

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION
CORPORATION (BPTC) JUNE 4, 2013, 5:30 P.M.**

In the Edward J. Kuntz Board Room of the Bloomington Transit Operating Facility, 130 W. Grimes Lane, Vice Chairman McDaniel convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation.

ROLL CALL

Board Members present: Vice Chairman McDaniel, Secretary Cartwright and Board Member Obermeyer. Also present were Lewis May, General Manager, Brenda Underwood, Human Resources/Marketing Administration, Christa Browning, Controller, Ian Patton, Operations Manager, Grace Dickey, Downtown Security/Customer Service Attendant and members of the public Miah Michaelson, Assistant Economic Development Director for the Arts at City of Bloomington, Tony Walters, Mark Taylor, Stephen Robinson, Carl Myers, and Emily Lucas.

PETITIONS AND COMMUNICATIONS

A member of the public, Mark Taylor, noted that he has filed several complaints about another passenger. Mr. Taylor said he is being intimidated and threatened by bus drivers. He has filed complaints with the Bloomington Police Department. Ian Patton responded that he was not aware that a bus driver had threatened him and would have definitely followed up on that if he had known. Mr. Taylor said that he had filed a complaint and things are not getting better. Mr. May expressed concerns about Mr. Taylor's complaint relative to driver harassment and noted that it's sometimes possible to investigate using surveillance cameras on buses which have audio and video. Mr. May said that employees may see it differently and it's important for us to get the driver's perspective as part of our review. Mr. May said that staff has met over the years with case works for the passenger Mr. Taylor speaks about and with the passenger. Another member of the public, Stephen Robinson, said your people are not dealing with the problem effectively. He noted that he called and talked with Ian a couple of weeks ago to explain to him that he had observed drivers talking on the radio to each other. Mr. May said to be clear there are two issues here - (1) you are concerned about intimidation and harassment from some drivers and (2) the annoyance imposed on you by the passenger. Mr. May noted that we can certainly deal with the situation about the appropriateness of drivers and how they communicate with passengers. He said we would need to know the identify of the drivers, dates/times of the incidents. Mr. Robinson said he observed Miriam grab a drivers transfer tickets and start passing them out to passengers and the driver did tell her she was not supposed to do that and she actually turned on the driver and got mad at him. Mr. May said that clearly goes beyond annoying behavior. Vice Chairman McDaniel said that Lew and Ian are very aware of the situation and will look into it again. Another member of the public, Tony Walters, requested that a bus stop be considered between Grimes Lane and Davis Street. Ian Patton said he would look at the location. Vice Chairman McDaniel thanked the members of the public for their input and noted that Lew and Ian would look into it further.

MESSAGES FROM BOARD MEMBERS

There were no messages from Board Members.

MESSAGES FROM THE MANAGER

Mr. May opened with the Downtown Passenger Transfer Facility public art element of the project. He noted there has been \$104,000 budgeted for the provision of public art in the new facility. He said the four areas for public art included benches, bike racks, a west wall mural and the logo treatment on the south side of the building. He said proposals have been solicited from artists for these specific items by the City of Bloomington Arts commission. He said we have gone through the jury review process and the Board has the final say on the public art that is to be selected. Mr. May introduced Miah Michaelsen, Assistant Economic Development Director for the Arts at City of Bloomington, who explained the process of how the project progressed to this point and presented the various public art proposals that were received and the public art that are being recommended. Ms. Michaelsen recommended awards for the benches and bike racks be made to Matt Ellenwood. She further recommended that the west wall mural be reduced to the three (3) best proposals and to invite them to make final submissions with the understanding that they would be paid a \$500 fee for their work in preparing final proposals. The final proposals would be reviewed by the Board with final selection to be made by the Board. Ms. Michaelsen recommended that the Board reject all logo treatment proposals and simply contract a representation of the logo to a graphic arts or signage firm.

Mr. May gave an update of the Downtown Passenger Transfer Facility. He noted that work continues and substantial progress has been made in the past few weeks. He said some of the accomplishments include pouring of concrete for the stairwell and elevator towers up to the second floor level; connecting the water main to our water service for the facility; and connecting the electric service for the facility. He noted the contractor is about 75 percent complete with the foundation stem walls for the building and those should be completed by the end of next week. He said the next important element is the erection of steel on the project that is scheduled to begin on Monday next week. Related to the steel erection, Mr. May pointed the Board to information included in their packet that was received from a group calling themselves the Freedom Worker's Coalition. This group visited us last week and they are made up of some former employees of Lamar Construction who is a subcontractor to Stone City Ironworks who is a subcontractor to the general contractor. He said they allege that Lamar Construction has a history of OSHA violations for unsafe working conditions, accidents that resulted in a death of an employee and a serious injury; at least two collapses of structures for which they did steel erection, a violation of wage law in Kentucky, and a history of bad working conditions for employees. The group visited the BPTC office, the Mayor's office, City Planning, and the job site. He said Lamar Construction has countered with an initial reply sent to me by the general contractor which is included in the Board packet. Board Member Obermeyer expressed some concerns regarding wages and paying people appropriate wages for the work they do. Mr. May said this is a Federal Davis Bacon project so Davis Bacon rules apply which requires prevailing wages to be paid for all employees in various trades that work on the project. Mr. May said under our contract with Gibraltar, we can request the removal of a subcontractor if we have reasonable cause. Legal counsel and Mr. May are currently reviewing the allegations and expect to provide the Board with a response in the near future. He said that time is of the essence given that steel erection is scheduled to begin on Monday. Mr. May said he has asked the general contractor what the cost would be to change subcontractors and the impact it would have on the project schedule. The general contractor noted it would cost another \$76,000 and a one to two week delay to change to the next lowest steel subcontractor. He said anytime there is a delay

there is going to be some additional cost associated with that delay because the general contractor is mobilized on the site. He said that the City would have to pick up an allocated percentage of the additional steel cost as well. Secretary Cartwright expressed concerns about additional cost to the project given the extra costs already incurred on the project as well as the delay. Treasurer Obermeyer stated concerns about the subcontractor's response and that it's important for us to review the allegations. The Board concurred that there isn't sufficient cause at this time to make a subcontractor change. Mr. May noted that he would review the allegations further and report back to the Board.

Mr. May noted next on the agenda is a proposed service change that he shared with the Board at a previous Board Meeting for the Route 9 Campus Corner and Route 9 Limited to reverse the direction that buses travel in the loop that includes Buick Cadillac Drive Clarizz Blvd., East Covenanter Drive and College Mall Road. He said we propose considering a minor change that should help remedy the situation at this bus stop by reversing the clockwise direction of the loop to instead go counterclockwise. He noted there is a bus pull-off lane and shelter on the south side of East Covenanter Drive which can accommodate up to two buses and we have asked the City to remove some on street parking to give us room for a third bus to park. Mr. May said he included in the Board packet is a couple of aerial photos with illustrations on them showing the proposed loop reversal as well as the close-up of the proposed new bus stop. He said included in the Board packet is Resolution 13-14 for the Board's approval to adopt the proposed change effective August 26, 2013. The Board concurred with the proposed change and directed Mr. May to proceed with it.

Mr. May said last on the agenda is the EEO Policy and Program update. He said every few years we are required by the Federal Transit Administration to update our Equal Employment Opportunity Policy and Program as a condition for receiving Federal grant assistance. He said our current policy and program expires on June 30, 2013. He noted that included in the Board packet is the updated document and we have Resolution 13-15 adopting an updated Equal Employment Opportunity (EEO) Policy and Program for the Boards approval. Mr. May summarized the current employee census for the Board and discussed hiring goals as part of the updated program.

MESSAGES FROM THE CONTROLLER

Controller Browning gave an overview of the April Financial Report.

MINUTES

The minutes for May 7, 2013 were presented for approval by Secretary Cartwright and seconded by Board Member Obermeyer. The minutes were approved unanimously.

CLAIMS

The claims for June 4, 2013 were presented for approval by Secretary Cartwright and seconded by Board Member Obermeyer. The claims were approved unanimously.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS


Under New Business, Board Member Obermeyer moved to approve Resolution 13-13; a resolution authorizing the selection of artists and various forms of public art for the new Downtown Passenger Transfer Facility. The motion was seconded by Secretary Cartwright. Resolution 13-13 was approved unanimously.

Under New Business, Secretary Cartwright moved to approve Resolution 13-14; a resolution authorizing a service change for the Route 9 Campus Corner and Route 9 Limited routes so as to reverse the direction of the loop in the Buick Cadillac Drive, Clarizz Blvd., East Covenant Drive, and College Mall Road portion of the loop effective August 26, 2013. The motion was seconded by Board Member Obermeyer. Resolution 13-14 was approved unanimously.

Under New Business, Board Member Obermeyer moved to approve Resolution 13-15; a resolution adopting an updated Equal Employment Opportunity (EEO) Policy and Program. The motion was seconded by Vice Chairman McDaniel. Resolution 13-15 was approved by all board members except Secretary Cartwright who abstained.

ADJOURNMENT

APPROVE:


06-25-13
Ray McConn, Chairman
Board of Directors BPTC

ATTEST:


06-25-13
Alex B. Cartwright, Secretary
Board of Directors BPTC