

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR BOARD MEETING

Wednesday, February 20, 2013

Pursuant to notice given to *The Register-Guard* for publication on February 14, 2013, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a Regular Board meeting on Monday, February 20, 2013, beginning at 5:30 p.m., at the Eugene Public Library, 100 West 10th Avenue, Eugene, Oregon.

Present: Greg Evans, President  
Mike Eyster, Vice President  
Gary Gillespie, Secretary  
Ed Necker, Treasurer  
Michael Dubick  
Dean Kortge  
Doris Towery  
Ron Kilcoyne, General Manager  
Jeanne Schapper, Clerk of the Board  
Lynn Taylor, Minutes Recorder

**CALL TO ORDER/ROLL CALL:** Ms. Towery convened the meeting and called the roll at 5:34 p.m. All board members were present, with the exception of Mr. Evans who arrived at 5:36 p.m.

**MOTION EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(i):** Mr. Necker moved that the Board meet in executive session pursuant to ORS 192.660(2)(i), to review and evaluate the employment-related performance of the LTD general manager. Mr. Kortge provided the second.

**VOTE** The motion was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (6)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: Evans (1)

The Board entered executive session at 5:35 p.m.

**RETURN TO REGULAR (OPEN) SESSION:** The Board returned to regular session at 6:35 p.m.

**RECESS:** Mr. Evans called a recess at 6:35 p.m.

**RECONVENE:** Mr. Evans reconvened the meeting at 6:45 p.m.

**PRELIMINARY REMARKS BY BOARD PRESIDENT:** Mr. Evans welcomed Mr. Carl Yeh, who will be replacing Mr. Eyster on the LTD Board pending Senate confirmation. Mr. Evans noted that tonight was both Mr. Eyster's and Mr. Kortge's last Board meeting. He announced that there would be a small celebration at the conclusion of the meeting to thank Mr. Eyster and Mr. Kortge for their service to the District and to the community. Mr. Evans said that his last meeting would be in March as he would be resigning in order to serve on the Eugene City Council.

Mr. Eyster expressed his appreciation for the opportunity to serve eight years on the LTD Board. He commended the Board as a model of good governance and also the LTD staff for their exemplary work and dedication to transit services in the region.

Mr. Kortge expressed appreciation for the opportunity to work with the LTD Board and staff during his more than two terms as a Board member.

**COMMENTS FROM THE GENERAL MANAGER:** Mr. Kilcoyne thanked Mr. Eyster and Mr. Kortge for their years of service to the District. He particularly appreciated Mr. Eyster's mentorship during his transition as the new general manager. He said that Mr. Kortge's expertise as a trustee had been invaluable to the pension trust during his tenure, and that he appreciated the excellent Board dynamics and collegial discussions of District issues. He said he believed that the terms of the new Board members would commence on March 15, 2012.

**ANNOUNCEMENTS AND ADDITIONS TO THE AGENDA:** There were no announcements or additions to the agenda.

**BOARD CALENDARS:** Mr. Evans briefly reviewed the scheduled activities for February, March, and April.

Mr. Kilcoyne stated that a scenario planning presentation would be held on February 28, and he encouraged Board members to attend. Mr. Evans added that scenario planning related to sustainability and reduction of carbon footprints as required by recently enacted legislation.

**EMPLOYEE OF THE MONTH:** The Board recognized Senior Project Manager John Evans as the March 2013 Employee of the Month.

Mr. Greg Evans thanked Mr. John Evans for his service and dedication to LTD's mission and presented him with a certificate of appreciation, a check, and a pin commemorating his award. Mr. John Evans thanked the Board for its recognition, and expressed appreciation for his position with LTD.

**AUDIENCE PARTICIPATION:** Mr. Greg Evans explained the procedures for providing public testimony.

**Bob Macherione**, Eugene, thanked Mr. Eyster and Mr. Kortge for their service on the LTD Board. He said that LTD staff had been very responsive to information requests from Our Money, Our Transit (OMOT), but that he did not believe the Board heeded public input from OMOT when making its decisions; rather it had predetermined outcomes. He said that service should be flexible and based on need, but he did not perceive that was happening, as service to low-income housing on Brewer Lane was still not in place. He asked why that service was not in LTD's plans for the next decade, and he said that service should be targeted to low income residents and students. In conclusion, he said that OMOT intended to challenge the West Eugene EmX Extension environmental analysis at the federal level, and a consultant had assured him it was high likely that OMOT would prevail.

#### **ITEMS FOR ACTION AT THIS MEETING**

**Consent Calendar:** Ms. Towery moved adoption of LTD Resolution No. 2013-002: It is hereby resolved that the Consent Calendar for February 20, 2013, is approved as presented. Mr. Necker provided the second. The Consent Calendar consisted of the minutes of the December 19, 2012, Regular Board Meeting, and the January 16, 2013, Regular Board Meeting.

VOTE

The motion was approved as follows:

AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)

NAYS: None

ABSTENTIONS: None

EXCUSED: None

**Ordinance Administrative Review and First Reading Ordinance No. 45, An Ordinance Providing Rules for Meetings of the Lane Transit District Board of Directors:** Ms. Schapper introduced Attorney Kristen Denmark, from the law firm of Thorp, Purdy, Jewett, Urness & Wilkinson, PC, representing LTD, to provide an overview of the process to make LTD ordinances more easily accessible to the public on the LTD website. Ms. Schapper said that Ordinance No. 45 would formalize in writing current practices and technological changes related to the conduct of Board meetings, including designation of a general manager pro tem, procedures for joint committee meetings, minutes, voting, and accessibility.

Ms. Denmark explained the ordinance revision project. She said that the process was a reorganization of ordinances, and no substantive changes were made or proposed. She said that the project began six months ago with a review of the 41 ordinances listed on LTD's website. The ordinances were listed in numerical order, and it could be cumbersome for the public to find specific information. The ordinances were not easily searchable or listed by topic, and it was not easy to determine which ordinances were still in effect and which ordinances had been repealed or replaced by another ordinance. She said that the project goal was to make ordinances more streamlined and accessible to the public without making any substantive changes. Ordinances would be organized into eight categories on the LTD website, with one all-encompassing ordinance in each category. All ordinances would continue to be available at LTD's administration office.

Ms. Denmark reviewed new Ordinance No. 45, noting that there were a few substantive changes to Ordinance No. 1 (new Ordinance 45). She added that there had been many improvements in technology since Ordinance No. 1 was adopted in 1999, and those were reflected in the new ordinance, along with updated references to Oregon's Public Meeting Law. She explained the substantive changes, including procedures for canceling a meeting, clarification of the number of votes required to adopt an ordinance, and rules concerning joint meetings.

MOTION Mr. Kortge moved that Lane Transit District Ordinance No. 45 be read by title only. Mr. Eyster provided the second.

VOTE The motion was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

Mr. Evans read the ordinance by title only: "ORDINANCE NO. 45, AN ORDINANCE PROVIDING RULES FOR MEETINGS OF THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS, AND AMENDING AND RESTATING ORDINANCE NO. 1."

**Second Reading and Adoption of Ordinance No. 42, An Ordinance Pertaining to the Territorial Boundaries of Lane Transit District:** Director of Customer Services and Planning Andy Vobora stated that Ordinance No. 42, Ordinance No. 43, and Ordinance No. 44 had been presented and discussed at the January 2013 Board meeting.

MOTION Mr. Kortge moved that Lane Transit District Ordinance No. 42 be read by title only. Mr. Eyster provided the second.

VOTE The motion was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

Mr. Evans read the ordinance by title only: "ORDINANCE NO. 42, AN ORDINANCE SETTING FORTH THE CRITERIA TO BE USED IN DETERMINING THE TERRITORY IN WHICH THE TRANSIT SYSTEM OF THE DISTRICT WILL OPERATE AND IN ESTABLISHING THE TERRITORIAL BOUNDARIES OF THE DISTRICT, AND AMENDING AND RESTATING ORDINANCE NO. 21 AND ORDINANCE NO. 24."

MOTION Mr. Dubick moved the following resolution: LTD Resolution No. 2013-003: Be it resolved that the LTD Board of Directors hereby adopts Lane Transit District Ordinance No. 42, an ordinance setting forth the criteria to be used in determining the territory in which the transit system of the District will operate, and in establishing the territorial boundaries of the District, and amending and restating Ordinance No. 21 and Ordinance No. 24. Mr. Kortge provided the second.

VOTE The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

MOTION **Second Reading and Adoption of Ordinance No. 43, An Ordinance Adopting Procedures Relating to Route, Schedule, and Fare Changes:** Mr. Gillespie moved that Lane Transit District Ordinance No. 43 be read by title only. Mr. Dubick provided the second.

VOTE The motion was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

Mr. Evans read the ordinance by title only: "ORDINANCE NO. 43, AN ORDINANCE ADOPTING PROCEDURES RELATING TO ROUTE, SCHEDULE, AND FARE CHANGES, AND AMENDING AND RESTATING ORDINANCE NO. 33."

MOTION Mr. Necker moved the following resolution: LTD Resolution No. 2013-004: Be it resolved that the LTD Board of Directors hereby adopts Lane Transit District Ordinance No. 43, an ordinance adopting procedures relating to route, schedule, and fare changes, and amending and restating Ordinance No. 33. Mr. Kortge provided the second.

VOTE The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

MOTION **Second Reading and Adoption of Ordinance No. 44, An Ordinance Setting Fares for the Use of District Services:** Mr. Kortge moved that Lane Transit District Ordinance No. 44 be read by title only. Mr. Eyster provided the second.

VOTE The motion was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

Mr. Evans read the ordinance by title only: "ORDINANCE NO. 44, AN ORDINANCE SETTING FARES FOR THE USE OF DISTRICT SERVICES AND AMENDING AND RESTATING ORDINANCE NO. 35."

**MOTION** Mr. Gillespie moved the following resolution: LTD Resolution No. 2013-005: Be it resolved that the LTD Board of Directors hereby adopts Lane Transit District Ordinance No. 44, an ordinance setting fares for the use of District services, and amending and restating Ordinance No. 35. Mr. Kortge provided the second.

**VOTE** The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**Lane Coordinated Public Transit-Human Services Transportation Plan (The Plan):** Accessible and Customer Service Manager Cosette Rees said that this report was a follow-up to a presentation made at the November 2012 Board meeting. She said that the purpose of The Plan was to fulfill federal requirements for coordination of resources, specifically 5310 Enhanced Mobility funds, 5316 Job Access and Reverse Commute (JARC) funds, and 5317 New Freedom funds. She noted that The Plan did not address all of the human services transportation resources and needs in the region, but it represented significant transportation access. Ms. Rees said that development of The Plan promoted conversations with service providers throughout the area and prioritization of strategies and services. She described outreach and public input activities during the planning process. She said that coordination activities served to maximize use of available resources and allowed services to reach a greater number of recipients. Ms. Rees presented several examples of LTD's partnership with other agencies and how services were enhanced and expanded. She said that the Accessible Transportation Committee had unanimously voted to forward a recommendation to the LTD Board to adopt the plan.

**MOTION** Ms. Towery moved LTD Resolution No. 2013-006: The LTD Board of Directors hereby adopts the Lane Coordinated Public Transit-Human Services Transportation Plan - 2013 Update. Mr. Eyster provided the second.

**VOTE** The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**City of Eugene No Smoking Ordinance:** Director of Transit Operations Mark Johnson stated that LTD staff had been working with the City of Eugene to develop a resolution requesting that the City Council adopt an ordinance that would prohibit smoking to the curb line on the entire block encompassing the LTD Eugene Station. He said that an earlier City ordinance that prohibited smoking around the Eugene Public Library had resulted in people moving to the Eugene Station, which has created problems in terms of inconvenience to transit riders and an increase in unlawful activities such as drug dealing. He said that property owners on the block and the Eugene Police Department supported a smoking prohibition around the Eugene Station.

Mr. Gillespie commented that the Eugene Library's smoking ban had moved people to the Eugene Station. He asked where people would go if a smoking ban at the Eugene Station was enacted. Mr. Johnson replied that, unlike other public facilities, the Eugene Station provided access to a population vulnerable to illicit activities.

Mr. Kortge questioned the connection between smoking and dealing drugs. Mr. Johnson replied that many of those congregating around the Eugene Station were not LTD customers as they had been denied service for a variety of infractions. He said that a smoking prohibition was the only tool available to the District to reduce the number of people that loiter near the Station.

In response to a question from Mr. Kortge, Ms. Denmark said that, procedurally, a resolution from the LTD Board was necessary in order to request the City of Eugene enact an ordinance, and the resolution would provide the desired language for City staff. She said that the City's attorney had asked for the resolution.

**MOTION** Mr. Kortge moved LTD Resolution No. 2013-007: Be it resolved that the Lane Transit District Board of Directors approves a request to the City of Eugene to amend Section 2.225 and Section 6.230, Subsection 2, of the Eugene City Code, as described in the attached resolution. Mr. Dubick provided the second.

**VOTE** The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**Selection of Pension Trustee:** Director of Human Resources and Risk Management Mary Adams explained that Mr. Gillespie would replace Mr. Kortge as pension trustee, as Mr. Kortge was leaving the Board. She noted that the Board had approved Mr. Gillespie as trustee-elect at its October 2012 meeting; and, subsequently, Mr. Gillespie attended training for new pension trustees. She said that the Board's formal appointment of Mr. Gillespie as pension trustee would complete the transition process.

**MOTION** Mr. Eyster moved LTD Resolution No. 2013-008. The LTD Board of Directors hereby approves the appointment of Board Member Gary Gillespie to the position of Pension Trustee, to represent the Lane Transit District Board of Directors on the Lane Transit District Salaried Employees' Retirement Plan and the Lane Transit District and Amalgamated Transit Union Local 757 Pension Trust. Mr. Kortge provided the second.

Mr. Evans thanked and commended Mr. Kortge for his outstanding service representing the Board as a pension trustee. He said that Mr. Gillespie also would do an admirable job as pension trustee, and he urged support of the resolution.

VOTE The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Kortge, Necker, Towery (6)  
NAYS: None  
ABSTENTIONS: Gillespie (1)  
EXCUSED: None

**Election of Board President:** Mr. Evans said that as he would be leaving the Board at the end of March, the Board would need to elect a president to take office on April 1. The current term of offices began July 1, 2012, and will end on June 30, 2014. If the election to the office of Board president should cause a vacancy in any another office, the Board will be asked to elect a member to fill that office, as well.

MOTION Mr. Eyster nominated Doris Towery as the LTD Board President, for a two-year term beginning April 1, 2013, and ending June 30, 2014. There were no other nominations.

VOTE Ms. Towery was elected Board President by the following vote:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, (6)  
NAYS: None  
ABSTENTIONS: Towery (1)  
EXCUSED: None

MOTION Mr. Necker nominated Gary Gillespie as the LTD Board Vice President, for a two-year term beginning April 1, 2013, and ending June 30, 2014. There were no other nominations.

VOTE Mr. Gillespie was elected Board Vice President by the following vote:  
AYES: Dubick, Evans, Eyster, Kortge, Necker, Towery (6)  
NAYS: None  
ABSTENTIONS: Gillespie (1)  
EXCUSED: None

MOTION Ms. Towery nominated Michael Dubick as the LTD Board Secretary, for a two-year term beginning April 1, 2013, and ending June 30, 2014. There were no other nominations.

VOTE Mr. Dubick was elected Board Secretary by the following vote:  
AYES: Dubick, Evans, Eyster, Gillespie, Kortge, Necker, Towery (7)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

Mr. Necker confirmed that he would continue to serve as Board Treasurer.

**Board Meetings Format: Audience Participation:** Mr. Kilcoyne described three proposed options for public comment at Board meetings:

Option One: To have public comment at the beginning of the meeting, as is the current practice.



Option Two: To have public comment at the beginning of the meeting on any topic related to the District, except action items. This will provide additional opportunity for public comment at the beginning of each action item relating to that item.

Option Three: To have a public comment period at the beginning of the meeting with a second public comment period at the end.

Mr. Kilcoyne said that the purpose of public input was to inform the Board's discussions and decision-making. He recommended Option One as the most effective approach, and one that was consistent with other local public agencies.

Mr. Necker asked when Board work sessions would occur. Mr. Kilcoyne replied that work sessions were normally held on the second Monday of the month. Work sessions during regular Board meetings would occur in the body of the meeting, following the action items, rather than prior to public comments. He said that would assure that public comments were held at the same time each meeting.

MOTION Ms. Towery moved LTD Resolution No. 2013-009: It is hereby resolved that the LTD Board of Directors approves the placement of public comment at the beginning of the Board meeting, as outlined in Option One. Mr. Eyster provided the second.

Mr. Gillespie said he would not support the motion, as he favored a more participatory meeting format.

In response to a question from Mr. Eyster, Mr. Kilcoyne said that the Board could revisit the matter at a later date. He said that public participation would not be reduced, but would be shifted to the very beginning of the meeting.

Mr. Gillespie commented that the proposed format would preclude follow-up and questions later in the meeting.

Mr. Dubick said that the advantage of a published agenda was that it allowed people to prepare comments related to the topics of discussion before any Board action was taken. He said that allowing follow-up and questions from the public during the meeting would take deliberation away from the Board and result in a debate, which he did not feel was the function of a well-organized board.

VOTE The resolution was approved as follows:  
AYES: Dubick, Evans, Eyster, Necker, Towery (5)  
NAYS: Gillespie, Kortge (2)  
ABSTENTIONS: None  
EXCUSED: None

Mr. Evans stated that if the new format did not work well, the Board could revisit the issue in the future.

## ITEMS FOR INFORMATION AT THIS MEETING

**Board Member Reports:** Ms. Towery reported that the Main Street-McVay Governance Team had met twice. She was impressed with the process, which would establish a new model for intergovernmental coordination and collaboration among agencies responsible for four major projects. Mr. Eyster added that the process would include public engagement.

Mr. Evans reported that the Metropolitan Policy Committee (MPC) received a presentation on the scenario planning event scheduled for February 28. He said that there also was an update given on the efforts of the Oregon Passenger Rail Leadership Council and Corridor Forum. Mr. Kilcoyne said that the rail initiative was established for the purpose of improving passenger rail service in the Oregon segment of the federally designated Pacific Northwest Rail Corridor between Eugene and Portland.

Mr. Dubick announced that the Lane Area Commission on Transportation (ACT) had identified projects totaling 150 percent of the estimated State Transportation Improvement Program (STIP) funds likely to be available to the local area. He said that LTD's Northwest Eugene and Lane Community College Corridor National Environmental Policy Act (NEPA) project was included in the 100 percent list. The SmartTrips Regional Residential Program - Point2point, and the River Road Station Development projects were included in the 150 percent list.

Mr. Necker reported that the Accessible Transportation Committee (ACT) reviewed the Lane Coordinated Public Transit-Human Services Transportation Plan and recommended its adoption to the LTD Board.

**Point2point Annual Report:** Point2point Program Manager Theresa Brand reviewed the *Point2point 2012 Annual Report*, a copy of which was included in the agenda materials. She highlighted several accomplishments during the past year, including increased participation in school programs to promote safe routes to school for bikes and pedestrians, employer/employee/student participation in alternative transportation modes, group pass programs, and congestion management. She said that there were emerging opportunities in the areas promoting transportation options, potential locations for Park & Ride facilities, current and future bike parking needs, dynamic ridesharing applications, and expansion of bike and pedestrian education programs at every elementary and middle school in the region. Mr. Kortge asked if the intent was to facilitate ridesharing. Ms. Brand said that could include developing a ridesharing application, or marketing ridesharing as an option in the region.

Mr. Kortge cautioned that there had been problems with dynamic ridesharing efforts in other cities. Ms. Brand replied that Point2point would learn from the efforts of other communities. She said that the technology was constantly changing, and customers wanted access to information regarding transportation options to driving alone. She commended the Point2point staff for their talent and dedication.

Mr. Eyster inquired about the bikesharing project with the University of Oregon. Ms. Brand said that LTD had submitted a grant to the Federal Transit Administration, but did not receive funding. Point2point staff were assisting the University of Oregon as it moved forward with its

bike sharing program. She said that staff would continue to seek funds that could be used for a downtown Eugene program.

**Ordinance 36: Protection Expanded at Eugene Station:** Mr. Johnson said that there had been confusion about application of Ordinance 36 since construction of the new EmX stations on the public right-of-way on 10<sup>th</sup> and 11<sup>th</sup> avenues. He said that the Eugene Police Department needed clarification of LTD's control of the area. LTD was advised by the City Attorney to request a letter from the City of Eugene that would grant control to LTD over the areas in which Ordinance 36 would apply. He said that he expected to receive that authorization from the City in the near future.

**Monthly Financial Report - December 2012:** Director of Finance and Information Technology Diane Hellekson reported that the financial report was posted on the LTD website.

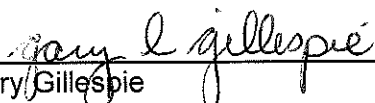
In response to a question from Mr. Eyster regarding gas prices, Ms. Hellekson stated that prices had been increasing slowly since the end of January; but gas was budgeted at \$3.75 per gallon, and she did not expect prices to reach that level before the end of the fiscal year. Mr. Kilcoyne pointed out that LTD had 600,000 gallons of fuel in storage in Coos Bay.

Mr. Gillespie asked about the status of state-in-lieu payments. Ms. Hellekson said that there had been a normal payment for the second quarter, and the first quarter payment was still being researched by the Department of Administrative Services.

**ADJOURNMENT:** Mr. Evans adjourned the meeting at 8:25 p.m.

LANE TRANSIT DISTRICT

ATTEST:

  
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Gary Gillespie  
Board Secretary

  
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Jeanne Schapper  
Clerk of the Board