



## REPORT TO CITY COUNCIL

**Approved by:**

*Anthony R. Forestiere*

Department Director

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** December 15, 2021

**Agenda Number:** D-3

**SUBJECT:**

Amendment to the Agreement between the City and MV Public Transportation, Inc. pertaining to Madera Metro

**RECOMMENDATION:**

A Resolution Approving Amendment No. 3 to the Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc. Relating to Holiday Service Hours and Driver Certification Requirements

**SUMMARY:**

In the spirit of continuous improvement, the City and MV Public Transportation, Inc. (MVPT), are proposing incremental modifications to enhance the passenger experience while improving the service delivery model. As a result, an amendment is required to the existing Management and Operations Agreement (Agreement).

More specifically, two revisions are proposed. They include:

1. Revision to the holiday service schedule
2. Revision to Driver Certification Requirements

The following discusses the proposed amendments in greater detail.

**DISCUSSION:**

**1. Revision to Holiday Service Hours**

Per the existing agreement, transit services are not provided on numerous holidays. After researching nearby communities, specifically, Fresno, Turlock, and Clovis, it was determined that

some agencies continue to provide services, albeit limited. In order to provide expanded services, staff proposes making changes as detailed in the following tables.

<b>Table 1: Current holidays without transit service</b>		
New Year's Day	Independence Day	Thanksgiving
Martin Luther King Birthday	Labor Day	Day after Thanksgiving
President's Day	Columbus Day	Christmas Day
Memorial Day	Veteran's Day	

After additional research, it is atypical for transit services to be suspended during all holidays. Rather, transit services often operate on an alternate schedule, similar to a weekend schedule, for some holidays. Table 2 identifies dates that staff is proposing to add limited service (9 am to 4 pm) as opposed to no service.

<b>Table 2: Proposed holidays with limited transit service (9 am – 4 pm) <sup>(1)</sup></b>		
Martin Luther King Birthday	Labor Day	<i>Christmas Eve</i>
President's Day	Columbus Day	<i>New Year's Eve</i>
Memorial Day	Veteran's Day	
<i>Juneteenth</i>	Day after Thanksgiving	
<i>(1) Days in italics represent days that are currently on a normal schedule but would be changed to limited service</i>		

As evidenced by Table 2, service would be re-introduced for most holidays, sans four. Said days are listed in Table 3.

<b>Table 3: Proposed days with no service</b>		
New Year's Day	Thanksgiving	Christmas Day
Independence Day		

## 2. Revision to Driver Certification Requirements

Due to the COVID-19 pandemic, transit services were drastically interrupted due to staffing shortages. While reviewing the Agreement with MVPT Inc, Section 3.19 - California Vehicle Code Compliance reads as: "CONTRACTOR shall comply with California Vehicle Code (CVC) Section 1801.1 (Pull Notice Program) and Section 12804.6 (Bus Operator Certificates)".

Today, the agreement requires that drivers possess a General Public Paratransit Vehicle (GPPV) certification. However, a GPPV certification is only required:

- When students at or below the 12th grade are transported to or from a public or private school or school activity.

- For drivers who transport students through the City’s Dial-A-Ride (DAR) and ADA/Paratransit (ADAP) service

In comparison, a Verification of Transit Training (VTT) Certificate is required when operating a transit bus. A VTT Certification is mandatory for drivers when operating a Fixed Route Bus, such as Madera Metro. Thus, language is proposed noting that a VTT is required for fixed route drivers, unless students are transported via DAR or ADAP.

It is noted that while the existing agreement does not stipulate that all drivers receive dual certification, as a standard of practice, drivers have been required to attain both certificates. Due to certificate requirements, DMV and CHP testing availability, the hiring process has been a minimum of four months, not including the additional training provided by MVPT. By adding clarifying language, it is anticipated that the recruitment timeline will be greatly reduced.

**FINANCIAL IMPACT:**

These amendments do not impact the City’s General Fund as all transit operation and preventative maintenance cost expended through Local Transportation and Federal Transit Administrative grant funds.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

The Management and Operations Agreement supports the Vision Madera 2025 Plan as follows:

- Strategy 121:
  - Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.
- Strategy 407:
  - Promote and expand existing services, supportive services, case management, and self-sufficiency for Madera residents to maintain independent lifestyles.
- Strategy 431.1:
  - Continue and expand use of low emission or alternative energy source vehicles for all public jurisdictions.

**ALTERNATIVES:**

As an alternative, Council may direct staff to retain the current language or direct other terms to the agreement.

**ATTACHMENTS:**

1. Resolution Approving Amendment No. 3
  - a. Exhibit A to Resolution: Amendment No. 3 to Management & Operation Agreement

**RESOLUTION NO. 21-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE AGREEMENT FOR  
MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES  
BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.**

**WHEREAS**, the City of Madera (City) and MV Public Transportation, Inc. (MVPTI) entered an agreement for the Management and Operation of Madera Transit Services (Agreement) on November 7, 2018; and

**WHEREAS**, the Parties entered Amendment No. 1 on July 1, 2021 extending the Agreement to June 30, 2022; and

**WHEREAS**, the Parties entered Amendment No. 2 to the Agreement on October 6, 2021, to extend the Agreement to June 30, 2023; and

**WHEREAS**, a further Amendment to the Agreement is needed to revise the Holiday Service Hours and Driver Certification Requirement.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY** the City Council of the City of Madera finds, determines, resolves and orders as follows:

1. The above recitals are true and correct.
2. The City Council approves Amendment No. 3 to the Agreement for Management and Operations with MV Public Transportation, Inc. which is attached as Exhibit A and incorporated by reference.
3. This resolution is effective immediately upon adoption.

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**AMENDMENT NO.3 TO AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.**

This Amendment No. 3 to the Agreement for Management and Operation of Madera Transit Services between the City of Madera (City) and MV Public Transportation, Inc. (Contractor) is entered into effective December 1, 2021.

**RECITALS**

**WHEREAS**, the City and Contractor entered into an Agreement for the Management and Operations of Madera Metro Transit Services (Agreement) on November 7, 2018; and

**WHEREAS**, the Parties entered Amendment No. 1 to the Agreement on July 1, 2021, to extend the Agreement to June 30, 2022; and

**WHEREAS**, the Parties entered Amendment No. 2 to the Agreement on October 6, 2021, to extend the Agreement to June 30, 2023, to meet required FTA provisions and language for the Agreement between the City and Contractor; and

**WHEREAS**, the Parties wish to enter Amendment No. 3 to as set forth herein.

**AMENDMENT**

**SECTION 1.** Section 3.a.19) of the Agreement is amended to add Subsection a) to now read as follows:

19. California Vehicle Code Compliance: CONTRACTOR shall comply with California Vehicle Code Section 1801.1 (Pull Notice Program) and Section 12806 (bus operator certificates).

- a. CONTRACTOR is required to ensure that at a minimum, all transit bus operators obtain a Verification of Transit Training (VTT) Certificate.

**SECTION 2.** The language in Section 3.a.22) of the Agreement, as amended, shall have no further force and effect and shall be replaced with a new **Subsection 22)** to Section 3.a. to read as follows:

22) Holidays:

- a. No transit services shall be provided on the following City of Madera holidays: New Year's Day, Independence Day, Thanksgiving Day, Christmas Day. If one of these holidays falls on a Sunday, it is not to be observed the following day.

b. Limited Transit Services shall be provided on the following City of Madera holidays: Martin Luther King’s Birthday, President’s Day, Memorial Day, Juneteenth Independence Day, Labor Day, Columbus Day, Veterans Day, Day After Thanksgiving, Christmas Eve, New Year’s Eve. If one of these holidays falls on a Sunday, it is not to be observed the following day. The term “Limited Transit Services” as used in this section shall mean the same as Saturday Regular Service Hours as currently set for 9:00 a.m. to 4:00 p.m. or as may be amended by mutual agreement between the Parties and memorialized in writing.

**SECTION 3.** Except as amended by this Amendment No. 3, all terms and conditions of the Agreement shall continue in full force and effect.

**IN WITNESS WHEREOF,** the Parties hereto have executed or caused the extension to the Agreement to be executed as of the date and year written above.

**CITY OF MADERA**

**MV PUBLIC TRANSPORTATION, INC.**

By: \_\_\_\_\_  
Santos Garcia, Mayor

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Taxpayer ID Number

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk