

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) JANUARY 19, 2021, 5:30 P.M.
MINUTES**

Chair Obermeyer convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation. The meeting was held electronically using a Zoom meeting accessed at:

<http://us02web.zoom.us/j/81647246906?pwd=WXRxWmllSMmcxeUNWbzdTYnk1T1ZMQT09>

Meeting ID: 816 4724 6906
Password: 483650

The Zoom meeting was also accessible at the following phone numbers:

(312) 626-6799

Meeting ID: 816 4724 6906
Password: 483650

ROLL CALL

Board Members and staff present: Chair Nancy Obermeyer, Vice Chair Kent McDaniel, Marilyn Hartman, Secretary James McLary and Board Member Doug Horn. Also present were Lewis May, General Manager, Christa Browning, Controller, Brenda Underwood, Director of Human Resources and Marketing, Zac Huneck, Planning and Special Projects Manager and Eli McCormick, Customer Service Manager/BT Access Manager.

Members of the Public: Adam Wasson, Director of Public Works Department and Doug Bruce, Tabor Bruce Architecture.

PUBLIC HEARING

There was no public comment.

PETITIONS AND COMMUNICATIONS ON NON-ACTION ITEMS

There were no petitions and communications on non-action items.

MESSAGES FROM BOARD MEMBERS

There was no comment from Board Members.

MESSAGES FROM THE MANAGER

Mr. May began the meeting with a discussion in regards to the Election of Officers. Indiana Code requires that the Board annually elect a Chair and Secretary. Traditionally, the board has also elected a Vice Chair and Treasurer. Mr. May recommended that the Board move to nominate and approve officers for these four positions for 2021. He added that the current officers are as follows:

Chair- Nancy Obermeyer
Vice Chair – Kent McDaniel
Treasurer – vacant
Secretary – Jim McLary

Board Appointment for the MPO Policy Committee – Kent McDaniel

Mr. May also requested that the Board also elect a Secretary Pro Tem who would serve as Secretary any time the current secretary is not available for document signatures.

An action item is included under New Business to nominate and elect officers and an MPO representative

Next, Mr. May and Mr. Huneck introduced a discussion about bus stop accessibility improvements. Mr. May noted that City has agreed to make a significant investment in improving bus stop accessibility at a number of locations throughout the City. Mr. May noted that Adam Wasson, the City of Bloomington Public Works is present to answer any questions that may arise. The Bus Stop Accessibility Improvement is part of the City's Recover Forward stimulus program.

Mr. Huneck, BPTC Planning and Special Projects Manager, has worked with the City over the last few months to identify stop needed accessibility and amenity improvements. Originally the City earmarked \$250,000 for the bus stop improvement project. The bids came in higher than expected. To do the base bid plus all three (3) alternate batches of bus stops, would require \$485,671. The City is willing to invest an additional \$150,750 above the original \$250,000 earmarked for the project. If BT were willing to contribute \$84,921 to the project we could do all three (3) batches of the bus stops. The following is a summary of the bids the City received:

\$319,660.00 Base Bid
\$355,969.00 Base + Alt 1
\$438,268.00 Base + Alt 1 & 2
\$485,671.00 Base + Alt 1, 2, & 3

\$400,750 – City Recover Forward Funding
\$84,921 – BT funding
\$485,671 – Project Total

Secretary McLary asked if the additional \$150,000 in funding depended on BT contributing the \$84,000+. Mr. Wason explained that is not contingent but that the City would like to work with BT to make the entire project happen.

Board Member Horn stated that he is excited about these improvements but is curious how many stops will be left needing improvement and if we have a plan of when and how we can make these updates. Mr. Huneck explained that about 20% of the 500 stops in our system have been rated a 1 or 2 which is very poor. Mr. Huneck agreed to count and report back at the next meeting on how many stops will be left to improve that are currently rated as poor in status.

Mr. May explained that this is a great opportunity to make much needed headway in improving accessibility and amenities at our stops. Staff recommends that BT commit \$84,921 to the project subject to the City committing \$400,750 to the project.

Secretary McLary asked if there was anything built in that would keep the city from coming back and asking for additional money. Mr. Wason explained that they would be keeping a close eye on the project and have been running fairly close to the actual bid as of recent. He also explained that there was some build-in overage during estimation. He stated that unless that was a large difference that was unforeseeable that he didn't see this happening. If that happened, it would be brought to the Board.

Under New Business an action item is included for approval by the board.

Next, Mr. May discussed the Roof Replacement Project. At the last board meeting, the Board agreed to postpone the award of contract for replacement of the membrane roof at our Grimes Lane facility. This was due to one to the lowest bidder not submitting any of the required Federal certifications including executed debarment and suspension, lobbying, and Buy America, nor the State of Indiana requirement to submit an executed E-Verify affidavit.

After seeking legal counsel, staff is recommending that the Board reject all the bids from the December 11, 2020 for the project and direct staff to rebid the project.

Vice Chair McDaniel asked if we are expecting to receive a lower bid when this is rebid. Mr. May explained that we are not expecting a lower bid and could see an increase in bidding due to higher prevailing wages and some small inflationary costs related to materials, supplies etc. He doesn't expect it to be a major cost increase. Vice Chair McDaniel asked if it was worth rebidding or if we should go with the 2nd lowest bidder. Mr. May explained that the most practical response is to rebid the project.

Board Member Horn asked Doug Bruce, the architect, if he could explain if it is "normal" for there to be such a difference in bidding. Mr. Bruce explained that it isn't uncommon and that often you expect to throw out the highest and lowest bid. The guidelines are very specific and each person is given the opportunity to submit questions. In this case, the (2) lowest bidders did submit questions while the higher bidders did not.

Mr. Bruce also went on to explain that by rebidding we are getting into warmer weather and can install the fully adhered rubber roof which is preferred over the roof that would be installed during cold weather.

It was also questioned and explained that anything we are doing now would not interfere if at a later time we wanted to add solar panels. It was also noted that we are only replacing the membrane roof and not the metal roof at this time. We are asking for a white, 60 mil roof with a 25 year warranty.

Board Member Hartman stated that she agrees with the rebidding especially with the pricing differences and the opportunity to rebid using the fully adhered rubber roof. Staff recommends that the Board reject all the bids from December 11, 2020 for the project and direct staff to rebid the project. An action item with this recommendation is included for consideration under New Business.

Moving on, Mr. May introduced the EV Charging Electrical Supply Award item. We will be receiving two (2) battery electric buses in the March/April timeframe. We need to install two (2) charging stations and supply them with electricity. The charging stations will be located in the bus parking lot under the bus parking canopy. Our architect, Tabor Bruce Architects and their electrical subcontractor, designed the electrical supply to the charging stations and included (2) different routes for the electric lines to run so that bidders could bid each route. The base bid is based on one route and the Alternate 1 is based on a different route for the electric lines. Another alternate (Alternate 2) includes the possibility of constructing a concrete curb to house the conduit for electric lines as they surface from underground and feed into the charging stations.

We had a total of six (6) bids. The bids ranged from a low of \$75,498 to a high of \$128,300 including both Alternates 1 and 2. After review, we believe that Alternates 1 and 2 should be included as part of the project and as such the low bidder for the project would be Cassidy Electrical Contractors, Inc. which bid a total of \$75,498. Their project completion time is 8 weeks from when we give notice to proceed and that schedule would be perfect for the project.

Cost of the installation would be funded at 80 percent with the Federal grants we have for the purchase of the buses and charging stations. Board Member Horn asked if there is some kind of long term plan for adding additional charging stations as more buses are added. Mr. May explained that we will be maxed out on space after installing these 2 charging stations. He did note that we have a study planned for later this year seeking conceptual plans for the future as more and more electric buses are added and how/where we might situate additional charging stations. Mr. May said it might require locating future charging stations overhead within the canopy structure of the bus parking canopy as there is sufficient ground space for additional charging stations now. Mr. May asked the Board to consider approval of Resolution 21-01 under New Business.

Next, Mr. May discussed the IU Addendum #3. In October, the Board approved an addendum #2 to the 2019-2020 Interlocal Cooperation Agreement with Indiana University in which BT would invoice the University on a monthly basis for the percentage of normal scheduled revenue hours actually operated on Routes 6, 7 and 9 for each month through early February 2021. The amount to be billed each month was to be calculated by multiplying the percentage of normal scheduled revenue hours operated on Routes 6, 7 and 9 by \$87,720 (which is a 2 percent increase over last year's monthly amount).

An Addendum #3 has been prepared and proposes to use the same revised method to calculate monthly billings to IU as was included in Addendum #2. We would operate the same reduced service on Routes 6, 7 and 9. This addendum would carry us through June 30, 2021. In the April/May timeframe, we would negotiate a new agreement with IU for the 2021-2022 school year. Secretary McLary asked what this will do to our budgeted revenue. Mr. May stated that it will be less than what was budgeted but that the amount of service would also be proportionately less. Both revenue and expenses will go down by approximately the same amount. Mr. May asked the Board to consider approval of Resolution 21-02 under New Business.

Next, Mr. May discussed the Outside Legal Services agenda item. Mr. May noted that staff recommends we develop and issue a Request for Proposals to enlist outside legal services for matters that can be better served by outside counsel as opposed to using City legal counsel. Mr. May noted that other Public Transit Corporations typically use outside legal counsel for all legal matters. Mr. May noted that we intend to continue using City legal for routine and common matters, however, there could be future matters that may occasionally fall outside of City legal expertise.

Board Member Hartman noted that with plans to secure a new general manager that it would be appropriate for us to hire separate legal counsel to help with understating the various requirements to fill this position. She also noted that there could be matters where it may be a conflict of interest to use City legal counsel to represent us depending on the matter at hand.

Vice Chair McDaniel asked if we would be hiring outside counsel for all issues. He noted that at a rate of \$86.95 per hour that outside counsel would be much more costly. He also questioned if the City would have an opportunity to bid on the Request for Proposal. Mr. May noted that BT had used City legal counsel for 23 ½ hours of service in 2020 and that we intended to continue using City legal counsel for common and routine matters. He noted that he has spoken with Barbara McKinney, City Counsel, and that she is in agreement that we can and should seek outside legal counsel for matters that the City doesn't have adequate expertise or where a conflict may exist. Mr. May explained that we would use outside counsel on matters that fall outside the expertise of the City legal counsel. After much discussion Vice Chair McDaniel stated that he is willing to look at outside legal counsel but is skeptical and wonders if it is really needed. Board Member Horn noted that the proposal is to issue the RFP for outside legal services and does not commit us to anything more at this time. Board Member Hartman and Vice Chair McDaniel said they would both be willing to serve on the evaluation committee along with Mr. May to evaluate the proposals received and make a recommendation to the Board for award.

Secretary McLary noted that we have been blessed to have Lew as a senior manager. Rarely do you get a seasoned manager like him. If we hire a manager or a management company there will be a learning curve for anyone taking over that position. Mr. McLary thanked Mr. May for his service to the organization. Mr. May asked the Board to consider approval of Resolution 21-03 under New Business.

Mr. May provided the Board a COVID-19 update and its continuing impacts on BPTC. Mr. May noted that we have given out more than 40,000 reusable and disposable masks on buses. Mask

compliance by riders continues to be good, however, there are still a few riders who aren't complying.

Mr. May noted that the average weekday ridership per month since the pandemic began is shown in the table shown on the table page. Mr. May noted that we carried about 18 percent of what we carried in December 2019 on an average weekday as shown in the data that was included in the Board packet.

MONTH	2020 Average Weekday Ridership	2019 Average Weekday Ridership
January	12,487	12,183
February	16,922	14,740
March (thru spring break)	10,736	9,618
March (post spring break)	1,503	14,746
April	1,266	14,081
May	1,399	5,651
June	1,913	5,051
July	1,990	4,779
August	2,630	8,213
September	3,627	17,028
October	3,562	16,672
November	3,039	14,494
December	2,147	11,656

Mr. May explained that it could take years for the transit system to recover from the effects of the pandemic and that while we are starting to see some decrease in infection numbers that we are still at a heightened risk thus making it prudent to continue with our COVID -19 protocol.

He also noted that they have reached out to the Health Department in regards to the employees of the Transit getting the COVID-19 vaccine as part of the CDC phase 1B recommendations. The Health Department stated that if they have any leftover vaccines from Phase 1A that it is possible that Transit Employees age 60 and over could be eligible for the vaccine.

With respect to COVID-19 related actions, staff recommends the following actions between now and the January 20, 2021 board meeting:

- Continue operating both fixed route and BT Access service fare-free for the near term and re-evaluate on a monthly basis as local conditions change relative to the pandemic. Also, continue operating with rear-door boarding and alighting for ambulatory passengers so as to provide as much space as possible between the driver and customers. Non-ambulatory persons would be allowed to use the front doors for boarding and alighting.

- Continue the closure of the Downtown Transit Center indoor passenger waiting area and restrooms to the public. We would continue to provide outdoor portable restrooms for the public at the Downtown Transit Center. Re-evaluate on a monthly basis as local conditions change relative to the pandemic.
- Continue with the closure of the Grimes Lane facility to the public. Re-evaluate on a monthly basis as local conditions change relative to the pandemic.
- Continue remote working for designated administrative and management employees. Re-evaluate on a monthly basis as local conditions change relative to the pandemic.

Board Member Horn requested that as we move forward in 2021 that we still continue to show the 2019 and 2020 numbers so that we could remain focused on where we were and how we are doing in terms of recovery. Mr. May agreed to continuing providing the Board with average weekday ridership number for each month as compared to what we would carry normally. Under New Business, Mr. May recommended that the Board consider approval of a motion to continue the current operating actions being followed in response to the continuing pandemic.

Lastly, Mr. Huneck updated the board on the December Operation Statistics. He stated that the December fixed route ridership was down 80 percent compared to December 2019 due to the continuing COVID-19 pandemic. Year-to-date fixed route ridership finished 2020 down 57 percent compared to 2019.

BT Access ridership was down 60 percent in December compared to December 2019. Year-to-date BT Access ridership finished the year down 53 percent compared to 2019. Included in your packet are monthly statistics and performance for fixed route and BT Access service. Secretary McLary noted that BT Access went 12 months with no accidents and commended the staff for this success.

MESSAGES FROM THE CONTROLLER

Controller Browning noted on the agenda for the Board's consideration and approval is Resolution 21-04; a resolution authorizing the encumbrance of appropriations from the Calendar Year 2020 budget.

Appropriations made in CY 2020 budget to be expended in CY 2021 as follows:

Class 3 – Professional services	\$ 16,400
Class 3 – Capital	\$2,005,736
Total	\$2,022,136

Controller Browning gave an overview of the December Financial Report as included in the Board Packet.

PUBLIC COMMENT – ACTION ITEMS

There was no comment from the public.

NEW BUSINESS – ACTION ITEMS

Board Member Hartman made a motion to nominate and approve officers of the BPTC Board of Directors for 2021 and to appoint a Board representative for the MPO Policy Committee for 2021. The motion was seconded by Secretary McLary. The motion was approved unanimously. The motion included appointing the following officers: Chair – Nancy Obermeyer, Vice Chair – Kent McDaniel, Secretary – Jim McLary, Treasurer – Doug Horn. Board Representative MPO Policy Committee – Kent McDaniel

Secretary McLary made a motion to authorize the expenditure of up to \$84,921 payable to the City of Bloomington subject to the City investing \$400,750 of City funds for accessibility improvements at and near BPTC bus stops. The motion was seconded by Vice President McDaniel. The motion was approved unanimously.

Board Member Hartman made a motion to reject all bids received on December 11, 2020 in conjunction with Roof Replacement Construction Services and to direct staff to rebid the project. The motion was seconded by Vice President McDaniel. The motion was approved unanimously.

Board Member Horn made a motion to approve Resolution 21-01; a resolution authorizing the award of contract for Electrical Supply to EV Charging Stations to Cassidy Electrical Contractors, Inc. The motion was seconded by Secretary McLary. The motion was approved unanimously.

Board Member Horn made a motion to approve Resolution 21-02; a resolution approving an Addendum #3 to the Interlocal Cooperation Agreement between BPTC and Indiana University. The motion was seconded by Secretary McLary. The motion was approved unanimously.

Board Member Hartman made a motion to approve Resolution 21-03; a resolution authorizing the issuance of a Request for Proposals for outside legal services. The motion was seconded by Secretary McLary. The motion was approved unanimously.

Vice Chair McDaniel made a motion to continue operating fixed route and BT Access service fare-free through February 16, 2021; continued closure to the public of the indoor passenger waiting areas of the Downtown Transit Center and the Grimes Lane facility; and continued remote working for designated administrative and management employees. The motion was seconded by Secretary McLary. The motion was approved unanimously.

Secretary McLary made a motion to approve Resolution 21-04; a resolution authorizing the encumbrance of appropriations from the Calendar Year 2020 budget. The motion was seconded by Vice Chair McDaniel. The motion was approved unanimously.

OLD BUSINESS

Secretary McLary asked if there is any update on the FTA and Uber agreement and what is needed to get that agreement in place. Mr. May said there was nothing new to report. Secondly, Secretary McLary asked that we get a couple of board members appointed to the committee for work on securing a new General Manager. Chair Obermeyer asked who would like to participate on this committee. Chair Obermeyer appointed Secretary McLary, Board Member Hartman and Controller, Christa Browning to serve on the committee to secure a new General Manager.

MINUTES

The minutes for the December 21, 2020 meeting were presented for approval by Vice Chair McDaniel and seconded by Board Member Hartman. The minutes were approved unanimously.

CLAIMS

The claims for January 19, 2021 were presented for approval by Board Member Horn and seconded by Secretary McLary. The claims were approved unanimously.

ADJOURNMENT

APPROVE:



Nancy Obermeyer, Chair
Board of Directors BPTC

02-16-21

ATTEST:



James J. McLary, Secretary
Board of Directors BPTC

02-16-21