



## **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, October 9, 2019 at 5:00 PM**  
**Closed Session - 4:30 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 minutes of September 25, 2019. [19-266](#)  
Staff Contact: Linda Nemeroff, 891-7284

5.B. Consider receiving the Accessibility Advisory Committee minutes of July 9, 2019. [19-299](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

5.C. Consider authorizing the General Manager or his designee to file and execute applications with the California Department of Transportation (Caltrans) for the Fiscal Year 2020-21 Sustainable Transportation Planning Grant Program to support two planning efforts. [19-317](#)  
Staff Contact: Claudia Allen, 891-5465

**6. REGULAR CALENDAR****Planning Items - Chair Peoples**

6.A. Consider receiving the monthly report on the construction progress and operational readiness of the East Bay Bus Rapid Transit (BRT) project. [19-316](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

**Operations Items - Chair Shaw**

6.B. Consider approving amendments to Board Policies 460 and 466; Disadvantaged Business Enterprise (DBE) Policy and Small and Small Local Business Enterprise (SBE/SLBE) Policy, respectively. [19-198](#)  
Staff Contact: Phillip Halley, 891-7164

**Board Administrative Matters:**

6.C. Consider adopting Board Policy No. 475 - Requests for Use of Rolling [19-258](#)

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Stock. [Requested by President Wallace on 6/12/19.]

Staff Contact: Denise Standridge, 891-4833

- 6.D. Consider rescinding the contract award for Procurement 2019-1487 for Tempo Bus Rapid Transit livery production and installation. [18-313b](#)

Staff Contact: Denise Standridge, 891-4833

**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)) (two cases)

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))

**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 of Agenda Planning Pending List. [19-020g](#)

**9. GENERAL MANAGER'S REPORT**

- 9.A. General Manager's Report for October 9, 2019. [19-218](#)

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**11. ADJOURNMENT**

Next Meeting: October 23, 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](http://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.

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