

**PIERCE TRANSIT
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES**

February 8, 2021

CALL TO ORDER

Chair Woodards called the regular Board meeting to order at 4:22 p.m.

ROLL CALL

Commissioners present:

Don Anderson, City of Lakewood Mayor
Chris Beale, City of Tacoma Councilmember
Marty Campbell, Vice Chair of the Board, Pierce County Councilmember
Kent Keel, City of University Councilmember (*representing University Place and Fircrest*)
Ryan Mello, Pierce County Councilmember
John Palmer, Deputy Mayor for City of Puyallup (*representing Puyallup and Edgewood*)
Kim Roscoe, Mayor of Fife (*representing Fife/Milton/ Pacific/Auburn/Gig Harbor/
Ruston/Steilacoom*)
Kristina Walker, City of Tacoma Councilmember
Victoria Woodards, Chair of the Board, Mayor of the City of Tacoma

Staff present:

Sue Dreier, Chief Executive Officer
Deanne Jacobson, Clerk of the Board
Aaron Millstein, General Counsel from K&L Gates
Brittany Carbullido, Assistant to the CEO/Deputy Clerk of the Board

OPENING REMARKS AND HOUSEKEEPING ITEMS

Chair Woodards welcomed Board Members, staff, and citizens to the virtual meeting and provided instructions for participation to attendees.

SPECIAL BUSINESS

1. Welcoming New Commissioners

Chair Woodards welcomed to the Pierce Transit Board Commissioner Ryan Mello from Pierce County Council and Chris Beale from Tacoma City Council and commended both members for their passion and interest in transit.

2. Recognizing Commissioners Bruce Dammeier and Conor McCarthy for their Service on the Pierce Transit Board

On behalf of the Board, Chair Woodards thanked Commissioners Bruce Dammeier and Conor McCarthy for their service on the Board and contributing to thoughtful discussions about transit and mobility matters in the community.

3. Chair's Appointments to Executive Finance Committee

Chair Woodards appointed Ryan Mello and Chris Beale to the Executive Finance Committee, replacing vacancies that were created by changes to the membership of the Board.

PUBLIC COMMENT

Chair Woodards provided participation instructions to the public and opened public comment. The following individual(s) spoke:

- Julian Wheeler, Chair of Pierce County Accessible Communities Advisory Committee, invited members to attend the committee's next meeting of March 9 from 9 a.m. – 11:00 a.m.
- Isaac Tate, President of the Amalgamated Transit Union (ATU) No. 758, spoke against Item No. 3 on the February 8 Action Agenda relating to bus or van transportation assistance to law enforcement during civil unrest. Mr. Tate expressed great concern that the proposed policy would put the agency's operators in harm's way. He proposed an alternative solution that members of law enforcement undergo training to operate buses/coaches using Pierce Transit reserve fleet of vehicles and ATU training staff to train and certify members of law enforcement.

PUBLIC HEARING

Proposed 2021 Budget

Executive Director of Finance provided a short overview of the proposed 2021 Budget.

Chair Woodards provided instructions to attendees for speaking during the public hearing and opened the public hearing at 4:48 p.m.

No comments from the public were provided.

Chair Woodards closed the public hearing at 4:48 p.m.

CONSENT AGENDA

(Items listed below were distributed to Commissioners in advance for reading and study and are enacted with one motion. Item(s) may be moved to the Action Agenda at the request of a Commissioner.)

1. Approval of Vouchers, January 1 through January 31, 2021
Operating Fund #10
Self-Insurance Fund #40
Capital Fund #90
Payment Nos. 375327 through 375514
Wire Nos. 6381 through 6654

No Advance Travel Checks
Total \$10,047,864.40

2. Approval of Minutes, January 11, 2021, Board Meeting
3. 2020 Fourth Quarter Sole Source Report and Contracts Executed Between \$100,000 and \$200,000
4. FS 2021-004, Ratified the Emergency Mutual Aid Agreement (Exhibit B) Between Pierce County Sheriff's Department Corrections Bureau and Pierce Transit for the use of two, Pierce Transit 15 passenger vans from January 14, 2021, through January 23, 2021.
5. FS 2021-005, Authorized the Chief Executive Officer to enter into and execute Amendment No. 9 with KPFF, Master Contract No. PT-101-18, to increase the master contract not to exceed amount by \$419,000, plus a \$50,000 contingency amount, for a new not to exceed amount of \$969,000. to complete the preliminary engineering, final design and construction support for the Spanaway Transit Center Project.
6. FS 2021-006, Authorized the Chief Executive Officer to enter into and execute Amendment No. 2 to Contract 1145 with Top2Bottom Janitorial Services to provide bus sanitation services due to COVID-19 at the Mid-Day Storage Lot through June 2021 in the amount of \$41,700, for a revised total contract amount not to exceed \$241,626.
7. FS 2021-007, Authorized Pierce Transit's CEO to amend the Capital Budget in the amount of \$124,063 bringing the project budget to \$3,552,063 and increase Contract Number 1064 with Construct Inc. in the amount of \$116,268 and authorize a \$50,000 contingency for unforeseen conditions for a revised Contract authorized total of \$2,961,368.25.
8. FS 2021-008, Accepted the final Title VI Equity Analysis for emergency service cuts due to the COVID-19 Pandemic in substantially the same form as Exhibit A.

ACTION AGENDA

1. FS 2021-009, Adoption of Annual Budget for Fiscal Year 2021

Executive Director of Finance Brett Freshwaters noted he has provided two presentations on the proposed 2021 Budget today and would not be providing another formal presentation but is happy to answer any questions.

Commissioners Campbell and Keel **moved** and seconded to approve Resolution No. 2021-003 adopting the Annual Budget for Fiscal Year 2021 with attendant wage adjustments and approval of 960 positions as presented therein.

Motion **carried**, 9-0.

2. FS 2021-010, Authorization to Execute Change Order No. 4 to Contract No.1087 with Absher Construction Company to Increase the Contract Authority Amount for the Construction of the New Fuel and Wash Facility and Related Improvements for Guaranteed Maximum Price (GMP) Package 2a

Executive Director of Finance Brett Freshwaters reviewed the construction work that has been conducted on the bus lot to date and provided an overview of work needed to complete future phases. He reviewed costs and noted that staff is currently negotiating with Sound Transit staff on Sound Transit's financial contribution to the project. Sound Transit's contribution is not currently included as a funding source to the project as an agreement has not yet been reached. An agreement is anticipated by mid-year 2021. He announced that Sr. Project Manager Doug Dickinson is also present today to answer any questions.

Mr. Freshwaters responded to questions relating to the utilization rate of minority owned businesses for this project, noting that Absher Construction has a robust Disadvantage Business Enterprise (DBE) program and he believes the utilization rate of DBE businesses for the first phase of work is expected to be around 36.5 percent.

Commissioner Anderson noted he had the opportunity to use General Contracting/Construction Management (GC/CM) contracting method and is impressed by the results. He noted he is also impressed with Absher's ability to perform.

Commissioners Campbell and Keel **moved** and seconded to authorize the execution of Change Order 4 to Contract No. 1087 with Absher Construction to increase the contract authority amount total for Base Master Plan GMP package 2 and 2a to \$30,169,037 plus a contingency of \$2,045,000 for a total authorized not to exceed amount of \$32,214,037.

Motion **carried**, 9-0.

3. FS 2021-011, Consideration to Implement a New Policy for Pierce Transit to Provide Bus or Van Transportation Assistance to Law Enforcement Agencies or the Emergency Management Department within the Pierce Transit Boundary Under Emergency Situations and When Deemed Necessary by the Requesting Agency

Chair Woodards noted that Commissioner Anderson submitted the proposed policy that is in the packet and that CEO Dreier has provided additional information in the fact sheet.

Commissioner Anderson introduced the proposed item and provided an overview of the events that occurred on Sunday, January 24, 2021, in Tacoma relating to civil unrest that occurred from the aftermath of the street racing incident, which resulted in a request for a Pierce Transit bus and operator to transport law enforcement officers to a location outside of the "hot zone." The request was denied by Pierce Transit management on the basis that there was no policy to support such assistance.

Commissioner Anderson noted he has drafted a resolution that sets the policy that Pierce Transit will assist other public entities, particularly emergency management and police, with the assurance that Pierce Transit employees will not be placed in harm's way, and also making it a policy that in no circumstance will Pierce Transit voluntarily provide vehicles/operators to be used for transporting people who have been arrested or detained. He noted that it is important that Pierce Transit be transparent about what it will or will not do and so he believes a Board-approved policy would be helpful.

Commissioners Anderson and Keel **moved** and seconded to approve Resolution No. 2021-004, directing the Chief Executive Officer to implement a policy for Pierce Transit to provide bus or van transportation assistance to Law Enforcement agencies or the Emergency Management Department within the Pierce Transit boundary under emergency situations and when deemed necessary by the requesting agency.

Chair Woodards commented that she agrees that Pierce Transit needs to properly memorialize its commitment in a Board-approved policy. She reported that Pierce Transit does have a relationship and long history of assisting the Department of Emergency Management and Law Enforcement in the region and called on CEO Dreier to discuss/provide examples of past services provided by Pierce Transit.

CEO Dreier reported that when requested, Pierce Transit typically assists the Pierce County Sheriff's Department on various matters, citing examples such as the DuPont Train derailment incident and various evacuations. CEO Dreier also noted that Pierce Transit is a member of and has an active role in the Pierce County Emergency Management Plan in that it dispatches buses to emergencies when requested.

Chair Woodards noted that Pierce Transit should support law enforcement, however, she has deep concerns about the safety of Pierce Transit operators in certain situations, as shared by the ATU President Isaac Tate earlier, and she offered the following substitution resolution as follows:

Substitute Resolution/Motion:

Chair Woodards and Commissioner Campbell **moved** and seconded to direct Pierce Transit staff to consider an alternative of providing a retired bus to the Pierce County Department of Emergency Management (DEM), or a public safety partner designee, that could be used by DEM or any other local jurisdiction for purposes of emergency transportation. Staff will determine whether Pierce Transit can gift a bus to DEM, or its designee, and provide training to up to five employees of DEM, or its designee. Staff will then present a proposed approach at the next board meeting for consideration. [Clarification: After a lengthy discussion, the Chair, with consensus from all commissioners, further clarified the motion to include that the Board is directing staff to bring back any formal agreement relating to mutual aid services for full Board review and approval, in addition to a formal policy that memorializes how Pierce Transit will work/respond/support the various types of emergency requests it receives.]

Chair Woodards noted that she believes that this action helps support our law enforcement agencies by giving them a bus to use when they need it. Details relating to training and storage of the bus, etc., can be worked out in the agreement. She noted this alternative would ensure that Pierce Transit operators are not put in harm's way and that potential liability exposure reside with the appropriate agency responding.

Upon inquiry from Commissioner Anderson, General Counsel Aaron Millstein provided parliamentary advice with regards to the substitute motion.

Procedural Matter to Consider Allowing a Substitute Resolution/Motion:

Chair Woodards and Commissioner Campbell moved and seconded to allow the procedural matter to consider a substitute resolution/motion to be introduced.

Commissioner Roscoe stated she feels it is too soon and the agency is too close to the incident to make any policy decisions and that further analysis and expertise from the Department of Emergency Management and/or police agencies would be helpful.

A lengthy discussion ensued with various commissioners speaking on the topic with suggestions coming forward that it would be helpful for the policy to give direction on how the agency will respond to various emergency matters/situations such as a natural disaster versus an active law enforcement activity.

With Commissioner Anderson calling for the question, Chair Woodards clarified the commissioners are voting to substitute the resolution as presented by Chair Woodards. Mayor Woodards also clarified that if the substitute motion passes, she is directing staff to bring back any formal agreement relating to mutual aid services for full Board review and approval in addition to a formal policy that memorializes how Pierce Transit will work/respond/support the various types of emergency requests it receives.

Various commissioners noted their support for returning this item to staff to develop a mutual aid agreement and a policy that memorializes how Pierce Transit will respond to various emergency requests.

Vote on Procedural Matter to Allow a Substitute Resolution/Motion:

The motion carried, 7-2, (*Commissioners Anderson and Roscoe dissenting*) to allow the procedural matter to consider a substitute resolution/motion to be introduced.

Vote on Substitute Resolution/Motion:

The substitute resolution/motion carried unanimously, 9-0.

4. Forming or Assigning a Committee to Assist with the Recruitment and Transition Process of a New Chief Executive Officer with Final Hiring Decision to be Made by the Full Board.

Chair Woodards noted that this topic was discussed during the study session earlier today.

Chair Woodards appointed herself, Commissioners Keel, Campbell, and Ryan Mello, a member from the Community Transportation Advisory Group (CTAG), and a community member or representative from Sound Transit to serve on the Recruitment and Transition Committee, with Commissioner Kristina Walker to serve as an alternate member in the event that one of the commissioners is unable to fulfill their commitment on the committee.

Commissioners Keel and Campbell moved and seconded to approve the appointments made by Chair Woodards as stated above.

Motion **carried**, 9-0. (*Commissioner Anderson left the meeting after the vote.*)

STAFF UPDATES/DISCUSSIONS

1. CEO Report

Sue Dreier reported on the following matters:

- Announced that Pierce Transit for fiscal year 2019 was awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting. This is the 36th year that Pierce Transit has received this award.
- She reported on the recent executive order by the Biden Administration requiring the wearing of masks on transit and at transit facilities, noting that Washington State has been well ahead of the curve as Pierce Transit has been requiring masks for some time and provides masks for those customers who don't have them. She noted that Pierce Transit will work closely with law enforcement agencies to address instances of non-compliance.
- She reported there are currently 33 reported COVID-19 cases at Pierce Transit and provided a breakdown of the cases by division.
- The CEO recruitment committee members will be receiving communications from Monnett Smith, who is the assistant for Amy Cleveland. The agency is in the process of evaluating recruitment firms and expects to be done with this process by the end of the week.
- CEO Dreier announced that there is a closed session meeting this afternoon and the meeting link has been provided.

INFORMATIONAL BOARD ITEMS

1. Chair's Report

Chair Woodards announced that the next Service Delivery and Capital Committee meeting is scheduled for Thursday, February 18 at 3:00 p.m.

She reported that she had the great opportunity to participate in a call with the new Federal Secretary of Transportation Pete Buttigieg and discussed/advocated for Pierce Transit and the Bus Rapid Transit project.

2. Sound Transit Update

Commissioner Keel reported that Sound Transit is currently experiencing a budget shortfall of \$16 Billion and they are working through the realignment process that will carry through the summer. He will be working to keep the Pierce County projects on track.

3. Puget Sound Regional Council Transportation Policy Board Update

No update.

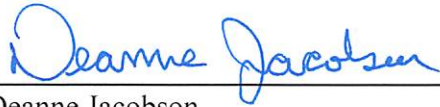
4. Commissioners' Comments

Commissioner Roscoe noted her appreciation for the dialog that transpired today relating to Pierce Transit's policy to responding to emergency situations.

ADJOURNMENT INTO CLOSED SESSION DISCUSSION

Commissioners Campbell and Keel **moved** and seconded to adjourn the meeting into closed session to discuss labor relations pursuant to RCW 42.30.140(b) at 6:06 p.m.

Motion **carried**, 8-0.



Deanne Jacobson
Clerk of the Board



Victoria Woodards, Chair
Board of Commissioners