

Minutes
INTERCITY TRANSIT AUTHORITY
Regular Meeting
April 3, 2019

CALL TO ORDER

Chair Sullivan called the April 3, 2019, meeting of the Intercity Transit Authority to order at 5:30 p.m., at the administrative offices of Intercity Transit.

Members Present: Chair and City of Tumwater Councilmember Debbie Sullivan; Vice Chair and Citizen Representative Ryan Warner; City of Lacey Councilmember Carolyn Cox; Thurston County Commissioner Tye Menser; City of Olympia Councilmember Renata Rollins (Alternate); Citizen Representative Karen Messmer; and Labor Representative David Claus-Sharwark.

Members Excused: City of Yelm Councilmember Molly Carmody; City of Olympia Councilmember Clark Gilman; and Citizen Representative Don Melnick.

Staff Present: Ann Freeman-Manzanares; Emily Bergkamp; Katie Cunningham; David Dudek; Steve Krueger; Pat Messmer; Jeff Peterson; Rena Shawver; Heather Stafford-Smith.

Others Present: Legal Counsel, Jeff Myers.

APPROVAL OF AGENDA

It was M/S/A by Vice Chair Warner and Councilmember Cox to approve the agenda as presented.

INTRODUCTIONS

- A. Jane Denicola, Customer Service Representative (*Joy Gerchak*)
- B. Sara Bradley, HR Analyst (*Heather Stafford-Smith*)
- C. Magic Kiattipat and Brian Wilcock, Vanpool Coordinators (*Emily Bergkamp*)

PUBLIC COMMENT - None.

APPROVAL OF CONSENT AGENDA ITEMS

It was M/S/A by Vice Chair Warner and Citizen Representative Messmer to approve the consent agenda as presented.

A. Approval of Minutes: March 6, 2019.

B. Payroll - March 2019: \$2,663,109.44

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 2 of 10

- C. Accounts Payable:** Warrants dated March 1, 2019, numbers 27025-27063 in the amount of \$615,053.13; Warrants dated March 8, 2019, numbers 27085-27134, in the amount of \$155,774.23; Warrants dated March 15, 2019, numbers 27135-27193, in the amount of \$296,987.07; Warrants dated March 22, 2019, numbers 27199-27244, in the amount of \$88,981.31 Warrants dated March 29, 2019, numbers 27245-27304, in the amount of \$635,254.67; Automated Clearing House Transfers for March 2019 in the amount of \$14,389.82 for a monthly total of \$1,806,440.23.
- D. Cancel July 3, 2019, Authority Meeting.** Cancel the July 3, 2019, Intercity Transit Authority regular meeting due to the July 4th Holiday. (*Ann Freeman-Manzanares*)

NEW BUSINESS

- A. General Legal Services Contract Extension.** Jeff Peterson, Procurement Coordinator, presented for consideration the contract extension for legal services.

Intercity Transit entered into a one-year term contract with Law, Lyman, Daniel, Kamerrer & Bogdanovich on April 1, 2018. The contract allows for extensions in one year intervals for a total contract period not-to-exceed March 31, 2023. This extension represents the first of the extension options.

Intercity Transit's primary representative is Jeff Myers. Jeff is a Principal at the Firm and has municipal experience providing counsel to the Olympic Region Clean Air Authority, TCOMM 911 and LOTT Clean Water Alliance.

Jeff will honor the rate of \$200 as a Partner for this term. The Firm requests that rates for secondary Partners be increased from \$225 to \$235 per hour. Paralegal rates remain unchanged. The Firm has proposed additional staff to be added to the agreement. Don Daniel, a Partner, and Blake Myers, a Paralegal, were recommended to ensure coverage as Dale Kamerrer, Partner, transitions to retirement.

The proposed rate changes are consistent with contract terms and have been determined to be fair and reasonable. Staff recommends extending the contract for general legal services to Law, Lyman, Daniel, Kamerrer & Bogdanovich.

It was M/S/A by Councilmember Cox and Vice Chair Warner to authorize the General Manager to amend legal services rates and extend the legal services contract with Law, Lyman, Daniel, Kamerrer and Bogdanovich through March 31, 2020.

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 3 of 10

B. Dial-A-Lift Vehicle Purchase. Katie Cunningham, Procurement Coordinator, presented for consideration the purchase of seven replacement Dial-A-Lift (DAL) vehicles. Intercity Transit has seen a steady increase in demand for DAL services as more individuals qualify and utilize this service. In addition, an increase in DAL services are anticipated as IT increases fixed-route service hours and expands service further into NE Lacey.

IT seeks to replace three, 16-year-old and four, 11-year-old DAL vehicles with the purchase of seven (7) new gasoline Aerotech Light Duty Ford (E-450) Cutaway Dial-A-Lift Vehicles, with a propane prep package for potential conversion to propane in the future. The FTA standard minimum useful life for these vehicles is five years. Purchasing gasoline vehicles now, with the capability to convert to propane at a later date, will allow IT to evaluate fuel usage and performance of our propane fleet, as well as provide time to determine a more efficient propane fueling solution.

Intercity Transit seeks to utilize the Washington State Department of Enterprise Services (DES) Contract 04115 to purchase these vehicles. DES competitively bid this vehicle contract awarding to the lowest responsive and responsible bidder for each vehicle class, and Schetky Northwest (Schetky) was selected for this vehicle class. As a member of the Washington State Purchasing Cooperative, Intercity Transit is eligible to purchase from this contract.

Intercity Transit concurs with DES's assessment regarding fair and reasonable pricing, and Schetky's ability to perform. Based on our past experience with Schetky and their provided cutaway vehicles, staff is confident these vehicles are mechanically sound and will serve our customers and Intercity Transit well.

It was M/S/A by Councilmember Rollins and Vice Chair Warner to authorize the General Manager, pursuant to Washington State Contract 04115, to purchase seven (7) replacement Dial-A-Lift Vehicles from Schetky Northwest in an amount not-to-exceed \$881,779.

C. Marketing and Communication Services Contract Amendment. Katie Cunningham presented an amendment to the marketing and communication services contract with JayRay Ads & PR, Inc.

In February 2017, JayRay was awarded the contract for Marketing and Communication Services. The initial contract term was for a period of one year, with four one-year renewal options and included an initial budget award of \$70,000. This contract has since been renewed twice and is currently on its third term due to expire in February 2020, with a current contract authority of \$385,000. This item adds additional contract authority in the not to exceed amount of \$175,000 for fixed-route promotion and projects planned as part of the 2019 Marketing,

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 4 of 10

Communications and Outreach work program. All work assigned to JayRay under the contract is by Task Order and subject to Intercity Transit staff approval.

During the previous and current contract terms, JayRay has provided valuable marketing and communications support for Intercity Transit's marketing and communications work plan, including the IT Road Trip project, vanpool and fixed-route promotion efforts, and other supplemental professional services related to marketing and communication promotion efforts. Based on JayRay's record of performance, staff is confident that JayRay will continue to provide valuable professional services and recommends that the contract amendment is approved.

It was M/S/A by Citizen Representative Messmer and Councilmember Cox to authorize the General Manager to execute a contract amendment with JayRay authorizing an additional \$175,000 for work planned during 2019 for a revised total contract not-to-exceed amount of \$560,000.

D. Olympia Transit Center Construction Update. Procurement Manager, Steve Krueger, provided an update on the progress of the Olympia Transit Center construction.

SCHEDULE: The major snow event that took place in February put the project behind about three weeks. At today's construction meeting, it was noted the project is fully back on schedule despite the weather delay. Beginning Friday, April 5, the exterior walls will be fabricated and tilted into place and all targeted walls will be up and ready by April 14. Then they will begin laying the brick on the sides of the exterior walls beginning April 22. By about this time next month, the building should be enclosed and ready for interior work. Once the building is enclosed, the remainder of the work will become more predictable. Substantial completion of the project is anticipated by November 7, 2019.

SAFETY: Safety briefings are conducted daily, safety audits are conducted regularly and the outcomes are shared at our construction meeting. Since the removal of the homeless camp across the street, incidents have dramatically dropped.

BUDGET: There has been minimal unanticipated expenditures to date. Expenditures for additional geotechnical work, removing a tree found underground and conforming to a new L&I rule which required a sump pump in the elevator pit is all within the contingency built into the budget for these types of events. The good news on the sump pump is the team was alerted to the changes before the slab-on-grade pour, so that was done with minimal disruption. Overall, the project remains within budget.

OPERATIONS: There hasn't been any disruption to the everyday operation of the agency. A meeting with operations staff takes place weekly, and these include a four week look ahead so everyone knows what to expect, and there's a lot of coordination between operations and the construction manager.

COMMUNICATIONS: Communications is a key success factor. Everyone is getting along and there's good synergy. The superintendent is a great communicator and he's a driving force. He's really passionate about this project and has taken a lot of ownership. Krueger sends staff a weekly construction update, and this information gets placed on the internal bright signs and the weekly bulletin.

Freeman-Manzanares stated the City of Olympia has indicated bus parking will be available on all four sides of the facility. We appreciate their partnership to better meet the transportation needs of those living, working and playing in Olympia. Eventually, there will be a bike lane on Washington Street but until that time we can use that area to allow better access for bus and paratransit customers. State Street will support the express service of the pilot BRT line.

- E. Transit Advertising Discussion.** Freeman-Manzanares shared information regarding transit advertising in response to the Authority's request for a more comprehensive conversation on this topic. The current contract for advertising is up for renewal in May, 2019.

In the past, the Authority and staff have received complaints about the content of some of the ads on the buses; and riders have indicated they didn't like the full wraps because they block the window visibility. There's been the question about why would Intercity Transit choose to have advertisements on the buses as a tax supported agency when so many other agencies do not. There are no advertisements on police, fire, public works vehicles, etc. And customers have questions, or expressed confusion about whether this is an Intercity Transit bus or whether it's a "casino" bus. There is also the impression that the agency supports a product, service or opinion advertised on the bus when the agency is actually neutral and neither supports nor opposed but complies with freedom of speech issues. Freeman-Manzanares noted a number of lawsuits resulting in other agencies being sued over advertising. Lawsuits are expensive, time-consuming and can cost more than the value of the advertising revenue itself.

Intercity Transit earned about \$435,043.45 in ad revenue in 2018. It comes down to weighing the benefits and the risks. Freeman-Manzanares shared images of bus advertisements that have been the subject of complaints or lawsuits.

Freeman-Manzanares asked the Authority for their thoughts on this topic.

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 6 of 10

Messmer said from an image perspective, she'd like IT buses to be something that represents the organization and community at large. IT should be neutral in terms of politics and policies.

Rollins asked about the legalities of the first amendment, and is there a difference between advertising versus sponsorship. She is thinking of possibly looking at alternative fare structures, and community supported transit, if there are organizations/employers who might make up that gap of not collecting fares, and could they be listed as a sponsor.

Legal counsel, Jeff Myers, said there is a difference between listing names of sponsors versus offering advertising as a public forum for people to promote whatever message they want, and then trying to react and limit that message when the community objects or the message is offensive, because that's at the point where you'll have limited ability to do that, if at all. Myers isn't aware of a case where names of donors or sponsors are allowed to be placed on a bus.

Cox said comparing public TV in terms of sponsoring agencies, they don't take advertising, yet they do find a way to acknowledge major sponsors. Myers said that's a possible analogy. It's a situation where the agency itself is speaking and the courts do draw a distinction. The agency has more freedom if you want to say you're grateful to your sponsors and then list the sponsors. That's different because the agency itself is speaking opposed to "we're going to allow you to access the side of our buses as a public forum or a limited public forum." That's where discrimination on the basis of content becomes problematic.

Claus-Sharwark said his fear is if the agency were to defend one of these types of cases, it would cost more than the amount of total revenue the ads generate. Drivers have to deal with community complaints because of the ads.

Messmer said the agency should carefully consider the consequences of moving into any revenue that comes from outside sources, including sponsorships. Not that IT shouldn't, but how would the agency structure it so that it doesn't get caught in a legal situation. It could be difficult to manage that.

After discussing the pros and cons, the Authority was unanimous in agreeing that Intercity Transit should discontinue advertising on the buses.

It was M/S/A by Vice Chair Warner and Citizen Representative Messmer to discontinue accepting ads. The agency will honor ad contracts currently in place and going forward recommend we discontinue any ads on the inside and outside of the Intercity Transit buses. The agency can continue to utilize buses for self-promotion.

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 7 of 10

Myers clarified the agency would need to look at any arrangements they have with individual advertisers and see whether there is a term for which the agency agreed to provide space for them to have an ad on the bus. Intercity Transit will not accept any new advertising, but the terms already in place with existing advertising vendors would continue until they expire, and then the ads would be removed according to the terms of the contract.

COMMITTEE REPORTS

- A. Transportation Policy Board.** Warner reported for Melnick that the TPB met March 13. Parkhurst showed the King 5 news spot about how the Intercity Transit Dial-A-Lift crew heroically drove riders to their kidney dialysis appointments in the midst of the "big snow." Graeme Sackrison remarked how much he appreciated IT's Fixed Route drivers who help disabled passengers; Parkhurst announced the Walk N Roll Grand Opening Event on April 4; Bill Elliott of WSDOT gave a presentation on the I-5 JBLM Vicinity Congestion Relief Project; Katrina Van Every provided an O/A briefing on the Regional Transportation Plan in preparation for the upcoming work on the RTP update later in the year; received an update on TRPC's Unified Planning Work Program; and a quick briefing on the State Legislative Priorities.
- B. Community Advisory Committee.** Warner attended the March 18 CAC meeting. The members received an update on the 2019 Procurement Process; they had a really good discussion surrounding advertising, and included the question do we need ads, and the need to look at all funding sources.

GENERAL MANAGER'S REPORT

- The Walk N Roll Youth Education Center public Open House is Thursday, April 4, 2019, from 3 p.m. to 7 p.m. Ribbon cutting is at 3:15 p.m. All are welcome to attend.
- Intercity Transit had a service change on March 24, 2019, and all went well. Additional service was added to Sunday, and added some service on both ends on Saturday and Sunday to make those days more reflective of weekdays. This is in response to comments from the public during the outreach efforts about individuals not being able to get to or from work on the weekends and therefore could not take work shifts on Saturday and particularly on Sundays.
- The new 430 Series buses are almost finished. A mechanic has been at the factory to oversee the vehicle build from the rails up, making sure what we specified underneath the floor and inside the walls is in fact going into those vehicles. The pilot vehicle should be off the line soon.

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 8 of 10

- Intercity Transit will have a second AmeriCorps member in August 2019 through June 2020 working on the Youth Education Program. The Authority approved the application to apply for two AmeriCorps volunteers. This has been a really good experience for the agency (and hopefully for Liam) during the past year.
- All four regional mobility grants are in the Governor's Budget, the House Budget and in the Senate Budget. This will allow funding for express service up to Tacoma; funding for the Pattison Street Project; and two new projects - a pilot BRT light - that's rapid transit on Martin Way. In Proposition 1 we proposed a Bus Rapid Transit in 2026. We will be able to move on a portion of this project more quickly with this pilot project. Intercity Transit also applied for additional vanpool promotion dollars. There's a lot more potential in that market, taking a lot of cars off the road improving capacity for freight and those not able to make another choice as well as makes travel more affordable and opens up additional employment opportunities. The agency is hoping to reach the portion of the public who are not familiar with vanpool programs.
- The Bicycle Commuter Challenge begins in May.
- The local Bus and Mechanic Roadeo will be held on Sunday, June 9 at Intercity Transit. All are welcome to attend. More information to come.
- Intercity Transit was overcharged and overpaid for the radio tower lease with TComm 911. To correct the error the agencies agreed IT will be credited, and not pay for the radio tower leases for 2019, 2020 and 2021. The radio leases support the CAD/AVL system on the buses. We currently have a request for proposal for a consultant to help select a new CAD/AVL system.

AUTHORITY ISSUES

Messmer said she met with Hilary Seidel, a member of the Olympia School Board, and she's interested in having a conversation about how more students can become lifetime bus riders. Perhaps staff could arrange to have more conversations with her about this topic. Messmer said they brainstormed some ideas; i.e. maybe focus on a single school including looking at safe crossings, and having more students taking public transit in getting to school; perhaps the GIS analysis that TRPC does might be able to help find a pilot school with a future grant process from TRPC; and perhaps this type of project would be fundable through regional grant.

Messmer attended the opening of the Ensign Road connection to the trail hosted by the Firs Assisted Living. It was a fabulous party. Clark Gilman was a guest speaker.

Intercity Transit Authority Regular Meeting

April 3, 2019

Page 9 of 10

Messmer said it is a safe, lighted connection to get onto the trail, with many great features.

Cox said a lot of road construction will be taking place in Lacey, starting with the Exit 111 Interchange; and the College Street and 22nd Avenue Roundabout; and the project at College and Yelm Highway, 37th Avenue south to Yelm Highway, and College to Ruddell and the Chehalis Western Trail.

Cox said on April 13, Lacey is having an Arbor Day Seedling Giveaway from 10 a.m. to 1 p.m. at Huntamer Park.

Menser passed out a flyer about the Mullen Road SE road project. The project will add a median turn lane, sidewalks, and a roundabout at Mullen Road and Carpenter Road. These improvements connect the county and the City of Lacey road enhancements to improve traffic flow. The project is set to begin January 1, 2020, with a budget of \$8M.

Menser said the Thurston County Commissioners authorized several safe school zone grant projects, one in Tenino and one for Olympic View.

Menser said Citizen Representative Don Melnick introduced him to a very interesting video by Tony Seba entitled, "Technology Megatrends Leading to the Disruption of Transportation 2020 - 2030." Here is the link to that video:

<https://www.youtube.com/watch?v=KVm74yE0aUE>

Claus-Sharwark spoke with Dr. Ryan Olson from Oregon Health and Science about the pilot study at I.T. on the health, safety, and well-being of new bus operators.

ADJOURNMENT

With no further business to come before the Authority, Chair Sullivan adjourned the meeting at 7:02 p.m.

INTERCITY TRANSIT AUTHORITY



Debbie Sullivan, Chair

ATTEST



Pat Messmer

Clerk to the Authority

Date Approved: May 1, 2019.

Prepared by Pat Messmer, Recording Secretary/
Executive Assistant, Intercity Transit

