SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
AND PARKING AUTHORITY COMMISSION

MINUTES

Tuesday, June 5, 2012
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
1 P.M.

BOARD OF DIRECTORS

Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Leona Bridges
Malcolm Heinicke
Jerry Lee
Joél Ramos

Edward Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
BOARD SECRETARY

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
Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Tom Nolan
Joél Ramos

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.

4. Approval of Minutes

On motion to approve the minutes of the May 15, 2012 Regular Meeting: unanimously approved.

5. Communications

Chairman Nolan announced that today's meeting would be adjourned in memory of Art Michel.

Chairman Nolan discussed the order of business for the meeting.

Board Secretary Boomer noted that anticipated litigation in closed session had been removed from the agenda.

6. Introduction of New or Unfinished Business by Board Members

Director Bridges requested an update on the installation of bike racks.

7. Director's Report (For discussion only)

-Special Recognition Award

-Sunshine labor agreements
-Church/Duboce Construction Project
-Bikes Belong Launch
-Moody's MTA rating
-Ongoing Activities

Director Reiskin presented Special Recognition Awards to Ron Niewiarowski and Al Casciato.

Director Reiskin discussed bicycle projects and awards; Moody's rating; Church and Duboce Construction Project and sunshined various labor agreements. He commended Taxi Services staff for their work.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Corey Lamb discussed Ubercab companies that take fares from legitimate cab drivers and operate with impunity.

Tara Housman discussed the Taxi Advisory Council recommendations and the perception that the SFMTA has disdain for the TAC. She also discussed why the Taxi Services should be its own division.

Marcelo Fonseca expressed concern about Ubercab. Medallion sales will be worthless if there isn't action taken about Ubercab

Roberto Ferreira hopes the SFMTA will follow the medallion list.

Richard Wiener urged the Board not to exclude the Pre-K holders from medallion sales. Illegal cabs are making money because there is a demand. There needs to be a book of regulations so drivers know the rules.

Hansu Kim discussed medallion sales, a shortage of taxis and illegal operation of medallions by brokers and medallion holders.

Naeem Malik stated that policies are hurting drivers. They are suffering from the medallion pilot program. Medallions should only be issued to drivers on the waiting list. Uber will take over the industry soon if there aren't more cabs.

Barry Taranto stated that taxi drivers aren't given information about meetings and the website isn't updated properly. The Taxi Advisory Council should look at issues. Ed Reiskin had

promised that he would put Taxi Services under him.

Bill Mounsey stated that Board has no idea what it's like to drive a taxi. Taxi drivers are the backbone of the City but they're treated like they're nothing. The industry is going downhill. Something has to be done about Ubercab.

Stewart Rosen discussed pre-K drivers and stated that he is affronted by the idea that pre-K holders can't sell their medallions.

James Gray discussed purchasing a pre-K medallion and his driving history.

Reggie McCray discussed a letter he sent regarding post- Prop G reforms and accountability. He submitted a proposal regarding the general sign-up. There is no accountability in the current proposal and it is favorable to some.

Mary McGuire expressed support for the ability of the Pre-K to sell their medallion. She also discussed parking at Coit Tower, bikes in the Stockton tunnel and Ubercab.

Tone Lee discussed how Muni could reduce deaths and injuries.

Mark Gruberg discussed the requirement for rear seat terminals. He suggested a revised review process so there is ample opportunity to review materials.

John Han discussed Ubercabs plan to put cars on the street and the need for open taxi access and single operator cabs.

Emil Lawrence discussed Ubercab, driver working conditions, and taxi stands. Mr. Lawrence presented a request for various public records.

Brad Newsham discussed Mr. Heinicke's status on the Board and operator working conditions.

Barry Korengold discussed the continuation of the Taxi Advisory Council; the need for more inspectors and to explore open taxi access. The SFMTA shouldn't lease or sell medallions for the purpose of reducing their debt.

Ed Healy discussed the amount that pre-K medallion holders have made and Ubercab.

Carl Macmurdo discussed Ubercab, medallion sales, and urged the Board to allow pre-K holders to sell.

Christopher Fulkerson stated that Taxi Services should be a division. The Taxi Advisory Council should continue. He also discussed the need to give pre-K medallions to working drivers, Ubercab and the number of cabs in San Francisco.

McVeigh discussed how societies treat their weakest, oldest and sickest members, medallion sales and the need for more cabs.

Edmond Larry discussed transit service during the Golden Gate Bridge Celebration.

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. 7th 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 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. Nationwide Mutual Ins. vs. CCSF, Superior Ct. #CGC11512978 filed on 8/2/11 for $2,248.11
B. Ed Klinicke vs. CCSF, Superior Ct. #CGC11515336 filed on 10/24/11 for $9,500
C. Bill Dang vs. CCSF, Superior Ct. #CGC10505823 filed on 12/6/10 for $14,000
D. Thomas McHale vs. CCSF, Superior Ct. #CGC9495339 filed 12/21/12 for $22,500
E. Corey Reese vs. Superior Ct. #CGC9495180 filed 12/11/09 for $25,000
F. Curlee Bishop vs. CCSF, Superior Ct. Case #CGC10496930 filed on 2/12/10 for $55,000 (998 offer)

RESOLUTION 12-074

(10.2) Approving the following traffic modifications:

A. ESTABLISH – BLUE ZONE – 1100 Ocean Avenue, north side, from approximately 0 feet to 22 feet west of the bulb-out curb return at Lee Avenue.
B. ESTABLISH – SIDEWALK WIDENING – Cesar Chavez Street, south side, from Guerrero Street to 148 feet easterly and from Valencia Street to 167 feet westerly; and Valencia Street, west side, from Cesar Chavez Street to 19 feet southerly.
C. ESTABLISH – TOW-AWAY NO STOPPING ANY TIME – Post Street, south side, from Franklin Street to approximately 230 feet easterly.

D. ESTABLISH – SIDEWALK WIDENING – Post Street, south side, from Franklin Street to approximately 230 feet easterly.
E. ESTABLISH – SHUTTLE BUS ZONE – Post Street, south side, from approximately 2 feet to 140 feet west of Van Ness Avenue.
F. ESTABLISH – SIDEWALK WIDENING – Geary Boulevard, north side, from Van Ness Avenue to approximately 147 feet westerly.
G. ESTABLISH – TOW-AWAY NO STOPPING ANY TIME – Geary Boulevard, north side between Van Ness Avenue and Franklin Street.
H. ESTABLISH – BUS ZONE – Geary Boulevard, north side, from Van Ness Avenue to approximately 147 feet westerly.
I. RESCIND – BUS ZONE – Geary Blvd., north side, from Franklin Street to 84 feet easterly.
J. ESTABLISH – RIGHT TURN ONLY LANE – Geary Boulevard, from Franklin Street to approximately 120 feet easterly.
K. ESTABLISH – SIDEWALK NARROWING – Geary Street, north side, from approximately 141 feet to 275 feet east of Van Ness Avenue.
L. RESCIND – BUS ZONE – Geary Street, north side, from approximately 141 feet to 275 feet east of Van Ness Avenue.
M. ESTABLISH – TOW-AWAY NO STOPPING ANY TIME – Geary Street, north side from Van Ness Avenue to 275 feet easterly.
N. ESTABLISH – TOW-AWAY NO STOPPING ANY TIME – Cedar Street, north side, between Van Ness Avenue and Polk Street.
O. ESTABLISH – SIDEWALK WIDENING – Cedar Street, north side, between Van Ness Avenue and Polk Street.
P. ESTABLISH – TOW-AWAY NO STOPPING ANY TIME – Cedar Street, south side, between Van Ness Avenue and Polk Street.
Q. ESTABLISH – SIDEWALK WIDENING – Cedar Street, south side, between Van Ness Avenue and Polk Street.
R. RESCIND – ONE-WAY – Cedar Street, between Van Ness Avenue and the garage entrance to the Medical Office Building, approximately 290 feet west of Polk Street.
S. ESTABLISH – TWO-WAY – Cedar Street, between Van Ness Avenue and the garage entrance to the Medical Office Building, approximately 290 feet west of Polk Street.
T. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Van Ness Avenue, west side, from Post Street to Geary Boulevard.
U. ESTABLISH – SIDEWALK WIDENING – Van Ness Avenue, west side, from Post Street to Geary Boulevard.
V. ESTABLISH – SIDEWALK WIDENING – Extend bulb-out at the southeast corner of Van Ness Ave. and Cedar St. to align with sidewalk on Van Ness Ave. and Cedar St.
W. ESTABLISH – NO PARKING VEHICLES MORE THAN 6 FEET TALL – Lincoln Way, from 33rd Avenue to 100 feet westerly; and Lincoln Way, from 34th Avenue to 100 feet easterly.
X. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA W, 2-HOUR PARKING, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY – Kansas Street, 400 Block, Even/West side between 17th and Mariposa Streets; and 17th Street, Odd/South side, between Kansas

and Utah Streets.

Y. ESTABLISH – RIGHT TURN ONLY – Broderick Street, northbound and southbound, at Haight Street.

Z. ESTABLISH – STOP SIGNS – 8th Avenue and Kirkham Street, stopping Kirkham Street at 8th Avenue; and stopping Lawton Street at 8th Avenue. (Explanatory documents include a staff report and resolution.)

Item 10.2 E was removed from the consent calendar at the request of a member of the public.

PUBLIC COMMENT:

Barry Taranto discussed the new Sutter Health hospital and expressed concern about cab stands that would serve this location.

On motion to approve Item 10.2 E:

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

RESOLUTION 12-075

(10.3) Authorizing the Director of Transportation to accept and expend $180,000 of Regional Measure 2 funds for a Safe Routes to Transit project to prioritize bike corridor enhancements, bike parking and transit connections, and pilot innovative policies and treatments on and around Muni lines. (Explanatory documents include a staff report and resolution.)

RESOLUTION 12-076

(10.4) Authorizing the Director of Transportation to issue a Request for Proposals for vendor managed inventory services for rail parts and supplies, and to negotiate a contract with the highest-ranked proposer for an initial pilot contract term of two years, with an option to extend for up to three additional years at the Director of Transportation's sole discretion. (Explanatory documents include a staff report, resolution and RFP.)

RESOLUTION 12-077

On motion to approve the Consent Calendar (Item 10.2 E severed):

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

REGULAR CALENDAR

11. Amending Transportation Code Division II Sections 1106(p), 1108 and 1122, to: set the maximum rate that a taxi company may charge a driver for credit or debit card interchange fees

for payment processing services at 3.5 percent; require taxi companies to accept credit and debit cards as payment for gate fees; require that credit and debit processing services offered by taxi companies be provided through a certified third party merchant contractually bound to deposit funds into an account of the driver's choice within one business day; and allow drivers to use their own certified merchant account services provider. (Explanatory documents include a staff report, resolution and code amendments.)

Christiane Hayashi, deputy director, Taxi Services, presented the item.

PUBLIC COMMENT:

Speakers expressing support: Mark Gruberg, Corey Lamb, Christopher Fulkerson, Brad Newsham, John Han, Ed Healy and Jim Templeton,

Speakers expressing opposition: Hansu Kim, Naeem Malik, Andrew Sun, Emil Lawrence, Dave Schneider, Tariq Mehmood, Barry Taranto, Nick Nicoli, Rick Wiener and Chris Sweiss,

Speakers expressing neither support nor opposition: Charles Rathbone, Dominic Rodricks and Jesse Davis.

Chris Sweiss, Chairman, Taxi Advisory Council stated that the Council hasn't reviewed these items. All of the changes are material and could have significant impact. He suggested deferring action until the TAC could consider and make a recommendation on the proposals.

On motion to amend the Transportation Code to allow the passenger to choose to pay the fare using any available payment system, at the passenger's option:

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

RESOLUTION 12-078

On motion to approve as amended:

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

12. Amending Transportation Code Section 1104, 1108, 1109 and 1114, to require that all taxi color schemes implement a system that generates electronic trip data, or affiliate with a dispatch service that provides such a system, to eliminate the requirement that drivers and medallion holders maintain paper waybills to document taxi trips, and to require that color schemes provide drivers with electronic trip data no later than December 31, 2012. (Explanatory documents include a staff report, resolution and code amendments.)

Items 12 and 13 were called together.

PUBLIC COMMENT on Items 12 and 13:

Speakers expressing support for Item 12: Corey Lamb, Christopher Fulkerson, Mark Gruberg, Hansu Kim, Naeem Malik, Patrick McCollum, Barry Taranto, John Han, Barry Korengold, Martin Kazinski, Brad Newsham and Ed Healy.

Speakers expressing opposition for Item 12: Bill Mounsey, Tone Lee and Tariq Mehmood,

Speakers expressing support for Item 13: Hansu Kim, Richard Wiener, Ed Healy and Jesse Davis.

Speakers expressing opposition for Item 13: Christopher Fulkerson, Naeem Malik, Barry Taranto, John Han, Barry Korengold, Martin Kazinski, Brad Newsham, Mary McGuire, Bill Mounsey and Tara Housman

Speakers expressing neither support nor opposition to Items 12 and 13: Emil Lawrence

RESOLUTION 12-079

On motion to approve:

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

13. Amending Transportation Code Section 1113, to require that all taxi color scheme permit holders provide taxi customers with a credit and debit card payment system that is accessible to the visually impaired and that allows all taxi customers to swipe their own payment cards and choose their own tip amounts from the back seat of all taxicab vehicles by December 31, 2012. (Explanatory documents include a staff report, resolution and code amendments.)

RESOLUTION 12-080

On motion to approve:

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

Chairman Nolan left the meeting at 3:30 pm.

Vice Chairman Brinkman asked Deputy City Attorney Morley to respond to the allegation of a Sunshine Ordinance violation. DCA Morley stated that there was no violation.

14. Recommending that the Board of Supervisors amend Transportation Code, Division I to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to

Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code. (Explanatory documents include a staff report, resolution and code amendments.)

Items 14 and 15 were called together.

PUBLIC COMMENT on Items 14 and 15:

Speakers expressing support for Item 14: Christopher Fulkerson, Tara Housman and Tone Lee

Speakers expressing opposition for Item 14; Carl Macmurdo, Richard Wiener, Barry Taranto, Mark Gruberg, Emil Lawrence, Mary McGuire, Barry Korengold and Naeem Malik

Speakers expressing support for Item 15: Christopher Fulkerson and Tone Lee

Speakers expressing opposition for Item 15: Charles Rathbone, Barry Taranto, Mark Gruberg and Heidi Machen.

Speakers expressing neither support nor opposition to Items 14 and 15: Corey Lamb, Hansu Kim, Hossien Fazele, Jose Carcache, Emil Lawrence, Ed Healy and John Han.

RESOLUTION 12-081

On motion to approve:

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

ABSENT - Nolan

15. Amending Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require

Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (11) make minor changes to the procedures for hearings on decisions to grant or deny permits; (15) renumber and amend Sections 1118 – 1123; (16) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (17) clarify SFMTA's procedures for providing public notice to the taxi industry; and (18) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap. (Explanatory documents include a staff report, resolution and code amendments.)

Item 15 was continued to a future meeting.

16. 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 (Nolan-absent).

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Vice Chairman Brinkman called the closed session to order at 5:24 p.m.

2. Roll Call

Present: Leona Bridges
Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Joél Ramos
Cristina Rubke

Absent: Tom Nolan – with notification

Also present: Ed Reiskin, Director of Transportation
Roberta Boomer, Board Secretary
Julia Friedlander, Deputy City Attorney

Debra A. Johnson, Director, Administration
Sonali Bose, Director, Finance and Information Technology
Don Ellison, Deputy Director, Human Resources

3. 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, Charles Chan

Parties negotiating: Arthur Leong, Wycen Foods Inc.

Under negotiation: Price: ___ Terms of Payment: ___ Both: X

RESOLUTION 12-082

On motion to authorize a payment of $111,000 to Wycen Foods Inc. as total compensation for the value of the loss of goodwill and the non-moveable fixtures and equipment of Wycen Foods resulting from the condemnation of the Property at 933-949 Stockton Street, San Francisco.

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Oka Ramos and Rubke

ABSENT – Nolan

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

This item was removed from the agenda.

5. Pursuant to Government Code Section 54957.6(a) and Administrative Code Section 67.8, the Municipal Transportation Agency Board of Directors shall meet in closed session for:

CONFERENCE WITH LABOR NEGOTIATOR

CCSF Representative: Debra Johnson and/or her designees

Employee Organizations:

Carpenters Local 22, Glaziers, Architectural Metal & Glass Workers Local 718, IAM Local 1414, IBEW Local 6, MEA, SEIU Local 1021, TWU Local 250-A (7410), IFPTE Local 21, IUNA Laborers Local 261, Operating Engineers, Local 3, Painters and Allied Trades Local 1176, Plumbers Union Local 38, Sheetmetal Workers International Local 104, Stationary Engineers Local 39, Teamsters Local 853, and Teamsters Local 856

To discuss:

_X_ Wages
_X_ Hours
_X_ Benefits
_X_ Working Conditions
_X_ Other

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 5:28 p.m.

17. Announcement of Closed Session.

Vice Chairman Brinkman announced that the SFMTA Board of Directors met in closed session to discuss real property negotiations. The Board unanimously authorized a payment of $111,000 to Wycen Foods as total compensation for the value of the loss of goodwill and the non-moveable fixtures and equipment of Wycen Foods resulting from the condemnation of the Property at 933-949 Stockton Street (Nolan-absent). The Board also discussed labor negotiations but took no action.

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

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

ADJOURN - The meeting was adjourned at 5:40 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.

R. Boomer

Roberta Boomer
Board Secretary

This document is hosted on Xtreet Open Data
Open Data Archived on January 12, 2017
Original URL:
https://www.sfmta.com/sites/default/files/agendaitems/6-5-12%20minutes%20-%20MTAB.pdf