

NASHVILLE METROPOLITAN TRANSIT AUTHORITY
Board of Directors Meeting

October 28, 2021

- I. **Call to Order:** The regular meeting of the Nashville Metropolitan Transit Authority (Nashville MTA) Board of Directors was held at the Tennessee Bankers Association, located at 211 Athens Way, Ste. 100, Nashville, TN 37228 on Thursday, October 28, 2021.
- II. **Roll Call of Persons Present:** Gail Carr Williams, Chair; Janet Miller, Vice-Chair; Walter Searcy, Member; Mary Griffin, Member; Tyler Yarbo, designated Board Secretary for Margaret Behm, Board Secretary; Chief Administrative Officer Rita Roberts-Turner; Chief Financial Officer Ed Oliphant; Chief Operating Officer Andy Burke; Director of Marketing & Communications Renuka Christoph; Director of Procurement & Business Diversity Amber Gooding; Director of Planning & Grants Felix Castrodad; Director of Maintenance Carl Rokos; Facilities Manager Patrick Hester; and Sr. Executive Assistant & Board Liaison Monica Howse.

A quorum was established, and Chair Gail Carr Williams called the meeting to order at 2:34 p.m.

- III. **Approval of Minutes:** Walter Searcy made a motion to approve the September 28, 2021 minutes; the motion was seconded by Vice-Chair Miller, and unanimously approved by the board.

Public Comments: Chair Gail Carr Williams opened the floor for public comments. The public was reminded that comments were limited to three minutes.

Eric Burke

Mr. Burke's comments were as follows:

- Mr. Burke is a Public Transit Planner at HDR and he's an advocate for dedicated transit service. He said that he has friends that would love to be able to take safe and reliable transportation to and from the soccer games, especially after they have had a couple of beers. This would also help cut down on travel time and alleviate traffic congestion.

Darius Knight

Mr. Darius Knight's comments were as follows:

- Bus operators need to feel appreciated and a few of them feel like they don't matter. Mr. Knight said that he continues to suggest giving pep talks and encouraging words at the beginning of each shift to promote morale.
- Bus Fleet Issues and Concerns:
 - Many new flyer 60 ft buses need some TLC, especially concerning the center trail part. Please ask maintenance to be sure to check that all screws are back in place after the work has been performed.
- WeGo Central Issues:
 - Mr. Knight said the center has been operating unsafely for some time now and the warning sound system isn't working and has been reported several times.
 - Mr. Knight said that he's asked staff multiple times to switch bus bays for safety issues concerning routes 55 and 56. He said both routes use the bays behind them for overflow (both routes use 60ft buses), but the problem is the 55 over bay blocks other buses from passing through the horseshoe and the 56 overflow bay blocks buses from getting into Central and buses are having to come into the center the wrong way.
 - Mr. Knight said the entrance and exit signage needs to be clearly marked on all levels, to show pedestrians where buses enter and exit from; he said that this issue has been

reported several times and should have been corrected back in 2011 when a death took place a Central.

- Bus Operators and Routes:
 - Route 23B - rerouting needs to be considered to safely prevent accidents from happening. Kids are running and chasing buses once the bus turns from Village Trail on to West to Moorewood Dr. He suggested rerouting the bus from Brickmont Dr. to Eaglewood Dr.
 - Mr. Knight suggested that we provide a bi-weekly newsletter to highlight specific topics.
 - Mr. Knight said if WeGo staff continues to do nothing and they continue to have a shortage of bus operators, customers will become frustrated if bus routes are cut due to the failures of management to respond.

John Bull

Mr. John Bull's public comments were as follows:

- Mr. Bull said that he appreciates having Wi-Fi on the buses.
- Mr. Bull said that he likes that WeGo Public Transit is moving away from the hub system.
- Mr. Bull said Google maps and some of the other apps are very useful and essential when trying to get to your destination.
- Mr. Bull said that he likes the implementation of the Better Bus System and more dedicated funding is needed.
- Mr. Bull said that he likes that children ages four and under can ride at no charge. He said that it's wonderful to see the interactions among the older riders and the small children.

IV. Chair Gail Carr Williams provided space to acknowledge those that had recently won awards at the Tennessee Public Transportation Association Annual Conference and Bus Roadeo held at the Courtyard Marriott in Franklin, TN, October 19-21, 2021. She called on Chief Operating Officer Andy Burke and Safety Manager Earl Rhodes for acknowledgments. The following categories of award winners were as follows:

- **Cutaway Van Competition:** 1st Place - Operator Joyce Banks / 2nd Place - Operator Wanita Whitmore won second place.
- **30-ft. Bus Competition:** 1st Place - Operator Eric Liggett / 2nd Place - Operator Kevin Sentes
- **40-ft. Bus Competition** - 1st Place Operator Mark Johnson / 2nd Place - Operator Michael Featherstone
- **Van Maintenance Competition:** 1st Place - Christopher Brown
- **Bus Maintenance Competition:** 1st Place - Troy Willis
- **Van Competition:** 1st Place - Troy Willis was also awarded a medal for starting the bus in only 29 seconds!

Chair Gail Carr Williams thanked all of the TPTA winners for their hard work, not only for the roadeo but for the sacrifices that they make daily, and she appreciates that they continue to represent WeGo Public Transit well.

V. Operations & Finance Committee Report: Walter Searcy introduced the following items for discussion and action:

- a. **Monthly Financial Report Compared to Budget (OF-D-21-029)**: CFO Ed Oliphant reported and reflected on the statement of operations for the month of August 2021 compared to the budget and a balance sheet as of August 31, 2021. There was no further discussion at this time.
- b. **WeGo Central Dunkin Donuts Lease Assignment (M-A-21-030)**: CFO Ed Oliphant reported the following:

In April 2019, the Board approved a ten (10) year occupancy lease extension with Tennessee Business Enterprises (TBE), in the Division of Rehabilitative Services in the Tennessee Department of Human Services allowing Sweet Liberty, LLC (Sweet Liberty), a franchise operator of Dunkin Donuts, who has a contracting agreement with TBE, to utilize space on the 5th Avenue level of WeGo Central to operate a Dunkin Donuts store.

A blind vendor operating under license through TBE was also included in the lease arrangement. The original lease was for ten (10) years with two five (5) year options with Nashville MTA receiving 5% of Dunkin Donuts' monthly gross sales as a form of the lease payment. Sweet Liberty and TBE had requested that the two option periods be combined into one ten (10) year extension to the lease with the condition that Sweet Liberty invests approximately \$150,000 in upgrades to equipment and renovations by April 2020.

The lease generated approximately \$42,000 in lease revenues in the year preceding the pandemic and, at the time, with their willingness to invest in and upgrade their lease space, the Board was willing to extend the lease an additional 10 years.

During the timeframe to complete the renovations, the coronavirus pandemic hit, and the renovations were not completed by the April 30, 2020 requirement. As a result of the impact of the pandemic and receiving CARES Act funding, MTA entered into a rent abatement agreement with Sweet Liberty in April 2020 with the goal of Sweet Liberty keeping its employees and allowing the business to continue to operate. They did begin paying rent again in December 2020 and, by May 2021, the store had recovered to approximately 80% of pre-pandemic sales.

In June 2021, Sweet Liberty was approached by the Bluemont Group, a larger Dunkin Donuts franchisee out of Knoxville, Tennessee, that was interested in buying out two of Sweet Liberty's store locations in Nashville including the one at WeGo Central. Accordingly, Sweet Liberty has requested to assign its lease to the Bluemont Group with minimal changes in the lease terms with MTA.

Bluemont Group also has agreed to do store renovations that will be at least equal to and possibly exceed the \$150,000 that Sweet Liberty had originally planned to complete. In our due diligence, we find Bluemont Group to be financially stable and currently operates 51 Dunkin Donuts locations in cities including Nashville (12), Knoxville (23), Chattanooga (12), and Birmingham (4) with plans to open 2 more this year. They have already completed two store renovations with plans to renovate 2 more stores this year and 5-7 stores in 2022. TBE is also agreeable to the assignment to Bluemont Group and MTA has obtained an indemnity agreement from Sweet Liberty to protect MTA from any claims that may arise after the assignment is made and are required to maintain their existing insurance policies for 3 more years. If approved, the assignment would be done through a second amendment to the existing lease.

CFO Oliphant said that we have had a very good working relationship with Dunkin Donuts, and they have been a positive benefit for our customers that pass through WeGo Central daily.

Staff requested the Board approve the assignment of the current lease with TBE, Sweet Liberty, and the blind vendor for the WeGo Central 5th Avenue retail space to Bluemont Group.

TBE and the current blind vendor would remain a party to the lease. This assignment is done in consideration that Bluemont Group will complete renovations and store upgrades of at least \$150,000 and Nashville MTA will continue to receive a lease payment equivalent to 5% of Dunkin Donuts' gross monthly sales for the life of the lease. The improvements must begin no later than June 1, 2022 and be complete no later than December 31, 2022.

Walter Searcy made a motion to approve the WeGo Central Dunkin Donuts Lease Assignment and it was unanimously approved by the board.

- c. **Monthly Operating Statistics (OF-D-21-030)**: Chief Operating Officer Andy Burke reported and reflected on the monthly operating statistics report through August 2021. There was no further discussion at this time.
- d. **60 Ft. Articulated bus Contract & Initial Purchase (M-A-21-031)**: Chief Operating Officer Andy Burke reported the following:

Concurrent with MTA's efforts to operate within our Capital Fleet Replacement Plan for 60' Articulated Buses, staff requests approval to make an initial order for Fourteen (14) New Flyer of America Inc. Clean Diesel 60' Articulated Buses, to replace Fourteen (14) NABI 60' Articulated Buses that were built and purchased in 2009 and 2010 and have met Federal Transit Authority (FTA) replacement criteria. The contract will be to purchase up to fifty (50) 60' Articulated buses over the five-year contract period. The purchase will be made under contract with New Flyer of America Inc. The approval of this purchase is consistent with the agency's efforts to execute a more balanced schedule for capital spending and fleet replacement.

If approved, these fourteen (14) buses will replace vehicles referenced above that have met the end of their useful life and are no longer recommended for service. Considering the lead time for the production scheduling, maintenance staff anticipates delivery dates for these fourteen (14) replacements vehicles in the 3rd quarter of FY23. An additional twenty-one (21) 60' articulated buses will reach the end of their useful life during this contract period and fifteen (15) additional buses have been added in, in the event of 60' Articulated bus fleet expansion.

Board member Walter Searcy raised questions regarding complaints against the company. After discussion, the Board voted to defer the matter.

- VI. **New Initiative & Community Engagement Committee Report**: Ms. Mary Griffin introduced the following items for discussion and action:

- a. **Construction Administration Services for North Nashville Transit Center (M-A-21-032)**: Facilities Manager Patrick Hester presented the following project update at the Board Meeting:

With the North Nashville Transit Center developing through the design process the agency issued a Request for Qualifications for construction administration services on July 14, 2021. The scope of work for these services encompassed design and constructability reviews, assisting with prime and subcontractor vendor outreach, bid review assistance, construction administration, and project closeout services. The solicitation was advertised on the agency and B2G websites, in *Transit Talent*, and was sent directly to Nashville-based minority-owned architecture and construction management firms.

Three firms responded to the solicitation: Don Hardin Group; Epps Public Strategies; and ViViD1 Architecture. In addition to their written proposals, all three firms were invited for presentations and interviews. Selection criteria included project approach, team and key personnel qualifications, and previous experience on representative projects.

The RFQ included a Disadvantaged Business Enterprise (DBE) participation goal of 15%, which was exceeded by all three proposers.

ViViD1 Architecture received the highest technical ranking based on the team's design and construction experience, knowledge of the Nashville construction market, and thorough approach to construction administration. ViViD1 Architecture and sub-consultants are all minority-owned DBE firms based in the Nashville area. As a federally funded project, the procurement was conducted under Brooks Act regulations that require architectural, engineering, or construction-related services solicitations to be evaluated on technical merit, with only the top-ranked firm then requested to submit a cost proposal for negotiation.

Following negotiations of scope items and allocation of hours and resources, ViViD1 Architecture and the evaluation committee agreed on a three-year contract duration at a total price of \$562,219.08, 2% over the agency's estimate of \$550,000. An allowance of \$85,000 is proposed to be added to the negotiated contract amount to be used at the agency's direction for construction materials testing and incidental items.

Detailed roles and responsibilities of the entire team were outlined in the board packet and presented to the board.

Staff requested the Board to provide the Chief Executive Officer the authority to enter a contract with ViViD1 Architecture to provide Construction Administration Services for the Clarksville Pike and 26th Avenue North Transit Center in the amount of \$647,219.08, which includes the base contract amount of \$562,219.08 and an allowance of \$85,000 to be used at agency direction for materials testing. The total contract term is 36 months, with 12 months allocated for construction administration.

The contract is funded by the North Nashville Transit Center project budget with funds from local, state, and federal sources.

The NICE Committee made a motion to approve the Construction Administration Services for North Nashville Transit Center action item, and it was unanimously approved by the board.

b. Downtown Nashville Neighborhood Traffic Study Award (M-A-21-33): Director of Planning & Grants Felix Castrodad presented the following:

At the Board's September 2021 meeting, this project was discussed in the context of a proposed Memorandum of Understanding (MOU) between the Metropolitan Transit Authority (MTA) and the Nashville Department of Transportation (NDOT). As approved by the Board in the MOU, the project will be under the direction of the Nashville Department of Transportation (NDOT), with the Metropolitan Transit Authority serving as the administrative lead for the project. MTA is also a full project partner contributing Federal Transit funding. Other funding partners for the project include Metro Nashville, the Tennessee Department of Transportation, and the Nashville Downtown Partnership. Under this agreement with Metro, the MTA conducted the solicitation of professional services for the project and will serve as the contracting agency for consulting services.

The notice of the Request for Proposals (RFP) was published on the WeGo, Transit Talent, and B2G websites, and in the American Public Transit Association's (APTA) bi-weekly industry newsletter beginning June 14, 2021. Notifications of the solicitation were also sent to the Eno Transportation Center and the Nashville chapter of the American Council of Engineering Companies.

The project has a 21% DBE participation goal. Two proposals were received on the solicitation due date of August 25, 2021, from:

- Nelson/Nygaard Consulting Associates (Nelson Nygaard)

- Stantec Consulting Services

Cost proposals received ranged from \$997,623 to \$999,986, closely aligned with the project budget of \$1,000,000. Following the evaluation committee’s initial review of the proposals, each proposer was requested to respond to questions and participate in a presentation and interview. Factors considered in the evaluation included project approach and schedule, proposing team and key personnel qualifications, prior experience, and total project cost.

The Nelson Nygaard proposal received the evaluation committee’s highest technical ranking based on the proposed public engagement approach, work done in other cities, and the experience of the key personnel and sub-consultants. After clarification of scope items and deliverables, Nelson Nygaard submitted a best and final offer cost proposal of \$949,837.

Nelson Nygaard is meeting the DBE participation goal through the following engagements:

Company	Owner	Work Description	Percentage
Fairpointe Planning- Minority & Woman Owned	Tanisha Hall	Public engagement, outreach, and planning	15%
duGard Communications – Minority & Woman Owned	Perri duGard	Outreach support	3%
Varallo Public Relations – Woman Owned	Deborah Varallo	Outreach support	3%

Staff requested the Board of Directors to provide the Chief Executive Officer the authority to enter a professional services contract with Nelson Nygaard to conduct the Downtown Nashville Neighborhood Traffic Project in the amount of \$1,000,000, which includes the base proposal of \$949,837 plus a contingency of \$50,163. The total contract term is 24 months, with a milestone for final recommendations at 18 months. Funding for the study includes FTA 5307 funds, TDOT’s Urban Transportation Planning grant funds, and Local funds from the Metropolitan Government of Nashville and Davidson County and the Nashville Downtown Partnership.

Chair Janet Miller said that this was a great update and award has been a long time coming.

The NICE Committee made a motion to approve the Downtown Nashville Neighborhood Traffic Study Award action item and it was unanimously approved by the board.

VII. CEO’s Report: CEO Bland was unable to attend the Board Meeting, but he provided Chair Carr Williams with his report and she asked that the report be entered into the minutes as public record. His report was as follows:

1. With respect to COVID status, we’ve seen a downturn in cases lately reflecting the overall decline in cases throughout Nashville. As of this week, we had 3 employees off for COVID-related leave.
2. With respect to the North Nashville Transit Center, we anticipate demolition of the current structures on the site to commence within the next few weeks.
3. Last week, the Mayor submitted a proposed capital spending plan totaling \$568.855 million to the Metro Council for their consideration over the next several months. With respect to transit, the plan recommends an allocation of \$26.76 million to WeGo for State and Federal Grant matches (\$5 million MTA, \$760,000 RTA); \$10 million for replacement buses; \$2 million for expansion buses; \$2 million for replacement vans; \$3 million for additional stop and waiting for shelter improvements; and \$2 million each to planning, environmental work and preliminary design for the Murfreesboro Pike and Clarksville Pike Corridors.

4. On the RTA side:

- a. The sinkhole that sidelined the Star for over a week has been rectified. We have engaged an engineering firm to maintain continuous monitoring of soil conditions around this location. To date, the soil has been stable. We were able to return the Star to service on Monday, October 18, just in time to have over 600 rides to and from the Titans successful Monday Night Football win against the Buffalo Bills.
- b. We completed the restriping of the Donelson and Hermitage Station Park and Ride Lots on the WeGo Star over the next month.
- c. We are partnering with the City of Murfreesboro on a park-and-ride lot adjacent to their soon-to-be-built transit facility. At this time, Hannah Schaeffer of our staff is working with Federal Transit Administrative staff on the necessary environmental reviews that must precede our projects.
- d. On behalf of Trey walker, we welcome Ms. Kia Lewis as the new Project Manager for WeGo Public Transit. Kia comes to us from the Metropolitan Nashville Airport Authority, where she served as a Strategic Planner/Project Manager.

VI. **Chair's Report:** Chair Gail Carr Williams reported the following:

Chair Carr Williams said the teamwork among the staff is very heartwarming and it's a testament to the great team we have.

In closing, Chair Gail Carr Williams said she had the pleasure of chairing the NNTC Advisory Committee. She said that the committee has met several times to provide input on the cultural elements of the design for the Center and that the design team will be collating their findings and recommendations for consideration by the Board to incorporate into the final design of the center.

She concluded remarks by wishing everyone a Happy Halloween and encouraging everybody to be safe.

VII. **Other Business:**

VIII. **Adjournment:** With no further business, the meeting was adjourned at 3:31 p.m.

Attested:

Gail Carr Williams
Chair

Margaret L. Behm
Secretary: