

## ORDER OF BUSINESS

### 1. Call to Order

Chairman Nolan called the meeting to order at 1:05 p.m.

### 2. Roll Call

Present: Leona Bridges  
Malcolm Heinicke – absent at Roll Call  
Jerry Lee  
Tom Nolan  
Bruce Oka  
Joél Ramos

Absent: Cheryl Brinkman – with notification

### 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.

Director Heinicke arrived.

### 4. Approval of Minutes

On motion to approve the minutes of the November 1, 2011 Regular Meeting: unanimously approved (Brinkman-absent).

On motion to approve the minutes of the November 14, 2011 Special Meeting: unanimously approved (Brinkman-absent).

### 5. Communications

None.

### 6. Introduction of New or Unfinished Business by Board Members

Director Lee asked for the report on citation revenue.

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

- Special Recognition Award
- Eureka Curve Track Replacement
- Update on the JFK Bikeway
- Status of the TEP Environmental Impact Report
- Free Muni on New Year's Eve
- Report on legislative trip
- Ongoing Activities

Acting Director Debra Johnson presented special recognition awards to Patrick Guilles, transit operator, Green Division, Transit Services; Henry Scholz, Electronic Maintenance Technician, Green Division, Transit Services; Kim Walton, transportation planner Long Range Planning and Policy, Sustainable Streets and Jianmin Zhu Fong, associate engineer, Electro-Mechanical Section, Capital Programs and Construction.

Ms. Johnson discussed the Eureka Curve Track Replacement project; the JFK Bikeway; the TEP Environmental Impact Report; New Year's Eve service; recent legislative activities; the plan for America's Cup and Combined Charities Campaign

## 8. Citizens' Advisory Council Report

Daniel Murphy, chairman, Citizen's Advisory Council, presented the CAC's recent recommendations regarding the proposed Strategic Plan and Muni's Centennial.

### PUBLIC COMMENT:

Peter Witt stated that he was annoyed that taxis weren't mentioned in the bigger picture of transportation in San Francisco since taxis are part of the system. Inaction is not good and that's what the industry has gotten. They've gotten the cart before the horse repeatedly. There is no funding for taxi stands and there's no way to tell the public how to find a taxi because there isn't enough signage. He wondered if the TAC had received his survey. He urged the Board to process the data from his survey.

## 9. Public Comment

Anonymous stated that she faxed a letter to the Board. The first amendment rights of Park Merced were denied in meetings of the Board of Supervisors. They were prohibited from reading amendments to a contract and were unaware of a memo referring to a \$50,000 project for Supervisor Chu's district. An investigation is warranted. It is a conflict of interest and the donor of the money stands to gain financially. Dismissal upon investigation should not be off the table.

Bob Barnwell spoke about the overcrowding on the 21 Hayes during rush hours in Hayes Valley. People can't get on the bus. Hayes Valley has limited space for cars so residents must have access to public transit. In May 2010, Muni cut back service and it needs to be restored. The population has increased and the 21 Hayes can't accommodate them.

Charles Rathbone, Luxor Cab, spoke about ongoing issues with tickets issued to cab drivers who were parked in bus zones. For a recent conference, cab drivers were ordered by the police to wait in a bus zone for passengers, however they were ticketed. Cab drivers appealed the tickets and provided documentation but the appeal was denied. He requested that Parking Control Officers leave cabs parked in bus zones alone unless there is an egregious violation.

Jim Warshell expressed appreciation for the effective conversion of two-way Hayes Street. It has helped mend a lot of issues in the neighborhood. He expressed support for the comments made by Mr. Barnwell regarding the 21 Hayes and the overcrowding that occurs. The neighborhood has supported the Transit Effectiveness Project (TEP) and the two-way Haight proposal but they've reached a breaking point with the 21 Hayes.

Howard Strassner stated that November was a big month for the MTA with regard to the Van Ness BRT project and the TEP EIR. He has provided comments for the TEP. The Van Ness BRT project took four years. We have to get the TEP done more quickly. The biggest issue is stop consolidation.

Laurie Graham expressed concern about the Taxi Advisory Council (TAC). It seems that they aren't doing anything. They were supposed to look at the pilot project. There was a report that was drafted but never submitted. The TAC replacements seem to be slanted differently so all the things that were worked on before have been put behind barriers.

Peter Witt stated that there is enough data to discuss rear seat monitors. He wondered if the consultant was aware of the data he provided to the Board. He has surveyed 1,000 customers. He played a recording of conversations that he has had with taxi customers with regard to their experience with rear seat monitors. (Mr. Witt provided a statement of his comments which has been attached to the minutes.)

Tariq Mehmood expressed appreciation that the Directors donate their personal time to try to help. There are thousands of drivers involved. He wondered if staff was bringing things to the Board fairly. The same four people attend the taxi town hall meetings. There were 36 hours of meetings when Mr. Ford was here and he wondered what was achieved. An outside consultant was brought who whitewashed the story. He requested time to bring the drivers to the next meeting to show what the problems are.

Barry Taranto expressed appreciation for the meter increase but noted that there are other issues. He addressed the lack of proper notification for taxi town hall meetings, TAC and other meetings. The industry is not getting meeting information in a timely manner so they can provide their comments. The website should be streamlined. Staff should contact businesses that operate at night before recommending traffic changes.

Steve Reim stated that with regard to the medallion wait list, the SFMTA needs to be able to instruct drivers. Instructions should be issued along with a medallion. He suggested that the SFMTA hold a comprehensive knowledge test such as the one that London requires to make sure that drivers know where they're going.

Director Heinicke asked staff to get back to the Hayes Valley Association about the 21 Hayes.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA DIRECTOR OF TRANSPORTATION OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7<sup>th</sup> 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/Parking Authority Commission 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. Marvella Branner vs. CCSF, Superior Ct. #CGC10499707 filed on 5/11/10 for \$4,000
- B. Dolly Totes vs. CCSF, Superior Ct. #CGC9489619 filed on 7/2/09 for \$75,000 (Seeking the authority to make an offer under CA Code of Civil Procedure §998)

#### RESOLUTION 11-139

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – PART-TIME BUS ZONE – 7:30 AM TO 5:30 PM, MONDAY THROUGH FRIDAY and RESCIND – RESIDENTIAL PARKING PERMIT AREA ‘M’ – 2-HOUR PARKING 8 AM-6 PM, MONDAY THROUGH FRIDAY – Marina Boulevard, south side, from 120 feet to 240 feet east of Buchanan Street.
- B. RESCIND – NO LEFT TURN – 4PM TO 6PM EXCEPT SUNDAY and ESTABLISH –

NO LEFT TURN – 4 PM TO 6 PM EXCEPT SUNDAY AND EXCEPT MUNI AND TAXIS – California Street, eastbound, at Presidio Avenue.

- C. ESTABLISH – BLUE ZONE – 64 – 6<sup>th</sup> Street, west side, from 0 feet to 21 feet south of Jessie Street.
- D. ESTABLISH – RED ZONE – Upland Drive, south side, between the San Aleso Avenue east and west crosswalks.
- E. ESTABLISH – PARKING METER AREA 3 (2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) – Stanyan St., east side, between Oak St. and Beulah St.; and Stanyan St., west side, between Beulah St. and Waller St..
- F. RESCIND – 2-HOUR TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY – Haight Street, 1300 block, both sides, between Central Street and Masonic Avenue.
- G. ESTABLISH – PARKING METER AREA 3 (2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) – Haight Street, 1300 block, both sides, between Central Street and Masonic Avenue.
- H. ESTABLISH – NO VEHICLES GREATER THAN 6 FEET TALL – Lincoln Way, south side, from 26th Avenue to 100 feet easterly and westerly.
- I. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA S, 2-HOUR PARKING, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY – Dolores Street - 700-749 block, both sides, between 20<sup>th</sup> and Liberty streets.
- J. ESTABLISH – RED ZONE – South side of California Street from 0 feet to 23 feet west of Palm Avenue.
- K. ESTABLISH – BICYCLE LANE – Lee Avenue, southbound, from Ocean Avenue to Holloway Avenue.
- L. RESCIND – 45 DEGREE PARKING – Lee Avenue, west side, from Ocean Avenue to 205 feet southerly.
- M. ESTABLISH – 45 DEGREE BACK-IN ANGLED PARKING – Lee Avenue, west side, from Ocean Avenue to 205 feet southerly.
- N. ESTABLISH – TOW-AWAY, NO STOPPING EXCEPT MARKED POLICE VEHICLES – 6<sup>th</sup> Street, west side, from Jessie Street, 21 feet to 44 feet southerly; Jessie Street, south side, from 6<sup>th</sup> Street to 131 feet westerly; and Jessie Street, south side, from 143 feet to 162 feet westerly of 6<sup>th</sup> Street. (Explanatory documents include a staff report and resolution.)

#### RESOLUTION 11-140

(10.3) Authorizing the SFMTA to adhere to the procedures and conditions set forth by the Metropolitan Transportation Commission (MTC) for programming and allocation of 2012 Regional Improvement Program (RIP) funds totaling \$1,100,000 for the Pedestrian Safety and Encouragement Campaign and Crosswalk Conversion Projects. (Explanatory documents include a staff report, resolution and assurances)

#### RESOLUTION 11-141

(10.4) Authorizing the Director of Transportation to issue a Request for Proposals for Contract No. 2011/12-08, Parking Meter Coin Counting, Collection, and Support Services, and to negotiate a contract with the highest-ranked proposer for a term of five years, with the option to extend for up to an additional four years. (Explanatory documents include a staff report, resolution and RFP.)

#### RESOLUTION 11-142

(10.5) Approving amendments to the San Francisco Transportation Code, Division II, Sections 302 and 303 to increase the penalty amount for obstructing traffic, double parking, and riding bicycles on sidewalks. (Explanatory documents include a staff report, resolution and amendments.)

Item 10.5 was removed from the Consent Calendar at the request of Vice Chairman Lee.

Director Lee requested that the item be sent to the Policy and Governance Committee.

#### PUBLIC COMMENT:

Barry Taranto expressed appreciation for exempting taxis. It would be great to get a flier out to cab drivers. Raising the fines doesn't matter if there is no enforcement. Staff should look at the number of tickets that have been issued for these violations over the past two years. Taxi zones should also be included.

Howard Strassner stated that this isn't a financial issue. The fine needs to be high when there isn't a lot of enforcement. If someone blocks a lane, it destroys the transit system. The Board should go forward with this and get cars out of the way.

Barry Korengold stated that trucks can't make deliveries if they aren't given an exemption. They can't park in the yellow zone.

(10.6) Establishing a meeting schedule for the SFMTA Board of Directors/Parking Authority Commission for 2012. (Explanatory documents include a staff report and resolution.)

#### RESOLUTION 11-143

(10.7) Acting as the SFMTA Board of Directors, authorizing the Director of Transportation to execute agreements with Pacific Park Management for operation and management of the Civic Center, Lombard Street, Mission Bartlett, Performing Arts and 16<sup>th</sup> and Hoff garages and the 7<sup>th</sup> & Harrison Lot (Group A), with IMCO Parking LLC for operation and management of the Golden Gateway and St. Mary's Square garages (Group B), and with LAZ Parking California LLC for operation and management of the San Francisco General Hospital, Moscone Center, North Beach, Vallejo and Polk Bush garages (Group C), for an amount not to exceed \$907,920

for each contract, and a contract term for each contract not to exceed nine years. (Explanatory documents include a staff report, resolution and agreements.)

RESOLUTION 11-144

(10.8) Acting as the Parking Authority Commission, authorizing the Director of Transportation to execute agreements with Pacific Park Management for operation and management of the Civic Center, Lombard Street, Mission Bartlett, Performing Arts and 16<sup>th</sup> and Hoff garages and the 7<sup>th</sup> & Harrison Lot (Group A), and with LAZ Parking California, LLC for operation and management of the San Francisco General Hospital, Moscone Center, North Beach, Vallejo and Polk Bush garages (Group C), for an amount not to exceed \$907,920 for each contract, and a contract term for each contract not to exceed nine years. (Explanatory documents include a staff report, resolution and agreements.)

RESOLUTION 11-145

(10.9) Approving the selection of Central Parking SF for operation and management of the Sutter Stockton and Union Square garages and approving the terms of the agreement for operating and managing these garages. (Explanatory documents include a staff report, resolution and agreement.)

RESOLUTION 11-146

(10.10) Authorizing the Director to approve the N<sup>x</sup> Judah Express as a permanent supplemental bus service to the N Judah rail line and extend the service hours of the N<sup>x</sup> Judah Express to 7:00 p.m. (Explanatory documents include a staff report and resolution.)

RESOLUTION 11-147

(10.11) Authorizing the Director to increase service on the F Market/Wharves to every 5 minutes from 10 a.m. to 5:30 p.m. seven days per week. (Explanatory documents include a staff report and resolution.)

RESOLUTION 11-148

(10.12) Awarding Contract No. 1248, N-Line along Carl Street Track Improvement Project, to Shimmick Construction Company in the amount of \$7,392,470 and for a term of 540 calendar days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 11-149

On motion to approve the Consent Calendar (Item 10.5 severed):

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

### REGULAR CALENDAR

11. Authorizing the issuance of up to \$170 million in revenue bonds, including the refinancing of outstanding revenue and lease revenue bonds related to certain parking garages and meters and providing funds for certain new projects, and authorizing the Director of Transportation to execute the documents necessary for this transaction, including, a Bond Purchase Contract, an Indenture of Trust, the first supplement to the Indenture of Trust and a Continuing Disclosure Certificate. (Explanatory documents include a staff report, resolution, contract, indenture, supplement, certificate, and preliminary official statement.)

Chairman Nolan requested that Items 11 – 15 be called together.

Steve Spitz, Orrington, Herrington and Sutcliffe, reviewed the bond issuance documents.

#### PUBLIC COMMENT:

Howard Strassner stated that the Board shouldn't use this money for new buses or for the Central Subway. He expressed hope that there isn't \$170 million in unpaid garages. The Board needs more information.

Paul Newman, Keil & Connolly, stated that at the time that garages were developed, the neighbors put up the seed money with the intent of providing economical parking to compete with the outlying shopping centers. Various boards, consisting of local business leaders, were very successful. Most non-profit organizations provide their time without compensation and have delivered on their promises. He stated that he would prefer the leases to be more reflective of the services they have provided in the past.

Anson Lee, Uptown Parking Corporation, reviewed his work experience with public garages. He has benefited from the input of the non-profit garages. Parking isn't just about space. It's about people and the experience they have when they enter a well maintained facility.

Robert Hamaguchi, Japan Center Garage, expressed agreement about the importance of the non-profit organizations. They have played a significant roll in representing the interests of the communities that are served by the garages. He expressed support for the financing of the long term capital improvements as they are long overdue. Non-profit garages have serious reservations about the proposed terms of the bond indenture. They haven't seen the official statement and have not been privy to the proposed bond. He expressed concern about the scope, budget and the terms of repayment.



Richard Hashimoto, Japan Center Garage, commended staff for introducing the revenue bond issuance. Garages are in need of capital improvements and have tried to submit improvements during the annual budget but they have been denied due to the structural facility assessment that is now being drafted. The parking corporations have identified six priorities for the draft lease that they will address at a later time.

RESOLUTION 11-150

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

12. Acting as the Parking Authority Commission, authorizing the issuance of up to \$170 million in revenue bonds, including the refinancing of outstanding revenue and lease revenue bonds related to certain parking garages and meters and providing funds for certain new projects, and authorizing the Director of Transportation to execute the documents necessary for this transaction, including, a Bond Purchase Contract, an Indenture of Trust, the first supplement to the Indenture of Trust and a Continuing Disclosure Certificate. (Explanatory documents include a staff report, resolution, contract, indenture, supplement, certificate, and preliminary official statement.)

RESOLUTION 11-151

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

13. Approving the purchase of \$10 million of liability insurance for San Francisco Municipal Transportation Agency directors and officers. (Explanatory documents include a staff report and resolution.)

RESOLUTION 11-152

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

14. Approving a new form parking garage lease to facilitate the SFMTA's proposed issuance of new revenue bonds; and authorizing the Director of Transportation to execute leases with the City of San Francisco Ellis O'Farrell Parking Corporation for the Ellis O'Farrell Garage, the City of San Francisco Downtown Parking Corporation for the Fifth & Mission Garage, the City of San Francisco Japan Center Parking Corporation for the Japan Center Garage, and the City of San Francisco Uptown Parking Corporation for the Sutter Stockton and Union Square Garages, for a rent amount of one dollar for each lease and a term not to exceed five years plus two five-year options to extend for each lease. (Explanatory documents include a staff report and lease.)

RESOLUTION 11-153

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

15. Authorizing the creation of a bond oversight committee to oversee the expenditure of bond proceeds for projects funded by the San Francisco Municipal Transportation Agency's revenue bonds and other forms of indebtedness. (Explanatory documents include a staff report and resolution.)

RESOLUTION 11-154

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

16. Presentation and discussion regarding the Nelson/Nygaard Study of Credit Card Processing, Electronic Waybills and Back Seat Monitors in San Francisco Taxicabs. (Explanatory documents include a staff report and study.)

Will Rodman, Nelson/Nygaard, presented the study.

PUBLIC COMMENT:

Ross Nadel, Square, Inc. stated that anyone should be able to accept credit cards at any time. Credit card fees are higher than they should be. They built a small card reader that allows for secure payments that has a 2.75 percent fee. Over 3,000 taxi drivers around country are using the Square. Making drivers pay five percent and depriving them of the right to other options isn't right. The study has many inaccuracies in it.

Charles Rathbone reviewed how people react to back seat monitors. He urged the Board to stay the course and require beneficial technology in all taxicabs. Tips do increase substantially.

Jim Gillespie stated that the report makes good points yet there are some concerns. A few years ago, Yellow Cab was approached by the SFMTA taxi division to get involved and they invested time and money in the program. There's a place for everything and there are some great products out there. Yellow gets calls daily about credit cards and they can't check the fee if the in-vehicle equipment isn't used.

Corey Lamb stated that he is in favor of credit cards, e-waybills and rear seat monitors. He has seen an increase in tips and has issues with the brightness of the monitors but that can be fixed. The cab driver's concerns regarding paying taxes and fraud aren't things that should be assisted. He hasn't heard negative comments about credit cards and they are easier for business travelers.

Frank Fahy stated that he is a big fan of the Square. The pink gorilla in the room is advertising. Even if you turn it off the volume of the rear seat monitors, there will still be advertising. It's time to end these reports and quit monkeying around with the cab business. Cars are getting smaller and more equipment is being put into them.

Norma Geer stated that she's used cabs with a rear seat terminal and finds them intrusive. Customers aren't interested. The passengers should have been asked how they felt about the monitors. The light behind the driver is distracting. Nobody wants to use cash anymore. Cab drivers should have a choice about using the Square.

Tariq Mehmood stated that the study is a fraud and a cover up. Cab drivers are your friends. Cab drivers in Boston, San Jose, and Sacramento pay \$50 per day in gate fees but its \$104 in San Francisco. Companies are going to make over three million from advertising.

Barry Taranto stated that he's a fan of Nelson/Nygaard. They take their job seriously and have done great work. People can disagree with some parts of the study. Nelson/Nygaard listened to drivers but didn't get enough feedback. They should have interviewed more drivers. The point is to minimize the cost to drivers so they can provide better service to customers. It's hard to drive a cab in San Francisco and to drive safely from one place to another. He suggested a \$10 minimum charge for credit cards and a discount for paying cash.

John Han expressed appreciation for the meter increase. The report states that charges can't be checked against the meter data if the Square is used. The City holds the position that cab drivers are independent contractors and yet they are trying to regulate and hand control to the color schemes. This compromises the status of the cab driver as an independent business owner and their ability to control and make their own decisions. This shouldn't be decided by the company. Drivers should have the option to use Square. The Board should approve the recommendation.

Tom Stanghellini questioned the security of swiping cards through the Square. He wondered how people are protected. Regarding the rear seat monitors, the screen illuminates the rear seat so a bad guy is well lit and is easily identifiable. People are using a credit card for everything. Five percent is cheap. There's a cost to do business.

Ed Healy stated that the report is contrary to previous testimony. The compromise regarding e-waybills was agreed upon as a good thing. The Square seems to be the big thing but it should be a non issue. The SFMTA should be able to reduce fees to three percent, but if the Square is pulled, some people won't take credit cards.

Mark Gruberg spoke about credit cards. The reason for regulating the industry is for service and safety. On both counts, nobody can make the case for drivers paying credit card charges. As long as there is any charge, that driver is going to discourage the use of the credit card which is bad for service and for safety. This is a simple issue and the rest is fluff. Just because it was done in New York isn't a reason to do it here. Companies have greater clout and they should be responsible for those fees. He asked for the data that shows that a cab company will go out of business if they pay the fee.

Ann McVeigh stated that she was one of the first people to use the Square. Her cab isn't wired right so the light is always on and the rear seat monitor doesn't work well. Most passengers are happy with the Square. A minimum charge might help. If people that Mr. Nygaard spoke with were "cherry picked", he won't get the right picture. Independent contracts have to pay their own taxes and Social Security.

Laurie Graham stated that she's had a rear seat monitor from the start. There were a few glitches at the start but all customers but one, who didn't like the bright light, love it and think it's great. There shouldn't be a minimum charge for credit card fees because if they have the cash, they'll use it. She stated that she has used the Square but its user intensive.

Barry Korengold stated that he has used the Square since drivers were asked to pay the five percent fee. Nobody has complained. The only people who complain are the companies who make money off of the rear seat monitors or off of fees. There's a law that says that merchants are allowed to set a minimum for using a credit card and that should include cab drivers. The rear seat monitor lights are too bright.

Tim Lapp stated that he had a rear seat terminal early on. Customers like them and like that they don't have to relinquish their credit card. He stated that he has seen an increase in tips in the range of twenty percent. The brightness of the screen is an issue but is being adjusted now.

Steve Reimer stated that the credit cards are a good thing for safety and accountability. The big thing is the five percent charge. Cab drivers should be allowed to form their own bank and only pay 1.75 percent. The rear seat monitors are easy and are the future.

Gratchia Makarian stated that in his company all drivers are independent contractors. It's not right to charge drivers anything. Drivers should have an option about how they want to manage their own business. Everyone would like to make a profit but the beauty of the business is that cab drivers have good service because they're independent.

Chairman Nolan asked staff to develop a proposal to roll back the credit card fee.

17. Adopting amendments to Transportation Code Sections 1102, 1103, 1104, 1105, 1108, 1109, 1110, 1111 and 1116 of Article 1100 to require a Ramp Taxi Medallion Holder to make eight wheelchair pickups per month, change the expiration date for permits, exempt some electric vehicle taxi medallions from permit application and renewal fees, eliminate the provisions authorizing jitney permits, clarify that a holder of a purchased medallion may sell the purchased medallion regardless of age or disability status, provide that a qualified medallion seller will lose his or her eligibility to sell the medallion if he or she declines to execute a sales agreement within 15 days of notice that the SFMTA has located a qualified medallion buyer who is prepared to proceed with the sale, and reopen the pilot program to specified medallion holders; and amending Article 310 of Division II to include a fine for failure to make the required number of wheelchair pickups per month. (Explanatory documents include a staff report, resolution and amendments.)

#### PUBLIC COMMENT:

Rick Arena stated that in 1977 a group of drivers bought Yellow Cab. The following year, things changed with regards to transferability. This impacts people with families and now they're being told that if they don't sell now, they're out. There has to be a policy once and for all. It's not right and the intent is grim. Let cab drivers exit with pride and respect.

Tim Lapp urged the continuance of the present pilot program. It's well thought out and has been successful, with the sole change to the age. The attempt to exclude "Pre-K" medallion holders is not only inherently unjust but against the principle of the pilot program.

Charles Rathbone commented that the item includes a beneficial set of changes regarding ramped taxis and those should be adopted. The other main change has to do with the medallion sales program. He asked the Board to drop the distinction between pre and post K drivers as it is an arbitrary distinction that affects the most senior members of the industry.

Jim Gillespie stated that the pilot program has been successful and viable. As the Agency goes into Phase II, it should expand the reservoir rather than diminish it by excluding the Pre-K holders. They should open the program to all holders over a certain age and/or with a disability.

Amin Serreyah stated that he's been driving for years and is proud to be part of Yellow Cab. He put his name on the list in 1998 and got an opportunity to purchase a medallion. This is a career opportunity. Please give us the chance to buy a medallion.

Jan Huptych stated that the way to serve the public is to make it easy for drivers to do that. Cab drivers put their savings on the line to provide service and make the industry better. He asked the SFMTA to make it possible to transfer medallions and provide a way out for people who need it.

Richard Fogel stated that he provided a letter and was happy to answer any questions. He bought a medallion but would like to have his medallion back.

Nathan Dwiri addressed restrictive provisions in the proposed regulations. They don't give the kind of assurance or time to consider the future or evaluate things and they don't need to be there. He urged the SFMTA to find a policy whereby medallion holders can sell them and that provides everyone with the same rights.

Glatchia Makarian expressed agreement with Mr. Dwiri regarding needing more time for this program. Most importantly, many believe that the profit from selling medallions is unacceptable. Having an agency control a business and make a profit is a conflict of interest.

Maria Villafuerte stated that there are repeated concerns such as the notion of the cart being put before the horse and the failure to communicate with the industry or respond to issues. There is a failure to respond to issues with paratransit services. The SFMTA hasn't responded to these concerns but is voting on the item. The wheelchair minimum pick up will be voted on today. For the benefit of paratransit riders and smaller cab companies, delay this vote until the problems have been reviewed.

Steve Reimers stated that the industry was started by a bunch of guys thirty years ago. Removing the option for Pre-K deprives civil rights to them and is disparate treatment.

Laurie Graham stated that she teaches the ADA training to new drivers. The only part of this item that's disturbing is that the exclusion of people who want to sell. Anybody should be able to sell their medallion. There are drivers over 60 who want to get out.

Richard Wiener urged the Board not to exclude the pre-K medallions and to have a permanent program. He asked that the SFMTA allow the market to determine the price and to issue more cabs. Nobody in the industry would be against it.

Barry Taranto stated that a lot of this wasn't vetted in town hall meetings. Some was discussed but some was changed and the industry didn't have a lot of time to review these documents. The important things are the changes for the ramped taxi medallion but the onus should be on the medallion holders and they should be part of the process. Ms. Hayashi clearly explained some of the change. With regards to the Pre-K people, they paid less than \$10,000 and don't have the driving requirement.

Beiaki Ghebremichael stated that Yellow Cab is owned by us and is excellent. He urged the Board to support the sale of medallions regardless of age and pre- or post-K status and to give drivers transfer rights for our families. Drivers have no benefits or pensions.

Carl Macmurdo stated that the lack of oversight led to a disintegration of the medallion system. The consequence of malfeasant policies led to accidents and big ticket payouts and suicides. There have been multiple disability lawsuits. Some want to glorify and romanticize Prop. K but it's a failed experiment. The medallion pilot has created an excellent opportunity.

Albert Jue stated that he started driving a cab in 1969. This enabled him to get a college degree. He purchased a medallion in the '70's and now is 63 years old with a daughter near college age. He is a pre-K holder who is too old to sell a medallion. The City is waiting for him to die and he has nothing to show his family for his hard work. He bought the medallion as an investment.

Norma Geer stated that she's had her medallion for 12 years. It's a draining job and she never would have stayed in the industry if she had known that an injury or disability would wipe out everything that she's worked for. Her fellow drivers are haggard and tired. It's a tiresome job that takes a toll. It requires drivers to be constantly aware. She hopes they will have a decent exit for their years of service.

Mark Gruberg stated that there needs to be a permanent program. To take the current program and expand it to one group but not to another is almost an afterthought. It has come to its' conclusion. If you take a huge number of medallions off the table by allowing them to be sold, it will take a lot of good ideas off the table. He urged the Board not to approve the expansion of the program except for those who are over 70 or have become disabled since the program started.

Indir Giri urged the Board to lower the age to 60.

Minda Lara Arguelles stated that she put everything she had into her business but then was told she couldn't sell or transfer her medallion. They had hope when they heard that they could sell. Please don't take it away. She urged the Board to let the Pre-K's sell their medallions and live their lives with dignity.

Anne McVeigh stated that this is a complicated business and staff has tried to be fair. The older pre-K drivers begged and borrowed to start Yellow Cab. Now to cut them out is just wrong. Pre- and Post-K's should be treated the same. The idea of lowering the age for the pilot program to 60 was debated for a long time and it passed. The error in transcription should be corrected. The Pilot program should be continued however something has to happen for people who have been on the list for years. She urged the Board to continue the pilot program and not hurt senior citizens.

Martin Smith urged that the sales of the medallions be kept open. Five hundred more cabs are needed, not just one hundred. The pilot program enabled a plethora of drivers to buy in which nobody thought would happen. This needs to be kept open as it will solve a lot of problems for everyone.

Barry Korengold stated that if this was starting from scratch, he wouldn't mind everyone selling their medallion. Many who are high on the list can't afford to buy a medallion and have lost opportunities due to their position on the list. There are advantages, however, pre-K medallion holders don't have a driving requirement. Originally the program was to give drivers a way out. He stated that he doesn't feel sorry for pre-K holders because they've made back the money they put in to buy the medallion. Drivers on the list get no extra income and still have to fulfill the driving requirement. Regarding the fine for disabling a security camera, he stated that the California Vehicle Code gives drivers the right to disable them.

Ed Healy agreed with Mr. Korengold about people waiting on the list who have been largely ignored. The "Pre-K's" have made a lot of money over the years. Raising the age was because of inaccurate information about the number of cabs on the street. He stated that it's important to control the number of sales so the industry is not destabilized.

Andrew Sun stated that the medallion pilot was extremely successful but it had no restrictions except for allowing people over 70 to gracefully exit. It's reasonable to lower the age to 60 or 65.

#### RESOLUTION 11-155

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Nolan, and Ramos

NAYES – Lee and Oka

ABSENT - Brinkman

18. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session.

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

#### RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

#### CLOSED SESSION

1. Call to Order



Chairman Nolan called the closed session to order at 5:27 p.m.

## 2. Roll Call

Present: Leona Bridges  
Malcolm Heinicke  
Jerry Lee  
Tom Nolan  
Bruce Oka  
Joél Ramos

Absent: Cheryl Brinkman

Also present: Roberta Boomer, board secretary  
Julia Friedlander, deputy city attorney  
Debra A. Johnson, director, Administration, acting Director of Transportation  
Sonali Bose, director, Finance and Information Technology  
John Haley, director, Transit Services  
Reggie Mason, director, Safety, Training, Security and Enforcement

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. TWU Local 250-A v. SFMTA, Superior Court #CPF11511171, filed on 3/25/11 for \$8,000,000

### RESOLUTION 11-156

On motion to approve:

ADOPTED: AYES – Bridges, Lee, Nolan, and Ramos

NAYES – Heinicke and Oka

ABSENT – Brinkman

4. Pursuant to Government Code Sections 54956.9 (b), and Administrative Code Section 67.10 (b) (2), the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case(s):

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

  X   As defendant or   X   As plaintiff

5. Pursuant to Government Code Section 54956.8 and Administrative Code Sections 67.8 (a) (2) and 67.12 (b) (1), the Municipal Transportation Agency Board of Directors/Parking Authority Commission will meet in closed session to discuss real estate negotiations:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Properties: 933-949 Stockton Street

Persons negotiating: Kerstin Magary  
Ken Yee  
Tom Lakritz

Parties negotiating: Howard Hong, Jennifer Liang, Hong & Liang Group, Inc.

Under negotiation: Price: X Terms of Payment: X

RESOLUTION 11-157

On motion to approve:

ADOPTED: AYES – Bridges, Heinicke, Lee, Nolan, Oka and Ramos

ABSENT - Brinkman

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 5:37 p.m.

19. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss TWU 250-A vs. CCSF with the City Attorney. The Board of Directors voted to settle the case with Directors Heinicke and Oka opposed (Brinkman-absent). The Board also authorized a payment of \$263,000 to Hong & Liang Group for the La Vii Beauty Salon. There was no

discussion of anticipated litigation.

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

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

ADJOURN - The meeting was adjourned at 5:39 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

MATERIAL SUPPLIED BY PETER WITT FOR INCLUSION IN THE SFMTA's MINUTES OF DECEMBER 6, 2011. To ensure that the comments are accessible, this material is reproduced exactly as provided by Mr. Witt. His actual statement will be attached to the printed meeting minutes.

Item #9

As for the PIM machines, .....those Back-Seat Credit-terminals with Advertizing.

It's said by your "consultants" that there's not enough data to talk about that.

I wonder if their aware of 2011 data I submitted for in October P.C.&N.

It's fair to say ....it's like RADAR ...every year..... it sweeps up 1,000 customers and CUTS ....through the (S.F.) FOG.

I didn't have a PIM in my cab, at the time. But it's clearly on THE RADAR SCREEN. Now I have three credit processing machines and my customers are not happy.

(plays tapes.).....

I've done YOUR homework for you.....long ago.

Ever heard of **Due Diligence** or the words Fiduciary **duty**?

The Sunshine Task Force *HASN'T*.

Maybe I should remind the Ethic's committee and the Board of Soups.....about public as well.

How the public should inclusive and come first,.....before the Cart, MTA and ....

Companies to big to fail.