

**PIERCE TRANSIT BOARD MEETING**  
**Training Center, Rainier Room**  
**November 14, 2011**  
**4:00 P.M.**

**AGENDA**

**BUDGET STUDY SESSION AT 3:30 PM**

Pages

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF VOUCHERS**

**PUBLIC COMMENT**

**PRESENTATIONS**

- |   |  |
|---|--|
| 1. Operator of the Quarter – Dwight DeSilva                       | Jerry Heath,<br>Transportation Asst. Manager |
| 2. Master Municipal Clerk Certification ( <i>Treva Percival</i> ) | Lynne Griffith, CEO                          |

**ACTION AGENDA**

- |             |   |   |
|-------------|---|---|
| <b>1-4</b>  | 1. Authority to Execute Amendment No. 2 to the Contract with the Law Enforcement Service with Pierce County Sheriff's Department  | Rod Baker,<br>Public Safety Chief       |
| <b>5-8</b>  | 2. Ratification of Contracts Awarded under the Emergency Declaration for the CNG Fueling Station  | Gisela Ratajski,<br>Procurement Manager |
| <b>9-12</b> | 3. Authorizing the Convening of a Public Transportation Improvement Conference for the Purpose of Evaluating the Need for Desirability of Revision To the Pierce County Public Transportation Benefit Area ("Pierce Transit") | Chair Thomas                            |

**INFORMATIONAL/DISCUSSION BOARD ITEMS**

- |                         |  |
|-------------------------|--|
| 1. Sound Transit Update | Commissioners Thomas, Fey, &<br>McCarthy |
| 2. Leadership Change    | Chair Thomas                             |

**STAFF/POLICY DISCUSSIONS**

**ADJOURNMENT**

## FACT SHEET

TITLE: Authority to Execute an Amendment to the Contract for Fulltime Law Enforcement Services With Pierce County Sheriff's Department      DEPARTMENT: Executive, Office of Public Safety  
ORIGINATOR: Rod Baker

PRECEDING ACTION: Resolution No. 07-012, Authority to Execute a Contract for Fulltime Law Enforcement Services with Pierce County Sheriff's Department; Resolution No. 09-023, Adoption of the 2010 Budget; Resolution No. 10-004, Authority to Amend the 2010 Operating Budget and to Amend the Contract for Fulltime Law Enforcement Services with Pierce County Sheriff's Department; Resolution No. 10-033, Adoption of the 2011 Budget;

COORDINATING DIVISION: Office of Public Safety, Procurement

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

\_\_\_\_\_  
Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2012 Proposed  
Budget Amount  
\$1,891,605

Required Expenditure  
\$1,891,605

Impact  
N/A

Explanation:

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BACKGROUND: This resolution requests authority to execute an Amendment to the Contract for Fulltime Law Enforcement Services with Pierce County Sheriff's Department.

In 2006, the Pierce Transit Board of Commissioners approved adoption of Pierce Transit Code 1.70 authorizing the Department of Public Safety to become a General Authority Law Enforcement Agency and the Department head to become a General Authority Law Enforcement Officer of Washington State.

On February 12, 2007, the Board of Commissioners authorized execution of an agreement between Pierce Transit and the Pierce County Sheriff's Department allowing for the hiring of one (1) sergeant and seven (7) deputies to be assigned to Pierce Transit.

On March 8, 2010, Board of Commissioners authorized execution of an amendment to the contract with the Pierce County Sheriff's Department adding one (1) sergeant and four (4) deputies to the agreement bringing total contract staffing to two (2) sergeants and eleven (11) deputies.

The current contract with the Sheriff's department expires on December 31, 2011. The services of these officers continue to be required by Pierce Transit. Although Pierce Transit utilizes off-duty officers as well, a permanent fulltime force enables us to provide consistent police presence in our service area and enhances the safety, security and comfort of our passengers. Staff has negotiated a five (5) year extension to the current agreement subject to Board approval of Pierce Transit's 2012 Operating Budget. The cost for the first year of the extension will be the same as 2011 at \$1,891,605, future years will allow an annual escalation in accordance with the consumer price index with a minimum increase of two (2) percent and a maximum of five (5) percent.

ALTERNATIVES: The following alternatives were considered:

- Do nothing – If this option was chosen, many significant transit centers and service routes would be relying solely on 911 service for law enforcement services. This was not a viable solution and does not fit the needs of the agency.
- Contract with existing off-duty agencies – This solution requires Pierce Transit to absorb exposure and all liability for off-duty officers once they leave their primary jurisdiction.
- Hire Agency Transit Police – As a General Commissioned Law Enforcement Agency, Pierce Transit could hire its own transit police. This option was not considered since our needs are immediate and we would incur delays in hiring and training our own officers.

RECOMMENDATION: Authorize execution of an Amendment to the Contract for Fulltime Law Enforcement Services with Pierce County Sheriff's Department.

**RESOLUTION NO. 11-025**

1                   A RESOLUTION of the Board of Commissioners of Pierce Transit  
2    Authorizing Amendment to the Contract for Fulltime Law Enforcement Services With Pierce County  
3                   Sheriff's Department  
4

5                   WHEREAS, by Resolution No. 07-012, approved on the 12<sup>th</sup> day of February, 2007, the Board  
6 of Commissioners of Pierce Transit authorized execution of a contract for fulltime law enforcement services with  
7 Pierce County Sheriff's Department; and

8                   WHEREAS, by Resolution No. 09-023, approved on the 14<sup>th</sup> day of December, 2009, the  
9 Board of Commissioners of Pierce Transit adopted the 2010 Budget; and

10                  WHEREAS, by Resolution No. 10-004, approved on the 8<sup>th</sup> day of March, 2010, the Board of  
11 Commissioners of Pierce Transit authorized amendment of the 2010 Operating Budget and amendment of the  
12 contract for fulltime law enforcement services with Pierce County Sheriff's Department; and

13                  WHEREAS, by Resolution No. 10-033, approved on the 13<sup>th</sup> day of December, 2010, the  
14 Board of Commissioners of Pierce Transit adopted the 2011 Budget; and

15                  WHEREAS, the budget contains funds for fulltime law enforcement services; and

16                  WHEREAS, the contract for fulltime law enforcement services with Pierce County Sheriff's  
17 Department expires on December 31, 2011; and

18                  WHEREAS, the services continue to be required by Pierce Transit to ensure the safety, security  
19 and comfort of its passengers; and

20                  WHEREAS, the Pierce County Sheriff's Department is prepared to continue to provide services  
21 to Pierce Transit; and

22                  WHEREAS, staff has negotiated a contract amendment reflecting a five (5) year extension  
23 with fees for the first extension year remaining the same as during the 2011 Budget year at \$1,891,605; and

24                  WHEREAS, future contract years will allow a fee escalation in accordance with the Consumer  
25 Price Index (CPI), however with a minimum increase of two (2) percent and a maximum increase of five (5)  
26 percent; and

27                  WHEREAS, all other conditions of the contract will remain unchanged; and

28                  WHEREAS, staff considers the terms of the contract extension to be fair and reasonable; and

29                  WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce  
30 Transit to authorize said contract extension subject to Board approval of the 2012 Budget;

1                   NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as  
2 follows:

3                   Section 1 The Chief Executive Officer is hereby authorized to execute an amendment to the  
4 contract for Fulltime Law Enforcement Services with the Pierce County Sheriff's Department on behalf of Pierce  
5 Transit as described above subject to Board approval of the 2012 Budget.

6                   ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held  
7 on the 14<sup>th</sup> day of November, 2011.

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Claudia Thomas, Chair  
Board of Commissioners

ATTEST:

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Treva Percival, MMC  
Clerk of the Board

## FACT SHEET

TITLE: Ratification of Contracts Awarded Under the Compressed Natural Gas (CNG) Station Emergency Declaration

DEPARTMENT: Executive

ORIGINATOR: Lynne Griffith

PRECEDING ACTION: Resolution No. 11-007, Ratification of Declaration of Emergency Related to the Explosion at Pierce Transit's Compressed Natural Gas (CNG) Fueling Station; Resolution No. 10-033, Adoption of the 2011 Budget; Resolution No. 11-017, Amendment to the 2011 Capital Budget

COORDINATING DIVISION: Facilities Maintenance, Procurement, Risk Management

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

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Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2011 Proposed Budget Amount	Required Expenditure	Impact
\$3,208,274	\$2,898,164.24	N/A

Explanation: The required expenditures represent contracts awarded but not yet ratified by the Board of Commissioners. One additional contract for a project oversight manager has previously been awarded by the Board in the amount of \$199,165 resulting in a total amount of \$3,097,329.24 obligated for this project to date.

BACKGROUND: This resolution requests ratification by the Board of Commissioners of contracts awarded under the CNG Station Emergency Declaration.

On February 28, 2011, a fire at Pierce Transit's CNG fueling station caused extensive damage and resulted in our inability to fuel our CNG fleet of coaches on site, significantly affecting our operations and our ability to provide service. Therefore, in accordance with RCW 39.04.280, the Chief Executive Officer issued an Emergency Declaration which was ratified by the Pierce Transit Board of Commissioners on March 14, 2011. The Emergency Declaration suspends standard procurement requirements in order to expedite necessary contracts.

Since then, in order to bring the station back on line as quickly as possible, staff has awarded several contracts based on the Emergency Declaration that must be ratified by the Board of Commissioners. They are as follows:

- a) CNG Storage Vessel Assembly – Purchased from Clean Energy for the amount of \$326,260.50, consisting of a cascade of nine (9) storage vessels. Clean Energy was the only firm able to supply a system with the capacity required with the best lead time available. This equipment has been received and is being stored at Pierce Transit pending reconstruction of the facility.
- b) A/E Services for Design of the CNG Fueling Station – Contract was awarded to Marathon Technical Services for the original amount of \$213,907 plus Amendment No. 2 responding to requirements from the City of Lakewood by adding fire protection engineering services and seismic anchoring calculations to the contract for the amount of \$11,490 for a revised total of \$225,397. Marathon Technical Services was already on site providing forensic engineering services for our insurance carrier. The firm has significant experience in the design of CNG facilities, was highly recommended by our insurance carrier, was already familiar with our site and able to begin work on the design immediately.
- c) Major Equipment – Purchased from ANGI Energy Systems, consisting of a new Compressor to match existing Compressors No. 4 and 5 at \$505,404; a Master Control Panel, Remote Valve Panels and Buffer Storage Valve Panels at \$176,228; and a Gas Dryer at \$229,041 including commissioning, training and tax for a total contract of \$910,673. ANGI was the supplier for compressors 4 and 5 and was the only firm able to supply matching equipment. The acquisition of like equipment is important in ensuring simplified and uniform operation, training and maintenance. In addition, equipment lead time, while still significant, was more favorable than lead time available from other firms. The firm enjoys excellent reputation and is the major supplier of equipment in the CNG market.
- d) Construction – Awarded to EFS West for the low bid of \$1,435,833.74 including tax. This contract is the result of a streamlined bid process by prequalifying contractors with concurrence from the Federal Transit Administration. We received three bids. One of these did not include a bid bond and was therefore rejected. EFS West submitted the low responsive and responsible bid. The firm has substantial experience with CNG and other fueling facilities and is well qualified to perform the work. In addition, Marathon Technical Services has successfully worked with the firm in the past.

The total of all contracts awarded under the CNG Station Emergency Declaration is \$2,898,164.24. Remaining expenses and adjustments will be reimbursed as insurance coverage allows related to the CNG Station fire will be submitted to our insurance carrier for reimbursement.

ALTERNATIVES: There is no real alternative. These contracts have been awarded under the emergency declaration and the CNG Station must be rebuilt to restore onsite fueling for our fleet.

RECOMMENDATION: Ratify the contracts awarded under the CNG Station Emergency Declaration.

**RESOLUTION NO. 11-026**

A RESOLUTION of the Board of Commissioners of Pierce Transit  
Ratifying Contracts Awarded Under the Compressed Natural Gas (CNG) Station Emergency  
Declaration

WHEREAS, by Resolution No. 11-007, approved on the 14<sup>th</sup> day of March, 2011, the Board of Commissioners of Pierce Transit ratified the Declaration of Emergency Related to the Explosion at Pierce Transit's Compressed Natural Gas (CNG) Station; and

WHEREAS, by Resolution No. 10-033, approved on the 13<sup>th</sup> day of December, 2010, the Board of Commissioners of Pierce Transit adopted the 2011 Budget; and

WHEREAS, by Resolution No. 11-017, approved on the 8<sup>th</sup> day of August, 2011, the Board of Commissioners of Pierce Transit amended the 2011 Capital Budget; and

WHEREAS, the amended budget contains funds for the CNG Fueling Station; and

WHEREAS, staff has awarded contracts for the total amount of \$2,898,164.24 including tax under the Emergency Declaration that require ratification by the Board of Commissioners; and

WHEREAS, said contracts are as follows:

- a. CNG Storage Vessel Assembly, purchased from Clean Energy in the amount of \$326,260.50;
- b. A/E Services for Design of the CNG Fueling Station with Marathon Technical Services for the amount of \$225,397;
- c. Major Equipment purchased from ANGI Energy System in the amount of \$910,673 consisting of compressor, control panels and gas dryer;
- d. Construction of the CNG Station with EFS West in the amount of \$1,435,833.74.

WHEREAS, remaining expenses and adjustments will be reimbursed as insurance coverage allows related to the CNG Station reconstruction will be submitted to Pierce Transit's insurance carrier for reimbursement; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce Transit to ratify said contracts;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1 The contracts awarded under the CNG Station Emergency Declaration described above are herewith ratified by the Board of Commissioners of Pierce Transit.



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ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held  
on the 14<sup>th</sup> day of November, 2011.

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Claudia Thomas, Chair  
Board of Commissioners

ATTEST:

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Treva Percival, MMC  
Clerk of the Board

## FACT SHEET

TITLE: Authority to Convene a Public Transportation Improvement Conference for the Purpose of Evaluating the Need for and Desirability of Revision to the Pierce County Public Transportation Benefit Area ("Pierce Transit")

DEPARTMENT: Executive

ORIGINATOR: Lynne Griffith

PRECEDING ACTION: None

COORDINATING DIVISION:

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

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Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2011 Budget Amount

Required Expenditure

Impact

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BACKGROUND: Pierce Transit was formed in April 1979 to provide bus service to the residents of Pierce County. Pierce Transit receives 70% of its funding from sales tax collections. Due to declining sales tax revenue, the Board of Commissioners approved putting an increase in sales tax collections on the February 2011 ballot. On February 8, 2011, Pierce Transit's Proposition 1 to increase its sales tax collections from 0.6% to 0.9% failed. As a result of this failure, the Board of Commissioners directed staff to reduce expenses and make further service reductions in service in the amount of 35%. A series of public hearings were held to gather input on where to make these further reductions in service. Public comment was heard and the Board adopted a reduction plan that took partial affect in June 2011 with a 20% reduction in service and the remaining 15% in October 2011. The focus of the service reductions was to get people to jobs, school, and medical appointments. Pierce Transit should be providing service where the services will be best utilized and supported. The local impacts to our sluggish global economic conditions continues to remain a challenge. This can be seen by the most recent declines in sales tax revenue. Pierce Transit has made deep cuts including up to \$140 million since the beginning of the recession. Pierce Transit reset its baseline with the failure of Proposition 1 to 417,000 service hours. Due to a continued decline in sales tax revenue, Pierce Transit must reset again. With the current boundaries and funding levels, Pierce Transit faces concerns again in 2016. This conference makes sense to open a conversation about boundaries with the jurisdictions in Pierce County due to the fact that we have substantially reduced or eliminated services to certain areas in the county. The outcome of the conference will likely influence future consideration of ballot measures to raise revenue.

Pierce Transit's Board of Commissioners has the ability to convene a Public Transportation Improvement Conference to determine if Pierce Transit's service boundaries should be revised to best meets its customers' needs. Pierce Transit's Board of Commissioners will substantially comply with all applicable laws regarding the review and potential revision of the boundary.

**RECOMMENDATION:** Authorize Convening of a Public Transportation Improvement Conference.

**RESOLUTION NO. 11-027**

1 A RESOLUTION of the Board of Commissioners of Pierce County Public Transportation Benefit Area  
2 Authorizing the Convening of a Public Transportation Improvement Conference for the Purpose of Evaluating the  
3 Need for and Desirability of Revision to the Pierce County Public Transportation Benefit Area ("Pierce Transit")  
4 Boundary

5  
6 WHEREAS, Pierce Transit was formed on April 4, 1979, to provide bus service to the residents  
7 of Pierce County; and

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9 WHEREAS, after the failed Pierce Transit February 2011 sales tax increase proposal, the  
10 Pierce Transit Board of Commissioners, following a series of public hearings, directed Pierce Transit staff to  
11 reduce expenses as a result of declining sales tax revenues and make further service reductions in the amount of  
12 35 percent which reduced the cost of operating transit service and ensured a balanced budget by December  
13 2012; and

14 WHEREAS, public comment was received during the aforementioned public hearings and  
15 expressed concern for the level of reductions necessary for the Agency to be financially sustainable. Generally  
16 the comments expressed support for maintaining some level of service for passengers to be able to continue to  
17 connect to jobs and school with early morning and peak commute time services; and

18 WHEREAS, Pierce Transit should provide public transportation services to Pierce County areas  
19 where the services are best utilized and supported; and

20 WHEREAS, the failed February 2011 sales tax increase proposal identified areas of highest  
21 Pierce Transit voter support and the public hearings and staff work identified the areas of highest and best  
22 utilization of Pierce Transit; and

23 WHEREAS, Pierce Transit has authority to revise its boundary pursuant to Ch. 36.57A RCW  
24 and Washington State Supreme Court decisional law in order to best serve public transportation needs; and

25 WHEREAS, Pierce Transit's Board of Commissioners are uniquely knowledgeable and familiar  
26 with the financial and operational facts, plans and policies of Pierce Transit with respect to its current and future  
27 fulfillment of its statutory purpose in the furtherance of public transportation; and

28 WHEREAS, Pierce Transit's Board of Commissioners will substantially comply with all  
29 applicable laws regarding the review and potential revision of the Pierce Transit boundary, consistent with the  
30 principles and requirements of input from public jurisdictions and citizens;

1 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as  
2 follows:

3 Section 1. The Board of Commissioners creates and will convene the Pierce Transit Public  
4 Transportation Improvement Conference, which conference will be conducted in substantial compliance with  
5 Ch. 36.57A RCW and Washington State Supreme Court decisional law and which conference will evaluate the  
6 need for and desirability of revision to the Pierce County Public Transportation Benefit Area Boundary in order to  
7 best serve public transportation needs, effective November 14, 2011.

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9 ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held  
10 on the 14<sup>th</sup> day of November 2011

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14 Claudia Thomas, Chair  
15 Board of Commissioners

16 ATTEST:

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19 Treva Percival, MMC  
20 Clerk of the Board