

**DES MOINES AREA REGIONAL TRANSIT AUTHORITY  
COMMISSION MEETING MINUTES**

**Des Moines Area Regional Transit Authority - 1100 DART Way  
June 30, 2009**

**ROLL CALL**

Commissioners Present: Robert Parks, Bob Mahaffey, Ted Boesen, Gaye Johnson, Skip Conkling, Tom Gayman, Chris Hensley

Commissioners Absent: Angela Connolly, Steve Van Oort

Alternates Present: None

Staff Present: Brad Miller, General Manager; Sharon Cramer, Finance Director; Chet Bor, Paratransit Director; Rebecca Lovig, RideShare Manager; Carol Pelfrey, Maintenance Director; Jim Tishim, Transportation Director; Randy Ross, Human Resources Director; Manager; Michelle Orfield-Koranda; Nolden Gentry, Legal Counsel

Others Present: Matt Rodekamp and Todd Garner, Substance Architecture; Danny Valentine and Rox Laird, Des Moines Register; James McConnell HDR; John Halsband, rider; Sherrie Taha, Chad Nelson and Greg Schmitt, DART

**CALL TO ORDER**

The meeting was called to order by Acting Chair Bob Mahaffey at 5:04 p.m. Roll call was taken and a quorum was present.

Notice of the meeting was duly published.

**APPROVAL OF MINUTES**

Acting Chair Mahaffey called for corrections to the May 26, 2009 minutes.

There being no comments on the minutes, it was moved by Mr. Ted Boesen and seconded by Mr. Skip Conkling that the minutes be approved. The minutes were approved as written.

**PUBLIC COMMENTS SECTION**

None

**PUBLIC HEARING – Debt Issuance**

Acting Chair Mahaffey opened the Public Hearing and asked for comments from the floor. General Manager Brad Miller explained that the hearing was the preliminary to action before the commission to approve \$3 million in debt issuance via a Bankers Trust line of credit. He said that he had received word that a tentative settlement has been reached in one of the pending actions

against DART, and although the exact amount was not yet known, the commission would be able to approve the amount at the July meeting. He stated that the commission was being asked to approve a loan up to \$3 million. Ms. Christine Hensley asked what the interest rate would be. Ms. Cramer said that Bankers Trust would be locking in the rate next week. Ms. Hensley said that she was concerned about DART taking out a loan without knowing the exact interest rate and what the terms and options are for repayment. Mr. Miller said that the commission has discussed all those items in closed session at previous commission meetings, and that DART's attorney has provided guidance on what can and can't be done. He said that the other pedestrian accident cases are on the docket for next spring, and a determination of the funds necessary needs to be made. Ms. Cramer said that DART would be able to pay the interest only on the loan until February, when the loan could be paid off in its entirety without penalty. Mr. Tom Gayman added that he would prefer that DART wait to hear the settlement offer before deciding on the loan amount. Ms. Hensley added that she believes DART should look at other options before approving the loan, and Acting Chair Mahaffey asked Ms. Cramer to check with other banks as well. General discussion ensued on the feasibility of waiting until the July commission meeting to bring the vote to approve the action item. Mr. Conkling moved, and Mr. Bob Parks seconded that the public hearing be continued to the July 28 commission meeting. The motion was unanimously approved. Acting Chair Mahaffey closed the public meeting at 5:27 p.m.

#### **CONSENT ITEMS**

- 7A – May fixed route Financial Report
- 7B - May Paratransit Financial Report
- 7C – May RideShare Financial Report

It was moved by Ms. Hensley and seconded by Mr. Conkling that the Consent Items be approved. The motion carried unanimously.

#### **ACTION ITEMS**

##### **Action Item 8A – 28E Agreement with the City of Des Moines**

The General Manager explained that the 28E Agreement was an agreement between governmental entities, in this case DART and the City of Des Moines, so that the city can assist DART with the property acquisition for the transit hub. He said that this item would come before the Des Moines City Council at their July 13 meeting, and that the city has started the appraisal process (which DART will pay for). He said that a proposal would then be before the commission at its July 28 commission meeting, and if approved, an offer would be made to Wells Fargo for their portion of the property at that time.

It was moved by Mr. Parks and seconded by Mr. Conkling that the 28E Agreement with the City of Des Moines be approved.

Roll Call: Parks, yes; Gayman, yes; Boesen, abstains; Conkling, yes; Hensley, abstains; Johnson, yes; Mahaffey, abstains. Vote is 4 yes and 3 abstentions; the motion carries.

##### **Action Item 8B – Authorization Resolution for Beginning Condemnation Proceedings**

Mr. Miller told the commission that legal counsel has recommended that a resolution be approved to begin condemnation proceedings on the property DART needs to expand its bus storage facility. Mr. Conkling asked for the timeframe, and legal counsel Nolden Gentry said that at a condemnation

hearing on August 3<sup>rd</sup> the officers will hear the proposal and made a decision that day. He said that once the title passes to DART, work on the project can begin.

Mr. Conkling moved, and Mr. Parks seconded that the resolution be approved. The motion carried unanimously.

## **DISCUSSION ITEMS**

### **Discussion Item 9-A – Transit Hub Design Update**

Ms. Presutti introduced Substance Architecture's Matt Rodekamp and Todd Garner, who explained with a power point presentation (attached) some preliminary designs for the Transit Hub project. They explained that they were able to incorporate some LEED items into the design. Mr. Conkling asked about ADA accessibility and was assured that the building would be designed to be fully accessible. Ms. Presutti added that the TRAC members were also following the process and were very much involved in adding their thoughts. Ms. Hensley asked that public art be determined at the beginning of the project, and suggested that there might be grants available for this amenity, and that local artists should be recognized. Mr. Gayman offered suggestions on the roof design, and its sensitivity to Iowa's four seasons. Mr. Miller asked that the commission feel some ownership of this project, and stated that the commission may have its meetings in the facility. He also stated that parking issues would be manifest, and need to be resolved. He also explained that the hub might be used in the future as a hub also for AMTRAK, and the downtown Tram, and that a bicycle storage unit might also be incorporated. Mr. Boesen asked about a timetable for the project. Mr. Miller said that there would be public hearings throughout July and into August. He reminded the commission that DART has not yet secured funding to begin the project, but that there is design funding available through August. He said that Substance has now provided the marketing piece to bring attention to the project, and hopefully funding as well. He said that DART needs to be shovel-ready in order to take advantage of any funding source that is available. He said public meetings will be held at the downtown library on July 8 and July 9.

### **Discussion Item 9-B – No Tolerance Drug Test Policy**

Mr. Miller explained that DART has had the same policy in place for 15 years, and the current policy allows one strike with rehabilitation. After that, any infraction means dismissal. He said that others, including Des Moines Public Schools, have a zero-tolerance policy, and asked if commission members could discuss the issue and make a determination of what DART policy should be. He also reminded the commission that the MTA board had discussed the policy twice in past years, and each time had decided to stay with the one-strike policy. Ms. Hensley asked if new hires were zero-tolerance. Mr. Miller said that yes, all new hires were subject to a pre-employment drug test, and must be drug-free to be hired. Ms. Hensley said she thinks if new hires must be drug free, then there should be zero tolerance also for current employees. Mr. Parks added that DART should set the standard due to the possibility of liability issues, plus DART's investment in training for drivers. Mr. Miller said that one argument for the one-strike policy is that DART has invested heavily in training, and that is why the FTA allows for rehabilitation. Mr. Boesen added that the safety issues must also be looked at in making the decision. He asked that staff prepare an action item for vote at the July commission meeting. Mr. Conkling added that he would support the rehabilitation one time policy. Mr. Mahaffey asked about current drug-testing policy, and Mr. Miller said that 25% of drivers are randomly tested each year, as the FTA requires. Mr. Miller said that he would bring an action item before the commission at the July meeting.

## **PERFORMANCE REPORTS**

Mr. Miller explained that May ridership was down 12%, partially due to one less day in the month, and the elimination of the Principal shuttle. He said DART was seeing strong bike rack use, which is up 26%. Ms. Hensley said that DART should look at correlation of bike rack usage with trails usage. She said she gets comments all the time from trails riders that they use the bus and bus bike racks and really appreciate it. Mr. Conkling noted that ridership on the expresses is down, and Mr. Miller said that lower gas prices have had an effect. But he relayed that ridership is still higher than it was prior to the big gas price increases of last year, and that means DART has retained many new riders. Mr. Conkling also mentioned that the layoffs at Principal might be affecting ridership as well. Mr. Miller said that there was record ridership on the Jordan Creek route, and that the new services in the western suburbs should help DART ridership reach a 26-year record.

Ms. Presutti announced the June service changes, and said there would be a big inaugural event for the new services. Mr. Miller thanked Ms. Presutti for joining Mayor Steve Van Oort in presentations in Ankeny and Grimes during his absence.

## **MONTHLY REPORTS**

No additional comments to the Monthly Reports in the packet.

## **FUTURE AGENDA ITEMS**

### **TRUSTEE ITEMS**

Nomination of the Compensation Committee:

Commission members agreed to defer this item until the return of Chair Angela Connolly at the July commission meeting.

Mr. Miller reminded commissioners that three districts needed to appoint or reappoint commissioners prior to the July commission meeting, and mayors also need to appoint new alternates. Mr. Parks said that he would be stepping down from the commission as the cities in his district take turns appointing commissioners, and announced that Mr. Brody and Mr. Peterson would be representing his district beginning in July. Mr. Miller announced that there would be a celebration of Mr. Park's long tenure on the MTA board and DART commission at the July commission meeting.

## **ADJOURNMENT**

The meeting was adjourned at 6:22 p.m.

### **2009 Meeting Dates**

Jun 30, Jul 28, No meeting in August, Sep 29, Oct 27, Nov 17, Dec 15 and holiday luncheon

Date: \_\_\_\_\_

Chair \_\_\_\_\_

Secretary \_\_\_\_\_