



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **Board of Directors - Regular Meeting**

CLOSED SESSION 4:15 PM (see item 7 for details)

HYBRID MEETING

AC Transit General Offices  
2nd Floor Board Room - 1600 Franklin Street, Oakland, California

Phone (669) 900 6833, Webinar ID: 984 8717 5063

**Wednesday, July 10, 2024 at 5:00 PM**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**JOEL YOUNG, PRESIDENT (AT-LARGE)**

**DIANE SHAW, VICE PRESIDENT (WARD 5)**

**JOVANKA BECKLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**SARAH SYED (WARD 3)**

**MURPHY MCCALLEY (WARD 4)**

**H. E. CHRISTIAN PEEPLES (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER/CHIEF EXECUTIVE OFFICER**

**SHAYNA VAN HOFTEN, INTERIM GENERAL COUNSEL/CHIEF LEGAL OFFICER**

**LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY**

**TELECONFERENCE:**

Director H. E. Christian Peeples, 13328 San Pablo Avenue, Room 9B, San Pablo, California 94806

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, July 10, 2024, at 5:00 p.m.

Prior to the start of the meeting, Interim General Counsel Shayna van Hoften confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Peeples to teleconference to the meeting. The Interim General Counsel advised that all votes must be taken by roll call vote.

The meeting was called to order at 3:04 p.m. for the purpose of Closed Session. All Boardmembers were present with the exception of President Young. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:06 p.m.

**2. ROLL CALL**

President Young was excused from attending the meeting while traveling on District Business.

**Present:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

**3. PUBLIC COMMENT**

There were no public comments offered.

**4. MODIFICATIONS TO THE AGENDA**

Agenda item 5.I. (contract for General Offices 10th floor retrofit) was removed from the agenda.

**5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

There was no public comment offered on the Consent Calendar.

MOTION: PEEPLES/McCALLEY to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Item 5.G. (funding agreements) which was pulled off the Consent Calendar by Director Walsh. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

**5.A.** Consider approving Board of Directors special meeting minutes of June

**[24-377](#)**

5, 2024.

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPELS/McCALLEY to approve Board of Directors special meeting minutes of June 5, 2024. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.B.** Consider approving Board of Directors meeting minutes of June 12, 2024.

[24-030](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPELS/McCALLEY to approve Board of Directors meeting minutes of June 12, 2024. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.C.** Consider the adoption of Resolution No. 24-022 to repeal Resolution No. 23-021, dissolve the AC Transit Accessibility Advisory Committee (AAC); express appreciation on behalf of senior and disabled fixed route transit riders to the past members of the AAC and thanking the members of the General Manager's Access Committee (GMAC) for their commitment to accessible public transit; and direct and authorize the General Manager to utilize the means he determines are best-suited for soliciting and receiving input on District planning, programs and services for seniors and individuals with disabilities.

[23-241a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPELS/McCALLEY to adopt Resolution No. 24-022 to repeal Resolution No. 23-021, dissolve the AC Transit Accessibility Advisory Committee (AAC); express appreciation on behalf of senior and disabled fixed route transit riders to the past members of the AAC and thanking the members of the General Manager's Access Committee (GMAC) for their commitment to accessible public transit; and direct and authorize the General Manager to utilize the means he determines are best-suited for soliciting and receiving input on District planning, programs and services for seniors and individuals with disabilities. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

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- 5.D.** Consider receiving the Monthly Reports on Investments for April and May 2024. [24-378](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPELS/McCALLEY to receive the Monthly Reports on Investments for April and May 2024. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.E.** Consider authorizing the General Manager or his designee to file and execute applications, and any resulting funding agreements or other such documentation required, for the U.S Department of Transportation (USDOT) Fiscal Year (FY) 2024 Strengthening Mobility and Revolutionizing Transportation (SMART) grant for the Zero Emission Bus Data Integration and Management Environment System (ZEBDIME) Project. [24-372](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPELS/McCALLEY to authorize the General Manager or his designee to file and execute applications, and any resulting funding agreements or other such documentation required, for the U.S Department of Transportation (USDOT) Fiscal Year (FY) 2024 Strengthening Mobility and Revolutionizing Transportation (SMART) grant for the Zero Emission Bus Data Integration and Management Environment System (ZEBDIME) Project. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.F.** Consider authorizing the General Manager or his designee to file and execute applications for funding from the Metropolitan Transportation Commission (MTC) through MTC's Transit Capital Priorities (TCP) Program for Federal Fiscal Years (FFY) 2024-25, 2025-26, 2026-27, 2027-28, and 2028-29. [24-382](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPELS/McCALLEY to authorize the General Manager or his designee to file and execute applications for funding from the Metropolitan Transportation Commission (MTC) through MTC's Transit Capital Priorities (TCP) Program for Federal Fiscal Years (FFY) 2024-25, 2025-26, 2026-27, 2027-28, and 2028-29. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.G.** Consider adoption of Resolution Nos. 24-027 and 24-028 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for the Bus Accelerated Infrastructure Delivery (BusAID) Program for the Park Street Transit Signal Priority (TSP) and Signal Optimization Project and International Boulevard Transit Lane Delineation Project. [24-374](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Item 5.G. was pulled off the Consent Calendar by Director Walsh for questions that were addressed by staff.

MOTION: WALSH/BECKLES to adopt Resolution Nos. 24-027 and 24-028 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for the Bus Accelerated Infrastructure Delivery (BusAID) Program for the Park Street Transit Signal Priority (TSP) and Signal Optimization Project and International Boulevard Transit Lane Delineation Project. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.H.** Consider authorizing the General Manager to execute a funding agreement with the Bay Area Rapid Transit District (BART), for East Bay Paratransit Software. [24-381](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Chris Andrichak, Chief Financial Officer

MOTION: PEEPELS/McCALLEY to authorize the General Manager to execute a funding agreement with the Bay Area Rapid Transit District (BART), for East Bay Paratransit Software. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.I.** Consider approving a single source contract award to One WorkPlace Construction, LLC (dba Vantis) to provide technological equipment, supplies, and labor associated with the upgrade of the tenth-floor conference room in the District's General Office building. [24-387](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

This item was removed from the agenda.

- 5.J.** Consider authorizing the General Manager to exercise the first of five one-year options under agreements with Stanford University (the “University”) and Stanford Health Care (ther “Hospital”) to continue operating Line U service at no cost to the District through August 31, 2025.

[17-232d](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPELS/McCALLEY to authorize the General Manager to exercise the first of five one-year options under agreements with Stanford University (the “University”) and Stanford Health Care (ther “Hospital”) to continue operating Line U service at no cost to the District through August 31, 2025. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

- 5.K.** Consider exercising the first of three one-year options with MV Transportation to continue operating the Dumbarton Express service under the existing contract through December 31, 2025.

[24-329](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPELS/McCALLEY to approve the first of three one-year options with MV Transportation to continue operating the Dumbarton Express service under the existing contract through December 31, 2025. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

## **6. REGULAR CALENDAR**

### **Planning Items - Chair Syed**

- 6.A.** Consider receiving a report on the District’s planned service changes associated with the August 2024 Sign-up.

[24-354](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Transit Schedules Administrator Christine Eduok presented the staff report. Transit Schedules Manager Ajay Martin also addressed questions from the Board.

**Public Comment:**

**Jessie Gunn** thanked the Board and staff for listening to the concerns of operators but suggested a more proactive approach in the future that would avert the need for scores of union members to attend Board meetings to express their concerns. Gunn suggested a communication protocol be put in place to keep all parties on track.

MOTION: SHAW/BECKLES to receive report on the District's planned service changes associated with the August 2024 Sign-up. The motion carried by the following vote:

**Ayes:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

**7. CLOSED SESSION/REPORT OUT**

Assistant General Counsel Aimee Steele reported out on the following:

MOTION: MCCALLEY/SYED to authorize settlement in the matter of Winder v. AC Transit, WCAB Case Nos. ADJ13247201 and ADJ11019890 up to \$242,296.20 minus permanent disability advances estimated to \$25,520.00 (approximately \$216,776.20 in new money). The motion carried by the following vote:

**Ayes:** MCCALLEY, SYED, BECKLES, WALSH, PEEPLES, SHAW

**Absent:** YOUNG

There were no other reports out of Closed Session.

**7.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

- Chris Winder v. AC Transit: Claim No. ACCT-026299; WCAB Case No. ADJ13247201 and Claim No. ACCT-0038; WCAB Case No. ADJ11019890.

**7.B. Conference with Legal Counsel – Potential Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (two cases)

**7.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Labor and Employee Relations Representative;

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,

Unrepresented Employees

**7.D. Public Employee Appointment**

(Government Code Section 54957(c))

Title: General Counsel

**8. AGENDA PLANNING**

- 8.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [24-061k](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to Agenda Planning.

**9. GENERAL MANAGER'S REPORT**

- 9.A.** General Manager's Report for July 10, 2024. [24-016k](#)

The report was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

- 10.A.** Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [24-309](#)

There were no reports provided.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned in the memory of former General Counsel Kenneth C. Scheidig at 5:30 p.m. The next meeting of the Board is scheduled for July 24, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary