



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:15 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, May 10, 2023 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

JILL A. SPRAGUE, GENERAL COUNSEL/CHIEF LEGAL OFFICER

LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY

1. CALL TO ORDER

The Alameda-Contra Costa Board of Directors held a meeting on Wednesday, May 10, 2023, at 5:00 p.m.

The meeting was called to order at 4:01 p.m. for the purpose of Closed Session. All Board members were present. Director Beckles arrived at 4:03 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:43 p.m.

President Young called the Board of Directors meeting to order at 5:02 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

[Written comment received prior to the meeting is incorporated into the minutes as Exhibit A.]

Clarence Fischer suggested that AC Transit's headways on major bus lines and feeder service mirror BART's 20-minute headways, so that patrons that transfer between both systems have an even transfer time.

Owen Diaz requested that certain AC Transit Supervisors be investigated for alleged improprieties.

Ernest requested that busses that run in the evening on Line 81 turn down the air conditioning unit.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

There was no public comment on the Consent Calendar.

MOTION: PEEPLES/MCCALLEY to receive or approve the items on the Consent Calendar as indicated except for item 5.I., which was pulled off the Consent Calendar by Director Shaw for further discussion. The motion carried by the following vote:

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

5.A. Consider approving Board of Directors minutes of April 26, 2023.

[23-102](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of April 26, 2023. The motion carried by the following vote:

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

- 5.B.** Consider authorizing members of the Board of Directors and General Manager to attend various out-of-state conferences, study missions, meetings and seminars held by the American Public Transportation Association, Transportation Research Board and National Association of City Transportation Officials during FY 2023-24 as outlined in the Staff Report. [23-240](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize members of the Board of Directors and General Manager to attend various out-of-state conferences, study missions, meetings and seminars held by the American Public Transportation Association, Transportation Research Board and National Association of City Transportation Officials during FY 2023-24 as outlined in the Staff Report. The motion carried by the following vote:

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

- 5.C.** Consider receiving the Quarterly budget update for the period of July 2022 through the end of March 2023 of FY 2022-23. [23-022](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to receive the Quarterly budget update for the period of July 2022 through the end of March 2023 of FY 2022-23. The motion carried by the following vote:

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

- 5.D.** Consider authorizing the General Manager to enter into a one (1) year contract extension with Paratransit, Inc. for consultant coordination services for the East Bay Paratransit Consortium (EBPC). [23-237](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to authorize the General Manager to enter into a one (1) year contract extension with Paratransit, Inc. for consultant coordination services for the East Bay Paratransit Consortium (EBPC). The motion carried by the following vote:

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

- 5.E.** Consider authorizing the General Manager to enter into a one-year contract extension with Transdev for the East Bay Paratransit Consortium (EBPC) Broker/Service Provider services. [23-238](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to authorize the General Manager to enter into a one-year contract extension with Transdev for the East Bay Paratransit Consortium (EBPC) Broker/Service Provider services. The motion carried by the following vote:

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

- 5.F.** Consider authorizing the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024. [20-349c](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024. The motion carried by the following vote:

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

- 5.G.** Consider approving the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California in the amount of \$1,102,147.29 for the installation of the Security Systems Upgrade at the Hayward (D6) Division. [18-214b](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to approve the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California in the amount of \$1,102,147.29 for the installation of the Security Systems Upgrade at the Hayward (D6) Division. The motion carried by the following vote:

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

- 5.H.** Consider review of Board Policy 470 - BART Emergency Bus Service Policy with no recommended amendments. [23-253](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to approve the review of Board Policy 470 - BART Emergency Bus Service Policy with no recommended amendments. The motion carried by the following vote:

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

- 5.I.** Consider receiving an update on the Next Generation Clipper (C2) [23-221](#)

Program implementation.

Staff Contact:

Ahsan Baig, Chief Information Officer

Item 5.I. was pulled from off the Consent Calendar by Vice President Shaw for clarification regarding the Clever Devices system and the readiness of Clipper readers for rear door access on buses.

MOTION: SHAW/PEEPLS to receive an update on the Next Generation Clipper (C2) Program implementation. The motion carried by the following vote:

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

6. REGULAR CALENDAR

Finance and Audit Items - Chair McCalley

- 6.A.** Consider receiving a report on the Draft FY 2023-24 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses. [22-588c](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report. There was no public comment offered.

MOTION: YOUNG/SHAW to receive a report on the Draft FY 2023-24 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses. The motion carried by the following vote:

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

Planning Items - Chair Syed

- 6.B.** Consider receiving an introductory report on the status of the Transit Supportive Design Guidelines. [23-226](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

[Written comment received prior to the meeting in incorporated into the file by reference.]

Principal Transportation Planner Mika Miyasato presented the staff report.

Public Comment:

Kuan Butts, Board of Transport Oakland, requested that AC Transit not eliminate the current multimodal design guidelines and critical industry-standard safety features.

Anthony urged the Board to ensure that staff update the existing multimodal design guidelines rather than eliminatethem.

Hunter encouraged the Board to review the recommendations for bike and pedestrian safety that would be excluded from the updated recommendations.

Bryon Culbertson urged the Board to consider NACTO Transit Street Design Guidelines as AC Transit improves the multimodal design guidelines to support paratransit, traffic safety, and transit liability.

George Spies requested to include pedestrian and bicycle safety advocate organizations in any workshops going forward.

Caleb Jones cautioned that busses should not be prioritized is a way that would jeopardize the safety of pedestrians and bicyclists.

MOTION: WALSH/BECKLES to receive the report on the status of the Transit Supportive Design Guidelines, thank staff, and direct staff to report back with data on areas that indicate a linkage between complete streets and transit delays; and direct staff to include local city and county bike/pedestrian groups as well as senior and disability advocacy groups in the outreach.The motion carried by the following vote:

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

Board Administrative Matters - President Young

- 6.C.** Announcement of Liaison Committee assignments to the General Manager's Access Committee. [23-282](#)

Contact:
President Young

President Young announced the appointment of Vice President Diane Shaw as primary liaison and Director Chris Peeples as alternate liaison to the General Manager's Access Committee.

7. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Robinson v. AC Transit, WCAB Case Nos. ADJ8176644 and ADJ3754923

Jones v. AC Transit, WCAB Case Nos. ADJ7940126, ADJ9589729, ADJ1631546, ADJ2486552, AJ2750208, ADJ288311 and ACSC Case No. RG12620431

7.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 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 Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms. [23-028h](#)

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 May 10, 2023. [23-029h](#)

The report was presented for information only.

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on meetings and events they attended since the last Board meeting.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:26 p.m. The next meeting of the Board is scheduled for May 24, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary