

MINUTES
METROPOLITAN TRANSIT AUTHORITY
BOARD OF DIRECTORS
REGULAR BOARD MEETING
August 10, 2009

The regularly-scheduled monthly Board of Directors' ("Board") meeting convened and was called to order at 1:01 p.m. by Vice-Chairman of the Board George DeMontrond, III. Board Members present were Mr. Gerald B. Smith, Vice-Chairman of the Board; Mr. Jackie L. Freeman, Board Secretary; and Board Members Mr. Burt Ballanfant, Mr. Terence Fontaine, Ms. Carmen Orta, Ms. Trinidad Mendenhall Sosa, and Mr. C. Jim Stewart, III. Board Chairman, Mr. David S. Wolff, was not present. The Board Members present constituted a quorum.

MOTION NO. 2009 -31

Board Vice-Chairman, George DeMontrond, III, convened the meeting and called for a motion for approval of the minutes of the regularly-scheduled Board Meeting of July 13, 2009. Board Member C. Jim Stewart, III moved for approval of the minutes. The motion was seconded by Board Member Trinidad Mendenhall Sosa. All Board Members present voted in favor and the motion to approve the July 13, 2009, minutes passed.

Vice-Chairman DeMontrond invited those members of the public who had requested to speak before the Board to make their individual presentations. The public speakers and their comments are summarized below:

1. **Mr. Mark Hogue:** Mr. Hogue stated that riders on Route 32 continue to ask when the route will include weekend service. Mr. Hogue stated that he had spoken with John Haley, Vice President of Infrastructure and Service Development, who advised Mr. Hogue that if the ridership continues as it is currently, weekend service might be in the future for the route. Mr. Hogue stated that he disagrees with those in the media who state that Mr. Wilson has done nothing for METRO riders. Mr. Hogue pointed to Route 32 as evidence that Mr. Wilson gets things done for the ridership.

Mr. Hogue stated that he comes to speak for those who cannot speak for themselves. Vice-Chairman DeMontrond responded that Mr. Hogue was doing a good job in that endeavor.

2. **Mr. Armando Alejandro:** Mr. Alejandro began by asking the Board if rail service would be available by 2011. President & CEO Frank Wilson responded by stating that if he promised rail by 2011 he would create unrealistic expectations, but that METRO is working hard to provide rail by 2012, 2013, or 2014.

Mr. Alejandro asked if METRO would be installing cameras on the traffic lights at Wayside and Bellaire. Mr. Alejandro informed the Board that he believes Bellaire at Wayside is a very dangerous location. Mr. Wilson informed Mr. Alejandro that

the placement of cameras on the traffic lights was a City of Houston decision and METRO would work with the City. Mr. Wilson noted that light rail vehicles will have cameras.

Mr. Alejandro stated that he had a problem on Route 26. As he was exiting the bus recently, Mr. Alejandro noted that the bus operator treated him in a racist manner. Vice-Chairman DeMontrond stated that METRO does not condone such behavior and encouraged Mr. Alejandro to obtain all necessary information, such as time and date, and call to report such behavior in the future.

3. **Mr. Mark Smith:** Mr. Smith stated that his discussion topic was the cell phone policy. He stated that it was his understanding that METRO operators were not allowed to have cell phones in their possession while in uniform and that an off-duty operator was fired for talking on the cell phone while in uniform. Mr. Smith commented that there are, sometimes, emergencies and that METRO's policy ties operators' hands with respect to handling those emergencies.

Pauline E. Higgins, Senior Vice President and General Counsel, informed Mr. Smith that he had thirty (30) seconds remaining.

Mr. Smith opined that the quickest way to better service was through buses, not rail. He also stated it was less expensive. He suggested that METRO restore some of the service which, in Mr. Smith's opinion, it had taken away.

Ms. Higgins informed Mr. Smith that his time had expired.

Mr. Smith closed by commenting that METRO operators do not stop for people in emergencies. He complained that METRO tells the public that if they have an emergency they should flag down a METRO bus operator. However, Mr. Smith stated that the operators will not stop.

Vice-Chairman DeMontrond responded to Mr. Smith, stating that with regard to the cell phone policy, it is a balancing act. Mr. Wilson provided information on the policy by stating that the policy dictates that if an operator has a cell phone, it simply should not be in sight. Having said that, he continued, if an emergency arises, the operator may pull the bus safely to the side of the road, exit the bus, and contact dispatch.

Mr. Wilson explained the risks associated with cell phone use while driving and stated that those risks are the reason METRO allows only radio communications while driving. He also concurred that the radio system is spotty and, for that reason, radio system replacement is in the budget for Fiscal Year 2010.

Mr. Wilson concluded by stating that had METRO not implemented its current policy, it would have been directed to do so by the Secretary of Transportation. Mr. Wilson further stated that METRO will sacrifice convenience for safety anytime, but he believes METRO has reached a happy medium.

Mr. Smith asked to be allowed to respond to the comments, but was informed by Vice-Chairman DeMontrond that, out of fairness, he would not be allowed to do so because his time had expired.

Vice-Chairman DeMontrond then commented on Mr. Smith's suggestion regarding service. Vice-Chairman DeMontrond stated that \$4 Million worth of service will be beginning immediately. METRO discontinued routes that were not serving high numbers of people. He stated that METRO is constantly making a value judgment with regard to service.

Mr. Wilson commented that METRO must make tough decisions regarding the money it has, because it is working on the margins. Millions of dollars are taken out of the system. He continued by asking that, though the money is taken out for a good and justifiable reason, and METRO agrees to that, what would our system look like if METRO was able to put hundreds of millions of dollars worth of service on the street? Vice Chairman DeMontrond clarified by asking if Mr. Wilson was speaking of general mobility and Mr. Wilson confirmed that he was speaking of general mobility.

4. **Ms. Hilda Hyatt**: When called for her presentation, Ms. Hyatt did not appear.

Vice-Chairman DeMontrond then called for the President & CEO's business report.

Mr. Wilson stated that Thursday, August 6, 2009, he received a call from the Federal Transit Administration ("FTA"). Mr. Wilson was told that the Administrator for the FTA was signing the papers for the rail extensions and sending them over to Congress. Mr. Wilson advised that those papers state that METRO has been approved to go into final engineering and advanced construction.

Mr. Wilson informed the Board that METRO is basically finished with final engineering. This call, however, means that ten business days after Congressional notification, METRO should have an invitation to travel to Washington to start negotiations for the Full Funding Grant Agreements.

Mr. Wilson concluded by stating that all the news that METRO has received on the new starts on the North and Southeast lines is good news. It is the news all at METRO have been waiting for since 2003. Mr. Wilson expects an invitation by August 17, 2009. He stated that the entire Authority and the Board should feel good about the progress.

MOTION NO. 2009-32

Vice-Chairman DeMontrond called for Board Member Stewart to present Agenda Item Number 8. It was announced that Board Member Ballanfant would abstain from voting on this matter. Mr. Stewart reported and moved that the Board of Directors authorize and direct the President & CEO to execute and deliver a contract with Motiva Enterprises, LLC for the delivery of diesel fuel. Board Secretary Freeman seconded the

motion. The motion was approved by all Board Members present, with the exception of Board Member Burt Ballanfant, who abstained from the vote.

RESOLUTION NO. 2009-68

Authorization for the President & CEO to execute and deliver a contract with Motive Enterprises, LLC for the delivery of diesel fuel.

MOTION NO. 2009-33

Vice-Chairman DeMontrond called for consideration of the Summary Agenda, which included Agenda Items 5, 6, 9, 10, and 11. Vice Chairman Smith moved for approval of the Summary Agenda. Board Member Mendenhall Sosa seconded the Motion and all Board Members present voted in favor of the motion to approve the Summary Agenda.

RESOLUTION NO. 2009-69

Authorization for the President & CEO to execute and deliver a three-year contract with SimplexGrinnell, LP, for service, monitoring, and maintenance of fire protection equipment.

RESOLUTION NO. 2009-70

Authorization for the President & CEO to execute and deliver three-year contracts with Hardy & Hardy, BJ's Enterprises, and G&K Contractors and Construction for facility cleaning and maintenance services.

RESOLUTION NO. 2009-71

Authorization for the President & CEO to execute and deliver a one-year contract with ADA Resources, Inc. for fuel transport services.

RESOLUTION NO. 2009-72

Authorization for the President & CEO to execute, and deliver a one-year contract with Comcast Commercial Services, LLC, for data transmission services.

RESOLUTION NO. 2009-73

Authorization for the President & CEO to execute and deliver a three-year contract with Deal Sikes & Associates for real estate appraisal services.

There being no other matters to come before the Board for its consideration, the meeting adjourned at 1:22 p.m. The next regularly-scheduled Board Meeting is scheduled for September 17, 2009, at 1:00 p.m.

Respectfully submitted,



Pauline E. Higgins
Senior Vice President and General Counsel
Metropolitan Transit Authority of Harris County, Texas