



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, February 26, 2020 at 5:00 PM
Closed Session - 4:15 PM (Items 8A-8D)

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

JILL A. SPRAGUE, 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, February 26, 2020.

The meeting was called to order at 4:17 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Harper. Director Williams arrived at 4:39 p.m. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:45 p.m.

President Wallace called the Board of Directors meeting to order at 5:03 p.m.

2. ROLL CALL

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

3. PRESENTATION

- 3.A.** Presentation to Tony Rawlins on the occasion of his retirement from AC Transit after 40 years of service to the District. [20-104](#)

President Wallace presented Mr. Rawlins with a Certificate of Achievement and a retirement pin to commemorate his 40 years of service with the District. Members of the Board and General Manager Hursh expressed their sincere appreciation for Mr. Rawlins' service and commented on his legacy as a promoter of employee morale.

Mr. Rawlins thanked the Board for recognizing him and commented fondly on the friends he has made over the years and his enjoyment of his work.

- 3.B.** West County Presentation: Express Bus Implementation Plan. [20-091](#)

Leah Greenblatt from WCCTAC and Adam Dankberg of Kimley-Horn gave an overview of the project and addressed questions from the Board.

Director Peeples inquired about capacity constraints at Division 3, noting this was a major issue for AC Transit. Director of Service Development and Planning Robert del Rosario advised that space was an issue at all of our bus divisions and, short-term, staff would have to carefully coordinate bus assignments, which could result in longer deadhead. He added that this is why staff is advocating for facilities modernization and other measures.

Vice President Ortiz asked if the project would be coordinated with the Alameda County Transportation Commission (ACTC). Mr. del Rosario advised that staff would look to take advantage of the express bus lanes that the ACTC plans to implement on I-80.

Director Shaw asked if Caltrans approved the use of freeway shoulders as bus lanes, to which Mr. Dankberg advised that it had not. It is a recommendation they are looking to develop.

Director Shaw asked if the funding noted in the presentation would include the ongoing operational costs. Mr. Dankberg advised that Regional Measure 3 would cover the additional cost of operations.

Director Shaw asked about the Richmond Parkway Transit Center and whether operator restrooms would be part of the facility upgrade. Mr. del Rosario advised that there is a project to improve the restroom facilities at the transit center.

President Wallace asked if the project would provide restrooms for the public and was advised that this had not been considered in the design just yet.

Director Harper commented that there was weak ridership demand in the south to north direction and believed that the plan needed to have more regional connectivity.

The report was presented for information only.

4. PUBLIC COMMENT

Lou Katz, Oakland Privacy Advisory Commission and Oakland Privacy, commented on the massive surveillance system being installed on the Bus Rapid Transit (BRT) system without usage policies, oversight or transparency. He further commented that the cameras are not on the vehicles, but within the public right of way in the City of Oakland. He requested that the Board not proceed in darkness on this issue.

Tracey Rosenberg, Oakland Privacy, spoke about the BRT cameras and the fact that there is no policy on the use of cameras. She requested that the Board take a pause and put policies in place now given issues and concerns related to retention standards, data breaches and unauthorized access. She hoped the process would begin soon.

Kent Lewandowsky commented in support of cameras for the safety of passengers. He further commented on a letter he had sent to the Board concerning front-only loading on buses, the closing and moving of bus stops because of construction, and drivers pulling away from the stop as passengers approach the bus. He went on further to say that it was not enough to implement rear boarding on BRT, adding that if bus service was to remain viable, rear-boarding should be allowed. He also asked staff to offer signage on stop closures in an area that is less likely to be taken down.

Kennard Plummer, Business Agent for ATU Local 192, commented that bus operators don't necessarily feel safer with cameras on the buses, noting that the union has not been happy with the use of cameras over the years. He further requested that the operators have shields, a better response time from the sheriff, and receive de-escalation training.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR

Approval of the Consent Agenda

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

- Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young
- | | | |
|-------------|--|--------------------------------|
| 6.A. | Consider approving Board of Directors minutes of February 12, 2020. | <u>20-029</u> |
| 6.B. | Consider approving Retirement Board Minutes of January 24, 2020. | <u>20-124</u> |
| 6.C. | Consider receiving the FY 2019-2020 Second Quarter Travel and Meeting Expense Report for Directors and Board Officers. | <u>20-119</u> |
| 6.D. | Consider receiving the FY 2019-20 Second Quarter Employee and Non-employee Out-of-State Travel Report. | <u>20-092</u> |
| 6.E. | Consider receiving the FY 2019-20 Second Quarter Surplus and Obsolete Materials Report. | <u>20-097</u> |
| 6.F. | Consider receiving the Monthly Report on Investments for December, 2019. | <u>20-094</u> |
| 6.G. | Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. | <u>20-096</u> |
| 6.H. | Consider approving updates to Board Policy 340 - Accounting Policy. | <u>20-109</u> |
| | Director Harper inquired about the new requirements related to the Low Carbon Transit Operating Report and requested that staff provide him with more detail on the specific parameters for the report. | |
| 6.I. | Consider authorizing the General Manager to exercise a two-year option to extend AC Transit's contract with Cordoba Corporation for the Regional Transit Connection (RTC) Discount Card Medical Verifier Services for the period beginning July 1, 2020 through June 30, 2022. | <u>12-082c</u> |

7. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 7.A.** Consider receiving the Monthly Legislative Report and approval of legislative positions. [20-076](#)

Director of External Affairs and Community Relations Claudia Burgos presented the staff report.

Vice President Ortiz expressed frustration with proposed legislation that would provide free fares for youth and seniors without any mechanism to fund the loss in farebox revenue, while at the same time, threatening to cut state transit funding. General Manager Michael Hursh confirmed that the bills threaten state allocations of transit funding on top of the unfunded mandate to convert the bus fleet to zero emission by 2040. Ms. Burgos advised that there is a third bill that would also provide free fares to college students. She added that the California Transit Association was tracking the legislation and is surveying transit operators on the fiscal impact of the bills.

Director Peeples noted that Senator Frazier has a new chief consultant and suggested that staff reach out.

MOTION: Ortiz/Peeples to Received report and approved Consider receiving the Monthly Legislative Report and approval of legislative positions. The motion carried by the following vote:

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

- 7.B.** Consider the adoption of Resolution No. 20-011 recognizing the importance of the 2020 Census and encouraging all residents to participate. [20-077](#)

There was no presentation of the staff report.

Director Shaw asked if there would be services available to help employees complete the census questionnaire. General Manager Michael Hursh advised that while there were no plans for such services, there would be an extensive communication plan aimed at providing information to the public and employees.

MOTION: YOUNG/WILLIAMS to adopt Resolution No. 20-011 recognizing the importance of the 2020 Census and encouraging all residents to participate. The motion carried by the following vote:

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

Planning Items - Chair Shaw

- 7.C.** Consider the following actions associated with the Division 4 Modifications to accommodate battery electric buses: [19-308a](#)

- Approve the findings set forth in Section 1 of Resolution No. 20-012 concerning the Final Initial Study/Negative Declaration for the

Division 4 Modifications; and

- Adopt Resolution No. 20-012 approving the Final Initial Study/Mitigated Negative Declaration for Division 4 Modifications to accommodate battery electric buses; and authorize the filing of a Notice of Determination.

Senior Transportation Planner Mika Miyasato presented the staff report.

MOTION: PEEPLES/ORTIZ to approve the following actions associated with the Division 4 Modifications to accommodate battery electric buses: 1) the findings set forth in Section 1 of Resolution No. 20-012 concerning the Final Initial Study/Negative Declaration for the Division 4 Modifications; and 2) Resolution No. 20-012 approving the Final Initial Study/Mitigated Negative Declaration for Division 4 Modifications to accommodate battery electric buses; and authorize the filing of a Notice of Determination. The motion carried by the following vote:

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

7.D. Consider the following actions associated with the 45 Zero Emission Bus (ZEB) Preliminary Design and Implementation Plan Project:

[19-340a](#)

- Approve a mix of 45 zero emission buses by quantity and by type; and
- Authorize the release of solicitations associated with modifications to District facilities to accommodate an increase in the size of the battery electric bus fleet, including:

- 1) A Request for Qualifications (RFQ) for Design and Construction Administration (CA) services for the infrastructure required to support the expanded battery electric bus fleet;
- 2) A Request for Qualifications (RFQ) for Construction Management (CM) services for the infrastructure required to support the expanded battery electric bus fleet; and
- 3) An Invitation for Bid (IFB) for Construction Services to construct infrastructure required to support the expanded battery electric bus fleet.

Senior Transportation Planner Mika Miyasato presented the staff report and Mark Probst of WSP gave a project update and gave an overview of the recommendations. He further advised that Option D which will result in equal quantities of Fuel Cell Electric Buses and Battery Electric Buses as outlined on slide 5 of the presentation was being recommended for approval.

Director Peeples asked if high capacity zero emission buses were commercially viable. John Drayton of WSP advised that there were only prototypes of these buses available.

Director Shaw asked if ADA seating would be more visible on these buses to which staff confirmed.

Director Young asked about the purchase of buses through a consortium contract and asked staff to provide more detail. General Manager Michael Hursh advised that it would be through the state of California.

Public Comment:

Kent Lewandowski felt there was no need to rush the process, noting that the District already had a fleet of fuel cell buses, noting the cost exceeds the available funding. He added that he did not believe it was fiscally responsible and did not see the sense in mixing battery electric buses and fuel cell buses. He urged the Board to postpone the decision.

MOTION: PEEPLES/WALLACE to approve Option D to Equalize Quantities of Fuel Cell Electric Buses and Battery Electric Buses; and authorize the release of solicitations associated with modifications to District facilities to accommodate an increase in the size of the battery electric bus fleet, including: 1) a Request for Qualifications (RFQ) for Design and Construction Administration (CA) services for the infrastructure required to support the expanded battery electric bus fleet; 2) a Request for Qualifications (RFQ) for Construction Management (CM) services for the infrastructure required to support the expanded battery electric bus fleet; and 3) an Invitation for Bid (IFB) for Construction Services to construct infrastructure required to support the expanded battery electric bus fleet. The motion carried by the following vote:

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

Operations Items - Chair Young

- 7.E. Consider authorizing the release of an Invitation For Bid (IFB) for Heavy Duty Towing Services for District Vehicles. [20-054](#)

There was no presentation of the staff report.

MOTION: WALLACE/ORTIZ to authorize the release of an Invitation For Bid (IFB) for Heavy Duty Towing Services for District Vehicles. The motion carried by the following vote:

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

Absent: Williams

Board Administrative Matters:

Director Williams left the meeting at 6:21 p.m. prior to the discussion of Item 7.F.

- 7.F. Consider approving the draft agenda for the April 29, 2020 Board of Directors/Board Officers Retreat. [20-127](#)

District Secretary Linda Nemeroff gave an overview of the draft agenda.

MOTION: PEEPLES/YOUNG to approve the draft agenda for the April 29, 2020 Board of Directors/Board Officers Retreat. The motion carried by the following vote:

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

Absent: Williams

8. CLOSED SESSION/REPORT OUT

There was nothing to report out of Closed Session.

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Lehman, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-16-553758
- Ying, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-17-559210
- Turgeon, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-18-564417

8.B. Conference with Legal Counsel – Potential Litigation

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

8.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

8.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

9. AGENDA PLANNING

9.A. Review of Agenda Planning Pending List.

[20-010c](#)

Vice President Ortiz requested a report on the accuracy of the ACT Realtime App and solution that would make the app more reliable. (Director Peeples concurred)

Director Peeples requested a report on development of a Video and Electronic Surveillance Policy. (Vice President Ortiz concurred)

Director Peeples requested a report on how the District plans to prepare for an outbreak of the COVID19 coronavirus. (Director Harper concurred)

President Wallace requested a report on coordination efforts between the District and the City of Oakland during special events that effect bus service. (Director Peeples concurred)

10. GENERAL MANAGER'S REPORT

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: March 11, 2020 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 6:46 p.m. The next meeting of the Board is scheduled for March 11, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary