



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

July 23, 2009
7:00 p.m.

ROOM 330
MARIN COUNTY CIVIC CENTER
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present: Steve Kinsey, Chair, Marin County Board of Supervisors
Al Boro, Vice Chair, City of San Rafael
Judy Arnold, Marin County Board of Supervisors
Peter Breen, San Anselmo Town Council
Hal Brown, Marin County Board of Supervisors
Alexandra Cock, Town of Corte Madera
Alice Fredericks, Tiburon Town Council
Madeline Kellner, City of Novato
Joan Lundstrom, Larkspur City Council
Michael Skall, Ross Town Council
Lew Tremaine, Town of Fairfax

Members Absent: Susan Adams, Marin County Board of Supervisors
Sandra Donnell, Belvedere City Council
Charles McGlashan, Marin County Board of Supervisors
Stephanie Moulton-Peters, Mill Valley City Council
Herb Weiner, Sausalito City Council

Staff Members Present: Dianne Steinhauser, TAM Executive Director
David Chan, TAM Manager of Programming and Legislation
Dan Cherrier, TAM Project Delivery Manager
Bill Whitney, TAM Project Delivery Manager
Li Zhang, TAM Manager of Finance and Administration
Karita Zimmerman, TAM Planning Manager
Denise Merleno, Recording Secretary

1. Convene in Open Session

Chair Kinsey called the Transportation Authority of Marin Meeting to order at 7:00 p.m. After confirming a quorum was present, the meeting adjourned to a Closed Session.

2. Convene in Closed Session

Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to California Government Code Section 54956.9(b)(1): Number of potential cases: 1

3. Reconvene in Open Session

The meeting reconvened at 8:10 p.m. Commissioner Hal Brown left the meeting following the Closed Session. Chair Kinsey indicated there was nothing to report out at present.

4. Chair's Report (Discussion)

Chair Kinsey reported on a meeting he and Executive Director Steinhauser attended with the Sonoma County Transportation Authority. Issues discussed included the Marin-Sonoma Narrows and what would be an appropriate means for communicating between the two agencies as the project goes forward, including the shared agreement between both agencies that the MSN Policy Advisory Group (PAG) would be discontinued since the EIR has been issued, but that ad-hoc meetings could be held for items of interest that may arise. He cited high-occupancy toll lanes (HOT) as an example of such an item. On the topic of the SMART program, the issue of shuttle programs serving the Sonoma County area was raised but there was no formal discussion on that topic.

5. Commissioner Matters not on the Agenda (Discussion)

Commissioner Breen commented on the issue of traffic safety in San Anselmo on Sir Francis Drake from the hub to the Fairfax border, noting that a traffic study had been done with no significant differences than previous reports. He indicated there might be an additional report in the future as to what needs to be done to control the traffic.

6. Executive Director's Report – EDR (Discussion)

Executive Director Steinhauser commented briefly on planned weekend closures on the south side of the Golden Gate Bridge for tree removal as part of the Doyle Drive project, and the Bay Bridge span closure on Labor Day weekend. She reported on ARRA (American Reinvestment & Recovery Act) projects, the latest Department of Transportation (DOT) budget, projected lack of funding for the Federal Highway Trust Fund, progress on efforts as a self-help county to ensure that Caltrans continues to receive resources to do Project Study Reports (PSRs) for projects developed at the local level, the state's bond rating, and a reception for former long-time CMA member from Sausalito Amy Belser, planned for prior to the September meeting.

Chair Kinsey asked if TAM staff is monitoring efforts of the individual jurisdictions to ensure that the September deadline for ARRA projects is met. Ms. Steinhauser responded affirmatively and said that staff is confident that the ARRA construction projects will be awarded on time.

7. Commissioner Reports

a. Executive Committee

Agenda Items 8c and 8d: Crossing Guard Contracts

The Executive Committee was presented with preliminary information regarding an assessment of the Crossing Guard Program. Initial data indicates a successful program; complete analysis will be presented in October. A plan was introduced to reassess crossing guard locations. This process is expected to be completed by the end of the calendar year at which time TAM staff in coordination with the TAC and MPWA will be recommending a possibly revised guard location list, and a recommended date to implement any changes. Staff informed us of the need to extend the funding agreement with Novato and the process for selecting a firm to provide service at the remaining locations. No action was taken, however, two items are on the agenda tonight to approve a new crossing guard contract to American Guard Services and also the TAM agreement for reimbursement to NUSD for their qualifying guards.

Agenda Item 8e: Old Redwood Highway Pedestrian and Bicycle Improvements

The City of Larkspur, the Town of Corte Madera and TAM have been working together to make improvements for pedestrians and bicycles travel in the Twin Cities Corridor. A small section of Old Redwood Highway at Wornum Drive has been identified for improvements that will have significant and immediate benefits for pedestrian safety and regional bicycle connectivity. The majority of this work will occur within the City of Larkspur so they have agreed to use funds provided by TAM and will be the implementing agency. Funding for this work is identified as part of the ongoing Central Marin Ferry Connection Project which shares the alignment for the proposed improvements.

The Executive Committee recommends that the TAM Board approve the Funding Agreement with the City of Larkspur related to pedestrian and bicycle improvements along a portion of Old Redwood Highway.

Agenda Item 8f: TDM Software Contract

TAM staff has been responding to the Board's request to implement a Transportation Demand Management program that includes an emergency ride home program and vanpool program, along with a request to develop a carpooling program for Marin schools. In the effort to develop these TDM programs, staff discovered that a notable element in other TDM programs Bay Area wide was that they were labor intensive, operating with multiple staff members or consultants. In considering how to minimize costs, staff concluded that a web-based TDM program would substantially automate the proposed incentive programs and streamline management. Additional opportunities to minimize staffing came with the collaboration between this TDM team and the Safe Routes to Schools Program's effort to develop a SchoolPool program.

In April, TAM issued a Request for Qualifications for the development of a web-based school-pool, and TDM customer service program. By the deadline, TAM received one proposal from Transmetro, Inc. A review panel was convened to review the proposal and conduct an

interview. Based on the proposal and two interviews, the review panel unanimously recommended retaining Transmetro, Inc. to develop TAM's TDM software.

The Executive Committee recommends that the TAM Board authorize the Executive Director to enter into contract with Transmetro, Inc. for two years to provide TDM software services at a cost not to exceed \$90,000.

Agenda Item 8g: Allocation of Measure A Funds to Marin Transit

TAM annually allocates Measure A funds to Marin Transit under Strategy 1 of the Measure A Expenditure Plan to use for planning and operating transit service for County residents. The amounts allocated have been based on the available amounts shown in the Strategic Plan.

Based on recent notices from the Board of Equalization that actual revenue collection is slower than anticipated, TAM has adjusted the Strategic Plan to reflect the recent trend and informed Marin Transit of the reduction. Marin Transit has submitted an allocation request for the available amount of \$9,475,697 for fiscal year 2009/2010. Funds will be reimbursed quarterly upon receipt of an invoice from Marin Transit and each quarterly reimbursement request will not exceed one quarter of the total annual allocation.

The Executive Committee recommends that the TAM Board allocate \$9,475,697 in Measure A funds to Marin Transit for Strategy 1 of the Measure A Expenditure Plan.

Chair Kinsey pointed out that these items will be considered on the Consent Calendar.

b. Marin-Sonoma Narrows Policy Advisory Group

No report was given.

c. SMART

General Manager Lillian Hames presented an update on the SMART program. She reported on the finalization of the vehicle selection (opting for a Federal Railroad Administration-compliant vehicle) and reasoning behind the choice, adoption of the 2009 Strategic Plan, financial considerations, funding possibilities, upcoming procurements and RFPs, expansion of SMART office facilities (including a new office in Santa Rosa), new hires, and design services including quiet zone components.

Commissioner Breen commented that the most visible thing that has occurred is the weed-whacking along the corridor, which demonstrates to the public that something is going to happen along that rail right-of-way. He also noted that the Railroad Square project in Santa Rosa has recently been strengthened by an allocation for transit-oriented development. Ms. Hames added that the project has received funding for \$11 million from the state Community Development Department, which will enable the project to move forward.

Chair Kinsey observed that the proximity of the SMART line to the county fairgrounds could help the agency to qualify for special event opportunities outside of SMART's regular jurisdiction. Ms. Hames said that this was an element, also, in deciding on a more flexible design option.

Chair Kinsey commented as well on the potential compatibility and integration of the SMART project with the Central Marin Ferry Connector project.

8. Consent Calendar (Action)

- a. Approval of Minutes from June 25, 2009 Meeting**
- b. Appointments to the Technical Advisory Committee**
- c. Crossing Guard Contract Approval**
- d. Crossing Guard Funding Agreement with Novato Unified School District (NUSD)**
- e. Old Redwood Highway Pedestrian and Bicycle Improvements Funding Agreement with the City of Larkspur**
- f. Transportation Demand Management (TDM) Software Contract Approval**
- g. Allocation of Measure A Funds to Marin Transit for Strategy 1**

Chair Kinsey indicated that Item 8C would be pulled from the Consent Calendar since staff from companies who had submitted proposals for this contract were present and wished to comment.

Commissioner Arnold moved to approve the Consent Calendar minus Item 8C, and Commissioner Boro seconded.

Chair Kinsey asked for public comment on the Consent Calendar, with no speakers coming forward.

Motion passed unanimously.

8. c. Crossing Guard Agreement

ED Steinhauser presented the staff report, including the history of this program, RFP process and results, and a recommendation for contract award to American Guard Services (AGS). She added that All Cities Management Services (ACMS) was the current provider but was not rated as the top candidate in the contract selection process. She referred the Board to the supplemental packet which was distributed at the outset of this meeting. This packet contained two letters received from ACMS and noted that Counsel is present to advise the Board regarding any material aspects of the letters. She also noted that, in an attempt to facilitate transit opportunities for the guards, a transit subsidy allowance in an amount not to exceed \$18,500 was included in the previous contracts. With the start of this new contract, staff is asking for the transit subsidy for guards to be considered separately at the same time that the guard locations are decided, in early 2010, and so has not been included in this contract. She indicated that a complete evaluation of all 64 guard locations is being conducted, and she reviewed staff's recommendation for the Board's consideration and approval.

Chair Kinsey opened public comment on the item.

Patricia Pohl, Operations Manager with ACMS, reviewed the process undertaken by the company to provide crossing guard services as well as the diligent efforts expended to meet

the needs expressed by TAM at the beginning of the contract. She expressed concern that the Board's decision could result in risking the loss of the dedicated individuals who have worked with All Cities to provide the crossing guard services, affecting the safety of the children and exposing TAM to potential liability.

Baron Farwell, General Manager for ACMS, commented on what he perceived to be problems with the bid process wherein responders are asked to tell how they can provide the services and "the best storyteller wins the prize contract of \$600,000." He provided the Board with statistics, including the number of clients served and employees on staff, demonstrating why he considers ACMS as the more qualified company compared to American Guard Services.

Peter Nguyen, American Guard Services, gave a brief history of the company and the services it provides. Addressing in part issues raised in the ACMS letters, he stressed that AGS has no affiliation with the bankrupt company, International Services, other than having hired some of the staff. He added that AGS has the resources to take on the program should it be awarded to the company.

Seeing no further speakers, Chair Kinsey closed public comment on the item.

Vice Chair Boro asked if the services proposed by AGS match the services that were provided by All Cities or what criteria were used in the selection process. Dan Cherrier, TAM Project Delivery Manager, stated that American Guard will provide more onsite management than the previous contractor, and their bid was approximately \$38,000 more than All Cities. Vice Chair Boro asked how the experience compared between the two companies. Mr. Cherrier said staff thought the supervisory capacity and provision of potential alternates from AGS was superior to ACMS. He added that he spoke with staff from the cities of Davis and Bell who have used AGS and they are pleased with the service provided by AGS.

Commissioner Breen asked if there have been issues with ACMS, the current provider, and if that was a factor in the decision to award the contract to AGS. Mr. Cherrier said there had been performance issues, but that was not taken into consideration during the decision-making process. Commissioner Breen asked if there were posts that went uncovered during the past year. Mr. Cherrier said spot checks of the service indicated there were numerous sites where the guard came late or left early, and three or four sites each time that had no coverage at all.

Commissioner Breen asked for updates on the guard service to be made to the Board in the future, so they can be aware of any ongoing problems.

Commissioner Lundstrom commented on the importance of the familiarity of individual guards to the schools and the community around each location, and expressed hope that AGS would interview the current guards and consider retaining them under the new contract. She also stressed the importance of keeping the schools and parents informed as to changes in the service provider. Mr. Cherrier responded that TAM is encouraging American Guard Services to hire as many of the current guards as possible.

Vice Chair Boro said he hoped that in the future, the guard service will inform the school or TAM representatives any time a guard will not be at his post. He suggested a penalty be included in future contracts. Mr. Cherrier said the current contract includes provisions that will address this concern.

Commissioner Arnold asked that staff reports on future contracts include the information suggested by Vice Chair Boro, since that could help the Board make the best decision.

Commissioner Arnold moved to approve the staff recommendation for Item 8C, and Commissioner Breen seconded. Motion passed unanimously.

Chair Kinsey thanked the guard service representatives for coming and speaking to the Board, noting it was a challenging decision and a very important service to be provided.

9. Caltrans Report (Discussion)

ED Steinhauser reported that, on July 16th, Caltrans approved the EIR for the Marin Sonoma Narrows project, with a 30-day comment period beginning soon. She also noted that the NEPA EIS was approved by the Federal Highway Administration on July 20th. Staff will post links to the document on the TAM website.

10. Legislative/Budget Update (Discussion)

Gus Khouri of Shaw/Yoder, TAM's legislative consultant, reported on the legislature's consideration of a 30-bill package to close a projected \$24 billion deficit in the state budget. The package includes program reductions, accelerating personal income tax withholding and corporate tax payments, cuts to local governments' share of gas tax revenues (HUTA funding), suspension of Proposition 1A, reductions to in-home support services, and deferral of education allocations. Regarding local government, the Proposition 1A and gas tax suspensions are contingent upon the securitization of regional development agency funding. A development authority is being formulated by CSAC and the League of Cities that would allow local jurisdictions to go to market to acquire additional funding in the interim to augment services, until the state is able to reinstitute payment of funds from previously cut programs. Regarding gas tax revenues, he noted that some of the smaller cities will be exempted from the state's taking of gas tax provisions and in Marin County that includes Belvedere, Ross, Corte Madera, Larkspur, San Anselmo, and Tiburon. However, in exchange, those jurisdictions would not be eligible to receive any Proposition 1B funds for local streets and roads. He also commented on potential changes to the Regional Development Agency (RDA) law.

Chair Kinsey asked Mr. Khouri whether the budget changes will affect the state's ability to fund transit programs for the foreseeable future. Mr. Khouri noted that the California Transit Association (CTA) won its lawsuit at the appellate court level on July 2nd, so the state will appeal to the Supreme Court, but the state could end up owing transit operators \$3.4 billion.

Chair Kinsey asked about jurisdictions (such as Marin County) that have adopted resolutions authorizing litigation over the gas tax. Mr. Khouri said a lawsuit is likely inevitable, but the state may be willing to take the chance.

11. Street Smarts Program

Chair Kinsey provided a brief history of the Street Smarts Program which began in 2005 and was funded through the Non-motorized Transportation Pilot Program. Earlier this year, TAM was advised that the program may be illegal as it is currently operating. TAM obtained an opinion from special legal counsel on this matter that the signage does not constitute a traffic control device. Based on that opinion, this item is being presented for the Board to decide whether or not to continue with the program. He stated that he would accept a motion to authorize continuation of the program, subject to individual jurisdictions' authorization to proceed, in conjunction with a motion authorizing the release of previously confidential legal memorandum prepared for TAM.

Commissioner Fredericks made the motion to authorize continuation of the Street Smarts program, subject to individual jurisdictions' authorization to proceed, in conjunction with authorization for the release of previously confidential legal memoranda prepared for TAM, which was seconded by Commissioner Breen. Motion passed unanimously.

12. Open time for items not on the agenda

Deb Hubsmith, Advocacy Director of the Marin County Bicycle Coalition (MCBC), commented on the Caltrans report and ways that TAM's assistance is needed: MCBC believes that the PSR for the Tiburon Wye is inadequate because it does not provide proper accommodation for bicycles and pedestrians. She congratulated the Board on the Marin-Sonoma Narrows EIR, and although she acknowledged that the Greenbrae Corridor Improvement Program is a priority, she believes it is important that TAM work with Caltrans to ensure that PSRs that are adopted are at the optimum level and include all the features that TAM believes are necessary for all transportation users. To that end, she requested that TAM work with Caltrans to create an addendum to the Tiburon Wye PSR so that it will be consistent with the other policies that TAM has adopted. She commented on the recent horrific crash between a bicycle and two cars and asked for TAM's support to coordinate with the County and Caltrans to make improvements to ensure bicycle and pedestrian safety in different parts of Marin. She asked that TAM request that Caltrans address bicycle and pedestrian issues in their reports, as well as vehicular safety issues.

By Order of Chair Kinsey, the TAM meeting adjourned at 10:40 p.m.

Approved on:
