



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

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

Wednesday, January 8, 2020 at 5:00 PM
Closed Session - 4:00 PM (Items 9A-9D)

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

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, January 8, 2020, at 5 p.m.

The Board of Directors convened in Closed Session at 4:06 p.m. to discuss items 9A-9D as listed on the agenda. All Board members were present. Closed Session concluded at 4:45 p.m.

President Wallace called the Board of Directors meeting to order at 5:00 p.m.

2. ROLL CALL

Present: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

3. PRESENTATION

- 3.A.** Consider adoption of Resolution No. 20-007 honoring General Counsel Denise Standridge on the occasion of her retirement after 19 years of service. **20-051**

[Resolution No. 20-007 was provided at the meeting for the Board's consideration.]

Director Peeples thanked Ms. Standridge for her years of service and expressed his best wishes in future endeavors.

Vice President Ortiz read a letter of appreciation on behalf of District Secretary Linda Nemeroff who was absent.

President Wallace acknowledged Ms. Standridge's career with AC Transit and congratulated her on years of service.

General Manager Mike Hursh expressed his sincere appreciation of Ms. Standridge's professionalism and unique skill to provide truthful guidance.

MOTION: PEEPLES/WILLIAMS to adopt Resolution No. 20-007 honoring General Counsel Denise Standridge on the occasion of her retirement after 19 years of service. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 3.B.** Alameda County Transportation Commission Shared Mobility Presentation. [20-019](#)

Presenters: Kristen Villanueva, Alameda CTC & Nate Conable, Fehr & Peers

Director of Service Development & Planning Robert del Rosario introduced Kristen Villanueva with the Alameda County Transportation Commission and Nate Conable with Fehr & Peers.

Director Peebles asked about the cost of riding a scooter. Mr. Conable advised that while scooter companies generally charge \$1 per mile, which may be cost effective on short, inner city rides, a bus ride may prove to be more cost effective on longer rides.

Vice President Ortiz was concerned that the District and other public transit agencies are at a disadvantage when competing with transportation network companies (TNCs) because the costs of employment benefits, operator training and other requirements are imposed on public agencies but not on the TNCs. Mr. Conable concurred that public agencies are required to provide certain types of service and benefits that TNCs are not required to provide, but added that some local municipalities impose fees on TNCs that are collected and allocated to fund public transit. In addition, municipalities require handicap-accessible vehicles with the goal of evening out the market in terms of regulatory requirements.

Director Shaw asked about 1) curb-space planning and management; 2) the possibility of imposing a zero-emission vehicle requirement on TNCs; and 3) the feasibility of free bus ride zones in congested areas as a TNC discouragement tool. Mr. Conable advised that local municipalities are looking to create more dedicated right-of-way that would be managed by public authorities, which he believes would be the most important component to solving inner-city traffic congestion. He suggested that the District get more involved with the local curb management programs. On the matter of zero emission fleets, Mr. Conable advised that TNCs are projecting a zero-emission fleet in the future, but was not aware of any existing regulatory requirements on this matter.

Director Williams inquired whether there is an open dialog between the ACTC and TNCs and whether Alameda County would consider taxing TNC riders, equivalent to the County of San Francisco's traffic congestion mitigation tax approved in November of 2019. Ms. Villanueva advised that the Commission was not in discussions with Uber and Lift, but added that some cities in the county work actively with the scooter and bike share companies. On the issue of taxing riders, Ms. Villanueva advised that the ACTC as a county agency has no authority to regulate tax charges, which are generally under a local jurisdiction's authority.

Director Harper commented on TNC's flexible pricing model and noted that it varies on weekends.

The item was presented for information only.

4. PUBLIC COMMENT

There were no public comments offered.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR

Approval of the Consent Agenda

MOTION: ORTIZ/YOUNG to receive or approve the items on the Consent Calendar as indicated. The motion carried by the following vote:

- Ayes:** Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw
- 6.A.** Consider approving Board of Directors/Board Officers retreat minutes of October 30, 2019. [20-025](#)
- 6.B.** Consider approving Board of Directors minutes of December 11, 2019. [20-020](#)
- 6.C.** Consider authorizing the District Secretary to attend the International Institute Municipal Clerks (IIMC) 74th Annual Conference on May 17-20, 2020, in St. Louis, Missouri. [20-042](#)
- 6.D.** Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2020. [20-040](#)
- 6.E.** Consider receiving the Accessibility Advisory Committee minutes of November 12, 2019. [20-027](#)
- 6.F.** Consider receiving Retirement Board minutes of November 14, 2019. [20-049](#)
- 6.G.** Consider approving the award of a firm fixed price construction contract to Steamline Builders in the amount of \$159,300, for the renovation of the Contra Costa College Transit Center Operator's Facility in San Pablo. [20-015](#)
- 6.H.** Consider authorizing the issuance of a solicitation for Managed Copier Services. [20-047](#)

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

- 7.A.** Consider receiving a report on the Draft 2020 Federal and State Legislative Advocacy Programs. [20-009](#)

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report on the proposed changes to the State and Federal Advocacy Programs.

With regard to the State Program, Director Shaw questioned the proposal to have bus only lanes on bridges only, saying that there were opportunities to develop bus only lanes on city streets as well. Ms. Burgos advised that staff would add an item to support transit only lanes on local streets and roads.

With regard to the Federal Program, Director Young suggested that the District continue to "monitor" (rather than oppose) actions that decrease funding for sanctuary cities or California. There was a general consensus to change monitor to oppose.

MOTION: WILLIAMS/PEEPLS to receive a report on the Draft 2020 Federal and State Legislative Advocacy Programs with the changes recommended by the Board. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.B.** Consider approving contract award to Turbo Images, Inc. for Tempo Bus Rapid Transit (BRT) livery production and installation. [18-313c](#)

Marketing Administrator Amy Franjesevic presented the staff report.

Vice President Ortiz asked what would happen after the first 24 months of the contract. Ms. Franjesevic advised that the contract would only cover the initial outfitting of the BRT fleet and would not cover the cost of any damage that might occur afterward. Mr. Hursh added that if a section of the wrap were to be damaged, it could be easily replaced. The wraps could also accommodate a partial sponsor for the service, however, the re-wrapping of a bus would be negotiated if the District secured a full sponsorship.

Public Comment:

Eric Darby, ATU Local 192, commented that it would be nice if ATU was considered for the work.

David Vartanoff offered that the money for the wraps would be better spent on filling cancelled runs as riders only care about getting to their destination.

MOTION: SHAW/WALLACE to approve contract award to Turbo Images, Inc. for Tempo Bus Rapid Transit (BRT) livery production and installation. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Williams, Peeples, Young, Shaw

Nayes: Harper

- 7.C.** Consider approving amendments to Board Policy 101 - Board of Directors Rules for Procedure, Section 6.9, and Board Policy 110 - Public Hearing Processes for the Board of Directors, to extend the time limit for public speakers at Board meetings from two minutes to three minutes and codify the existing practice that allows the Board President to change time limit at a public hearing to allow as many people to speak as possible. [20-005](#)

There was no presentation of the staff report.

MOTION: PEEPLES/WILLIAMS approve amendments to Board Policy 101 - Board of Directors Rules for Procedure, Section 6.9, and Board Policy 110 - Public Hearing Processes for the Board of Directors, to extend the time limit for public speakers at Board meetings from two minutes to three minutes and codify the existing practice that allows the Board President to change time limit at a public hearing to allow as many people to speak as possible. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

Planning Items - Chair Peeples

- 7.D.** Consider receiving the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. [20-003](#)

Executive Director of Planning & Engineering Ramakrishna Pochiraju presented the monthly construction update and External Affairs Representative Steven Jones presented an update on community outreach efforts.

Director Peeples believed the service would not begin operation until June due to delays created by PG&E.

Director Harper asked how the operator sign-up would be handled for the start of the service. Chief Operating Officer Sal Llamas advised that the service would be included in the bid for the March sign-up and should there be any delay in the start of the BRT service, drivers on Line 1 would be on detour until the service actually started.

MOTION: WALLACE/SHAW to receive the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.E.** Consider setting, and direct staff to hold, public hearings at 2:00 p.m. and 6:00 p.m. on Thursday, March 26, 2020, in Fremont regarding proposed changes to service in Special Transit Service District 2. [19-407a](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WALLACE to set, and direct staff to hold, public hearings at 2:00 p.m. and 6:00 p.m. on Thursday, March 26, 2020, in Fremont regarding proposed changes to service in Special Transit Service District 2. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.F.** Consider receiving a report and provide feedback on staff's analysis of reallocating unproductive bus service to provide more service to routes with overcrowding. [20-026](#)

Director of Service Development & Planning Robert del Rosario presented the staff report, noting that staff is seeking feedback/direction from the Board on the ideas being proposed by staff.

Director Shaw inquired about low ridership on the Transbay routes, particularly the SB, which seemed to be fairly full. Mr. del Rosario advised that because the route was so long, the number of passengers per revenue hour is low even though it has decent ridership. Director Shaw felt that the length of the route should not be punitive to riders, especially when it is the only alternative to BART.

Vice President Ortiz commented on the proposal to eliminate service on Line 19, which was problematic because the Alameda City Council had approved it from the service proposals provided to them by the District. Mr. del Rosario advised that staff's analysis was purely based on data and did not take politics into account. Staff would need to perform additional work to refine the information provided in the report.

Director Harper commented on Line 19, noting that it takes time to evaluate the effectiveness of a new line. He further believed that Transbay service was the only sector of growth in terms of ridership and if something wasn't done soon about cancelled/missed trips, riders would lose faith in the service. He also suggested that before staff advances to the next step, the raw information provided on unproductive lines needed to be fine-tuned, especially with respect to the runs that are on the margin. The other variable to be considered is the number of passengers whose lives will be disrupted by eliminating their service. Mr. del Rosario advised that staff can take gross ridership into consideration and look at a range of categories and productivity data.

In addition, Director Harper thought some routes needed to be re-examined, such as Line 99, because the frequency didn't seem to justify the number of riders. He raised similar concerns with Line 72.

President Wallace argued that it was difficult to justify ridership numbers when the buses don't show up. He was opposed to the elimination of any service in Ward 1.

Director Williams noted that a lot of service eliminations would occur in Wards 4 and 5, and argued that voters in his area vote heavily to support AC Transit's service. He asked what people were supposed to do when the service is a lifeline for them. He also wanted to know the Title VI implications. He was not opposed to minor changes, but was against the elimination of service.

Vice President Ortiz commented that the reasons for low ridership needed further exploration. In addition, she suggested that Board members and staff meet with mayors and city council members to explain the reasons for low ridership and from there look at the possibility of redesigning routes in a way that will capture more riders. Director Williams agreed with this approach.

Director Young asked if the District would be better off developing a policy before acting on any recommendations to eliminate service. Mr. del Rosario advised that other agencies develop policy and a conceptual plan for service in order to test the policy implications.

Director Shaw asked when a comprehensive operations analysis would be done. Mr. del Rosario advised that the process could take approximately 24 months and was last done with AC Go. He added that a new process would involve less of a market analysis

and more of a look at productivity.

Director Peeples believed that 1) the process needed to be orderly; and 2) a determination needed to be made whether to leave local service alone or use the money for local service to address problems with the Transbay service. He also felt it would be helpful to know to what extent pass-ups on local service were caused by the scheduled service or missed runs. He believed these issues needed to be examined before cuts in local service are considered.

Public Comment:

David Vartanoff commented that there needed to be more conversations with local elected officials to have dedicated lanes and traffic signal coordination so that buses can run faster. In addition, he believed there is a Title VI issue when comparing local ridership to Transbay ridership. The Board also needs to seek new funding to pay for the service.

Jonathan Singh commented on local service, saying that there are issues with on time performance, wait times and bus bunching. He believed that the Board should look to assign a policy in favor of lines with higher ridership. The Board should also continue to look at headway-based scheduling, noting that reliable service will attract more riders.

Jane Kramer commented on the need for reliable data and how it can be used to help provide the better service that the customer wants.

MOTION: ORTIZ/WILLIAMS to receive a report and provide feedback on staff's analysis of reallocating unproductive bus service to provide more service to routes with overcrowding. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.G.** Consider adoption of Resolution No. 20-003 authorizing the General Manager, or his designee, to file and execute applications, funding agreements, and certifications and assurances with the California Department of Transportation for the 2020 Transit and Intercity Rail Capital Program (TIRCP) to fund the Powell Street Improvements Project. [20-013](#)

There was no presentation of the staff report.

MOTION: WILLIAMS/YOUNG to adopt Resolution No. 20-003 authorizing the General Manager, or his designee, to file and execute applications, funding agreements, and certifications and assurances with the California Department of Transportation for the 2020 Transit and Intercity Rail Capital Program (TIRCP) to fund the Powell Street Improvements Project. The motion carried by the following vote:

Operations Items - Chair Shaw

- 7.H.** Consider the adoption of Resolution 20-006 confirming the approval of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers (IBEW), Local 1245 through December 31, 2022. [20-045](#)

There was no presentation of the staff report.

MOTION: WILLIAMS/WALLACE to adopt Resolution 20-006 confirming the approval of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers (IBEW), Local 1245 through December 31, 2022. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peebles, Young, Shaw

- 7.I.** Introduce and waive the first reading of Ordinance No. 17, an [19-208b](#)
Ordinance Establishing Administrative Penalties, Fees, and Hearing
Procedures for Passengers Riding Alameda-Contra Costa Transit
District Bus Services without Proper Fares and Proof of Payment.

Protective Services Manager Kerry Jackson presented the staff report.

Vice President Ortiz asked what would happen if the fare violator failed to perform community service or pay the fine. General Manager Michael Hursh advised that other transit agencies have barred the person from riding or they have imposed a criminal penalty.

Vice President Ortiz asked how staff planned to evaluate the ordinance after the first six months. Mr. Jackson responded that staff would evaluate how many citations were issued, how well the program is working, and whether it was worth the cost to the District.

Director Williams asked how fare enforcement would be applied to people with vision or other impairments. Mr. Jackson advised that law enforcement is trained on how to handle these types of situations with care.

Director Young advised that he was struggling with the District-wide application of the ordinance because the Bus Rapid Transit (BRT) service would be the only service type with proof-of-payment. Mr. Jackson advised that this was because the BRT buses would not have a farebox. Mr. Hursh added that while staff preferred to have system-wide authority, the deployment would be for BRT only and possibly Transbay routes in the future. Director Young suggested that the ordinance include broader language.

Director Young also inquired about the exception in the ordinance for minors. Mr. Jackson advised that the age of 17 is what is required under the Penal Code.

Director Young also noted that the various deadlines do not spell out whether holidays and weekends are excluded. General Counsel Denise Standridge advised that the language was taken directly from the Penal Code.

Director Harper commented on the first level of appeal, saying that it did not include the ability to call into a hearing. Mr. Jackson advised that there needed to be a record

of it which wouldn't be possible with a phone call. Director Harper requested that staff find a way to analyze the social question the ordinance was intended to solve and to what extent it would alleviate possible safety issues and provide a better service. Mr. Jackson advised that after six months, staff should have enough information to determine whether the ordinance is working or should be repealed.

Public Comment:

David Vartanoff suggested that proof-of-payment be extended to other bus lines by placing Clipper readers on the back doors, and to keep the readers working.

Jane Kramer suggested that the District not reinvent the wheel and should talk to MUNI to see how they are doing proof-of-payment.

MOTION: PEEPLES/ORTIZ to Introduce and waive the first reading of Ordinance No. 17, an Ordinance Establishing Administrative Penalties, Fees, and Hearing Procedures for Passengers Riding Alameda-Contra Costa Transit District Bus Services without Proper Fares and Proof of Payment. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.J.** Consider authorizing the General Manager to execute a funding agreement with the City of Oakland to receive funding for a bus purchase from the Empyrean-Harrison development through the Affordable Housing and Sustainable Communities (AHSC) grant program. [20-007](#)

There was no presentation of the staff report.

MOTION: WILLIAMS/PEEPLES to authorize the General Manager to execute a funding agreement with the City of Oakland to receive funding for a bus purchase from the Empyrean-Harrison development through the Affordable Housing and Sustainable Communities (AHSC) grant program. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.K.** Consider authorizing the General Manager or his designee to execute documents through the Virginia State Consortium Contract for the purchase of two (2) 40-foot Gillig Battery Electric Buses. [20-021](#)

Technical Services Manager Stuart Hoffman presented the staff report.

MOTION: WILLIAMS/PEEPLES to authorize the General Manager or his designee to execute documents through the Virginia State Consortium Contract for the purchase of two (2) 40-foot Gillig Battery Electric Buses. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

Board Administrative Matters:

- 7.L.** Consider authorizing Vice President Ortiz and Director Young to submit applications to the American Public Transportation Association to attend the Electric Bus International Study Mission - Upscaling Bus [20-050](#)

Electrification: The Road to a Zero-Emission Fleet, June 21-27, 2020 in Amsterdam, Cologne, and Paris.

MOTION: PEEPLES/WILLIAMS to authorize Vice President Ortiz and Director Young to submit applications to the American Public Transportation Association to attend the Electric Bus International Study Mission - Upscaling Bus Electrification: The Road to a Zero-Emission Fleet, June 21-27, 2020 in Amsterdam, Cologne, and Paris. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

- 7.M.** Consider approving and authorizing the Board President to sign an Employment Agreement with Jill Sprague for the position of General Counsel, effective February 1, 2020. [20-043](#)

General Counsel Denise Standridge presented the staff report and provided an overview of the compensation and fringe benefits, as required by the Brown Act.

MOTION: PEEPLES/ORTIZ to approve and authorize the Board President to sign an Employment Agreement with Jill Sprague for the position of General Counsel, effective February 1, 2020. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Harper, Williams, Peeples, Young, Shaw

8. SELECTION OF PRESIDENT/VICE PRESIDENT OF THE BOARD

- 8.A.** Consider report from the Nominating Committee and election of 2020 Board President and Vice President. [20-023](#)

Contact: Director Joel Young, Chair of the Nominating Committee

Director Young, Chair of the Nominating Committee, advised that the Committee met and unanimously nominated Director Wallace and President and Director Ortiz as Vice President.

MOTION: PEEPLES/WILLIAMS to approve the selection of Director Wallace as President and Director Ortiz as Vice President for calendar year 2020. The motion carried by the following vote:

Ayes: Ortiz, Wallace, Williams, Peeples, Young, Shaw

Abstained: Harper

9. CLOSED SESSION/REPORT OUT

General Counsel Denise Standridge reported out the following:

MOTION: ORTIZ/WALLACE to approve settlement in the amount of \$380,000 in the matter of McNaulty v. AC Transit, Case No. RG18933966. The motion carried by the following vote:

AYES:7: Ortiz, Wallace, Harper, Williams, Shaw, Young, Peeples

9.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

McNaulty, et al. v. AC Transit, ACSC Case No. RG18933966

9.B. Conference with Legal Counsel – Potential Litigation

(Government Code Section 54956.9(b)) (Three Cases)

9.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

9.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

10. AGENDA PLANNING

10.A. Review of Agenda Planning Pending List.

[20-010](#)

Director Williams requested a resolution honoring Art Shanks for the next meeting.

(Vice President Ortiz concurred)

11. GENERAL MANAGER'S REPORT

11.A. General Manager's Report for January 8, 2020.

[20-008](#)

The report was provided for information only.

12. BOARD/STAFF COMMENTS

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

13. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:27 p.m. in memory of Art Shanks, the co-founder of the Cypress Mandela Training Center.

The next meeting of the Board is scheduled for January 22, 2020 at 5:00 p.m.

Respectfully submitted,

/S/ Jelena Harada

Assistant District Secretary