

Date: Jan. 20, 2011

Item No. 7 & 8
File No. 10056

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Peter Witt v SF Municipal Transportation Agency**
-
-
-
-
-
-
-
-
-
-

Completed by: Chris Rustom

Date: Jan. 14, 2011

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

December 29, 2010

PETER WITT VS. MUNICIPAL TRANSPORTATION AGENCY (10056)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Peter Witt alleges that the Municipal Transportation Agency ("MTA") violated the Sunshine Ordinance by: 1) misleading the public through minutes; 2) misrepresenting the public through minutes; failing to include public correspondence in "PC & N process; and 4) omitting a 150-word statement from minutes of their August 3, 2010 meeting. Although he does not specify what particular meeting minutes are referred to in complaints 1-3 above, he does list the following meeting dates in connection with his complaint: March 30, 2010; May 4, 2010; June 3, 2010; and August 3, 2010.

COMPLAINANT FILES COMPLAINT:

On October 26, 2010, Mr. Witt filed a complaint with the Task Force alleging a violation of the Ordinance.

JURISDICTION

The MTA does not contest jurisdiction to hear the complaint.

APPLICABLE STATUTORY SECTION(S):

SF Administrative Code Section 67.16

APPLICABLE CASE LAW:

None.

ISSUES TO BE DETERMINED

Uncontested Facts: None

Contested Facts: Mr. Witt alleges that he provided the MTA with a Taxi Customer Survey Form, apparently designed by him, and requested that they include that form in the minutes of the August 3, 2010 meeting, in connection with his public comment. The MTA

Memorandum

DATE: December 29, 2010
PAGE: 2
RE: Witt v. MTA

responds that the blank form submitted by Mr. Witt does not constitute a "written summary of [Mr. Witt's] comments" and therefore is not required by the Sunshine Ordinance to be included in the minutes of the meeting. The MTA further responds that Mr. Witt's reference to the survey form was included in the summary of his testimony provided by the MTA in its minutes.

Mr. Witt's complaints 1 & 2 allege that the MTA has misled the public through its minutes and has misrepresented the public through their minutes. The MTA responds that Mr. Witt failed to provide any evidence of these allegations and therefore it is unable to respond to them. Nevertheless, the MTA provided all minutes generally referred to in the complaint.

Mr. Witt alleges in complaint 3 that the MTA has failed to include public correspondence in the "PC & N process." The MTA responds that it has not held a "public convenience and necessity" hearing since it assumed oversight of the taxicab industry. It further responds that it does keep all correspondence from the public in a "correspondence received" file for the last two years, which can be reviewed by the public during normal business hours. The MTA further states that it is unable to respond further without additional information about the complaint.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Did Mr. Witt provide to MTA a statement of 150 words or less summarizing his testimony for inclusion in the minutes of the August 3, 2010 meeting?
- Did the written statement include the taxi rider survey form?
- How specifically has the MTA allegedly misled the public and misrepresented the public in their minutes? What provision(s) of the Ordinance does complainant allege this violated?
- What is the "PC&N process to which Mr. Witt refers in complaint 3? IS public correspondence required to be included in that process, if any?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Does the requirement of Section 67.16 that the Commission include a 150 word summary of testimony in its minutes, further require the Commission to include in the minutes a blank survey reform referred to by a public speaker who requests that it be included?

SUGGESTED ANALYSIS**Under Section 67.16 of the Ordinance:**

- Determine whether the Commission's failure to include the survey form in its meeting minutes, and instead including a reference to that form in its summary of complainant's testimony, violated the requirement that a 150-word or less summary statement provided by the speaker be included in the meeting minutes.

Memorandum

DATE: December 29, 2010
PAGE: 3
RE: Witt v. MTA

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED

SEC. 67.16. MINUTES.

The clerk or secretary of each board and commission enumerated in the charter shall record the minutes for each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, *a brief summary of each person's statement during the public comment period for each agenda item*, and the time the meeting was adjourned. Any person speaking during a public comment period may supply *a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.*



<complaints@sfgov.org>
10/26/2010 12:13 PM

To <soft@sfgov.org>
cc
bcc
Subject Sunshine Complaint

To:soft@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:MTA
CONTACTED:MTA
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:Yes
MEETING_DATE:March 30th 2010, May 4th 2010, June 3rd 2010, Aug. 3rd 2010
SECTIONS_VIOLATED:
DESCRIPTION:1.) Misleading the public thur minutes. 2.) Misrpesenting the public thur
minutes. 3.) Failure to included public corrospondance in P.C.& N. process. 4.) Omitted 150
word statement from minutes of August 3rd 2010.
HEARING:Yes
PRE-HEARING:No
DATE:10/26/2010
NAME:Peter Witt
ADDRESS: [REDACTED] Filbert St.
CITY:San Francisco
ZIP:94123
PHONE:415 [REDACTED]-[REDACTED]
CONTACT_EMAIL:[REDACTED]@sbeglobal.net
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:Yes

To whom it may concern , S.O.T.F.

10/26/2010

W/ref. To Case #08053. filed 2/2/2009 thru 2/22/2009

- I never received a response on Sunshine Case #08053 and the - "Additional supporting evidence" needed by S.O.T.F. (exhibit A- I) ...At the request of "Order Determination" dated 1/27/2009 and included as Exhibit "J". Exhibit "I" recently revised <only> and re-filed 10/26/2010.

W/ ref. To Complaint # ?????, filed 2/4/2009 and meeting with the Task Force Chair Kristin Chu.

- I was advised and advice is under consideration.

↑
that (P.W.)

W/ref. New Complaint, filed 10/26/2010, against the M.T.A .

- 1.) Misleading the public thru the minutes.
- 2.) Misrepresent the public thru the minutes.
- 3.) Failure to include public correspondence in the P.C. & N process.
- 4.) Omitting 150 statement from minutes (August 3rd 2010).

See attached copy : Dated 8/3/2010. Exhibit A , AND "B" , Aug. 13, 2010 MTA MINUTES. (P.W.)

Please advise me ; As to the specific evidence needed for each violation. And format/s available or preferred for S.O.T.F. verification. Or if S.O.T.F. speaking protocols have recently changed.

Thank You .


Peter H.G. Witt

From TeleWIFI
To be enter into the minutes of Aug. 3, 2010
S.F.M.T.A. Regular meeting.

EXHIBIT A

Item (#) "Public Comment"

2010 San Francisco Taxi Customer Survey (XIII)

- 1.) Yes, in San Francisco I (check one or more, as applies) Play Work Live Vote.
NO, I do not live in "San Francisco"...but in _____ (City, state or country)
- 2.) When in S. F. I TRAVEL MOSTLY BY; Taxi (company?) _____ Muni Both Other
- 3.) In my opinion San Francisco TAXI SERVICE IS: /
Because (?): All the time Sometimes _____ (?) day and/or night.
UNSATISFACTORY GOOD EXCELLENT
- 4.) I think San Francisco, CAB DRIVERS ARE GENERALLY; /
Because (?) _____
UNSATISFACTORY GOOD EXCELLENT
- 5.) To San Francisco's Taxi Fleet, I would add; _____ More cabs Not sure No more
(population 819,077) (1,500 cabs) (number of cabs)
 MALE ... or FEMALE
Name or initials _____ Address _____ Date _____
Age group: age 18-26 27-35 36-55 56-70 70+
(Neighborhood, zip code, city, state or country)
(For use by U.T.D.)

EXHIBIT A

Exhibit B

No report.

9. Public Comment

Martin MacClain stated that he has experienced a situation where a Residential Parking Permit was being abused by the agents of the Department of Parking and Traffic. He inquired about tickets that he has received for parking in a two hour zone, after 4pm and when the time expires at 6pm. (Exec. Director/CEO Ford asked Director of Transit Services John Haley to speak with Mr. MacClain.)

Jamie Whitaker, President Rincon Hill Neighborhood Association, expressed appreciation for the additional bike racks. While he appreciates the temporary Transbay Terminal because it will increase safety in the neighborhood, the additional right turn on Folsom will increase the possibility of pedestrian injuries. He asked the SFMTA to pay attention to pedestrian safety in the area especially for children.

Mark Gleason, Teamsters 665, spoke about the conditions and concerns that tire installers who work for an SFMTA subcontractor, Bridgestone brought to their attention. These workers describe sub-par conditions. They are paid below market rate for tire installers and they don't have access to medical benefits and sick pay. He asked someone in authority to look into the situation.

Herbert Weiner stated that the noise level and traffic congestion created by the change to the 2 Clement terminus is horrendous. The change was senseless. Staff never consulted with medical personnel about the impact to seniors or people who are medically ill about the impact of having to walk to the 1 California line. He asked the Board to restore prior service to the area.

Mark Gruberg stated that there new Taxi Advisory Council appointed by Mr. Ford doesn't have a single representative from United Taxicab Workers. UTW has been involved in every major taxi issue over the past 20 years and other taxi organizations have appointees. There is not a single driver with better credentials than Rua Graffis. He can't fathom why she wouldn't have been appointed except for retaliation because UTW was opposed to the medallion sales program. This committee is structurally imbalanced towards cab companies.

Khagendra stated that the Taxi Advisory Council must have real representation for drivers and questioned how those who were appointed represented drivers or if they were real drivers. He added that Tariq Mehmood's application was ignored.

Peter Witt stated that concerted efforts are born to fail. Bruce Schaller, who was hired by the former Taxi Commission, had recommended that a taxi survey be done. The Controller refused the Taxi Commission's offer to conduct a second survey. He inquired about the mandate for Muni's on time performance. Mr. Witt provided a blank 2010 Taxi Customer Survey form to the Board.

Tariq Mehmood stated that Ms. Hayashi has a conflict of interest. She forced a lender from New York to not participate and got Jordanna Thigpen out. He questioned the Taxi Advisory Council selection process and thinks that questionable things were being done. He also questioned the driver representatives' ability to represent drivers.

Gavin Newsom | Mayor
Tom Nolan | Chairman
Jerry Lee | Vice-Chairman
Cameron Beach | Director
Cheryl Brinkman | Director
Malcolm Heinicke | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

November 4, 2010

Mr. Rick Knee
Chairman, Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint against the Municipal Transportation Agency
Complaint No. #10056

Dear Mr. Knee:

I am writing in response to Complaint No. #10056 filed by Mr. Witt on October 26, 2010.
His complaint alleges the following:

- 1) Misleading the public thur (sic) minutes
- 2) Misrepresenting (sic) the public thur (sic) minutes
- 3) Failure to included (sic) public corospondance (sic) in PC & N process
- 4) Omitted 150 word statement from minutes of August 3rd 2010.

In response, I offer the following.

- 1) Misleading the public through the minutes: Mr. Witt has presented no evidence that the public has been mislead. However, attached for your information, are the minutes from previous meetings at which Mr. Witt spoke and for which he turned in a statement.
- 2) Misrepresenting the public through the minutes: Again, there is no evidence to suggest that this has occurred so I am unable to respond.
- 3) Failure to include public correspondence in the PC & N process: The SFMTA Board of Directors has not held in a "Public Convenience and Necessity" hearing since it assumed oversight of the taxicab industry in 2009.

PAGE 2.

Witt SOTF complaint

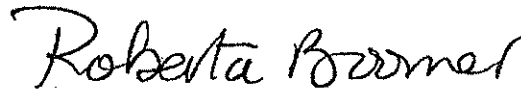
Furthermore, pursuant to the Sunshine Ordinance, all correspondence provided to the SFMTA Board of Directors is maintained in a "Correspondence Received" file and is maintained for two years. The public is welcome to review the file during normal business hours to determine what has or has not been provided to the SFMTA Board of Directors. Without additional information about what was not included, I am unable to respond.

4) Omitted a 150 word statement from the minutes of August 3rd 2010: Pursuant to Sunshine Ordinance Section 67.16 which states "Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes."

What Mr. Witt submitted was a blank survey form which he referenced in his comments. Said reference to the submittal was included in the minutes. A blank survey form is not a "written summary of their comments"

Thank you for your review of the materials. Unfortunately I will not be able to attend the SOTF hearing on Tuesday, January 4 because the SFMTA Board of Directors has a meeting that afternoon. If you have any questions, please contact me at (415) 701-4505

Sincerely,



Roberta Boomer
Secretary, SFMTA Board of Directors



**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS**

MINUTES

Tuesday, April 6, 2010
Room 400, City Hall
1 Carlton B. Goodlett Place

**REGULAR MEETING AND CLOSED SESSION
2:00 P.M.**

BOARD OF DIRECTORS

Tom Nolan, Chairman
Dr. James McCray, Jr., Vice Chairman
Cameron Beach
Shirley Breyer Black
Malcolm Heinicke
Jerry Lee
Bruce Oka

Nathaniel P. Ford, Sr.
**EXECUTIVE DIRECTOR/CEO
MUNICIPAL TRANSPORTATION AGENCY**

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 2:00 p.m.

2. Roll Call

Present: Cameron Beach
Shirley Breyer Black
Malcolm Heinicke – absent at Roll Call
Jerry Lee
James McCray, Jr.
Tom Nolan
Bruce Oka

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

PUBLIC COMMENT:

Peter Witt expressed appreciation for the opportunity to review the minutes prior to approval. He stated that he didn't see his 150-word statement that he had submitted for inclusion in the minutes. (Board Secretary Boomer showed him where his statement was inserted in the minutes.)

David Pilpel requested correction to his comment for Item 9. He requested that the minutes be amended to add the names of the people who had passed away.

Chairman Nolan stated that the names of those individuals would be added.

On motion to approve the minutes of the March 30, 2010 Special Meeting as amended: unanimously approved (Heinicke-absent).

5. Communications

Chairman Nolan stated that items on the Regular Calendar would be considered after the CAC Chairman had provided his report. Following completion of those items, the Board would consider general public comment and items on the Consent Calendar.

Board Secretary Boomer stated that an overflow room was available should the need arise.

6. Introduction of New or Unfinished Business by Board Members

Director Lee requested information regarding the SFMTA's role in managing public garages and lots.

Director Heinicke arrived.

7. Executive Director's Report (For discussion only)

- Special Recognition Award
- Ongoing Activities

Exec. Director/CEO Ford presented special recognition awards to Ha Nguyen, project engineer, Capital Programs and Construction; Bridget Badasow, receptionist, Office of the SFMTA Board of Directors; and Stanley Chan, transit operator, Cable Car Division, Transit Operations.

ED/CEO Ford also discussed the status of the RFP for management of parking garages.

PUBLIC COMMENT:

Hansu Kim stated that the garage contract is about how corruption happens in city government. The process was transparent and the SFMTA received good bids. The winning contractor has been patiently waiting and wants to know why the contracts haven't been awarded. He expressed the belief that agents of losing bidders who currently have contracts have influenced the process. His clients were threatened and they will put forth a complaint that addresses this misconduct and that will inform the public about what happened.

Fred Bekele, Convenient Parking, stated that a citizen gets different treatment based on their connections. The award of the contracts was not based on merit because his firm clearly won the bid. More relevant was how to satisfy the powerful people that threatened them and that manipulated the system. Corruption exists in San Francisco.

David Pilpel reminded the Board that they have exclusive authority over parking garages and facilities. The request of the Mayor to the Controller's office didn't originate with the SFMTA Board. The study isn't appropriate unless the Board has approved the matter. Assets within the Agency are under the SFMTA's exclusive authority.

8. Citizens' Advisory Council Report

Daniel Murphy, chairman, Citizen's Advisory Council, reviewed the recommendations of the Citizen's Advisory Council.

Vice Chairman McCray requested a response to the question raised by Mr. Murphy regarding the number of service hours.

PUBLIC COMMENT:

Peter Witt expressed concern about submitting a ballot measure that would be a “claw to grab more money.” People who don’t use Muni would be taxed because parking permits were originally intended to create parking spaces for residents but now those funds are used to fund the MTA. Residents who drive cars don’t take Muni. There are other ways to tap into people who don’t use Muni. It’s outrageous that the SFMTA is constantly grabbing for money.

Barry Taranto stated that there’s a report about meters that doesn’t seem to be accurate. It is important that meters in commercial districts be extended to 7 pm. There is a lot of double parking in different areas of the city. Meters running to 7 pm will make Muni move faster. There is bad publicity out there.

9. Public Comment

Dave Schneider stated that the Board has jurisdiction over taxis. On January 11, there was a knife attack on a cab driver. Cab drivers weren’t aware of the incident. He asked for information regarding the procedure to notify drivers so that all cab drivers are aware of what happened. He urged the Board to schedule a hearing on the matter or to request that a plan be developed to address the situation. This will happen again.

Barry Taranto inquired about the money from the taxi fund. The Board should request documentation that the money is put back into the taxi wrap fund. Taxi drivers need to have a set time on SFMTA Board agendas. Many drivers won’t do radio calls. Having a debt of \$250,000 over 15 years is a long time to owe money to a financial institution. He would like to know what will happen to the chief safety officer position and to enforcement.

Emil Lawrence stated that he submitted a letter to the Airport Commission regarding their attempt to take money for short fees. If the Airport Commission can’t make money, the airport should be sold. Taxi drivers don’t have benefits. Mr. Lawrence stated that his experience outweighs the experience of a majority of the Board. He presented a copy of his application to the Mayor to serve as a member of the SFMTA Board.

Tone Lee stated that the airport policy will make cab drivers not go south. The airport needs a shuttle policy. Drivers will speed and will put customer’s lives at risk. “Short fares” is an attempt to make money from cab drivers.

David Pilpel stated that the Board needs to hear about succession planning. Sam Lau’s leaving will be a significant loss. Mr. Pilpel is willing to meet with staff to discuss the budget and other matters which could head off some disputes. He expressed hope that the Board would schedule a hearing on work orders and work rules. He noted that in the past week, there has been a change to the policy regarding charging for copies of documents. Previously, people weren’t charged for small requests. He stated

that there needs to be a process to consider financial hardship. The Board should get a comprehensive report on the entire budget.

Peter Witt inquired if they Board has seen his survey and if they had any questions. He has surveyed over 1,000 customers per year for the past ten years. A real pilot project should start with ten cabs and not sixty. He inquired if the Board read the 2006 study regarding Prop. K and equity for drivers. There is nothing about health care, sick leave or retirement for non-medallion holders. He questioned whether customers would benefit from even lower income drivers. (Mr. Witt provided written comments for inclusion in the minutes that may be found at the end of the minutes.)

Chairman Nolan asked staff to report back to the Board regarding Caltrain's fiscal situation and what the SFMTA has done and what it could do regarding violence to cab drivers.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA EXECUTIVE DIRECTOR/CEO OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT ONE SOUTH VAN NESS AVE. SEVENTH FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Allstate Ins. vs. CCSF, Superior Ct. #CGC10495832 filed on 1/7/10 for \$750
- B. Mario Palomo vs. CCSF, Superior Ct. #8482415 filed on 12/2/07 for \$1,500
- C. Mirwella Ramos vs. CCSF, Superior Ct. #476031 filed on 6/5/08 for \$3,000
- D. Calif. Casualty Ins. vs. CCSF, Superior Ct. #CGC9495479 filed on 12/24/09 for \$3,100
- E. James Giroux vs. CCSF, Superior Ct. #8474512 filed on 4/22/08 for \$19,000
- F. Gay Yee vs. CCSF, Superior Ct. #CGC8480794 filed on 10/10/08 for \$23,635.63
- G. Gregory Todd Stress vs. CCSF, CityLaw #100908 filed on 9/29/08 for \$31,175.35
- H. Janie Hillyer, vs. CCSF, Superior Ct. #CGC8483006 filed on 12/15/08 for \$47,500
- I. Marcos Antonio DeSousa vs. CCSF, Superior Ct. #8473052 filed on 3/6/08 for \$60,000

RESOLUTION 10-040

(10.2) Rescinding the decision to implement a Peak Hour Express Route Premium Monthly Pass and Cable Car Premium Monthly Pass. (Explanatory documents include a staff report and resolution.)
(Sonali Bose)

Item 10.2 was removed from the Consent Calendar at the request of a member of the public.

PUBLIC COMMENT:

David Pilpel stated that since the Board of Supervisors has already acted to reject the item, this was, as a matter of law, not before this body. The Board doesn't need to act and it would be frivolous to do so. He urged the Board to table the item.

RESOLUTION 10-041

On motion to approve Item 10.2:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT – McCray

On motion to approve the Consent Calendar (Item 10.2 severed):

ADOPTED: AYES – Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT – McCray

REGULAR CALENDAR

11. Presentation and discussion of the SFMTA's Operating Budget for Fiscal Year 2011 and Fiscal Year 2012 including possible increases in various charges or reductions in services to resolve the projected budget deficits for FY11 and for FY12. (Explanatory documents include a slide presentation.) (Sonali Bose)

Sonali Bose, chief financial officer, presented the staff report.

PUBLIC COMMENT:

Teresa Sheehan urged the Board not to cut back services and to keep drivers insured. There will be problems with attrition because of the freeze due to the shortfall. Part-time drivers will lose benefits.

Bob Planthold stated that he was impressed at the thoroughness in the range of options presented. He cautioned the Board about possible ballot measures. The public doesn't understand the commercial parking tax. It is hard to see out the windows when they are wrapped. This is a problem for people with disabilities as they can't see stops or landmarks at night.

David Pilpel stated that there are a lot of moving parts to the budget. His appeal of environmental determination is scheduled to be heard by the Board of Supervisors on April 12. There will be a significant loss in staffing and knowledge with impending retirements but the retirements will have a

positive savings in terms of expenses. He requested additional information regarding various campaigns included in the budget and whether those campaigns were additive or complimentary. The FY10 budget is at significant risk which the Board needs to discuss. TWU has scheduled a straw vote of its members.

Herbert Weiner stated that more buses and drivers are needed to improve Muni. The SFMTA never advocates for what they need. The elderly, sick and disabled are traded off. The TEP was a blueprint for further cuts. When the economy was booming, services weren't expanded. The SFMTA has served business well but it hasn't provided good public service.

Dave Snyder expressed hope that the SFMTA is moving towards a budget that restores the service that was cut. The restoration of service is critical for the future of the city. The SFMTA's budget must be approved by the Board of Supervisors. Riders can find seven votes to reject the budget that doesn't restore service.

Sue Vaughan stated that she has created a Facebook page that supports extending parking meter hours. The budgets presented to the Board on March 30 and to the CAC on April 5 are different because extending parking meter hours in the evening were removed. People who drive will need to pay more.

Emil Lawrence stated that if prices are raised during an economic downturn that overall revenue will decline. There are more and more open meters. Meter maids can't fill their daily quota. People aren't shopping in San Francisco which relates to reduced ridership and citations. General accounting principles haven't been applied to the budget.

Art Michel suggested that if cuts in service were needed, then those cuts shouldn't be on major trunk lines that are already overcrowded and heavily used. Cuts to those lines will force people off Muni.

Barry Taranto expressed concern about bus drivers pay. They get paid a lot of money when compared to taxi drivers. Drivers need to be held to a standard. Careful consideration must be given to the enforcement of meters on Sundays so businesses don't lose money. He requested information regarding where the money would come from for the taxicab cost based recovery fees and stated that cab drivers should get to keep monies received from taxi penalties and charges.

Forrest Schmidt expressed ongoing opposition to service cuts. Service cuts haven't seen the light of day. Faith in the Board might have been deserved if service had expanded when the budget expanded. Rallying people against the bus drivers blew up. The distinction between Muni riders and car drivers isn't clear cut. The SFMTA hasn't gone after the rich or big business.

Peter Witt requested an explanation for revenue generated by taxi service. The pilot program hasn't even begun. The projections are too aggressive. He expressed appreciation for the cleaning fees and noted that other countries charge \$250 to \$300 as an incentive to prevent things from happening. The money should go to the drivers since they have to clean things up. Raising the price of taxis will lower the demand for taxis.

Chairman Nolan requested that ED/CEO Ford schedule a presentation at the May 4 meeting regarding possible ballot measures and provide information to the Board regarding the time schedule, process and an analysis so that the Board can have an in-depth discussion.

12. Presentation and Discussion of the Hunters Point Shipyard Phase 2 - Candlestick Point Integrated Development Project and related Transportation elements. (Explanatory documents include a staff report.) (Bond Yee)

Michael Cohen, Director, Mayor's Office of Economic Development, and Peter Albert, manager, Urban Planning Initiatives, presented the staff report.

PUBLIC COMMENT:

Tacora Hollins stated that she has to catch two or more transit lines to get around the city. People aren't able to afford the cost of public transit.

Tera Conroy stated that Muni is expensive and that she would like to see this project built.

Erik Butler stated that this project is the best for himself, his family and his community and will mean more jobs and better education. This project should go forward.

Gladys Buckner stated that San Francisco Organizing Project leaders have influenced city leaders to make better decisions. In May 2008, the city signed an agreement with Lennar to ensure that families in neighborhood will benefit. The SFOP is in support of the project. This project doubles the amount of affordable housing. Approval will help bring needed resources to the community.

Tretha Stroughter stated that she was excited about the project and would love to take advantage of it.

Ari Coleman requested increased safety for children and people with disabilities. Curbs need to be kept clear for the elderly and streets have cracks in them.

Stormy Henry stated that she is proud of the replacement of affordable housing. The southeast sector is a stepchild of San Francisco with no good transit. This project will bring resources, including money and jobs to the neighborhood. She stated that residents want the southeast sector to look as good as the rest of the city.

David Pilpel stated that the inclusion of Caltrain is a significant improvement to the area. The Board should get an update on Caltrain and the city's commitment to it. The transportation element builds on the work of the TEP which has not been implemented. Environmental review hasn't begun. He expressed hope that extending transit service and the expansion of existing routes doesn't occur at the same time as cuts to service in other parts of town. The SFMTA has a history of building new services when they have problems maintaining existing service. The Board should weigh system expansion vs. system maintenance.

Arnold Townsend stated that the need for this project is obvious. In every respect, the southeast sector of the city has been treated as if it's not part of San Francisco. This project will improve it. It's hard to get around the Bayview on public transit. This long overdue project will improve that.

Javier Marquez stated that there are Spanish and Asian-speaking folks in the Bayview who want the opportunity for homeownership and jobs. There is a lot of diversity in the Bayview.

Gary Banks asked the Board to move the project forward. Transportation is critical to move this project forward. The project will open up many opportunities.

Peter Witt stated that he was horrified and scared when he went to BVHP. The kind of person who has been subjected to a low education system and broken families is a human tragedy. It's disgusting that people can't be fed and educated. He stated that there has been no thought given to taxis being a part of this system and just like the people in the Bayview Hunter's Point, taxis have been left in the cold.

Dorris Vincent expressed support for the project. The community has had a lot of input into the project. There are some problems in the Bayview but people shouldn't buy into the fear that the Bayview is a terrible place to go. Ninety-five percent of the Bayview community is doing well.

Michael Roskie stated that the Board may want to stymie greedy developers. People are poisoning the water table.

13. Authorizing the Executive Director/CEO to execute Amendment One to Contract No. APT 591-01 - LRV Doors and Steps Reconditioning and Systems Rehabilitation, with AnsaldoBreda, to perform a complete rehabilitation of 34 LRVs for \$11,996,867 for a total contract amount not to exceed \$68,749,421, and to extend the term of the contract from five years to six years. (Explanatory documents include a staff report, resolution and amendment.) (Carter Rohan)

Vice Chairman McCray left the meeting.

PUBLIC COMMENT:

David Pilpel expressed support for the item but would like to know if the funds to be used are part of the ARRA funds associated with the Airport connector. LRV's are in need of maintenance.

RESOLUTION 10-042

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT – McCray

14. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session and invoke the attorney-client privilege.

PUBLIC COMMENT:

David Pilpel stated that the settlement for the Hines case was significant. It would be in the public's interest to disclose the underlying matter.

On motion to invoke the attorney-client privilege: unanimously approved (McCray-absent).

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 5:30 p.m.

2. Roll Call

Present: Cameron Beach
Shirley Breyer Black
Malcolm Heinicke
Jerry Lee
Tom Nolan
Bruce Oka

Absent: James McCray, Jr.

Also present: Nathaniel Ford, executive director/CEO
Roberta Boomer, board secretary
Julia Friedlander, deputy city attorney
Debra A. Johnson, chief of staff/director, Administration
Sonali Bose, chief financial officer
Jim Dougherty, chief safety officer

3. Pursuant to Government Code Section 54956.9 and the Administrative Code Section 67.8 (a) (3), the Municipal Transportation Agency Board of Directors will meet in Closed Session to discuss and take action on attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

A. Donald Rodriguez vs. CCSF, Superior Ct. #CGC9485668 filed on 3/3/09 for \$152,183

RESOLUTION 10-043

On motion to approve:

ADOPTED: AYES -- Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT -- McCray

B. James Scacchetti vs. CCSF, Superior Ct. #CGC7467135 filed on 9/13/07 for \$295,000

RESOLUTION 10-044

On motion to approve:

ADOPTED: AYES -- Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT -- McCray

C. Jennifer and Melissa Hines vs. CCSF, Unlitigated Claim #91106 filed on 4/7/09 and 7/17/09 respectively for \$1,126,526.62

RESOLUTION 10-045

On motion to approve:

ADOPTED: AYES -- Beach, Black, Heinicke, Lee, Nolan and Oka

ABSENT -- McCray

4. Pursuant to Government Code Sections 54956.9, and Administrative Code Section 67.8 (a) (3) the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

X As defendant or X As plaintiff

5. Pursuant to Government Code Section 54957.6(a) and Administrative Code Section 67.8, the Municipal Transportation Agency Board of Directors shall meet in closed session for:

CONFERENCE WITH LABOR NEGOTIATOR

CCSF Representative: Debra Johnson and/or her designees

Employee Organizations:

IAM Local 1414, IBEW Local 6, SEIU Local 1021, TWU Local 200, TWU Local 250A and MEA

To discuss:

- Wages
- Hours
- Benefits
- Working Conditions
- Other

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 6:14 p.m.

15. Announcement of Closed Session.


Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss the Rodriguez, Scacchetti and Hines cases with the City Attorney. The Board of Directors voted unanimously to settle the cases (McCray-absent). The Board also discussed anticipated litigation and met with their Labor Negotiator but took no action.

16. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved (McCray-absent).

ADJOURN - The meeting was adjourned at 6:15 p.m.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.


Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.

MATERIAL SUPPLIED BY PETER WITT FOR INCLUSION IN THE SFMTA'S MINUTES OF APRIL 6, 2010. To ensure that the comments are accessible, this material is reproduced exactly as written below. A PDF of the comments will be added to the printed meeting minutes.

Item #9 P.C.

I assuming you know what a good survey isthen you know how much a good one costs to produce. Tell me board members have you see my taxi customer survey yet.....

Are you sure you have know questions like how I did it ? Over 1,000 customers a year, For twelve years with a 93+ RETURN RATESAFTLY.

It would be negligent with out any valid taxi-customers data to draw from or mechnizim in place to measure negative impacts, that surly will occur, as a result of your unprecedented actions. A real pilot program should start with 5 or 10 cabs not 60. And it's not a test without standers.

Did you read the 2006 study, about Prop. K. and equity for drivers.

(It's) NOT about MTAwhich is in direct conflict. Don't be mistaken..... theres.... Nothing about health care or sick leave or retirement for the non-medallion holder.

Item #9 P.C.

I assuming you know what a good survey isthen you know how much a good one costs. ^V ~~to produce~~ ~~to produce~~ ~~to produce~~

Tell me board members have you see my taxi customer survey yet.....

Are you sure you have know questions like how ^I did it? Over 1,000 customers a year, For twelve years with a 93+ RETURN RATESAFTLY.

It would be negligent with out any valid taxi-customers data to ^{From} draw or mechanicnizim in place to measure negative impacts, that surly will occur, as a result of your unprecedented actions.

▶ A real pilot program should start with 5 or 10 cabs not 60. And it's not a test without standers.

Did you read the 2006 study about Prop. K. and equity for drivers.

(it's) NOT about MTAwhich is in direct conflict. Don't be mistaken..... theres.... Nothing about health care or sick leave or retirement for the non-medallion holder.

.....
to nothing that all



SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

MINUTES

Tuesday, April 20, 2010
Room 400, City Hall
1 Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
2:00 P.M.

BOARD OF DIRECTORS

Tom Nolan, Chairman
Dr. James McCray, Jr., Vice Chairman
Cameron Beach
Shirley Breyer Black
Malcolm Heinicke
Jerry Lee
Bruce Oka

Nathaniel P. Ford, Sr.
EXECUTIVE DIRECTOR/CEO
MUNICIPAL TRANSPORTATION AGENCY

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 2:00 p.m.

2. Roll Call

Present: Cameron Beach
Shirley Breyer Black
Malcolm Heinicke – absent at roll call
Jerry Lee
James McCray, Jr. – absent at roll call
Tom Nolan
Bruce Oka

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

PUBLIC COMMENT:

Peter Witt thanked the Board Secretary for posting the minutes and for referring to his 150 word statement, however her words were incomplete, taken out of context and misleading. He requested that his 150 word statement be added to the body of the minutes rather than at the end.

On motion to approve the minutes of the April 6, 2010 Regular Meeting: unanimously approved (Heinicke, McCray-absent).

5. Communications

Chairman Nolan stated that he would ask the Board Secretary to call item 11 regarding the FY11/12 budget after the Executive Director/CEO report and the report of the CAC Chairman. He noted that a special order regarding the taxi items would be heard at 4:30 or as soon thereafter as possible.

Board Secretary Boomer stated that Item 10.1 E and Item 22 regarding the FY11 and 12 capital program had been removed from the agenda at the request of staff.

6. Introduction of New or Unfinished Business by Board Members

Referring to a letter regarding ads on Muni vehicles for the Census Bureau, Director Beach stated that the ads appear to violate the contract that was approved by the Board. He asked staff to research the matter and assure the Board that the contract is being adhered to.

7. Executive Director's Report (For discussion only)

- Rail Renovation Projects
- Ongoing Activities

Directors Heinicke and McCray arrived.

Exec. Director/CEO Ford discussed Caltrain's financial situation and the status of the rail renovation projects.

Carter Rohan, senior director, Capital Projects and Construction; John Haley, chief operating officer and Debra Johnson, director, Administration, Taxi and Accessible Services reviewed the status of the St. Francis Circle capital projects.

PUBLIC COMMENT:

Forrest Schmidt expressed concern about the information in the SFweekly article and a meeting of management at which managers were accused of being "snitches." He wondered if there was any examination of the rail renovation projects because if half of the money could be postponed, that money could stop the service cuts. He stated that he hasn't heard any outreach regarding the May 8 massive cuts. People don't have the information they need to have in order to participate in the process.

Frank Lara said that in order for an agency to receive funding, it had to prove to be competent to manage the funds. The SFMTA is getting money for capital projects while bus service is being dismantled. A 10% service reduction will lead to more reductions. Mr. Lara stated that he has not seen any competency in this agency to manage funds. The Board seems to be puppets of the mayor.

David Pilpel stated that an opportunity to add a third track at St. Francis Circle is being lost and won't be revisited for another 20-30 years. Staff has done good job of preparing for the construction work. He expressed concern about the increase in demand for motor coaches when other lines are already using motor coaches due to problems with the fleet. The Caltrain issue should be discussed by the Board because of the impact on transportation and land use.

Peter Witt stated that service changes, adjustments and rollbacks encourage people to take a taxi or "cab-pool". Muni service cuts will help the taxicab industry. He noted that outreach is poured into Muni and wondered if there could be an equal outreach for taxis. Taxi customers need to be reached. He stated that he was happy that Muni is focusing on the future stability of future operations.

Ernestine Weiss stated that there's a lot of confusion about NextBus. Customers don't know what is going on. The Financial District is the busiest and most congested area in San Francisco.

8. Citizens' Advisory Council Report

In the absence of Chairman Murphy, Board Secretary Boomer provided an overview of recent CAC recommendations.

9. Public Comment

Peter Witt stated that he has surveyed over 1,000 customers per year for the past ten years and has had a 93% return rate. He has collected 234 samples this year and has 13 years worth of data. He doesn't know why the former Taxi Commission didn't like him. He was just the messenger. He wondered where the taxi data was. He stated that an independent analysis and survey is called research and is also known as customer service. He has received no "thanks" or questions by the Board. He asked that the Board see to their fiduciary duty.

David Pilpel stated that the Board of Supervisors affirmed City Planning's determination. The Transportation Authority asked the SFMTA to further discuss the possibility of reducing the 10% service plan. He stated that he continues to be willing to meet with staff which might reduce litigation in the future. There is no CEQA clearance for the restoration of service in the budget so there may be further appeals. This is the first time that an Operator Sign Up will be a forced and without union participation. This signals a new low in labor relations. He requested a schedule for public hearings on work rules and work orders and expressed appreciation to Directors Black and McCray.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA EXECUTIVE DIRECTOR/CEO OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Sandra Maria Camarena vs. CCSF, Unlitigated Claim #1001464 filed on 12/1/09 for \$4,600.50
- B. Cheindlya Baranova vs. CCSF, Superior Ct. #484162 filed on 1/16/09 for \$5,000
- C. Tasha Clark vs. CCSF, Superior Ct. #CGC8474141 filed on 4/10/08 for \$10,000

- D. Maria Rodriguez vs. CCSF, Superior Ct. #CGC9484380 filed on 1/26/09 for \$18,500
- E. Mohammad Alsaidi vs. CCSF, Superior Ct. #CGC8458235 filed on 5/21/08 for \$50,000

10.1 E was removed from the agenda at the request of staff.

Item 10.1 D was removed from the Consent Calendar at the request of a member of the Board.

Director Heinicke requested an update regarding efforts to automate LRV steps.

On motion to approve Item 10.1 D:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

RESOLUTION 10-046

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – NO PARKING, VEHICLES MORE THAN 6 FEET HIGH – Vallejo Street, north side, from White Street to 31 feet easterly.
- B. ESTABLISH – TOW-AWAY NO PARKING ANYTIME EXCEPT MARKED POLICE VEHICLES – Williams Avenue, south side, from Newhall Street to 205 feet westerly.
- C. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Junipero Serra Boulevard, east side, from Holloway Avenue to 23 feet southerly.
- D. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Junipero Serra Boulevard, east side, from Holloway Avenue to 23 feet northerly.
- E. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Holloway Avenue, south side, from Junipero Serra main roadway easterly to Junipero Serra access road.
- F. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Holloway Avenue, north side, from Junipero Serra main roadway easterly to Junipero Serra access road.
- G. ESTABLISH – NO PARKING, VEHICLES MORE THAN 6 FEET HIGH – Hyde Street, east side, from Greenwich Street to 96 feet southerly.
- H. ESTABLISH – NO U-TURN – Eucalyptus, eastbound, at Muni M-Line Crossing.
- I. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA "S" ELIGIBILITY – 65 Buena Vista Avenue East. (Explanatory documents include a staff report and resolution.) (Bond Yee)

RESOLUTION 10-047

(10.3) Amending the Accessible Pedestrian Signals Request and Installation Policy to include the addition of language regarding requests by mail, inclusion of additional stakeholders, additional approvals within the jurisdiction of the Port of San Francisco, project timelines and requiring SFMTA Board approval for further changes to the policy. (Explanatory documents include a staff report, resolution and policy.) (Bond Yee)

RESOLUTION 10-048

(10.4) Requesting that the Board of Supervisors to consider adoption of a Resolution of Necessity for the acquisition of 266-286 4th Street for its fair market value; and if the Board of Supervisors adopts such Resolution of Necessity, authorizing the Executive Director/CEO to take such actions to proceed to acquire the Property. (Explanatory documents include a staff report, resolution and financial plan.) (Sonali Bose)

RESOLUTION 10-049

(10.5) Requesting that the Board of Supervisors to consider adoption of a Resolution of Necessity for the acquisition of 933-949 Stockton Street for its fair market value; and if the Board of Supervisors adopts such Resolution of Necessity, authorizing the Executive Director/CEO to take such actions to proceed to acquire the Property. (Explanatory documents include a staff report, resolution and financial plan.) (Sonali Bose)

RESOLUTION 10-050

(10.6) Authorizing the Executive Director/CEO to execute the First Amendment to the Agreement for the Purchase and Sale of Real Property to allow for an adjustment to the purchase price for property currently used as a bus loop at the intersection of Phelan Avenue and Ocean Avenue and grant a pedestrian access easement and a fire apparatus access easement. (Explanatory documents include a staff report, resolution, amendment and agreement.) (Sonali Bose)

RESOLUTION 10-051

(10.7) Amending the SFMTA Board of Directors' Rules of Order Article 4, Section 1 to change the time for regular meetings of the SFMTA Board of Directors from 2:00 p.m. to 12 noon, effective May 1, 2010. (Explanatory documents include a staff report and resolution.) (Roberta Boomer)

Item 10.7 was removed from the Consent Calendar at the request of a member of the public.

PUBLIC COMMENT ON 10.7:

David Pilpel stated that there are other ways to deal with the agenda and suggested starting the meeting at 12:45 p.m. Lengthy meetings aren't serving the public interest.

On motion to approve Item 10.7:

ADOPTED: AYES – Beach, Black, Lee, Nolan and Oka

NAYES – Heinicke and McCray

RESOLUTION 10-052

On motion to approve the Consent Calendar (Item 10.1 D and E and 10.7 severed):

ADOPTED: AYES – Beach, Black, Heinické, Lee, McCray, Nolan and Oka

REGULAR CALENDAR

11. Approving the SFMTA's Fiscal Year 2011 Operating Budget in the amount of \$749.5 million and the Fiscal Year 2012 Operating Budget in the amount of \$768.8 million; certifying that the FY2011 and FY2012 Operating Budget is adequate in making substantial progress towards meeting the FY2011 and FY2012 performance standards; approving increases in various fines, fees, fares, rates and charges including transit passes and fares, neighborhood parking permits, temporary street closure permits, color curb fees, special parking citation fines, taxi service regulatory fees; and traffic permits, boot removal fee, auto tow and storage fees, cable car and historic street car rental fees, special collection fee, disabled parking citation fine and taxi service regulatory fees; authorizing the Executive Director/CEO to set transit fares and other charges based on the automatic indexing policy approved by the SFMTA Board; approving the request to waive fares on New Year's Eve 2010 and New Year's Eve 2011; authorizing the continuation of the Class Pass program with all colleges and universities in San Francisco; authorizing the implementation of short-term experimental fares; authorizing the execution of an agreement with BART to allow for use of the Muni Fast Pass on BART in San Francisco; authorizing the execution of an agreement with BART for the Municipal Railway to accept payment from BART for providing connecting bus service to BART stations; authorizing the execution of an agreement with BART, the Central Contra Costa Transit Authority, the Dumbarton Bridge Service Consortium, the Eastern Contra Costa Transit Authority, the Livermore Amador Valley Transit Authority, the San Mateo County Transit District, the Santa Clara Valley Transportation Authority, the City of Union City, the Western Contra Costa Transit Authority, and the City of Benicia to continue the BART Plus Ticket Program; concurring with the Controller's certification that parking citation processing and collection; facility security services; paratransit services; parking meter collection and coin counting services; low-level platform maintenance services; and vehicle towing, storage and disposal services can be practically performed by private contractors at a lesser cost than to provide the same services with City employees; authorizing the SFMTA to continue to work diligently to develop new sources of funding for SFMTA operations; and authorizing the Executive Director to make any technical and clerical corrections to the budget and allocate additional revenues and/or discretionary revenues provided that the Executive Director/CEO shall return to the Board for approval of technical or clerical corrections that, in aggregate, exceed a five percent increase. (Explanatory documents include a staff report, resolution, certifications and budget.) (Sonali Bose)

Sonali Bose, chief financial officer, presented the report.

PUBLIC COMMENT:

Bob Planthold said there is something undone in the budget and it includes actions that will create civil rights liability. If you reduce service, there will be bigger gaps in time and there will be longer runs. Somewhere in the middle third of those runs, the buses will be full and seniors, people with disabilities and mothers with children will have to wait for another bus which wouldn't be fair. Their transfer will expire because they won't be able to get on the next bus. The SFMTA needs to adjust the time in the transfer policy.

Jacob Coley said there's a problem with mayhem on the buses. There is a need for more police on the buses which could be funded by fines. If we were to get rid of stops, people could get to the end of the line quicker. It's mean to raise fares for the disabled and for seniors. The SFMTA needs to lower fares and get rid of the transfer system.

Ernestine Weiss expressed concern about the illegal sales of transfers. She stated that she thought she had heard something about fare increases not being implemented for two years, and if that's the case, she's happy about that.

Deland Chan urged the Board to serve their community and not take from them. Service cuts hurt some communities more than others. A majority of people in Chinatown rely on public transit as a necessity and not a choice. At peak hours it is impossible to get on a bus at certain stops. Reducing the frequency of buses will subject the community to horrific delays. The Board should reduce police work orders and it needs to have progressive revenue measures to address the budget.

Choi Guang Ze stated that people rely on public transit and they want to see the SFMTA do the just thing. He urged the Board not to balance the budget on the backs on those who can't afford it. Service cuts will require sacrifice from those who are already pushed to the limit. The budget deficit disproportionately hurts those who are the most vulnerable. Public transit is a necessity and not a choice. There will be more overcrowding, less service and less safety.

Wong Hoi Chong, Community Tenants Association, stated that service cuts will reach into their empty pockets. He urged the Board not to increase fares or reduce service.

Feiyi Chen, Chinese Progressive Association, urged the Board not to cut service and wondered why those with low-income have to pay whenever there's a deficit. A lot of workers have lost their jobs and are facing other cuts. People who work at night will have to wait longer for a bus and it will be unsafe for them. Riders are not the cause of the deficit and so the SFMTA shouldn't be cutting their service. The problems are internal and they need to be solved.

Mrs. Sito stated that cutting service and increasing fares will have a big impact on her and her family. They take the bus every day and they wait a long time for a bus. The recent BART fare increase has created a hard financial situation for her family.

Jessie Yu states that she spends hours a day on Muni. Another cut to bus service is going to impact her life and her work. She urged the Board not to cut service that thousands of people depend on every day.

Flor Ramos expressed concern about the service cuts, fare hikes and the way that the police are treating riders. Fare increases are difficult for people who out of work. Having to pay \$70 for a fast pass is almost impossible for her and her children. She stated that the police are cataloging immigrants as criminals and she is shocked to see how the youth are being taken off the bus.

Beatrice Herrera said that POWER is part of a bigger coalition of community organizations. They have been talking to the Police Department about why they were on Muni buses. They were told that the police are there for security but asking people for identification doesn't provide a sense of security on the buses. Cutting service is a security issue. More crowded buses will make people angrier because they don't have other options. The people don't have the money to pay for the budget crisis.

Donaji Lona, POWER, stated that the SFMTA has to consider different scenarios when it makes decisions that impact the community such as the fact that buses will be full of angry people and buses won't be able to pick up people in wheelchairs. Consideration needs to be given to the fact that riders are doing everything possible to provide a meal for their family and they sometimes have to choose between that and paying for a bus. The communities' priorities should be considered. Public transportation should treat people with dignity. All communities will suffer with a 10% cut in service. She urged the SFMTA to do all it can to create a safe and accessible system.

David Hardie stated that he thinks that there should be a limit to the amount of money that anybody who works at the SFMTA should make. Nobody should make more than \$100,000.

Doug Hayden, Crocker Galleria Farmer's Market, stated that raising the bagged meter rate by 700% will ruin their market and will be a huge burden for the farmers.

Gail Laghi stated that she is dependent on Muni. Service cuts that are made when schools get out will result in buses that are so crowded that people can't get on. If more service is cut on those lines, people will have even more trouble getting around. Thought should be given to other areas that can be cut.

Jonathan North stated that signs on the buses say that the rate for a senior fast pass will increase but he had heard that the rate was not going to go up for a couple years. If the rates do increase, it will mean that the rates will have doubled in one year.

Miguel Garcia stated that the use of technology could improve the economy and the transit system because people can use a card that would bill them when they don't pay.

Vincent Martinez stated that whenever somebody misbehaves, they are removed to a sheltered area. At the SFMTA, when a Muni driver is removed they keep the same salary. It is not reasonable for somebody to be sheltered and still receive the same salary. The SFMTA could save money by having drivers who know how to drive the bus rather than destroy it.

Forrest Schmidt said that the primary concern about the budget is the 10% service cuts. Information on the website is not easy to find and it's hard to read. The lack of detail makes it impossible for the public to have any meaningful input into the budget so they are left with the idea that management doesn't want it. TWU has fountains of information about how things can be done better. Management tried to poison the relationship between labor and the public.

Frank Lara stated that service cuts will affect many communities and they have had enough. The community is upset. They have been presenting their views for months but the SFMTA taking money from the poor and oppressed. They aren't taxing the rich.

Marlene Tran urged the Board not to consider fare increases and service cuts. Many seniors are non-English speaking. The astronomical management salaries are astounding and they should take a cut in salary. Only \$500 is allocated for interpreters. She asked the SFMTA to cut waste, restore cuts and consider other options.

David Pilpel stated that the Controller's Report on work orders is pending and the Board should see that report before acting on the budget. The details of the budget have not been made available instead the Agency has decided to charge for duplication of records. The FY10 budget has not been balanced and the FY11/12 budgets rely on FY10. Items in the resolution should be segregated. There is no information about how the youth pass would work. The calendar item authorizes the Exec. Director to set fares but that is for the Board to do. The Transportation Authority clearly wants a lower level of service reductions. He is not aware that environmental review has been done for the service restorations. The budget should be continued to a special meeting.

Herbert Weiner stated that Mr. Ford and the SFMTA Board need to be better managed. Seniors and people with disabilities will be hurt. The Mayor has a limousine that should be taken away because it is underutilized. People need bus service more than the Mayor needs his limousine. These cuts are poison. Corporations should be taxed instead.

Emil Lawrence stated that the SFWeekly article was scary and goes beyond anything he had envisioned. The Board may have crossed the line for accounting fraud. In a world-wide contraction that affects everybody, the Board is not doing its job. Executive management salaries are above what anybody envisioned. There have been no cuts in overtime, in premium time or to pensions, instead there have been service cuts and an increase in citations.

David Snyder stated that it was promising to see so many people in the audience who were opposed to the service cuts as it shows that they can stop the cuts. Making the cuts permanent is inexcusable and irresponsible and it makes the Mayor and the Board hypocrites. He provided options to the proposed reductions in service.

James Bryant, SEIU 1021, stated that subway staffing is crucial. In the 1989 earthquake, station agents rescued and brought citizens out of the tunnel. They are the first line of defense. Station agents are retiring and being laid off. He asked the Board to look into this staffing problem.

Christine Pyston stated that people's income has been cut but the disabled pass is going up by another \$5. She thought there was a promise that the price wasn't going to be increased. This is a shame.

Victor Gresser stated that not only do Muni employees ride Muni for free but their families do as well. The most discount he ever received was 20% so he doesn't understand "free". People can get information about bus service for free by calling "511" yet kiosks advertise "311." Calling "511" could possibly save \$5.4m a year. Legal fees could be reduced by 25%, saving another \$3.3m. The SFMTA needs to think about the safety of people on the bus as it considers these cutbacks.

Barry Taranto questioned the cost-based recovery fees and taxi fees. Driving a cab in San Francisco is not like New York City. Bus drivers should get paid well. The problem is with managers who hire people who aren't nice. The SFMTA should have a better screening process. Drivers who don't show up for work shouldn't get paid.

David Varnum stated that the budget proposals will drive people to their cars. In February, the Board drastically increased disabled placard fines but they left other fines untouched. The SFMTA has proposed a double digit increases in fares and service cuts. This isn't equitable. The Board should increase all parking violations by \$20-\$30 or increase all to \$100. It should increase vehicle registration fees, expand parking meter hours and locations in order to properly fund Muni and keep San Francisco a livable city.

Emily Lee, Chinese Progressive Association, stated that service cuts will affect a lot of members in Chinatown. Cuts will disproportionately affect low income families. People will have to wait longer for a bus that is already overcrowded. The number of buses need to be increased to improve safety. Cuts should be made to the police work order and the police should get out of "proof of payment" inspection.

Mark Gruberg stated that he couldn't access the budget details. The public shouldn't have to seek the information out two or three days in advance of the meeting. He expressed hope that the Board wouldn't vote on the budget and there will be more opportunity to review it. He can't understand why there would be increases to taxi fees when there are millions of dollars in taxi medallion sales revenues. These increases are unwarranted.

Alvin Sered stated that the budget needs refinement. The city is paying big money for NextMuni. He hopes that the CAC has reported on the limitations of NextMuni.com. It would be nice if, at transfer points, drivers could honk their horn to let the other bus driver know that there are passengers who want to transfer to that bus.

Jessie Yu urged the Board not to cut services. Working class families have been asked to pay more. The police shouldn't be doing fare inspections.

Peter Witt said that he hadn't noticed the increase in taxi fees. It seems that all that the SFMTA is concerned about is its' own income. Taxi drivers don't have any representation. UTW is not a union. For the last five to ten years taxi drivers haven't had a raise. He questioned how taxi drivers could possibly afford to live in one of the most expensive places in the world without a raise.

Shane said that the Board is not doing its job. Stuffing people onto one car during rush hour is impossible. He would like a vote of no confidence in the Executive Director/CEO. Mr. Ford and Mr. Haley should be ashamed that people are begging for a dollar to ride a bus but they take \$550,000 home in salary every year.

Chairman Nolan closed public comment and asked staff to provide information about the transfer policy in light of the service cuts and about 311 vs. 511.

RESOLUTION 10-053

On motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee and Nolan

NAYES – Black, McCray and Oka

12. Presentation and Discussion regarding the FY2010 Q2 Service Standards Report. (Explanatory documents include a staff report and scorecard.) (Sonali Bose)

Items 12 and 13 were called together.

PUBLIC COMMENT:

David Pilpel stated that the CAC reviewed the item. A 2% increase in ridership is unrealistic if service reductions take effect. Projections in the budget show that ridership has stayed the same or declined. He suggested that the figures be reconciled. He supports the items.

13. Adopting the SFMTA's FY11/12 Service Standards and Milestones. (Explanatory documents include a staff report, resolution and service standards.) (Sonali Bose)

RESOLUTION 10-054

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

SPECIAL ORDER – 4:30 pm

14. Approving and adopting amendments to Article 1100 of Division II of the Transportation Code, regulating Motor Vehicles for Hire to implement regulations governing the purchase and sale of Taxi Medallions as part of the Taxi Medallion Sales Pilot Program. (Explanatory documents include a staff report, resolution and amendments.) (Debra Johnson)

Items 14 and 15 were called together.

Christiane Hayashi, deputy director, Taxi Division, presented the staff report. Steven Stapp, San Francisco Federal Credit Union, discussed the service that they would be providing.

PUBLIC COMMENT:

Barry Taranto expressed disagreement with the \$250,000 price for a medallion. Detailed information should have been provided. Having a term of 15 years for a loan defeats the purpose of the program. People who have been on the list for 10 years will die before the 15 year term is over. The SFMTA needs to study how much a cab generates per month so they would know how much money a cab driver takes home and therefore how much a driver could pay for a loan.

Barry Gruberg stated that having three days notice to review the material and then talk intelligently doesn't work. He noted a drafting error that says that if someone doesn't accept the medallion that's offered that they would be removed from the list. There's a huge potential for cab companies to get into the act. Falling medallion prices could have dire consequences for drivers and for the public. This is not thought through.

Murai opined that Ms. Hayashi has done a beautiful job of getting various parts working together in a smoother way. People shouldn't be taken off the list if they refuse a medallion. Staff listened to all sides and brought the industry to consensus. She added that while she liked the old way with no driving requirement, this is the best thing we can come up with for right now.

Jerald Joseph stated that his firm offers financial loans. San Francisco Urban was started to give back to communities and to first time home buyers. They have a successful track record. Home buying and buying a medallion is similar. They would work closely with lenders to ensure that taxi drivers complete an accurate and complete loan packet and ensure that the process is smooth and clear.

Ed Healy stated that the legislation specifically says that if somebody doesn't want to sell their medallion, they would maintain their place on the list. There's been a lot of misinformation and a false impression given about this. This plan has been analyzed for six months but that doesn't mean that this is the "end all and be all". The loan amount could be paid by a driver. They have worked hard to ensure that people on the list would be able to get their medallion without paying for it if they didn't want to.

Charles Rathbone expressed support for the pilot program. The main concern continues to be an exodus of medallions away from cab companies who have provided a great bulk of the service to neighborhoods and to the disabled.

Carl Macmurdo stated that fundamental change was needed. There are major liability and safety issues with elderly drivers. This change allows drivers to go to lenders and builds equity for the future.

Tara Housman stated that this shouldn't have been scheduled on the same day as the budget. People can't speak intelligently in two minutes. The language that says that a driver who can't complete financing will be removed from the waiting list should be struck. She expressed hope for leniency for the full time driving requirement. She questioned the fine for using non-emergency dispatch devices when a passenger was in the car.

Robert Cesana expressed appreciation for bringing the pilot program to this point. This is tremendously important because of the high percentage of older drivers who have no incentive to give up their medallion until they have a major health problem or are involved in an accident. Cab drivers are well established, they have houses and they have been leasing medallions for many years. The dire predictions are not true. Staff has bent over backwards to make sure that nobody will be excluded.

Dan Hinds stated that this program directly addresses the problem with elderly and disabled drivers and is a tremendous opportunity for people on the waiting list who have the chance to get a medallion years sooner. They'll be able to acquire it at a substantially reduced rate and at the end of the process, they will own it. This transforms the system from people who are waiting for a medallion to investors.

Hansu Kim expressed appreciation for the SFMTA's leadership. He stated that he has never seen the level of transparency and stakeholder input than for this pilot program. All key concerns have been met. There are ways for the elderly and sick to exit, for other cab drivers to obtain a medallion and provide money for the city.

Jim Gillespie stated that he drove a cab for 29 years before he became a medallion holder and has had a medallion for 12 years. Medallions used to be transferable. Owners had a pride of ownership and service was paramount. This has deteriorated over the past 30 years and going back to that will provide better service.

Peter Witt stated that this plan is poisoning the well and is moving towards a long term leasing program. He questioned what kind of ownership there will be if the medallion can be taken away. He wondered where the analysis was on the permanent impacts and unintended consequences. He questioned whether ramped vans were valueless and if peak time medallions shouldn't be part of the package. Sell medallions will hurt taxi service. Board members should drive a cab for one day. The taxi industry isn't for amateurs. It's not good to let the foxes watch the hen house. The advisory board are members of a corrupt industry.

Barry Korengold stated that they were originally opposed to the idea but they worked through the issues at town hall meetings and so, they decided to compromise. He expressed concern about selling new medallions. The SFMTA needs to make sure that a majority of medallions go to the people on the list. Most cab drivers don't own houses and are in debt and getting a medallion is a step up.

Mike Spain stated that this action will be remembered for a long time. Prop K wasn't what people thought it would be. There will be bumps moving forward but this Board will change the industry for decades. Staff took on this task when nobody wanted to touch it. This change pushes us into the future.

John Han stated that he likes being a cab driver. Helping people gives him a sense of personal reward. The chances are that no matter how good this pilot program may be a lot of drivers won't benefit. The wait list to qualify for a medallion is long and it's not reasonable for people who are far down the list. Prop. K is only one aspect of the industry overall. He has presented to staff his own ideas about creating a secondary class of medallions that could generate revenue for city, help address peak hour medallions and allow drivers to own their own cabs.

Jane Bolig stated that this pilot program will do a lot of things for the industry. It will help older, disabled drivers by having a dignified exit strategy. It will provide money to the SFMTA and it will give younger drivers an opportunity to hold permits and to build equity. It doesn't deal with peak time service nor does it deal with the necessity of giving a majority of medallions to certain companies who have dispatch services. The Taxi Advisory Council will review those issues and will make recommendations. By December, the Council will have recommendations for a better program.

David Pilpel stated that both items take effect in 30 days. He reviewed suggested changes to various pages to make the language consistent.

Chairman Nolan requested a report regarding a secondary medallion.

RESOLUTION 10-055

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

15. Approving and adopting amendments to Articles 300 and 1100 of Division II of the Transportation Code, regulating Motor Vehicles for Hire to implement a revised penalty schedule for violations of Motor Vehicle for Hire regulations; prohibit Permit Holders from making false claims for payments; prohibit Color Schemes from retaliating against Drivers who elect not to open individual merchant accounts for credit card processing; establish procedures for issuing administrative citations for violations of the Motor Vehicle for Hire regulations; authorize Drivers to charge a cleaning fee and to collect bridge tolls in advance; and to establish a monthly fee for Medallion operation by Color Schemes pending Medallion re-issuance. (Explanatory documents include a staff report, resolution and amendments.) (Debra Johnson)

RESOLUTION 10-056

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

16. Approving the City of San Francisco Downtown Parking Corporation Fiscal Years 2011 and 2012 Operating Budget for the Fifth and Mission Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

Item 16-21 were called together.

PUBLIC COMMENT:

Miguel Garcia stated that rich people and poor people donate money to help the city. He stated that he doesn't understand why people are fighting each other like animals.

RESOLUTION 10-057

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

17. Approving the City of San Francisco Uptown Parking Corporation Fiscal Years 2011 and 2012 Operating Budget for the Union Square Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

RESOLUTION 10-058

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

18. Approving the City of San Francisco Uptown Parking Corporation Fiscal Years 2011 and 2012 Operating Budget for the Sutter-Stockton Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

RESOLUTION 10-059

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

19. Approving the City of San Francisco Ellis-O'Farrell Parking Corporation Fiscal Years 2011 and 2012 Operating Budget for the Ellis-O'Farrell Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

RESOLUTION 10-060

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

20. Approving the City of San Francisco Japan Center Garage Corporation Fiscal Years 2011 and 2012 Operating Budget for the Japan Center Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

RESOLUTION 10-061

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

21. Approving the City of San Francisco Portsmouth Plaza Parking Corporation Fiscal Years 2011 and 2012 Operating Budget for the Portsmouth Square Garage. (Explanatory documents include a staff report, resolution and budget.) (Bond Yee)

RESOLUTION 10-062

On motion to approve:

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

22. Adopting the Capital Program for FY 2011 and FY 2012 in the amounts of \$375 million and \$377 million respectively. (Explanatory documents include a staff report, resolution and capital projects.) (Bond Yee)

Item 22 was removed from the agenda.

23. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session and invoke the attorney-client privilege.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 7:02 p.m.

2. Roll Call

Present: Cameron Beach
Shirley Breyer Black
Malcolm Heinicke
Jerry Lee
James McCray, Jr.
Tom Nolan
Bruce Oka

Also present: Nathaniel Ford, executive director/CEO
Roberta Boomer, board secretary
Julia Friedlander, deputy city attorney
Debra A. Johnson, chief of staff/director, Administration
John Haley, chief operating officer
Sonali Bose, chief financial officer
Carter Rohan, senior director, Capital Projects and Construction

3. Pursuant to Government Code Section 54956.9 and the Administrative Code Section 67.8 (a) (3), the Municipal Transportation Agency Board of Directors will meet in Closed Session to discuss and take action on attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- A. Ryan Berger vs. CCSF, Superior Ct. #CGC8479349 filed on 9/2/08 for \$289,000

RESOLUTION 10-063

ADOPTED: AYES – Beach, Black, Heinicke, Lee, McCray, Nolan and Oka

4. Pursuant to Government Code Sections 54956.9, and Administrative Code Section 67.8 (a) (3) the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

As defendant or As plaintiff

5. Pursuant to Government Code Section 54957.6(a) and Administrative Code Section 67.8, the Municipal Transportation Agency Board of Directors shall meet in closed session for:

CONFERENCE WITH LABOR NEGOTIATOR

CCSF Representative: Debra Johnson and/or her designees

Employee Organizations:

IAM Local 1414, IBEW Local 6, SEIU Local 1021, TWU Local 200, TWU Local 250A and MEA

To discuss:

- Wages
 Hours
 Benefits
 Working Conditions
 Other

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 7:23 p.m.

24. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss Berger vs. CCSF with the City Attorney. The Board of Directors voted unanimously to settle the case. The Board and met with their labor negotiator but took no action. There was no discussion of anticipated litigation

25. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: approved. Vice Chairman McCray voted against the motion.

Director Lee requested discussion of the deployment plan for Parking Control Officers at the next Policy & Governance Committee meeting.

Chairman Nolan presented plaques to Directors Black and McCray and expressed appreciation for their service as members of the SFMTA Board of Directors.

ADJOURN - The meeting was adjourned at 7:28 p.m.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.



Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.

MATERIAL SUPPLIED BY PETER WITT FOR INCLUSION IN THE SFMTA'S MINUTES OF APRIL 20, 2010. To ensure that the comments are accessible, this material is reproduced exactly as written below. A PDF of the actual statement provided will be added to the printed meeting minutes.

To be entered in to the MTA minutes of April 20 th , regular meeting.
From Peter Witt

Item 9 .

I've surveyed Over 1,000 customers a year, For twelve years with a 93+ RETURN RATE .
I forgot two of last years surveys did any one turn them into lost and found?

Those were 2009 samples ... These are 234 collected so far for years survey.

It started out a simple survey but with 13 years of DATA ...it's a full blow study.

I don't know why the TXC didn't like me I'm just the messenger.
I think the data speaks for it self.

Unless your deaf Dumb and blind.

I see Muni datawhere's your taxi-data. What's a peak-time and what's a top light?
What's dispatch? And what'sa taxi stand?

Merely ...a preliminary studyIt identifies and pin points where the problems are
...and aren't !

With an independent analysis and follow-up study.

It's called ..."Research and Development".

OTHERWORLDLY..... known... as"customer service".

To be included into the MTA April 20th minutes

Item #14

Where the figures and facts??????

What are the risks and what are the benefits????

With no study or analysis of the permanent impacts and the unintended consequences.....

Board members your conducting and uncontrolled experiment with people's lives

And ...what about the ramp-vansare they value-less????

Shouldn't they be part of the package too????

And why not???????

Is it that your afraid service will be hurt or is that...

No-one would want to buy one????

I believe Selling Medallions will hurt taxi-service.

I've been driving 20 years. You should drive just one day.

Do you even mostly take cabs?????

Or do you mostly take Muni.

What form of transportation do you use MOSLTLY .

I DRIVE A MOTOR-BIKE.....MOSTLY.

THE taxi industryis not for armatures.

And when it comes to watching the hen house,it's a good IDEA to let
.....the foxs watch it.

To be entered in to the MTA minutes of April 20th, regular meeting.
From Peter Witt

Item 9 .

I've surveyed Over 1,000 customers a year, For twelve years with a 93+
RETURN RATE .

I forgot ~~two~~ of ~~last~~ ~~years~~ surveys did any one turn them into lost and found?

Those were 2009 samples ... These are 234 collected so far for years survey.

It started out a simple survey but with 13 years of DATA ...it's a full blow study.

I don't know why the TXC didn't like me I'm just the messenger.
I think the data speaks for it self.

Unless your deaf Dumb and blind.

I see Muni datawhere's your taxi-data. What's a peak-time and what's a top light? What's dispatch? And what'sa taxi stand?

Merely ...a preliminary sutdyIt identifies and pin points where the problems are ...and aren't !

With an independent analysis and follow-up study.

It's called ...“Research and Development”.

OTHERWORLDLY..... known... as“customer service”.

~~No thanks ???~~

~~No Questions????~~

~~You have a fidisary Duty Boards members~~

~~I only ask you see to it.~~

To be included into the MTA April 20th minutes

Item # 14

Where the figures and facts??????

What are the risks and what are the benefits????

With no study or analysis of the permanent impacts and the unintended consequences.....

Board members your conducting and uncontrolled experiment with people 's lives.

And ...what about the ramps-vansare they value-less????

Shouldn't they be part of the package too????

And why not??????

Is it that your afraid service will be hurt or is that...

No-one would want to buy one????

I believe Selling Medallions will hurt taxi-service.

I've been driving 20 years. You should drive just one day.

Do you even mostly take cabs?????

Or do you mostly take Muni.

What form of transportation do you use MOSTLY .

I DRIVE A MOTOR-BIKE.....MOSTLY.

THE taxi industryis not for armatures.

And when it comes to watching the hen house,it's a good IDEA to let
.....the foxs watch it.



SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

MINUTES

Tuesday, May 4, 2010
Room 400, City Hall
1 Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
12 P.M.

BOARD OF DIRECTORS

Tom Nolan, Chairman
Jerry Lee, Vice Chairman
Cameron Beach
Malcolm Heinicke
Bruce Oka

Nathaniel P. Ford, Sr.
EXECUTIVE DIRECTOR/CEO
MUNICIPAL TRANSPORTATION AGENCY

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 12:03 p.m.

2. Roll Call

Present: Cameron Beach
Malcolm Heinicke – absent at Roll Call
Jerry Lee
Tom Nolan
Bruce Oka

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

PUBLIC COMMENT:

Peter Witt stated that the Board isn't concerned about the posting of minutes and that his statements are incomplete, out of context and misleading. The words "cost effective" and "more efficient" were not included in his comments. Mr. Witt objected to the order in which the minutes are posted and the order in which the Board conducts its agenda. Both are misleading to the public. Item 8 started 39 minutes after the meeting began and Item 9 started 4 hrs 46 minutes after the meeting started. The SFMTA shouldn't expect people to wait five hours to offer solutions.

On motion to approve the minutes of the April 20, 2010 Regular Meeting: unanimously approved (Heinicke-absent).

5. Communications

None.

6. Introduction of New or Unfinished Business by Board Members

-Election of Vice Chairman

No public comment.

On motion to elect Jerry Lee as Vice Chairman: unanimously approved (Heinicke-absent.)

7. Executive Director's Report (For discussion only)

- Special Recognition Award
- Ongoing Activities

Exec. Director/CEO Ford presented special recognition awards to Jack Lucero Fleck, traffic engineer, Sustainable Streets and Joern Kroll, transportation safety specialist, Safety & Training division.

Director Heinicke arrived.

ED/CEO Ford also discussed the SFMTA's FY11/12 budget hearings at the Board of Supervisors, the performance audit, the SFCTA funding request, the St. Francis Circle rail replacement project, system security, the fare gate improvement project, Bike to Work Day, and the annual employee survey.

Chairman Nolan asked for a hearing on May 18 to discuss the performance audit.

Debra Johnson, director, Administration, Taxis and Accessible Services reviewed the communications plans for the St. Francis Circle project, the Proof of Payment program and the May 8 service changes.

John Haley, director, Transit Operations reviewed the St. Francis Circle project and the operations plan for the May 8 service changes.

PUBLIC COMMENT:

Peter Witt stated that long time taxi drivers should be recognized. The former Taxi Commission presented driver of the year awards. He is disturbed that since the change to the SFMTA, several things have been eliminated that the former Taxi Commission did. Driving a taxi is a far more dangerous job than Muni. Taxi companies should recognize drivers.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Bob Planthold expressed concern that the SFMTA seems to be unaware of timing. He believes that there has been an ethics violation regarding ballot measures and that the Agency doesn't have the respect or trust of the people who need it to be reliable. If the Agency is involved in a ballot measure, that measure will fail. It shouldn't be talked about it in public.

Peter Witt stated that customers ask him about the purpose of his customer surveys. It's for customer service and to see if city hall cares about service or customers. The last taxi commission survey was peppered with anecdotal testimony with no hard data. Drivers aren't represented. He asked when drivers would get a cost of living adjustment. This governing body speaks, sees, and hears no evil and wears no clothes. The facts speak for themselves. Drivers are men and women too.

Herbert Weiner apologized to Mr. Ford. He asked what management was sacrificing in pay cuts. He suggested that meetings be held in the evening as well as at noon. Managers should pay a penalty for every missed run. Muni ambassadors should be the eyes and ears of the SFMTA and should not be conveying messages.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA EXECUTIVE DIRECTOR/CEO OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Rong Niu vs. CCSF, Superior Ct. #CGC8476103 filed on 6/9/08 for \$3,000
- B. Mario Mendoza vs. CCSF, Superior Ct. #473433 filed on 3/18/08 for \$3,594.69
- C. Maureen O'Neil vs. CCSF, Superior Ct. #CGC8479135 filed on 8/26/08 for \$5,000
- D. Sandra Maria Camarena vs. CCSF, Unlitigated Claim #1001464 filed on 12/1/09 for \$25,399.50

RESOLUTION 10-064

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Sacramento Street, north side, from Mason Street to 142 feet easterly.
- B. ESTABLISH – ROADWAY CLOSURE EXCEPT MUNI – 17th Street, between Castro Street and 125 feet west of Hartford Street.
- C. ESTABLISH – 15 MPH SPEED LIMIT – Stoneman St., from Shotwell St. to Folsom St.
- D. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Clayton Street, north side, from Market Street to approximately 290 feet westerly.
- E. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Clayton Street, south side, from Market Street to approximately 340 feet westerly.
- F. ESTABLISH – UNMETERED MOTORCYCLE PARKING – 14th Street, north side, from 3 to 10 feet east of Belcher Street.
- G. ESTABLISH – UNMETERED MOTORCYCLE PARKING – 14th Street, north side, from 20 to 27 feet east of Belcher Street.
- H. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA "S" AND "Z" BUFFER ZONE 2-HOUR LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY – 23rd Street, between Church and Vicksburg Streets.
- I. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA "U" ELIGIBILITY – 472-474 Third Street.
- J. RESCIND – (NON-COMPLIANT) BLUE ZONE – Pine Street, north side, from Kearny Street to 28 feet westerly. (Explanatory documents include a staff report and resolution.) (Bond Yee)

RESOLUTION 10-065

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

REGULAR CALENDAR

11. Presentation and discussion regarding the SFMTA's FY2010 Third Quarter Financial Report and year-end projection. (Explanatory documents include a slide presentation.) (Sonali Bose)

Sonali Bose, Chief Financial Officer, presented the staff report.

No public comment.

12. Presentation and discussion regarding fare evasion and enforcement. (Explanatory documents include a slide presentation) (John Haley)

John Haley, director, Transit Operations and Joy Houlihan, deputy director, Security & Enforcement presented the staff report.

PUBLIC COMMENT:

Bob Planthold expressed concern about the amount of time allotted for a transfer now that service is going to be reduced. On long distance lines the bus may be crowded. The customer might not be able get on and will end up having to wait for a second bus which might cause the transfer to expire. Seniors who aren't as agile as other customers might have to pay twice because of an expired transfer. The SFMTA should consider changes to transfer time.

Herbert Weiner stated that he's noticed other areas, such as Polk, Clay, Powell and Geary where fare evasion occurs. The Agency needs to be a little more comprehensive in scope and research.

SPECIAL ORDER – 1:30 pm

13. Adopting amendments to Transportation Code, Division II, Article 1100 governing Motor Vehicles for Hire, to amend regulations governing the Taxi Medallion Sales Pilot Program to further define the circumstances under which a Medallion Holder is eligible to sell his or her Medallion, and to clarify that failure to timely complete the purchase of a Medallion does not affect the applicant's A-Card Seniority or the applicant's position on the Waiting List. (Explanatory documents include a staff report, resolution and amendments) (Debra Johnson)

Chris Hayashi, deputy director, Taxi Services, presented the staff report.

PUBLIC COMMENT:

Mark Gruberg, UTW, stated that the amendments are needed and are an improvement. UTW continues to oppose this program. UTW believes that access to a city permit should not be substantially limited to those who can pay for the privilege. This may be a positive thing in the eyes of financial institutions but there has been much deceit. He was astonished that no one on the Board has questioned this program.

RESOLUTION 10-066

On motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

14. Authorizing the Executive Director/CEO to execute the Ninth Amendment with Serco for Meter Coin Collection, Counting and Management Services, to extend the current agreement by two years and increase the contract by \$16,800,000. (Explanatory documents include a staff report, resolution and amendment.) (Sonali Bose)

No public comment.

RESOLUTION 10-067

On motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

15. Acting as members of the San Francisco Municipal Transportation Agency Board of Directors and as members of the San Francisco Parking Authority Commission, authorizing the Executive Director/CEO to execute Amendment One to the Agreement for Advertising on San Francisco Municipal Transportation Agency Property with Titan Outdoor, to allow window wraps on up to 5% of the SFMTA's buses and up to 10% of the SFMTA's light rail vehicles and to change the approval requirements for advertising in parking garages. (Explanatory documents include a staff report, amendment and MTA Board and PAC resolutions.) (Sonali Bose)

No public comment.

RESOLUTION 10-068

Acting as the Municipal Transportation Agency Board of Directors, on motion to approve:

ADOPTED: AYES – Heinicke, Lee, Nolan and Oka

NAYES - Beach

RESOLUTION 10-069

Acting as the Parking Authority Commission, on motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

16. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session and invoke the attorney-client privilege.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 2:00 p.m.

2. Roll Call

Present: Cameron Beach
Malcolm Heinicke
Jerry Lee
Tom Nolan
Bruce Oka

Also present: Nathaniel Ford, executive director/CEO
Roberta Boomer, board secretary
Julia Friedlander, deputy city attorney
Debra A. Johnson, chief of staff/director, Administration
Sonali Bose, chief financial officer, Finance and Information Technology
John Haley, director, Transit Operations
Carter Rohan, senior director, Capital Projects and Construction
Carole Stevens, attorney

3. Pursuant to Government Code Section 54957.6(a) and Administrative Code Section 67.8, the Municipal Transportation Agency Board of Directors shall meet in closed session for:

CONFERENCE WITH LABOR NEGOTIATOR

CCSF Representative: Debra Johnson and/or her designees

Employee Organizations:

IAM Local 1414, IBEW Local 6, SEIU Local 1021, TWU Local 200, TWU Local 250A and MEA

To discuss:

- Wages
- Hours
- Benefits
- Working Conditions
- Other

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 3:10 p.m.

17. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss

labor negotiations. The Board of Directors took no action.

18. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved.

ADJOURN - The meeting was adjourned at 3:11 p.m.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.



Roberta Boomer

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.

MATERIAL SUPPLIED BY PETER WITT FOR INCLUSION IN THE SFMTA'S MINUTES OF MAY 4, 2010. To ensure that the comments are accessible, this material is reproduced exactly as written below. A PDF of the actual statement provided will be added to the printed meeting minutes.

To be entered in to the MTA minutes of May 4th 2010 regular meeting.
From Peter Witt

Item 4##/ approval of minutes.

Again my 150 word statements are posted last.

And again WHERE IT SAYS PETER WITTMY STATEMENTS ARE INCOMPLETE OUT OF CONTEXT AND MISLEADING.

WHEN I SPOKE ON THE MINUTES LASTYOU LET OUT....THE WORDS\$ COST EFFECTIVE.....AND MORE EFFISHANT !!!
THAT WAS MY POINT.

WOULDN'T IT BE SIMPLER AND LESS WORK.

NO QUESTIONCOSTS CAN BE SAVED AND QUESTIONS OF MISLEADING THE PUBLIC WOULD ELIMINATED ALONG WITH THE DOUBLE SPACEING AND EXTRA HEADINGS USED.

I DON'T LIKE CHERRY PICKERS UNLESS THEY'ER ... PICKING CHERRYS.

I ALSO OBJECT TO THE ORDER IN WHICH YOU POST YOUR MINUTES.

AND THE ORDER IN WHICH YOU CONDUCT YOUR AGENDA.

Both of which AGAINmisleading the public AND are taken out of context.

(FOR EXAMPLE)ITEM #8 STARTED 39 MINUTES AND

ITEM #9 STARTED 4 HOURS AND 46 MINUTES.

YOUR MINUTES DON'T RELECT THAT.

DO YOU REALLY expect people to wait some 5 hours to offer solutions to items not on the agenda.
I know you have no new ideas butjust maybe.....the public does.

To be entered in to the MTA minutes of May 4th 2010, regular meeting.
From Peter Witt

Item (# ? 9) P.C.

To the deaf dumb and blind who are in denial

MY CUSTOMERS ASK ME WHAT'S THE PURPOSE OF MY SURVEY
I TELL THEM IT'S FOR CUSTOMER SERVICE AND TO SEE IF CITY-HALL CARES.
SO FAR THE SURVEY SAY :.... THE CITY COULDN'T GIVE A RATS ASS ABOUT TAXI
DRIVERS OR THEIR CUSTOMERS.

GARBAGE IN GARBAGE OUT THEY SAY

THE TXC WAS FULL OF GARBAGE.....Take THEIR LAST PC&N REPORT, DONE IN 2007
IT WAS PEPPERED WITHUNCATALOGEDANTICDOLE TESTIMONY.

HARD DATACAN NOTBE MANIPULATED.

SOWHERE IS THE TAXI DATA??

MABE YOU DON'T THINK YOU NEED ANY because TAXI DRIVERS DON'T HAVE A
UNOIN.

WHERE DID UTW GO???

WHERE DID PAUL, GILLISPIE GOThe PUPPET DRIVER REP. FOR TEN YEARS.

WHEN will DRIVERS ever GET A COST OF LIVING AJUSTMENT.

THE BUMPS IN THE ROAD ARE CLEAR ...this GOVERING BODYSPEAKs AND
HEARs AND SEE NO EVIL HERE. AndWARES NO CLOTHES.

To be entered in to the MTA minutes of May 4th 2010 regular meeting.
From Peter Witt

4#
item / approval of minutes.

Again my 150 word statements are posted last.

And again WHERE IT SAYS PETER WITT..... MY STATEMENTS ARE INCOMPLETE
OUT OF CONTEXT AND MISLEADING.

WHEN I SPOKE ON THE MINUTES LASTYOU LEFT OUT ...THE WORDS
\$ COST EFFECTIVE..... AND MORE EFFICIENT !!!
THAT WAS MY POINT.

WOULDN'T IT BE SIMPLER AND LESS WORK.

NO QUESTIONCOSTS CAN BE SAVED
AND QUESTIONS OF MISLEADING THE PUBLIC WOULD BE ELIMINATED ALONG WITH THE
DOUBLE SPACING AND EXTRA HEADINGS USED.

I DON'T LIKE CHERRY PICKERSUNLESS THEY 'ERPICKING CHERRYS.

I ALSO OBJECT TO THE ORDER IN WHICH YOU POST YOUR MINUTES.

AND THE ORDER IN WHICH YOU CONDUCT YOUR AGENDA.

Both of which AGAINmisleading the public AND are taken out of context.

(FOR EXAMPLE)ITEM #8 STARTED 39 MINUTES AND

ITEM #9 STARTED 4 HOURS AND 46 MINUTES.

YOUR MINUTES DON'T REFLECT THAT.

DO YOU REALLY expect people to wait some 5 hours to offer solutions to items not on the agenda.
I know you have no new ideas butjust maybe.....the public does.

To be entered in to the MTA minutes of May 4th 2010, regular meeting.
From Peter Witt

item (# 9) P.C.

To the deaf dumb and blind who are in denial

MY CUSTOMERS ASK ME WHAT'S THE PURPOSE OF MY SURVEY

I TELL THEM IT'S FOR CUSTOMER SERVICE AND TO SEE IF CITY-HALL CARES.

SO FAR THE SURVEY SAYTHE CITY COULDN'T GIVE A RAT'S ASS ABOUT
TAXI DRIVERS OR THEIR CUSTOMERS.

GARBAGE IN GARBAGE OUT THEY SAY

THE TXC WAS FULL OF GARBAGE.....Take THEIR LAST PC&N REPORT, DONE IN 2007
IT WAS PEPPERED WITH UNCATALOGEDANTICDOLE TESTIMONEY.

HARD DATACAN NOTBE MANPIULATED.

SOWHERE IS THE TAXI DATA ??

MABE YOU DON'T THINK YOU NEED ANY because TAXI DRIVERS DON'T HAVE A UNOIN.

WHERE DID UTW GO ???

WHERE DID PAUL, GILLISPIE GO ...The PUPPET DRIVER REP. FOR TEN YEARS.

WHEN will DRIVERS ever GET A COST OF LIVING AJUSTMENT.

THE BUMPS IN THE ROAD ARE CLEAR ...this GOVERING BODYSPEAKs AND HEARs
AND SEE NO EVIL HERE. AndWARES NO CLOTHES.



SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

MINUTES

Tuesday, June 1, 2010
Room 400, City Hall
1 Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
12 P.M.

BOARD OF DIRECTORS

Tom Nolan, Chairman
Jerry Lee, Vice Chairman
Cameron Beach
Malcolm Heinicke
Bruce Oka

Nathaniel P. Ford, Sr.
EXECUTIVE DIRECTOR/CEO
MUNICIPAL TRANSPORTATION AGENCY

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 12:06 p.m.

2. Roll Call

Present: Cameron Beach
Malcolm Heinicke – absent at Roll Call
Jerry Lee
Tom Nolan
Bruce Oka

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

PUBLIC COMMENT:

Peter Witt stated that he doesn't see any reference to his 150-word statement in the minutes but he does see extra words omitted. He asked whether it wouldn't be easier and less work if his statement would be included after his name. 100 extra words were omitted from his public comment on Item 9. Mr. Witt reviewed the words that were missing. The minutes are misleading if there is no reference to his written statements.

Mark Gruberg stated that he was looking at the April 20th meeting. He was referred to as Barry Gruberg so he requested that his name be corrected.

On motion to approve the minutes of the May 4, 2010 Regular Meeting: unanimously approved.

5. Communications

Board Secretary Boomer stated that Item 13 regarding the performance audit had been removed from the agenda at the request of staff.

6. Introduction of New or Unfinished Business by Board Members

Director Beach stated that staff had previously indicated that the speed in the Twin Peaks Tunnel would be raised effective May 1. This did not occur. He requested that staff bring a report to the Board within the next two months. He also requested that a discussion regarding funding of Caltrain be agendaized for a future meeting.

Chairman Nolan requested that the recent memo regarding taxi driver safety be provided to Dave Schneider.

7. Executive Director's Report (For discussion only)

- Special Recognition Award
- Ongoing Activities

Executive Director/CEO Ford presented special recognition awards to Julio Orozco, car cleaner, Green Maintenance Division, Transit Operations; Sheila Feliciano, transit operator, Flynn Division, Transit Operations; Tammy Scott, transit operator, Potrero Division, Transit Operations; and Marina Villena, Accessible Services, Administration, Taxi and Accessible Services.

Exec. Director/CEO Ford "sunshined" labor agreements between the SFMTA and IBEW Local 6, TWU Local 200, and TWU Local 250 for automotive service workers and transit fare inspectors.

Mr. Ford also discussed the SFMTA's FY10 budget; SFpark implementation, the FTA triennial audit; rehabilitation of SFMTA vehicles; the status of capital projects at St. Francis Circle and at Church and Duboce; the hiring of an executive director for the High Speed Rail Authority.

No public comment.

8. Citizens' Advisory Council Report

Daniel Murphy, chairman, Citizen's Advisory Council, presented the report.

Chairman Nolan requested a report regarding the number of CAC recommendations that have been accepted by the SFMTA.

PUBLIC COMMENT:

Peter Witt wondered if the CAC gives taxi advice and how the Board gets public input. Maybe the public doesn't know that the SFMTA took over the taxis. Maybe the public doesn't have any complaints. Nevertheless, there is no public input. Maybe the CAC should get a copy of his survey that he's been doing every year for the past 13 years. The public can take a taxi to Coit Tower in addition to a bus.

9. Public Comment

Mark Gruberg stated that he recently found a notice of public hearings for the sale of taxi medallions. This notice was put up on May 27th for a hearing on the 28th. The notice doesn't contain the names of the recipients who will to be considered. There are other hearings scheduled this week. In the code, there is a provision for a 30-day notice and a 3-day notice. This one month notice is really important. People can't tell in three days if a person is qualified for a medallion. This looks like they're trying to pull a fast one.

Emil Lawrence expressed agreement with Mr. Gruberg. There has been a lack of due process. Part of the problem with the CCSF/SFMTA bankruptcy is that there are unqualified individuals who are dealing with the unions. He inquired about Ms. Johnson's background and stated that the unions will wipe the floor with her as they've done in the past. Hundreds of people have told him that he's the only one who is asking the right questions.

Bob Planthold spoke about continued instances of unresponsiveness to accessible issues. He has spoken about bicycles at bus stops for months yet nothing has been done. There is a mid-block curb ramp in front of a middle school that is confined to weekday use when school is in session but the school is a polling place as well as a site for NERT training drills and weekend activities. He gets no answers from the SFMTA, the Mayor's office on Disability or the Department of Public Works. Those agencies aren't talking to each other.

Herbert Weiner asked why the meetings were being held at noon rather than at 2 pm and why public testimony is being limited to two minutes when the public previously had three minutes. The reason is due to the Board's fear of the public. This is undemocratic but not surprising.

Barry Taranto stated that it's absurd to limit the public to two minutes. It robs the public of their chance to speak. He expressed concern about what Mark Gruberg said. The former Taxi Commission put out a notice ahead of time about medallion issuances and changes to color schemes. The public and the industry need the same leeway. He will urge the Mayor to put Dr. McCray back on the Board because he represented parking and traffic issues. He asked about enforcement reports and the article in the SF Weekly about the Parking Authority.

Peter Witt presented the 13th annual customer survey and provided each Board member with a week's worth of surveys. He hopes the Board appreciates it. He has years of empirical data from a thousand customers per year that show the facts and the dysfunctions. This is hard data that puts the finger on the pulse. (Mr. Witt provided a written statement of less than 150 words which are attached to these minutes.)

Rua Graffis stated that a "Tea Party" is needed in San Francisco where they agree to not be taxed without representation. While she understands the SFMTA's budget crunch, it's no reason not to follow due process with regard to public notice.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR
ACTION AS STATED BY THE SFMTA EXECUTIVE DIRECTOR/CEO OR CITY
ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL

CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Jose Vigil and Karen Aguilar vs. CCSF, Superior Ct. #452032 filed on 9/26/06 for \$4,000
- B. Great West/Wizard Motor Co. vs. CCSF, Superior Ct. #484143 filed on 1/14/09 for \$4,063
- C. Nicole Laino vs. CCSF, Unlitigated Claim #1001054 filed 10/24/09 for \$28,531.40
- D. Shelby Kobelin vs. CCSF, Unlitigated Claim #1010157 filed on 10/24/09 for \$28,790.77
- E. Pavel Stanislavsky vs. CCSDF, Superior Ct. #CGC06457956 filed on 12/18/06 for \$35,000

RESOLUTION 10-070

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – 1-HOUR PARKING – From the driveway of 1250 Missouri Street to 97 feet northerly.
- B. ESTABLISH – PERPENDICULAR PARKING – Missouri Street, west side, from Cesar Chavez Street to 330 feet northerly.
- C. RESCIND – PERPENDICULAR PARKING – Alabama Street, east side, from Mullen Avenue to 24 feet southerly.
- D. RESCIND – 2 HOUR PARKING, 9AM TO 6PM, MONDAY THROUGH FRIDAY, CARPOOL PERMITTED VEHICLES EXEMPT FROM ABOVE – Mabini Street, west side, between Folsom and Bonifacio Streets.
- E. ESTABLISH – PARKING METERS, 2 HOUR TIME LIMIT, AREA 2, MONDAY THROUGH SATURDAY, 9AM-6PM – Mabini Street, west side, between Folsom and Bonifacio Streets.
- F. RESCIND – 2 HOUR PARKING 8AM TO 6PM, MONDAY THROUGH FRIDAY, EXCEPT VEHICLES WITH CARPOOL PERMITS – Maple Street, west side between California and Sacramento Streets.
- G. ESTABLISH – 2 HOUR TIME LIMIT PARKING METERS, MONDAY THOROUGH SATURDAY , AREA 3, 9AM TO 6PM – Maple Street, west side between California and Sacramento Streets.
- H. RESCIND – 35MPH SPEED LIMIT – 3rd Street between Channel Street and Evans Ave.
- I. ESTABLISH – 30MPH SPEED LIMIT – 3rd Street between Channel St. and Evans Ave.
- J. RESCIND – ONE-WAY STREET – Dore Street, between Howard and Folsom Streets.

- K. ESTABLISH – 2 HOUR PARKING 8AM TO 6PM, MONDAY THROUGH FRIDAY, AREA “T” EXEMPT FROM ABOVE – Portola Drive, west side, between Sydney Way and Laguna Honda Boulevard (800 block; frontage road).
- L. ESTABLISH – TRAFFIC SIGNAL – Brotherhood way and intersection of new private road serving 800 Brotherhood Way development, approximately 550 feet west of Chumasero Drive.
- M. ESTABLISH – RIGHT TURN ONLY LANE AND TOW-AWAY NO STOPPING ANYTIME – Brotherhood Way, north side, from approximately 350 west of Chumasero Drive to new private road.
- N. ESTABLISH – INCREASE SIDEWALK WIDTH TO 12 FEET AND NARROW WESTBOUND ROADWAY BY 3 FEET – Brotherhood Way, north side, from intersection of new private road to approximately 1,050 feet westerly.
- O. ESTABLISH – SIDEWALK BULBOUT OF ADDITIONAL 6 FEET IN WIDTH AND PROHIBIT ON-STREET PARKING – Brotherhood Way, north side, from intersection of new private road to approximately 60 feet westerly.
- P. ESTABLISH – SIDEWALK BULBOUT OF ADDITIONAL 6 FEET IN WIDTH AND PROHIBIT ON-STREET PARKING – Brotherhood Way, north side, from approximately 250 feet to 370 feet west of intersection of new private road (at intersection with Church Parking Lot, south of Brotherhood way).
- Q. REVOKE – TOW-AWAY NO PARKING ANYTIME – Bernal Heights Boulevard, north side, from Chapman Street to 85 feet westerly.
- R. RESCIND – TOW-AWAY NO STOPPING ANYTIME – Folsom Street, east side, from 54 feet to 78 feet south of 13th Street.
- S. ESTABLISH – NO PARKING ANYTIME EXCEPT BICYCLES – Folsom Street, east side, from 54 feet to 78 feet south of 13th Street.
- T. ESTABLISH – STOP SIGN – Stopping Bartlett Street at 21st Street.
- U. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – McAllister Street, north side, from 38 feet to 116 feet east of Leavenworth Street.
- V. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – McAllister Street, south side, between Hyde Street and 100 feet west of Leavenworth Street.
- W. ESTABLISH – TRANSIT, BICYCLES AND COMMERCIAL VEHICLES ONLY – McAllister Street, eastbound, between Hyde Street and Charles J. Brenham Place.
- X. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME EXCEPT FEDERAL AUTHORIZED LAW ENFORCEMENT VEHICLES – Hyde Street, east side, between McAllister Street and Fulton Street.
- Y. ESTABLISH – NO PARKING EXCEPT TRUCKS WITH FARMER’S MARKET PARKING PERMIT ONLY, 6 AM TO 9:30 AM, WEDNESDAY AND SUNDAY – Hyde Street, west side, from 7 feet to 102 feet north of Grove Street; and Fulton Street, north side, from 18 feet to 85 feet west of Hyde Street.
- Z. ESTABLISH – NO LEFT TURN, 7-9AM, 4-7PM, EXCEPT SATURDAY & SUNDAY – Masonic Avenue southbound at Golden Gate Avenue.
- AA. ESTABLISH – BUS ZONE – Avalon Avenue, south side, from La Grande Avenue to 74 feet westerly.
- BB. ESTABLISH – STOP SIGNS – Stopping 20th Street at Kansas Street.
- CC. ESTABLISH – NO PARKING ANYTIME – 400 block of Ulloa Street, north side, from 202 feet east of Kensington Street to 318 feet west of Knockash Hill.

- DD. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA O, 2-HOUR TIME LIMIT, 8 AM TO 6PM, MONDAY THROUGH FRIDAY – 400 block of Ulloa Street, both sides, for permit eligibility, with signage on the south side of Ulloa Street and on the north side of Ulloa Street, from Kensington Way to 202 feet easterly.
- EE. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA L, 2-HOUR TIME LIMIT, MONDAY THROUGH FRIDAY – 500 block of 2nd Avenue, both sides, between Anza and Balboa Streets.
- FF. ESTABLISH – 2 HOUR PARKING, 7AM-6PM, EXCEPT SUNDAYS – Trumbull Street, south side, between Mission and Craut Streets.
- GG. ESTABLISH – STOP SIGNS – Stopping 23rd Street at Rhode Island Street.
- HH. RESCIND – BUS ZONE – Fourth Street, west side, from Brannan Street to 88 feet southerly.
- II. ESTABLISH – PART-TIME BUS ZONE, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY – Fourth Street, west side, from 107 feet to 209 feet south of Brannan Street.
- JJ. ESTABLISH – UNMETERED MOTORCYCLE PARKING – Waller Street, north side, from approximately 40 to 50 feet east of Webster Street.
- KK. ESTABLISH – UNMETERED MOTERCYCLE PARKING – Boardman Place, west side, from approximately 117 to 123 feet south of Bryant Street.
- LL. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA S, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY – Duboce Avenue, south side, from Castro to Noe streets; 14th Street, north side, from Castro to Noe streets; and Castro Street, east side, from Duboce Avenue to 14th Street.
- MM. REVOKE – NON-COMPLIANT BLUE ZONE – 90-4th Street, west side, from 4 feet to 48 feet north of the south building line.
- NN. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Laguna Honda Boulevard, west side, from northern edge of Noriega Street to 70 feet southerly.
- OO. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Fell Street, south side, from Divisadero Street to 126 feet easterly.
- PP. ESTABLISH – TOW-AWAY NO STOPPING, 7 AM TO 7 PM, DAILY – Fell Street,
- QQ. ESTABLISH – LEFT LANE MUST TURN LEFT – Fell Street, westbound, approaching Divisadero Street. (Explanatory documents include a staff report and resolution.) (Bond Yee)

Items 10.2 H, I, U, V, W and LL were removed from the Consent Calendar at the request of a member of the public.

PUBLIC COMMENT on Item H, I, U, V, W and LL:

Barry Taranto stated that LL should be clarified to read as 14th Street and not 14th Avenue. Regarding H and I, Mr. Taranto inquired as to why the speed limit was being changed. Regarding U, V and W, Mr. Taranto wondered how the modifications would work.

On motion to approve Items H, I, U, V, W and LL:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

RESOLUTION 10-071

(10.3) Authorizing the Executive Director/CEO to accept and expend up to \$375,000 in Transportation Development Act, Article 3 funds for bicycle safety outreach and education programs and bicycle facility projects. (Explanatory documents include a staff report and resolution.) (Sonali Bose)

RESOLUTION 10-072

(10.4) Approving the extension of the operating agreement between the Downtown Parking Corporation and Ampco System Parking for the management of the Fifth and Mission Garage on a month-to-month basis through May 31, 2011; the extension of the operating agreement between the Uptown Parking Corporation and City Park for the management of the Union Square Garage on a month-to-month basis through June 30, 2011; the extension of the operating agreement between the Ellis-O'Farrell Parking Corporation and Parking Concepts, Inc. for the management of the Ellis-O'Farrell Garage on a month-to-month basis through April 30, 2011; and the extension of the operating agreement between the Japan Center Parking Corporation and Parking Concepts, Inc. for the management of the Japan Center Garage on a month-to-month basis through June 30, 2011. (Explanatory documents include a staff report and resolution.) (Bond Yee)

RESOLUTION 10-073

(10.5) Authorizing the Executive Director/CEO to execute the Second Amendment to Contract #4009-08/09 with Cambridge Systematics for Transportation Nexus Studies, to increase the contract amount by \$20,800, reallocate \$47,409 from Task 4 (Public Meetings) to Task 3 (Auto Trip Mitigation Fee Nexus Study), and extend the completion date to July 28, 2010. (Explanatory documents include a staff report resolution and amendment.) (Sonali Bose)

RESOLUTION 10-074

(10.6) Authorizing the Executive Director/CEO to execute and file appropriate applications/claims for Operating Assistance funds with Metropolitan Transportation Commission for Fiscal Year 2011, as follows: Transportation Development Act funding - \$33,138,979; State Transit Assistance funding - \$35,957,211; State Transit Assistance Population Based) Paratransit funding - \$ 1,099,221; State Transit Assistance Lifeline funding \$ 627,879; AB1107 Sales Tax funding - \$26,000,000; and, Regional Measure 2 funding \$2,687,501. (Explanatory documents include a staff report, resolution and opinion of counsel.) (Sonali Bose)

RESOLUTION 10-075

(10.7) Authorizing the Executive Director/CEO to accept and expend \$200,000 of RM-2 funds for a Safe Routes to Transit project to conduct a study for the proposed redesign of Market Street to improve multi-modal conditions. (Explanatory documents include a staff report, resolution, initial project report and opinion of counsel.) (Sonali Bose)

RESOLUTION 10-076

(10.8) Approving the amendment to Section 1007 of Division II of the Transportation Code to prohibit bicycle riding on sidewalks unless otherwise permitted. (Explanatory documents include a staff report, resolution and amendment.) (Bond Yee)

RESOLUTION 10-077

On motion to approve the Consent Calendar (Items H, I, U, V, W and LL severed):

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

REGULAR CALENDAR

11. Presentation and Discussion of the Compliance Review of the SFMTA's Work Orders for Fiscal Year 2009. (Explanatory documents include the audit and response) (Sonali Bose).

Tonia Lediju, Controller's Office, presented the staff report.

Director Heinicke requested that staff report back in a month regarding the status of SFMTA's efforts to secure written MOU's with city departments including a clear scope of work, billing and accountability process.

PUBLIC COMMENT:

Bob Planthold stated that there is some inconsistent information provided. The numbers are not carefully explained. The Board is not asking what it is getting for the increases. He didn't hear what the plan was to shift people to 511 and whether there was a projected reduction for 311 calls. He invited people to attend a meeting to explain the work orders.

Barry Taranto stated that the report is well prepared and he appreciates the question on who has the authority regarding payment. The Board of Supervisors is concerned about Muni paying for things that it may not be getting. Privately, if people don't pay they may be taken to court but this can't be done with city departments. The SFMTA is paying "gobbles" of overtime to the police but they're not doing anything.

Herbert Weiner stated that he shares the Board's concern about work orders. They should be thoroughly reviewed before they are signed. Work orders have not been adequately written.

12. Presentation and discussion of an Independent Audit of the SFMTA's Financial Statements. (Explanatory documents include the audit.) (Sonali Bose)

Sonali Bose, Chief Financial Officer and Steve DeVetter, KPMG, presented the staff report.

PUBLIC COMMENT:

Emil Lawrence stated that he would like to have the documents that show what was taking place and what numbers were provided to the auditors. He inquired about an Examiner article that says there is a \$22m problem with the Mayor and whether that was included in the audit. This audit is a total whitewash of the SFMTA's budget. The Board's position is to create transparency for the public. He requested documents a month ago but is still waiting to receive them.

13. Presentation and Discussion of the Limited Scope Performance Audit of the San Francisco Municipal Transportation Agency. (Explanatory documents include the audit and response.)
(Brenda Walker)

Item 13 was removed from the agenda at the request of staff.

14. Presentation, discussion and possible action regarding possible ballot measures that will generate revenue for the SFMTA. (Explanatory documents include a staff report and resolution.)
Sonali Bose)

Sonali Bose, Chief Financial Officer, presented the staff report.

PUBLIC COMMENT:

Bob Planthold expressed support for asking the Board of Supervisors to put the Commercial Parking tax on the ballot. The SFMTA should also ask the Board of Supervisors to consider including the SFMTA as a recipient of a portion of the increase to the hotel tax. He stated that he is uneasy about the vehicle license fee. It requires legislative approval and can be held hostage and therefore it may be impolitic and untimely to pursue. This isn't the same economy as when the Commercial Off-Street Parking tax last failed.

Tim Leonoudakis urged the Board not to pursue an increase to the Commercial Off-Street Parking tax. This lost by a 63% majority in 2006 and polls show that this isn't wanted and is punitive. There are other places to look for the money such as *SFpark* and demand pricing. "Transit First" development hasn't been enforced. Before rolling out new taxes, the SFMTA should collect existing taxes.

Chairman Nolan moved that the SFMTA Board of Directors urge the Board of Supervisors to seek voter approval to increase the Vehicle License Fee from 1.15% to 2% and increase the Commercial Off-Street Parking Tax from 25% to 35%:

RESOLUTION 10-078

On motion to approve a resolution urging the Board of Supervisors to seek voter approval to increase the Vehicle License Fee from 1.15% to 2% and increase the Commercial Off-Street Parking Tax from 25% to 35%:

ADOPTED: AYES – Beach, Lee, Nolan and Oka

NAYES - Heinicke

15. Approving the following trial parking modifications:

- A. ESTABLISH -- NO PARKING ANYTIME, SATURDAYS AND SUNDAYS, MAY THROUGH SEPTEMBER, EXCEPT AREA A PERMITS [TRIAL] - Coit Tower Parking Lot at the terminus of Telegraph Hill Boulevard (the Monday through Friday regulations would remain the same).
- B. RESCIND -- 30-MINUTE LIMIT, 8 AM TO 9 PM, SATURDAY AND SUNDAY, MAY THROUGH SEPTEMBER, EXCEPT AREA A PERMITS [TRIAL] - Coit Tower Parking Lot at the terminus of Telegraph Hill Boulevard (the Monday through Friday regulations would remain the same). (Explanatory documents include a staff report, resolution and traffic counts.) (Bond Yee)

PUBLIC COMMENT:

Barry Taranto stated it is important to make a provision for taxis to park at Coit Tower so tourists and visitors will be welcome.

RESOLUTION 10-079

On motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

16. Amending Transportation Code, Division II, Article 1100 governing Motor Vehicles for Hire, to authorize taxi drivers to charge \$0.75 for payments made by credit or debit card, and authorizing a taxi company to collect \$0.75 from a taxi driver for any credit or debit card transaction that the taxi company processes through the company's credit card merchant account. (Explanatory documents include a staff report, resolution and amendment.) (Debra Johnson)

PUBLIC COMMENT:

Mark Gruberg expressed concern about the item. There is no question that the use of credit cards has increased but he is not sure that this is the way to solve the problem. It may put off customers. As a matter of safety, he would like to encourage the use of credit cards so a driver carries less cash but this fee may come out of the drivers' tip. There could be issues for cab companies. He would rather see this go into a discussion of gates and meter rates.

Barry Taranto stated that the use of credit cards has increased but wondered if \$0.75 is enough. The amount is not enough to cover the cost of having to get cash back or revenue back from processing the transaction. The language should say "for each" not "any".

Charles Rathbone stated that at Luxor, credit card processing charges are going through the roof. A \$3 per shift fee would be sufficient to cover the costs but his real preference would be to manage these costs through the gate fee. Although he has been pressing Ms. Hayashi to do something about credit card costs, he is not going along with this increase. He suggested that this matter be referred to the Taxi Advisory Committee.

Rua Graffis stated that the way the legislation was written means that this charge could also be put onto debit cards. She wants to make sure it's not allowed to be added to the paratransit debit card or this will wind up with a lawsuit. The whole idea is disturbing. At Green cab, the company eats the fee and other companies can do the same thing.

At the direction of Chairman Nolan, Item 16 was returned to staff for additional discussion with the community.

17. Informational presentation and discussion regarding the SFMTA's policy regarding time limits at parking meters and residential permit parking areas. (Explanatory documents include a staff report.) (Bond Yee)

No public comment.

18. Authorizing the Executive Director/CEO to exercise the option to extend the term of the contract by approving the "Amended and Restated Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles" with TEGSCO, d.b.a. San Francisco AutoReturn for a five-year term, until July 31, 2015. (Explanatory documents include a staff report, resolution, and agreement.) (Sonali Bose)

No public comment.

RESOLUTION 10-080

On motion to approve:

ADOPTED: AYES – Beach, Heinicke, Lee, Nolan and Oka

19. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session and invoke the attorney-client privilege.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 3:08 p.m.

2. Roll Call

Present: Cameron Beach
Malcolm Heinicke
Jerry Lee
Tom Nolan
Bruce Oka

Also present: Nathaniel Ford, executive director/CEO
Roberta Boomer, Board secretary
Julia Friedlander, deputy city attorney
Debra A. Johnson, director, Administration, Taxi and Accessible Services
Sonali Bose, director, Finance and Information Technology
John Haley, director, Transit Operations
Bond Yee, director, Sustainable Streets

3. Pursuant to Government Code Section 54956.9 and the Administrative Code Section 67.8 (a) (3), the Municipal Transportation Agency Board of Directors will meet in Closed Session to discuss and take action on attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- A. Dewey and Grace Kim vs. CCSF, Superior Ct. #CGC8474673 filed on 4/25/08 for \$3,250,000

RESOLUTION 10-081

On motion to approve:

ADOPTED: AYES – Beach, Lee, Nolan and Oka

NAYES - Heinicke

4. Pursuant to Government Code Sections 54956.9, and Administrative Code Section 67.8 (a) (3) the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

X As defendant or X As plaintiff

5. Pursuant to Government Code Section 54957.6(a) and Administrative Code Section 67.8, the Municipal Transportation Agency Board of Directors shall meet in closed session for:

CONFERENCE WITH LABOR NEGOTIATOR

CCSF Representative: Debra Johnson and/or her designees

Employee Organizations:

IAM Local 1414, IBEW Local 6, SEIU Local 1021, TWU Local 200, TWU Local 250A and MEA

To discuss:

X Wages
X Hours
X Benefits
X Working Conditions
X Other

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 3:29 p.m.

20. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss Kim vs. CCSF with the City Attorney. The Board of Directors voted to settle the case with Director Heinicke opposed. There was no discussion of anticipated litigation. The Board held a conference with their labor negotiator but took no action.

21. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved.

ADJOURN - The meeting was adjourned at 3:30 p.m.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.

R. Boomer

Roberta Boomer
Board Secretary

To be enter into the minutes of MTA's regular meeting of June 1st 2010

From Peter Witt

Item 9 #

Good moring Go- lie- th

or Should I call you BP for short

Here is the 13th S. F. Taxi Customer Survey I've sponcered. I broke it down by the week and each of you board members has a week's worth (including Roberta). Altogether two months and 1,038 customers responced. It took about 6 hours to make a copy for you. I hope you can appreachate it. Do you know how much a marteking firm would charge for that. Let alone....Thirteen years of imperical data.

I'm just the messenger.. so it must be the messeage that rings true, from 1,000 customers year after year after year.

What are the facts and what are the disfuntionsyour suppopse to be experts + informed

How do you measure the results of your actions. ...don't you care ?

Or is it that you prefer to work completely in the blind, tone def.