



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street, Oakland, CA 94612

Wednesday, September 25, 2019 at 5:00 PM

Closed Session - 4:00 PM (Items 7A-7D)

MEMBERS OF THE BOARD OF DIRECTORS

JOE WALLACE, PRESIDENT (WARD 1)

ELSA ORTIZ, VICE PRESIDENT (WARD 3)

GREG HARPER (WARD 2)

MARK WILLIAMS (WARD 4)

DIANE SHAW (WARD 5)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

JOEL YOUNG (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER

DENISE C. STANDRIDGE, GENERAL COUNSEL

LINDA A. NEMEROFF, DISTRICT SECRETARY

1. CALL TO ORDER**2. ROLL CALL****3. PUBLIC COMMENT**

Any person may directly address the Board at this time on any items of interest to the public that is within the subject matter and jurisdiction of the Board. Speakers wishing to address a specific agenda item will be invited to address the Board at the time the item is being considered. Two (2) minutes are allowed for each item.

4. MODIFICATIONS TO THE AGENDA**5. CONSENT CALENDAR**

- 5.A. Consider approving Board of Directors meeting minutes of September 11, 2019. [19-313](#)

Staff Contact: Linda Nemeroff, 891-7284

- 5.B. Consider receiving Retirement Board minutes of August 8, 2019. [19-314](#)

Staff Contact: Hugo Wildmann, 891-4889

- 5.C. Consider receiving the Monthly Report on Investments for June and July 2019. [19-293](#)

Staff Contact: Claudia Allen, 891-5465

6. REGULAR CALENDAR**External Affairs Items - Chair Ortiz**

- 6.A. Consider receiving the monthly legislative report. [19-297](#)

Staff Contact: Beverly Greene, 891-7255

Finance and Audit Items - Chair Harper

- 6.B. Consider the adoption of Resolution 19-033 approving the AC Transit EasyPass pricing schedule for FY2021-FY2029, approving the Title VI Equity Analysis, and directing staff to amend Board Policy 333 (Fare Policy: Goals and Methodology). [19-262b](#)

Staff Contact: Beverly Greene, 891-7255

Planning Items - Chair Peebles

- 6.C. Consider authorizing the General Manager to execute an agreement with Laird Plastics for polyurethane rub rails for the Bus Rapid Transit (BRT) station platforms. [19-315](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.D. Consider authorizing the General Manager to approve change orders and amend the O.C. Jones and Sons, Inc. contract as-needed up to 18% of the Board approved contract value for the East Bay Bus Rapid Transit (BRT) Project Infrastructure and Station Platforms. [15-210c](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.E. Consider waiving the two-hearing requirement specified in Board Policy 110 and set a public hearing at 6:00 p.m. on October 23, 2019, regarding Division 4 modifications to accommodate battery electric buses as part of the 45 Zero Emission Bus Purchase - Initial Study/Preliminary Mitigated Negative Declaration [19-308](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Shaw

- 6.F. Consider authorizing the General Manager or his designee to file and execute an application with Caltrans for fiscal years 2020-21 and 2021-22 for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Program on behalf of the East Bay Paratransit Consortium (EBPC), for a Regional Paratransit Program (RPP) pilot. [19-294](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.G. Consider receiving a report on the State of the District's Non-Revenue Fleet. [Requested by Director Shaw - 6/26/19] [19-300](#)

Staff Contact: Salvador Llamas, 891-7215

- 6.H. Consider the adoption of Resolution No. 19-032 approving the revised classification of Bus Operator. [19-304](#)

Staff Contact: Nathaniel Kramer, 891-5426

- 6.I. Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement - January 1, 2020 to December 31, 2020 - in conjunction with the one-year option for the service contract. [11-256g](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.J. Consider exercising the fourth of five one-year options with MV Transportation to continue Dumbarton Express service under the existing contract. [11-256c](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.K. Consider authorizing the General Manager to execute a contract renewal with the City of Oakland (City) for operation of the Broadway Shuttle. [16-106c](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Board Administrative Matters:

- 6.L. Consider recommendation to approve contract assignment from Law Offices of Robert Peterson to Donnell, Melgoza & Scates, LLP. [17-018b](#)
Staff Contact: Denise Standridge, 891-4833
- 6.M. Consider approving the draft agenda for the Board of Directors and Board Officers retreat scheduled for October 30, 2019. [19-312](#)
Staff Contact: Linda Nemeroff, 891-7284

7. CLOSED SESSION/REPORT OUT

The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.

7.A. Conference with Legal Counsel – Existing Litigation
(Government Code Section 54956.9 (a))

Quarterly Litigation Report:

- Edwards v. AC Transit, et al., ACSC No. RG17-885627;
- Blacksher v. Amalgamated Transit Union, et al., ACSC No. HG16-840726;
- Henderson v. AC Transit, et al., ACSC No. RG18-914096;
- Henderson v. AC Transit, et al., ACSC No. RG19-007545;
- McNaulty v. AC Transit, ACSC No. RG18-933966; and
- Pearl v. AC Transit, ACSC No. RG19-015118.

7.B. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

7.C. Conference with Labor Negotiators
(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;
 - Acting Executive Director of Human Resources Nathaniel Kramer;
- Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,
Unrepresented Employees

7.D. Public Employee Performance Evaluation
(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

8.A. Review Agenda Planning Pending List.

[19-020p](#)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for September 25, 2019.

[19-084](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: October 9, 2019 at 5:00 p.m.

MEETING DISCLOSURES

Public Comment: Members of the public wishing to present comments should complete a Speaker's Form and submit it to the District Secretary at the meeting. For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENTS" section of the regular meeting agenda. For specific agenda item(s), speakers will be invited to address the Board at the time the item is being considered. All speakers, including anyone using simultaneous translation equipment, are allowed two (2) minutes to present comments. Speakers using a translator will receive twice the allotted time. Individuals wishing to present more detailed information are encouraged to submit comments in writing. Written comments are included in the record for meeting(s), and as such, are available for public inspection and may be posted to the District's website.

Electronic Devices: All electronic devices such as cell phones, smartphones, tablets and similar-sounding devices, shall be placed on mute, vibrate or silent mode during Board meetings pursuant to District Ordinance No. 12.

Order of Agenda Items: The Board may discuss any item listed on this agenda and in any order.

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AVAILABILITY OF AGENDA RELATED MATERIALS

Written agenda related materials for all open session regular meetings are available to the public 72 hours prior to the meeting or at the time the materials are distributed to a majority of the Board. Written materials presented at a meeting by staff or a member of the Board will be available to the public at that time, or after the meeting if supplied by an outside party. Agenda related materials are available on the District's website or by contacting the District Secretary's Office.

ACCESSIBLE PUBLIC MEETINGS

Meetings of the Board of Directors are accessible to individuals in wheelchairs. The Board Room is equipped with Assistive Listening Devices for individuals with a hearing impairment. Written materials in appropriate alternative formats, disability-related modification/accommodations must be made three business days in advance of the meeting or hearing to help ensure availability. Subject to availability, sign language and foreign language interpreters will be provided upon request with 72-hour notice. Please direct requests for disability related modification or accommodation and/or interpreter services to Linda A. Nemeroff, District Secretary, 1600 Franklin Street, Oakland, California, 94612 or call (510) 891-7201. To access a recording of the current agenda by telephone, dial (510) 891-7200.

AC Transit's General Offices are accessible by various bus lines serving the intersection of 17th Street and Broadway. For trip planning visit www.actransit.org or call 511 (and say, "AC Transit"). The nearest accessible BART station is the 19th Street Station in Oakland.

District Ordinance No. 13 prohibits non-service animals at District facilities unless specifically authorized by law.

To accommodate individuals with severe allergies and environmental illnesses, meeting participants should refrain from wearing scented products to the meeting.

FREE PUBLIC WiFi ACCESS

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