

**TRANSPORTATION DISTRICT COMMISSION OF HAMPTON ROADS
MEETING MINUTES
June 24, 2010
1:30 P.M.
3400 Victoria Boulevard
Hampton, Virginia**

Chairman Wood called the meeting to order with the following Commissioners in attendance:

Chairman James L. Wood, Vice-Chair W. Randy Wright, Past-Chair Grace G. Routten, Charles F. Brown, James W. Holley, Curtis R. Milteer, Sr., Ralph S. Northam, Paul R. Riddick, Richard W. West, Joseph C. Whitaker, Charles B. Whitehurst, Sr., Patricia P. Woodbury and Alternate Commissioners Mark Schnauffer, Earl Sorey, and Joseph M. Swartz. Commissioner John E. Uhrin arrived shortly thereafter.

Note: Del. G. Glenn Oder could not attend the HRT Commission meeting due to his required attendance at the Ft. Monroe Development Authority meeting. Delegate Oder advised HRT staff of his conflict earlier in the week.

Commissioner C. E. "Cliff" Hayes, Jr., was out of town but requested to participate via phone; however, due to technical difficulties Commissioner Hayes wasn't able to participate via phone.

Others in attendance:

Ray Amoruso, Senior Vice President of Planning & Public Affairs/TDCHR
Leroy Bennett, City of Suffolk
Austin Bogues, Daily Press
Renee Browder, ATU – Local 1177
Homer Carter, Senior Vice President for Transit Operations/TDCHR
Ken Chandler, City of Portsmouth
Donald Clark, General Counsel/Williams Mullen
Travis Campbell, City of Virginia Beach
Larry Davenport, Senior Vice President for Finance & Administration/TDCHR
Chad Edison, AECOM
Tom Ferrell, Keville Enterprises Inc.
Dianne R. Foster, City of Hampton
Joe Hilton, WAVY News
Tom Holden, Public Affairs Manager /TDCHR
Carl Jackson, City of Newport News
Sadie Jackson, ATU – Local 1177
Don Lint, Director of Construction/TDCHR
Stephen, McCleave, President, ATU – Local 1177
Tom McGlone, The Virginian-Pilot
M.K. Malone, WAVY News
Debbie Messina, The Virginian Pilot
Henry Nutbrown, Project Manager/TDCHR
Wright Parkes, Director of Procurement /TDCHR
Luis R. Ramos, Executive Assistant & Commission Secretary/TDCHR
Henry Ryto, Virginia Beach Citizen
Benito Perez, Hampton Roads Transportation Planning Organization

Lolethia Shields, ATU – Local 1177
Philip A. Shucet, President and CEO/TDCHR
Shannon Sims, WVEC TV 13 News
Brandon Singleton, Chief Budget Officer/TDCHR
Earl Sorey, City of Chesapeake
Dale Stith, Hampton Roads Transportation Planning Organization
David Sullivan, Senior Vice President for Information Technology/TDCHR
Louisa Strayhorn, LSA Consulting, LLC
James Toscano, Vice President for Public Affairs and Communications/TDCHR
Selina Taylor, Executive Secretary/TDCHR
Ingrid Watson, Williams Mullen
Jayne Whitney, Senior Vice President for Development/TDCHR

The Commission meeting commenced with the Pledge of Allegiance led by Commissioner Wood.

A Public Comment Period was then opened for the purpose of receiving public comments in an effort to encourage more public participation in HRT. General Counsel invited members of the public to speak with any comments for the Commission. No public speakers were present. Chairman Wood called on Past Chairman Routten, Ms. Routten then read a letter on behalf of Donald Fennell, Chair of the Advisory Committee for Persons with Disabilities with concerns of the potential fare increase. The Public Comment Period then ended. The Commission immediately resumed its regular monthly meeting.

APPROVAL OF MINUTES – MAY 27, 2010

Commissioner Woodbury moved to approve the minutes from the May 27, 2010, meeting. Commissioner Holley seconded the motion. A roll call vote resulted as follows:

Ayes: Wood, Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: Northam

Closed Session:

Commissioner West moved to go into Closed Session pursuant to Virginia Code section 2.2.3711 the performance of specific public officer, appointees or employees of the Commission, as per paragraph (1) and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, as per paragraph (7). Commissioner Woodbury seconded the motion. A roll call vote resulted as follows:

Ayes: Wood, Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

Upon return to open session, Commissioner West certified to the best of his knowledge that only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act, and only such public business matters as were identified in the motion by which the Closed meeting was convened, were heard, discussed or considered in the Closed Meeting just concluded. Commissioner Woodbury seconded the motion. A roll call vote resulted as follows:

Ayes: Wood, Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

Commissioner Woodbury moved that the Commission approve the Amended and Restated Notification of Retirement of former President and CEO Michael S. Townes. Commissioner Whitaker seconded the motion. A roll call vote resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, and Sorey

Nays: None

Abstain: Wood and Swartz

RECOGNITIONS

None

UNFINISHED BUSINESS

None

PRESIDENT/CEO'S REPORT

President and CEO Philip A. Shucet stated that HRT staff was available to answer any questions concerning the President's Report.

COMMITTEE REPORT – Audit/Budget Review Committee

Commissioner Milteer, Chair of the Audit/Budget Review Committee, called on David Sullivan, Interim Chief Finance Officer. Mr. Sullivan gave a brief synopsis of the June 2010 Financial Report.

COMMITTEE REPORT – Executive Committee

Chairman Wood stated that the TRAC report is in the Commission binder.

Chairman Wood read **Resolution 05-2010 Employee's Contribution to VRS Under 414(h) of the Internal revenue Code for Plan 2 Employees**. The Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred as Plan 2 Employees"). The

legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to internal revenue Code 414 (h) on a pre-tax basis.

Currently, HRT pays the 5 percent member contribution. However, management recommends that as of July 1, 2010, all new employees hired on or after that date, be required to pay the 5 percent member contribution.

Chairman Wood asked for a motion to adopt Resolution 05 -2010 Employee's Contribution to VRS under 414(h) of the Internal revenue Code for Plan 2 Employees. Commissioner Whitehurst moved to adopt Resolution 05- 2010, Commissioner Brown seconded the motion. A roll call resulted as follows:

Ayes: Wood, Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

Chairman Wood called on Past Chairman Routten. Past Chairman Routten stated that the Executive Committee met on Wednesday, June 9, 2010 with the following Commissioners present: Commissioner Wood as Chair, Commissioner Riddick, Commissioner Holley, Commissioner Whitehurst, Commissioner Woodbury and Commissioner Milteer.

The Committee nominated the following as TDCHR Officers for the 2011 fiscal year.

Chair	Paul R. Riddick
Vice Chair	Patricia Woodbury
Secretary	Luis Ramos
Treasurer	David Sullivan

Past Chairman Routten moved to accept this recommendation and elect the officers as named. Commissioner Milteer seconded the motion. A roll call vote resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: Wood

Abstain: None

Chairman Wood thanked the Commission for their support during his tenure as Chair of the TDCHR.

Commissioner Woodbury thanked Chairman Wood for his exemplary leadership as Chair.

COMMITTEE REPORT – Operations & Oversight Committee

Commissioner Routten, Chair of the Operations & Oversight Committee stated that the Committee had five items to bring before the Commission.

The first item was a **Request for Modification to the General Financial Consulting Services Contract**

In Spring 2009, the Commission approved the award of a general financial services contract to AECOM Consult to provide financial consulting services, at a price not to exceed \$385,000 for a base two-year period with three optional renewal years.

At the time of contract award in Spring 2009, no one could have predicted the volume of activity related to the light rail project, stimulus funding, updating the 6-year capital plan, and the extended fare change analysis.

Expenditures in the first two-year contract period are now estimated to total \$825,000, mainly due to additional work related to the light rail project. Work in the remaining three years is estimated to drop back to pre-light rail levels of \$75,000 to \$100,000 per year.

As a result, staff is recommending that the originally approved \$385,000 for the five year contract period be increased to \$1,075,000.

Funding to support this recommendation is available in the light rail project Cost to Complete for work related to that initiative and in HRT's operating budget for the remaining initiatives.

Commissioner Routten made a motion to authorize a modification to Contract 09-50477 for Financial Consulting Services, to reflect an amount not to exceed \$1,075,000 for a two year base period and three optional renewal years. Commissioner Holley seconded the motion. A roll call vote resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, Uhrin, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

The second item was a recommendation to approve **Contract LR 46424 - Sole Source Construction Inspection Services for Light Rail Completion**. HRT is in need of construction inspection services, primarily the Resident engineer, for the completion of Contract 40 of the Norfolk Light Rail project on an as needed, task order basis. These services have been performed by Professional Railroad Employee Staffing Service, Inc. (PRESS) through a subcontract with the light rail program manager, PBS&J. PBS&J terminated this subcontract and, as part of the 2010 Project work Plan, HRT is assuming direct responsibility for these services for the remainder of Contract 40. Past performance of PRESS has been very good. HRT has negotiated a contract for continuation of these services to August 31, 2010 in an amount not to exceed \$391,000.00 The cost of these services is included in the current Cost to Complete budget and will be funded from the sources identified for that purpose.

The Operations and Oversight Committee recommends that approval by the Commission. Commission Routten made a motion to approve the **Contract LR 46424 - Sole Source Construction Inspection Services for Light Rail Completion** to Professional Railroad Employee Staffing Services, Inc (PRESS, Inc.) to perform construction management and field inspection services as needed and directed by HRT, in an amount not to exceed \$391,000.00. Commissioner Whitehurst seconded the motion. A roll call vote resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

The third item was a contract for the **Removal and Disposal of Solid Waste** (to include scrap metal recycling) at six HRT facilities for a base period of two years, with three one-year options.

An Invitation for Bids was issued on March 12, 2010 with a solicitation containing two components: Part A, which included Solid Waste Disposal Services, and Part B which included Recycling Collection Services. Bidders were given the option to bid on each part independently or both parts as a combined package. On April 16, 2010 six responsive bids were received for Part A. The lowest bid for Solid Waste Disposal Services was submitted by Meeks Disposal Corp.

TFC Recycling, Inc. submitted the lowest bid for Part B. They will expand HRT's recycling program to all HRT locations, and the cost will be less than half of what was spent on recycling in FY 2009. TFC's bid was less than \$50,000 for the entire five year base plus option period, and will not require Commission approval.

The Meeks bid proposal for Base Year #1 is a 15% decrease from the cost of these same services in FY 2009. There are no proposed price increases for the duration of the contract, including the option years. The bid includes a \$125 per pull scrap metal recycling credit (with no pull fees) for each requested pull of the two 20YD containers at Headquarters and Ford. These recycling credits will result in additional cost savings over the course of the contract, and will continue to support HRT's Sustainability Program.

Commission Routten made a motion to approve the contract award for the provision of **Solid Waste Disposal Services to Meeks Disposal Corporation** at a price of \$32,616.00 per year, with a total price not to exceed \$163,080.00 for a period of two years, with three one-year options. Commission Brown seconded the motion. A roll call vote resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

The fourth item was a recommendation to approve the **purchase of one (1) 29-foot diesel-electric hybrid, nine (9) 35-foot low-floor heavy-duty transit coaches and related equipment.**

This action will allow HRT to acquire a new energy-efficient hybrid electric bus for the universal shuttle and also to replace a number of diesel buses that have exceeded their useful life with buses employing the latest clean-diesel technology. HRT was able to obtain a very favorable delivery date of May 2011 for the hybrid bus.

Funding for the buses has been secured through federal and local grants. The federal share is 80% and a local match of 20% is required and will be in the capital budget for FY 2011.

HRT is a participant in a five-year bus contract consortium led by San Mateo, California's transit agency. After a competitive process, a contract was awarded to Gillig Corporation, Hayward, CA for buses of various types and propulsion systems, in October of 2008. The average price per hybrid vehicle will be approximately \$572,374 and the average price per 35-foot bus will be approximately \$371,866. HRT also needs to acquire fareboxes and ACS/APC units for these buses from other sources, at a cost of approximately \$ 200,000.

Commissioner Routten made a motion to approve the **contract award for 29 Foot Hybrid Electric Bus, 35 – Foot Diesel Buses and Related Equipment to Gillig Corporation** for a total price not to exceed \$3,919,168, and authorize the purchase of additional equipment, including fareboxes and ACS/APC units, at a total price not to exceed \$ 200,000. Commission Whitehurst seconded the motion. A roll call resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

The fifth and last item was to award **Contract 10-53396 - Light Rail Track Lubricators.** The procurement of track lubrication equipment is intended to reduce noise caused by LRV wheels in tight turns in the Norfolk central business area. The proposed equipment is designed for installation and operation in HRT's current trackways. An RFP including detailed performance specifications was developed and an invitation for bid was issued on March 24, 2010. On April 9, 2010, a single bid, from Milrail, Inc. was received. Other bidders, when surveyed, indicated cost competitiveness as the predominant reason for not bidding. HRT's request for a Buy America Waiver was granted by the FTA on June 15, 2010. Installation of the equipment will be performed by HRT Maintenance of Way personnel. The cost of this acquisition will be funded from the Light Rail Project's Allocated Contingency Budget and is in the Cost to Complete.

Commissioner Routten made a motion to approve **Contract Award 10-53396 - Light Rail Track Lubricators** to Milrail, Inc for the procurement of track lubricating equipment at \$446,926.20. Commissioner Whitehurst seconded the motion. A roll call resulted as follows:

Ayes: Wright, Routten, Brown, Holley, Milteer, Riddick, West, Whitaker, Whitehurst, Woodbury, Sorey and Swartz

Nays: None

Abstain: None

COMMITTEE REPORT – Planning & New Starts Development Committee

Vice Chairman Wright, Chair of the Planning & New Starts Development Committee stated that the Committee met earlier in the day and received updates on the Norfolk Light Rail project as well as the Virginia Beach Transit Extension Study.

COMMITTEE REPORT – Paratransit Advisory Committee

Commissioner Routten, Chair of the Paratransit Advisory Committee stated that the Paratransit Advisory Committee met on June 23, 2010. Ms. Routten reviewed her monthly report to the Commission

COMMISSIONER'S COMMENTS

Commission Riddick thanked everyone who voted on his appointment to Chair of the TDCHR and is looking forward to working together with TDCHR Commissioners and HRT staff.

Commission Woodbury thanked those who voted on her appointment to Vice-Chair of the TDCHR.

Commissioner Milteer asked staff if they can investigate the possibilities of installing a bus shelter in the City of Suffolk.

Commissioner Wright stated that a request has been made to him for possible donation of bicycles that HRT might have in the lost and found department.

Commissioner Wright thanked everyone for the support he has received during his tenure as Commission for the TDCHR.

ADJOURNMENT

With no further business to come before the Commission, the meeting was adjourned at 3:15 p.m.

TRANSPORTATION DISTRICT COMMISSION OF HAMPTON ROADS

James L. Wood, Chairman

ATTEST:

Luis R. Ramos, Commission Secretary

DATE: June 24, 2010