

MINUTES
METROPOLITAN TRANSIT AUTHORITY
OF HARRIS COUNTY, TEXAS
BOARD OF DIRECTORS
REGULAR BOARD MEETING
SEPTEMBER 29, 2011

MOTIONS - 2011 - 52 to 2011 - 64
RESOLUTIONS - 2011- 76 to 2011 - 93

Presiding - Chairman of the Board, Gilbert A. Garcia, CFA

Board Members Present:

Allen D. Watson, Vice Chairman
(City of Houston)
Burt Ballanfant (Multi-Cities)
Honorable Dwight Jefferson
(City of Houston)
Carrin A. Patman (City of Houston)
C. Jim Stewart, III (Multi-Cities)
Gary Stobb (Harris County)
Vacant (Harris County)

Board Member Absent:

Christof Spieler (City of Houston)

The Regular Board Meeting of the Metropolitan Transit Authority Board of Directors was called to order at 9:53 a.m. by Chairman Gilbert A. Garcia.

Chairman Gilbert A. Garcia called for a motion for approval of the minutes for the Regular Board Meeting of August 29, 2011. Board Member Stewart moved for the approval of the minutes. Vice Chairman Watson seconded the Motion. All Board Members present voted in favor.

MOTION NO. 2011 - 52

Chairman Garcia next called on the members of the public who had signed up in advance of the meeting to make their comments.

Public Speakers:

Walter Wickremasinghe - Mr. Wickremasinghe offered comments on METRO's FY 2012 Budget.

Mark Hogue - Mr. Hogue commented on METRO's FY2012 Budget and possible bus route cuts.

David Gollinger - Mr. Gollinger, President of METRO's Transport Workers Union Local 260, commented on recent negotiations with METRO on the collective bargaining agreement.

(Board Member Patman announced that she had to leave and would not be present for the votes on any of the items.)

Bob Townley - Mr. Townley commented on the effect of construction activities on his business which is located on Harrisburg.

Erbelinda Vargas - Ms. Vargas expressed her appreciation for METRO's Business Assistance Program and commented on the impact of construction activities to her business located on Main Street.

Fernando Cisneros - Mr. Cisneros commented on the rail station name for the station located in his neighborhood on the North Corridor and suggested that it be named Fulton/North Central Station.

Felix Treviño - Mr. Treviño commented on the impact of construction activities on his funeral home business located on Fulton.

Sheila Jackson Lee - Ms. Jackson Lee commented on METRO's pending Full Funding Grant Agreement, the participation of small businesses in METRO's construction of METRORail Expansion and the hiring of local employees.

Imelda Farias - Ms. Farias commented on the impact of construction activities to her business located on Fulton.

Nassrin Mobasheri - Ms. Mobasheri commented on the impact of construction activities to her business located on Fulton.

Samantha Villagomez - Ms. Villagomez spoke about how grateful she was for the assistance she received from METRO Police Officer Benita Blocker.

Jeff Whitnah - Mr. Whitnah commented on the condition of the 290 HOV and Diamond Lanes and the lack of police patrol units.

Mr. Vincent Treviño - Mr. Treviño commented on the construction activities on Fulton and requested that the houses and cars be power washed after construction.

Mr. Mark Smith - Mr. Smith commented on the New METRO, and generally regarding METRO services.

Chairman Garcia then called on George Greanias, President & CEO, for his report.

Mr. Greanias reported on the following matters:

- 9/11 Remembrance - METRO bus service stopped for one minute of silence in observance of the 9/11 tragedy and remembrance of those affected.
- Reliant Partnership - METRO partnered with Reliant Energy by wrapping a light rail vehicle with a Texans wrap promoting METRO and the Houston Texans.

- Acquisition of Light Rail Vehicles - Mr. Greanias acknowledged the METRO team who worked diligently to complete the procurement of the light rail vehicles.
- Bond Sale - Mr. Greanias reported that METRO had successfully closed on the sale of bonds.
- Scenic Houston Scenic Integrity Award - METRO received recognition from Scenic Houston as a trusted community partner.
- Officer Frank Dyson - Mr. Greanias acknowledged the passing of Officer Frank Dyson who served on METRO's Police Department for many years.

Chairman's report – Chairman Garcia stated that it is an exciting time for METRO and the community and that METRO's transit project was about transit and mobility freedom. He also stated that METRO is very close to securing federal funding for transit projects that will create jobs for the community.

Chairman Garcia called on the Chairpersons of the METRO Board Committees to give their reports.

Vice Chairman Watson, Chair of the People Committee stated that he had no committee report.

Board Member Burt Ballanfant, Chair of the Capital Programs Committee, reported that his committee recommended an award to CAF for the procurement of METRO's light rail vehicles.

Board Member Stewart, Chair of the Customer Service Committee, reported that the committee recommended a contract with Reliant on a joint project to wrap a light rail vehicle with the Houston Texans promotion.

Board Member Jefferson, Chair of the Finance/Audit Committee, commended the bond team for the excellent work they had done on a very successful bond sale.

Chairman Garcia then called for consideration of the Consent Agenda Items Numbers 6, 7, 8, 9, 10, 11, 12, 13, and 14. The Motion was made by Board Member Stewart and seconded by Board Member Jefferson. All Board Members present voted in favor.

MOTION NO. 2011 - 53

By Motion, as reflected in these minutes, the Board approved the acceptance of the monthly committee reports including the investment and financial reports and passed the following resolutions:

RESOLUTION NO. 2011-76: Approval to amend METRO's SBE/DBE Program to include provisions mandated by U. S. Department of Transportation Regulations adopted February 2011

RESOLUTION NO. 2011-77: Authorization for the President & CEO to execute a modification to the contract with community Awareness Services to extend the contract by one year for an amount not to exceed \$308,208

RESOLUTION NO. 2011-78: Authorizing the President & CEO to execute and deliver a requirements contract with ADA Resources, Inc. to provide METRO with fuel transport services for an amount not to exceed \$832,264

RESOLUTION NO. 2011-79: Authorization for the President & CEO to execute a three (3) year service contract in an amount not-to-exceed \$364,266 with Republic Services of Houston, to provide collection, transportation, and disposal of solid waste (trash) generated at all METRO facilities and bus shelters

RESOLUTION NO. 2011-80: Authorization for the President & CEO to execute a contract with DSS Corporation for the purchase, delivery and installation of a radio communication and telephone voice recorder system for \$163,011

RESOLUTION NO. 2011-81: Authorization for the President & CEO to execute a contract modification to the METROLift services contract with MV Transportation to reallocate certain services provided under the contract

RESOLUTION NO. 2011-82: Authorization for the President & CEO to negotiate with Norlease to terminate certain leases; to retain legal counsel; retain consultants; pay third party legal fees

RESOLUTION NO. 2011-83: Approving a contract modification with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P. C. for legal services

Chairman Garcia then called for consideration of the Agenda Item Number 15. The Motion was made by Board Member Jefferson and seconded by Board Member Stobb. All Board Members present voted in favor.

MOTION NO. 2011-54

RESOLUTION NO. 2011-84: Approving and adopting the Budget and Business Plan for Fiscal Year 2012

Chairman Garcia then called for consideration of the Agenda Item Number 16. The Motion was made by Board Member Jefferson and seconded by Board Member Stewart. All Board Members present voted in favor.

MOTION NO. 2011-55

RESOLUTION NO. 2011-85: Resolution to amend Resolution 2010-101, Declaring the Board's intent to reimburse the General Fund from the proceeds of issuance of tax exempt bonds or notes or taxable Build America bonds to include all eligible capital expenditures

Chairman Garcia then called for consideration of the Agenda Item Number 17. The Motion was made by Board Member Ballanfant and seconded by Board Member Jefferson. All Board Members present voted in favor.

MOTION NO. 2011-56

RESOLUTION NO. 2011-86: Authorization for the President & CEO to negotiate, execute and deliver the purchase of thirty-nine (39) light rail vehicles, with CAF USA for an amount not-to-exceed \$153,121,637, contingent upon full funding grant approval

Chairman Garcia then called for consideration of the Agenda Item Number 18. A motion was made by Board Member Ballanfant to defer a vote on this item. The motion was seconded by Vice Chairman Watson. All Board Members present voted in favor.

MOTION NO. 2011-57

Chairman Garcia then called for consideration of the Agenda Item Number 19. The Motion was made by Board Member Ballanfant and seconded by Board Member Stewart. All Board Members present voted in favor.

MOTION NO. 2011-58

RESOLUTION NO. 2011-87: Authorization for the President & CEO to negotiate and execute an agreement with the Menil Foundation for enhanced development of a Menil Station area, contingent on funding for the University Line

Chairman Garcia then called for consideration of the Agenda Item Number 20. The Motion was made by Board Member Ballanfant and seconded by Board Member Stewart. Vice Chairman Watson abstained from the vote. All Board Members present voted in favor.

MOTION NO. 2011-59

RESOLUTION NO. 2011-88: Authorizing the President & CEO to negotiate and execute a General Planning Consultant contract with HDR Engineering, Inc. on a contract value not to exceed \$7,190,600

Chairman Garcia then called for consideration of the Agenda Item Number 21. The Motion was made by Board Member Ballanfant and seconded by Vice Chairman Watson. All Board Members present voted in favor.

MOTION NO. 2011-60

RESOLUTION NO. 2011-89: Approval to extend the period of performance of the contract with Atkins, Incorporated through September 30, 2012 and authorizing expenditures under the contract with Atkins, Incorporated for FY2012

Chairman Garcia then called for consideration of the Agenda Item Number 22. The Motion was made by Board Member Stewart and seconded by Board Member Stobb. All Board Members present voted in favor.

MOTION NO. 2011-61

RESOLUTION NO. 2011-90: Ratification of a contract with Reliant Energy for rail-car wrap and ridership promotion that provides customers with METRORail rides to Houston Texans home games for the 2011 Season

Chairman Garcia then called for consideration of the Agenda Item Number 23. The Motion was made by Board Member Ballanfant and seconded by Vice Chairman Watson. All Board Members present voted in favor.

MOTION NO. 2011-62

RESOLUTION NO. 2011-91: A resolution confirming the existence of a public necessity for METRO to acquire certain properties and interests in properties, confirming that the acquisition of such properties and interests in properties is necessary and proper for the construction, extension, improvement or development of METRO's transit system; Authorizing the initiation of condemnation proceedings to acquire such properties and interests in properties

Chairman Garcia then called for consideration of the Agenda Item Number 24. The Motion was made by Board Member Ballanfant and seconded by Board Member Stewart. All Board Members present voted in favor.

MOTION NO. 2011-63

RESOLUTION NO. 2011-92: Authorizing the President & CEO to enter into an interlocal agreement with the University of Houston-Downtown for the construction of a pedestrian tunnel betterment and execute and deliver a contract modification to Houston Rapid Transit for the construction of the pedestrian tunnel for an amount not to exceed \$275,000

At 12:11 p.m., Chairman Garcia convened the meeting into EXECUTIVE SESSION, pursuant to the Texas Government Code §551.071, §551.072, §551.074, and §551.076 to consult with the Board's attorneys regarding pending or potential litigation, legal matters in which the attorneys' duties are governed by the State Bar of Texas Code of Conduct; deliberations pursuant to the Act, to deliberate the purchase, lease, exchange or value of real property; personnel matters, security matters and devices, and legal issues regarding contract negotiations that may result in potential litigation.

The regular Board meeting re-convened into public session at 12:25 p.m.

Chairman Garcia then called for consideration of the Agenda Item Number 25. The Motion was made by Vice Chairman Watson and seconded by Board Member Stewart. Board Member Ballanfant was not present for the vote. All other Board Members present voted in favor.

MOTION NO. 2011-64

RESOLUTION NO. 2011-93: Authorizing and directing the President & CEO to prepare and submit a Last and Best Offer to Local 260, Transport Workers Union of America, if METRO and Local 260 are unable to reach agreement on a new labor agreement

There being no other matters to come before the Board, Board Member Stewart moved to adjourn. The motion was seconded by Vice Chairman Watson. All Board Members voted in favor.

The meeting adjourned at 12:33 p.m.

The date for the next Regular Board Meeting is Thursday, October 27, 2011 at 9:00 a.m.

Respectfully submitted,



Alva I. Treviño
General Counsel and Assistant Board Secretary