



Regular Meeting of the Board of Directors

10:00 a.m.

Tuesday, May 28, 2013

Antelope Valley Transit Authority Board Room

42210 6th Street West, Lancaster, California

www.avta.com

OFFICIAL MINUTES

CALL TO ORDER:

Chairman Hickling called the meeting to order at 10:11 a.m.

PLEDGE OF ALLEGIANCE:

Vice Chairman Marvin Crist led the Pledge of Allegiance.

ROLL CALL:

Present

Chairman Norm Hickling

Vice Chairman Marvin Crist

Director Dianne Knippel

Director Sandra Johnson

Absent

Director Tom Lackey

Director Steve Hofbauer

APPROVAL OF AGENDA:

Motion: Approve the agenda as comprised.

Moved by Vice Chairman Crist, seconded by Director Johnson

Vote: Motion carried (4-0-0-2)

Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson

Nays: None

Abstain: None

Absent: Directors Lackey and Hofbauer

General Counsel (GC) D. Craig Fox requested the following Brown Act language be added to Closed Session (CS) Item 2 in order to conduct salary negotiations of the terms of Executive Director Julie Austin's contract in addition to her performance evaluation:

CC 2 Conference with Labor Negotiator (G.C. section 54957.6)
Authority Negotiator: Norman L. Hickling, Board Chairman
Unrepresented employee: Executive Director

GC Fox requested that this item be added under a provision of the Brown Act because:
1) After the posting of the agenda, he became aware that in addition to Executive Director Austin's evaluation, the terms of her contract should also involve negotiation and
2) Executive Director Austin's contract anniversary was May 2; therefore, there is a need to take immediate action to permit negotiation of contract terms without additional delay and possible accrual of back pay and/or benefits.

In compliance with the Brown Act, the Board, by unanimous vote, agreed with the foregoing, thus allowing the additional item (Conference with Labor Negotiator) to be added to CS Item 2.

Because there was no City of Palmdale Board representation at the meeting, Vice Chairman Crist requested that a Palmdale Transit Advisory Committee (TAC) Member attend the discussion for CS Item 2. GC Fox recommended against this because there could be a potential legal issue if someone other than an appointed Board Member participated in the discussion. Chairman Hickling suggested having a Palmdale Board member participate via telephone. GC Fox stated that there is a Brown Act requirement regarding the location of the participating member. GC Fox inquired if a TAC Member would normally have the responsibility to address the evaluation and salary of the Executive Director; the member could participate if that is the case. However, if the TAC Member is participating as an Alternate Board Member, it could create a problem that leads to a legal challenge.

Chairman Hickling recommended discussing CS Item 2 at the June 25, 2013 Board meeting. The Board unanimously agreed to discuss Executive Director Austin's evaluation and take action at the June 25 meeting.

PUBLIC BUSINESS FROM THE FLOOR:

There was no public business presented.

MISCELLANEOUS BUSINESS – NON-AGENDA ITEMS:

There were no miscellaneous business items presented.

SPECIAL REPORTS and PRESENTATIONS:

SRP 1 Presentation of Veolia Operator of the Month for April 2013

Veolia General Manager Hector Fuentes and Executive Director Julie Austin presented a plaque to Coach Operator Neqael Jones, Veolia Operator of the Month for April 2013.

SRP 2 Presentation to Presentation to Keith Walters Acknowledging his Retirement

Executive Director Julie Austin presented a plaque to Facilities Maintenance Technician Keith Walters who retired after eight years of employment with AVTA.

SRP 3 Metrolink Coordination and Mutual Interests Discussion

Metrolink Sales and Marketing Manager Mark Waier presented information regarding customer satisfaction survey results, security on the Antelope Valley line, the Bus Bridge and Transit Access Pass Program, TRANSporter Service, FY14 proposed fare and policy changes and fare evasion audit findings. The Board discussed the number of survey respondents and types of safety and security incidents. Staff will provide a copy of the power point presentation to the Board members.

SRP 4 2013 Legislative Update – Judy Vaccaro/Wendy Williams

Grants Administrator Judy Vaccaro-Fry presented the final federal apportionments for FY13, noting a reduction in the amount of projected 5337 State of Good Repair (fixed guideway) funds from original estimates. Marketing Manager Wendy Williams presented the state legislative update. The Board made no motion to support the recommended support positions for Assembly Bill 574, Assembly Bill 8, and Senate Bill 11. Ms. Williams added that there is no need to support Senate Bill 230 as the legislation died in the Senate Transportation Committee on May 10, 2013.

SRP 5 FY13 Third Quarter Key Performance Indicators Report (January 1 - March 31, 2013)

Senior Transit Analyst Dietter Aragon presented the report. The Board discussed the information included in the boardings and revenues chart and the correlation between the two. Chairman Hickling asked when the key performance indicator (KPI) targets are established. Mr. Aragon responded that the KPI targets are determined during the preparation of the proposed FY14 Business Plan.

SRP 6 FY13 Second Quarter Coach Operator Audit Results

Mr. Aragon presented the results of the FY13 second quarter audit. The Board discussed staff and Veolia Transportation's action plan to address the low rating that was given to coach operators who did not announce ADA stops.

The Board recessed for a break at 11:23 a.m. and reconvened at 11:30 a.m. The Board discussed Closed Session items before the Consent Calendar and New Business items.

PRESENTATION BY LEGAL COUNSEL OF ITEM(S) TO BE DISCUSSED IN CLOSED SESSION:

General Counsel D. Craig Fox presented the items to be discussed in Closed Session.

CS 1 Conference with Legal Counsel - Existing Litigation
G.C. section 54956.9(d)(1) and (4)
People v. Jorge; Case no. BA405021

CS 2 Public Employee Performance Evaluation (California Government Code
Section 54957(b))
Title: Executive Director

RECESS TO CLOSED SESSION:

The Board recessed to Closed Session at 11:35 a.m.

RECONVENE TO PUBLIC SESSION:

The Board reconvened to Public Session at 12:00 p.m.

REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION

General Counsel Fox stated that there was no reportable action on CS 1 or CS 2; however, a report was provided to the Board for CS 1.

Director Johnson was absent from the April 23, 2013 Board meeting and will abstain from voting on CC 1. Vice Chairman Crist requested to pull CC 1.

CONSENT CALENDAR:

CC 1 Board of Directors Meeting Minutes for April 23, 2013 – Karen Darr

Motion: Approve Consent Calendar Item 1.

Moved by Vice Chairman Crist, seconded by Director Knippel

Vote: Motion carried (3-0-1-2)
Yeas: Chairman Hickling, Vice Chairman Crist, and Director Knippel
Nays: None
Abstain: Director Johnson
Absent: Directors Lackey and Hofbauer

CC 2 Financial Reports for May 2013 – Colby Konisek

CC 3 FY13 Third Quarter Capital Reserves Report (June 30, 2008 through March 31, 2013) – Colby Konisek

CC 4 FY13 Third Quarter Grant Status (January 1 - March 31, 2013) – Judy Vaccaro

CC 5 Renewal of Agreement with Los Angeles County Sheriff's Department (LASD) for Security Services – Reserve Unit – Candice Rudolph

Motion: Approve Consent Calendar Items 2-5.

Moved by Vice Chairman Crist, seconded by Director Knippel

Vote: Motion carried (4-0-0-2)
Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson
Nays: None
Abstain: None
Absent: Directors Lackey and Hofbauer

NEW BUSINESS:

NB 1 Amendment #4 to Contract #2011-032 with Veolia Transportation for Customer Service Staffing

Ms. Williams presented the staff report. The Board discussed the previous number of call takers, historical data regarding missed calls, and utilizing existing staff to promote and monitor the vendor pass sales program.

Motion: Approve Amendment #4 to Contract #2011-032 with Veolia Transportation for customer service staffing.

Moved by Vice Chairman Crist, seconded by Director Johnson

Vote: Motion carried (4-0-0-2)

Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson

Nays: None

Abstain: None

Absent: Directors Lackey and Hofbauer

NB 2 Proposed Changes to AVTA Advertising Policy

Ms. Williams presented the staff report. The Board and General Counsel Fox discussed the changes to Section 3.4 – Prohibited Advertising Content and Section 3.6 – Vinyl Graphics:

3.4.3 Prohibited Products, Services and Activities. Any advertising that promotes or depicts the sale, rental, use of, or participation in, the following products, services or activities; or that uses brand names, trademarks slogans or other material that are identifiable with such products, services or activities, or content that otherwise promotes or constitutes any of the following:

- a) Tobacco
- b) Alcohol
- c) Adult /Mature Rated Films, Television or Video Games
- d) Adult Entertainment Facilities
- e) Adult Service
- f) Sexual and/or Excretory Subject Matter. Obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.
- g) False, Misleading or Defamatory Material
- h) Illegal Activity
- i) Copyright or Trademark Infringement
- j) Profanity and Violence
- k) Firearms
- l) Images, copy or concepts that are false and disparage the quality of services or products, or the reputation, of a business or public agency;
- ~~m) Images, copy or concepts that denigrate public transportation~~
- m) Images, copy or concepts that are racist, or that denigrate, demean, or discriminate against a specific ethnic, religious, cultural, or gender group;

- en) Content promoting, advertising or relating to any religious faith, organization or tenet.

3.6 Vinyl Window Graphics

To ensure the safety and security of passengers, operators and law enforcement officers, advertising displays which employ vinyl window graphics are restricted from obscuring window surfaces on AVTA vehicles as follows:

Buses: ~~No more than 30% of the vehicle's total window surface, and No~~ more than 50% of the window surface of any bus side, may be covered by vinyl window graphics. (Note: this excludes the front window surface, which may not be covered in any manner along with the driver's side window the bus door windows and the head sign and curb sign.) All vinyl wraps must comply with Department of Transportation regulations.

Motion: Approve the proposed changes to the AVTA Advertising Policy, with the following modification: eliminating 3.4.3(m) and adding "or public agency" to 3.4.3(l).

Moved by Vice Chairman Crist, seconded by Director Johnson

Vote: Motion carried (4-0-0-2)
Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson
Nays: None
Abstain: None
Absent: Directors Lackey and Hofbauer

NB 3 Award Contract #2013-020 to R.C. Becker & Son, Inc. for Bus Stop Improvements in the City of Palmdale

Procurement Officer Lyle Block presented the staff report. The Board briefly discussed the firms that submitted bids.

Motion: Award Contract #2013-020 to R.C. Becker & Son, Inc. for bus stop improvements in the City of Palmdale.

Moved by Vice Chairman Crist, seconded by Director Knippel

Vote: Motion carried (4-0-0-2)
Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson
Nays: None
Abstain: None
Absent: Directors Lackey and Hofbauer

- NB 4 Amended and Restated Bylaws – Creation of Finance Committee – Julie Austin/D. Craig Fox

Vice Chairman Crist requested the item be removed from consideration, and instead continuing to use the existing ad hoc executive committee to address finance issues. General Counsel Fox confirmed that the item can be removed from consideration without formal action by the Board; no vote required.

- NB 5 Approve Service Upgrade Agreement with Southern California Edison (SCE) for new facility transformer.

There was no discussion regarding this item.

Motion: Approve Service Upgrade Agreement with Southern California Edison (SCE) for the new facility transformer.

Moved by Vice Chairman Crist, seconded by Director Knippel

Vote: Motion carried (4-0-0-2)
Yeas: Chairman Hickling, Vice Chairman Crist, and Directors Knippel and Johnson
Nays: None
Abstain: None
Absent: Directors Lackey and Hofbauer

General Counsel Fox requested that the Board recess to Closed Session to allow him to provide updated information regarding CS 1.

- CS 1 Conference with Legal Counsel - Existing Litigation
G.C. section 54956.9(d)(1) and (4)
People v. Jorge; Case no. BA405021

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 12:21 p.m.

RECONVENE TO PUBLIC SESSION

The Board reconvened to Public Session at 12:25 p.m.

REPORTS AND ANNOUNCEMENTS:

RA 1 Executive Director's Report

The following information was provided:

- Ms. Austin presented the new AVTA website. She highlighted the travel training videos, Board of Directors information, and fares & maps. Chairman Hickling encouraged Marketing Manager/PIO Williams to invite citizens to navigate through the website and provide feedback.
- Board folders include upcoming travel for June and the rolling agenda.
- Congratulated Lyle Block on his upcoming nuptials.

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

The Directors welcomed Director Sandra Johnson to the Board.

ADJOURNMENT:

Chairman Hickling adjourned the meeting at 12:32 p.m. to the Regular Meeting of the Board of Directors on June 25, 2013 at 10:00 a.m. in the Antelope Valley Transit Authority Board Room, 42210 6th Street West, Lancaster, California.

PASSED, APPROVED, and ADOPTED this 25th day of June, 2013.


Norman L. Hickling, Chairman


Julie M. Austin, Secretary

Audio recordings of the Board of Directors Meetings are maintained in accordance with state law and AVTA's Records Retention Policy. Please contact the Clerk of the Board at 661/729-2258 to make arrangements to review a recording.