

**Sound Transit Board Meeting
Summary Minutes
November 14, 2002**

Call to Order

The meeting was called to order at 1:05 p.m. by Chair Ron Sims in the Sound Transit Board Room of Union Station, 401 South Jackson, Seattle, Washington.

Roll Call

Chair

(P) Ron Sims, King County Executive

Vice Chairs

(P) David Earling, Edmonds City Council President

(P) John Ladenburg, Pierce County Executive

Board Members

(P) Jack Crawford, City of Kenmore Councilmember

(P) Bob Drewel, Snohomish County Executive

(P) David Enslow, City of Sumner Councilmember

(P) Mary Gates, City of Federal Way Councilmember

(P) Jane Hague, King County Councilmember

(A) Doug MacDonald, WSDOT Secretary

(A) Richard McIver, City of Seattle Councilmember

(P) Chuck Mosher, City of Bellevue Councilmember

(P) Greg Nickels, City of Seattle Mayor

(P) Mark Olson, City of Everett Councilmember

(P) Julia Patterson, King County Councilmember

(P) Dwight Pelz, King County Councilmember

(P) Kevin Phelps, City of Tacoma Councilmember

(P) Cynthia Sullivan, King County Council Chair

(P) Claudia Thomas, City of Lakewood Deputy Mayor

Ms. Marcia Walker, Board Administrator, indicated a quorum of the Board was present at roll call.

The following Board members arrived after roll call:

Jane Hague

John Ladenburg

Public Comment

The following individuals presented comments to the Board. Comments are on file with the Board Administrator.

Mr. Steve Williamson, Executive Secretary of the King County Labor Council, stated the labor council's strong support of going forward and completing all three Sound Transit projects.

Mr. Pete Coates, Executive Secretary of the South King County Building Construction Trades Council, commented on the important work being done on the Tacoma light rail, Sounder projects, and ST Express projects. He praised Sound Transit for reaching out to provide job opportunities for our communities of color and women.

Ms. Edie Gilliss, Transportation Choices Coalition, urged Sound Transit to move forward and stay on track to improve and expand transportation choices available in Washington.

Mr. Aaron Ostrom, 1,000 Friends of Washington, stated that the message in Initiative 776 was that the voters in the Sound Transit district want Sound Transit to keep moving forward on all three lines

of business. He encouraged the Board to stay the course and give the community the projects that the public has expressed support for a number of times.

Mr. Philip Grega spoke with regard to the Westlake tunnel station.

Mr. Mark Dublin, spoke to Sound Transit going out for another vote. He also stated that he supports the Link project; however, he would like Sound Transit to do whatever is needed to get it done faster.

(Mr. Ladenburg arrived at this time.)

Mr. Gary Pearson, President of the NW Chapter of Paralyzed Veterans of America and Chair of the Citizens Advisory Committee for Sound Transit, asked the Board to continue doing the good work in providing desperately needed transportation alternatives.

Mr. Tim Hesterberg, Chair of the Local Sierra Club Transportation Committee, expressed his support for Sound Transit and for Link, in particular.

(Ms. Hague arrived at this time.)

Mr. Bob Santos stated his support of Sound Transit and the Board.

Mr. David Ward spoke against Link light rail and costs involved, and suggested using the money on other transit options.

Mr. Joe Shapiro spoke to his belief that the community would be happy to spend tax dollars for improvements in reducing traffic and increasing access, but he did not feel Link would accomplish that goal.

Report of the Chair

Mr. Sims acknowledged Mr. Desmond Brown, Chief Counsel, for his excellent work on the Sound Transit versus Sane Transit lawsuit.

Executive Director Report

Ms. Earl distributed the Third Quarter Ridership Report (copy on file) to the Board stating that system-wide ridership was up 10.6%.

Ms. Earl followed up on comments expressed at the prior Board meeting by Dr. Charles Horne and Mr. Eddie Rye of the Black Chamber of Commerce. She stated that a written response would be going out by close of business the next day. Ms. Earl then spoke to some major points in the letter.

She expressed to the Board the high-level of commitment Sound Transit has to the two guiding principles related to this issued: employment diversity reflective of the region and maximum participation of minority, women, and disadvantaged business enterprises. Ms. Earl said that following the last Board meeting, Deputy Executive Director Vernon Stoner led a staff effort to meet with Dr. Horne and Mr. Rye to be sure their concerns were understood. She said that so far they have had two very productive meetings.

The assertion that Sound Transit is in violation of Title Six is wrong. In fact, Sound Transit has been required to make regular submittals to the FTA for approval. We have received such approval since 1995; our most recent submittal was August of 2001. The FTA approved the Title Six program in January 2002. We have shared that information with Dr. Horne and we have been able to answer

some of his questions about it. Some of the comments made at the meeting suggested there are specific violations and complaints, but those have been vague and ambiguous. At this point, with the research we have done and in talking with Alec Stephens, the Diversity Programs Officer, and Joann Francis, Chief Administrative Officer, I do not have any reason to believe that Sound Transit has engaged in any conduct, with regard to any prime contractor or subcontractor, that would constitute a violation of Title Six. But, in the event that those complaints were to come in, they would go to the FTA, we would fully cooperate, but we are not aware of any of that right now.

We can make further improvements and we continue to strive to do so with our contracting community and our goals. With the changes that happened in 2001 in the construction programming and the timing of those contracts, we did fall short of our 18% DBE goal in 2001. The levels of participation we did achieve for DBEs was 8.11% and 10.4% for DBEs, WBEs, and MBEs combined. This level of achievement, while lower than our goal, was highest among the public agencies in our service district. Our goal for 2003 is 15% overall with participation on the consulting and professional services contracts remaining at the 18% level. We just completed public meetings in each of the three counties and invited all the contracting community to those so that we could explain our program and get public comment before those were submitted.

As to the Board's role concerning oversight, I want to be on the record that I believe the Board has been very consistent and unwavering in its direction to me and the staff regarding your expectations. As you are aware, our staff reports specifically call out our M/W/DBE percentages and participation levels. The record is very clear that the Board reviews this information, makes inquires, and considers it as part of its decision-making process. The Board has even supported, as late as the last Finance Committee meeting, staff recommendations to not award to the lowest bidder when we have a situation where the bidder has been found to be non-responsive in their efforts to achieve the DBE goal.

As to our employment record, it was very troublesome to me to hear the allegation that Sound Transit's hiring policies and hiring practices are selective and give preferential treatment and that Sound Transit has a hostile work environment for African Americans. It simply isn't true. We continually make efforts to ensure all of our employees are treated with dignity and respect; furthermore, we have procedures in place that allow any and all employees to have their concerns and complaints investigated and resolved promptly. The employee make up is this: we have 294 employees; 27% are minorities; 52% are women. Minorities and women are well represented at all levels of the agency employment. Since I joined the agency, Sound Transit's representation of minorities has grown from 23% to 27% and for African Americans it has grown from 8% to 12%. I am very proud of this record – not because of the statistics, those are not what is important to me, but because I am very committed to these principles and because we have a very qualified and talented staff. We will continue to work to ensure that Sound Transit uses fair employment and contracting practices; we will continue to work with Dr. Horne, Mr. Rye, and the Black Chamber of Commerce to make sure that we can work through these issues so that there is a better understanding and that there is no miscommunication about that.

She concluded her remarks by saying that the Board members would receive a copy of the more detailed response to that letter.

Consent Agenda

The Board of the Central Puget Sound Regional Transit Authority does hereby approve the voucher certification for the month of September 2002 in the amount of \$26,079,568.91

It was moved by Mr. Drewel, seconded by Mr. Crawford, and carried by the unanimous vote of all Board members present that the Consent Agenda be approved as presented.

Action Items

Items Referred by Executive Committee without Recommendation

Resolution No. 98-20-1 – A resolution of the Board of the Central Puget Sound Regional Transit Authority adopting revised Real Property Acquisition and Relocation Policies, Procedures and Guidelines and superseding Resolution No. 98-20

It was moved by Mr. Drewel, seconded by Mr. Earling, and carried by the unanimous vote of all Board members present that Resolution No. 98-20-1 be approved as presented.

Items Referred by Finance Committee

Resolution No. R2002-19 – A resolution of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire certain real property interests for the construction and operation of the Regional Express Lynnwood Direct Access Project

It was moved by Mr. Phelps, seconded by Mr. Drewel, and carried by the unanimous vote of all Board members present that Resolution No. R2002-19 be approved as presented.

Committee Reports

Executive Committee

Mr. Earling reported that at the November 7, 2002, Executive Committee, committee members were briefed on the Bothell Branch Campus Access at 195th and I-405 project; and received a presentation on the Construction Management Approach with WSDOT. He said that in addition to Resolution No. 98-20-1 which came before the Board today, the Executive Committee was briefed on Motions No. M2002-121, Scope Control Policy, and M2002-122, Sound Transit Parking Policies. Committee members held both motions over to the next meeting to allow members time for further review.

Finance Committee

Mr. Phelps reported that at the November 7, 2002, meeting, the Finance Committee held an executive session to discuss contract negotiations. The Finance Committee received a presentation on the 2003 budget and the Sounder Commuter Rail program.

The Committee took action on the following items within its authority: Motion No. M2002-120 – executing a contract for construction management services with URS/O'Brien Kreitzberg; Motion No. M2002-124 – awarding a contract for the Tacoma Link double-diamond to Gary Merlino; Motion No. M2002-125 – awarding a contract to Berschauer-Phillips for construction services for Sounder; and Motion No. M2002-126 – approving a contract with Streeter for the Mukilteo commuter rail station.

Mr. Phelps advised that the Audit and Reporting Subcommittee meeting would meet on December 4, 2002.

Other Business

Mr. Sims advised that he had asked Mr. Nickels, Mr. Mosher, Mr. Earling, Mr. Phelps, and Ms. Sullivan to meet with the Washington State Department of Transportation to discuss high occupancy vehicle (HOV) lane policies.

Mr. Sims asked for Board members to volunteer to attend Citizen Oversight Panel meetings. He advised that the next meeting was scheduled for November 21, 2002.

Executive Session

Mr. Desmond Brown, Legal Counsel, advised that as allowed by state law, the Board would convene an executive session to discuss potential litigation to which the agency is likely to become a party. He said the executive session was expected to last for 15 minutes.

The Board was recessed into executive session at 1:55 p.m. At 2:15 p.m., the session was extended for ten minutes. At 2:25 p.m., the session was extended for an additional 15 minutes.

The Board reconvened in open session at 2:55 p.m.

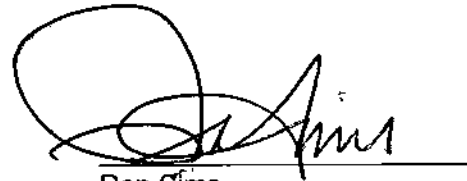
Mr. Sims announced that the Board would be withholding any action related to Initiative 776 until the counties certify the election results on November 20, 2002. He stated that the Board would hold a special meeting on Thursday, November 21, 2002, from 2:00 to 3:00 p.m.

Next Meeting

Special Meeting
Thursday, November 21, 2002
2:00 to 3:00 p.m.
Union Station Board Room
Seattle, WA

Adjourn

The meeting was adjourned at 2:50 p.m.



Ron Sims
Board Chair

ATTEST:



Marcia Walker
Board Administrator