordway asked if there were any projections as to what effect the current turmoil in the stock market and the slow down of the economy may have on VIA in the near future. Mr. Lange said that staff is currently working on a quarterly forecast which will be presented in February, and should address his question.
- Ms. Briseno requested information on variables attributing to the increase in passengers. Specifically, she would like to know what percentage is due to increases in line service and improvements v. fuel costs.
 - The information will be provided at the next meeting.

Upon motion by Dr. Ordway, seconded by Ms. Briseno, the report was accepted as rendered by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Hank Brummett - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Melissa Castro-Killen	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			

Rick Pych

X

B. December 2007 Flash Report

Mr. Lange presented highlights of the December 2007 Flash report.

VII. General Engineering Consultant – Lockwood, Andrews & Newnan

A. Bus Rapid Transit Annual Work Program

Mr. Balleza introduced Mr. Phil Meaders of Lockwood, Andrews, & Newnan, Inc. (LAN), who narrated a PowerPoint presentation reviewing the Bus Rapid Transit summary of services in the General Engineering Consultant's Annual Work Program (AWP) FY 2008.

B. Bus Rapid Transit Program Status Report

Mr. Balleza explained that in an effort to keep the Board updated on the status of the Bus Rapid Transit (BRT) corridor a quarterly Program Status Report has been developed. He then introduced Mr. Tim Schmidt, of Lockwood, Andrews, & Newnan, Inc., who presented an overview of the proposed quarterly report.

- Ms. Briseno asked that the report be posted to the website.
- Ms. Castro-Killen requested a more detailed update on the funding summary and suggested receiving an update on discretionary funding from our lobbyists. Mr. Milam mentioned that he was comfortable with those numbers since they were in the capital plan, and would provide the requested information.

VIII. Procurement

A. New Flyer Bus Buy

1. Pre-Award Authority
2. Purchase of Twenty Low Floor Forty-Foot Transit Buses

These items were presented to gain approval to seek pre-award authority to purchase twenty (20) low-floor 40-foot expansion buses, and award a contract for the purchase of twenty transit buses.

The purchase of twenty buses is scheduled for 2009; however, New Flyer has notified VIA that they have an opening in their production schedule and can build them now. Moving forward with the purchase would save the approximately \$200 thousand in maintenance costs in the next year by retiring the older buses, and having a uniform fleet would allow for improved service and efficiency, thus providing better customer service.

Mr. Milam explained that before issuing the contract to New Flyer, the Board must demonstrate willingness to enter into a financing agreement. Therefore, approval is requested to finance the funds through a loan from Frost Bank, until grant funds become available in 2009, or a better option is identified. If approved, a contract will be issued and the buses can be expected as early as April. New Flyer would carry the buses for 2 months at no charge to us, and a final financing decision does not need to be made until mid summer.

Upon motion by Dr. Ordway, seconded by Mr. Geis, resolutions nos. 01-29-08-11 and 01-29-08-12 were adopted by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent at Time of Vote</u>	<u>Abstain</u>
Heriberto Herrera –Chairman	X			
Hank Brummett - Vice Chair	X			
Dr. Sidney Ordway - Secretary	X			
Mary Briseno	X			
Hank Brummett	X			
Melissa Castro-Killen	X			
Barbara Christian			X	
Greg Geis	X			
Oliver Hill	X			
Leo Lopez			X	
Ruby Perez	X			
Rick Pych			X	

IX. Citizens to be Heard

Mel Feldman made the following comments: adequate shelters with wastebaskets, schedules, and route maps are needed; having to wait for an hour or more for a bus is unacceptable; he is not satisfied with current efforts to market the 1-day pass; he witnessed a driver who refused to take a woman in a wheelchair closer to her destination; curbs should be painted with different colors to designate curbs at which the bus should be kneeled.

Larry Johnson offered the following comments: legally blind passengers deserve door-to-door service; Star Shuttle and VIAtrans drivers are in need of sensitivity training with respect to blind passengers; and, the scheduling and routings errors that occur are unacceptable.

Joe McMullen reported that he, his wife, and their friend, Ms. Hoover, were left stranded at 12:45 a.m. on Christmas Eve, when a scheduled VIAtrans pickup did not show up. VIAtrans has them listed as No Shows. After an hour of waiting, they called a cab. He said that that particular evening it was below freezing, and would like to know why they are expected to wait an inordinate amount of time outside in foul weather for a van. Legally blind passengers deserve door-to-door service.

Bill McGarry asked why a response he received said that the bench at Springtime and Prue Road was going to be permanently removed when in fact it was replaced. The same bench was placed in front of a traffic control box, causing pedestrians to have to step into the street to get around it, creating a dangerous situation. He also related that he missed his ride on January 21 because he was not aware it had arrived due to all the noise on Prue Rd. VIAtrans passengers should be made aware that their ride has arrived. Finally, he has not received a response to his Open Records request sent November 24th.

William Witte reported that Route 88 is in need of more buses since it is overcrowded during the peak hours, and suggested that new fareboxes are needed on all the buses.

Loretta Nunn would like to know why she has not qualified for VIAtrans service the several occasions she has applied.

Laurie Zertuche spoke to scheduling issues related to VIAtrans and stronger measures taken towards drivers who do not secure passengers with safety belts on vans.

Damon Mason would like the Board to review what he wrote regarding “Proximity Proclamation.”

Glen Alan Graham reported that the bus paddle did not reflect Fiesta Texas' Holiday in the Park hours therefore some drivers were not making that stop. He also suggested that short buses should be used on Routes 505 and 647 during the weekends and the larger buses during weekdays.

Faris Hodge made the following comments: he would like to know how much money was spent on the security cameras in the Board room and the new timer being used during citizen comments; the route 88 bus is overloaded between 4:00 – 7:00 p.m.; he would like staff to stop twisting his words in the minutes; and, more buses should head to 1604 from Parliament Square.

Mary Jane Hoover said that she and Mr. and Mrs. McMullen were stranded on Christmas Eve at 12:45 a.m. when a scheduled VIAtrans pickup did not show up. Since they were not able to contact VIAtrans, they had to pay for a taxi ride home. Ms. Hoover would like to be reimbursed for the taxi expense. She also spoke to VIAtrans scheduling issues and their continued inability to find her residence.

X. *Legal Briefing

None.

XI. Adjourn

Upon motion by Dr. Ordway and seconded by Mr. Brummett, the regular meeting of the VIA Board of Trustees was adjourned at 7:04 p.m.

Heriberto Herrera, Chairman