



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **AGENDA**

#### **Board of Directors - Regular Meeting**

VIRTUAL MEETING

The members of the Board will participate from remote locations.

See page 2 of the agenda for public participation instructions.

**Wednesday, May 27, 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**

**COVID-19 Advisory for Public Meetings**

Due to the Statewide Stay at Home Order and the Alameda County Shelter in Place Order, and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the Board of Directors will not convene at its Board Room but will instead move to a virtual meeting.

**In Person Participation is Prohibited**

In person participation at Board of Directors meetings is limited to essential District personnel. The Board Room is closed to members of the public and non-essential District personnel.

**Public Participation at Virtual Meetings**

Members of the public who only wish to listen to the Board of Directors meeting (and not provide comment), are strongly encouraged to listen to the live stream online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio" column, Click on the "In Progress" link. This can only be done while streaming.]

**Ways to Provide Public Comment**

In Writing By:

eComment. To send your comment directly to the Board BEFORE the meeting starts, please click on <https://actransit.legistar.com/Calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submissions close at 4:30 p.m. prior to the start of the meeting.

Email to [myvoice@actransit.org](mailto:myvoice@actransit.org). Please indicate the agenda item number in the subject of the email. Email submissions must be received by 3:00 p.m. prior to the start of the meeting.

By Teleconference:

To listen to the meeting by phone, call the numbers below at the noticed meeting time.

If you dialed in and intend to speak on an agenda item, dial \*9 (star nine) to "raise your hand" when the agenda item is called. When you are called to speak by the last 4 digits of your phone number, the host will unmute you to enable you to speak. The comment time is limited to 3 minutes per speaker. If you decide not to speak, you may hang up and dial back into the meeting. The telephone numbers listed below may change from meeting to meeting.

By Telephone:

(669) 900-6833 or (346) 248-7799

Webinar ID: 958 1152 0618

Or iPhone one-tap :

+16699006833,,95811520618#

**1. CALL TO ORDER****2. ROLL CALL****3. PRESENTATION**

- 3.A. Consider receiving a presentation on the Valley Link project and provide direction to the District's representative on the Alameda County Transportation Commission (ACTC) regarding the vote to set a 45-day comment period on a request for an amendment to Measure BB, which would replace BART with Valley Link as the recipient of \$400 million in funds. [20-123](#)

Tess Lengyel, Executive Director, Alameda County Transportation Commission  
Michael Tree, Executive Director, Tri Valley-San Joaquin Valley Regional Rail Authority  
Staff Contact: Ramakrishna Pochiraju, 891-5448

**4. PUBLIC COMMENT**

Any person may directly address the Board at this time on any item of interest to the public that is within the subject matter and jurisdiction of the Board. Boardmembers may briefly respond to statements or questions from the public, ask questions for clarification, refer a matter to staff, request staff to report back at a subsequent meeting, or direct staff to place the matter on a future agenda. However, under the Brown Act, the Board cannot engage in discussion or take action on any item not listed on the agenda. Public Comment on a specific agenda item will be invited at the time the item is being considered. Three (3) minutes are allowed for each item."

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR**

- 6.A. Consider approving Board of Directors minutes of May 13, 2020. [20-036](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 6.B. Consider receiving Retirement Board Minutes of April 16, 2020. [20-214](#)  
Staff Contact: Hugo Wildmann, 891-4889
- 6.C. Consider receiving the FY 2019-20 Third Quarter Employee and Non-employee Out-of-State Travel Report. [20-199](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.D. Consider receiving the Monthly report on Investments for March, 2020. [20-198](#)  
Staff Contact: Claudia Allen, 891-5465

- 6.E. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [20-210](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.F. Consider receiving the FY 2019-20 Third Quarter Surplus and Obsolete Materials Report. [20-211](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.G. Consider authorizing the General Manager or his designee, to file and execute applications and funding agreements with the Alameda County Transportation Commission (ACTC) for application of the FY 2020-21 Transportation Fund for Clean Air Program (TFCA) funds for the Mission Boulevard Corridor Transit Signal Priority (TSP) Project. [20-189](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.H. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the Period of October 1, 2019 through March 31, 2020. [20-195](#)  
Staff Contact: Phillip Halley, 891-7164
- 6.I. Consider receiving the monthly construction progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. [20-194](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.J. Consider authorizing the release of a Request For Proposals (RFP) for Workers' Compensation Third Party Administrator (TPA) Services, Managed Care Program, Claims Reporting/Intake System and Occupational Safety and Health Administration (OSHA) reporting services. [20-207](#)  
Staff Contact: Jill Sprague, 891-4816

## 7. REGULAR CALENDAR

### Operations Items - Chair Young

- 7.A. Consider receiving an update on the District's actions to date in response to the Coronavirus Pandemic (COVID-19). [20-186](#)  
Staff Contact: Beverly Greene, 891-7255
- 7.B. Presentation on the SMART Staffing Plan. [20-216](#)  
Staff Contact: Nathaniel Kramer, 891-5426

7.C. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Third Quarter of Fiscal Year 2020. [20-173](#)  
Staff Contact: Salvador Llamas, 891-7215

7.D. Consider authorizing the General Manager to execute three-year single source contracts with two (2) one (1) year options with Messer LLC, one for hydrogen supply and the other for maintenance services associated with the District-operated hydrogen fuel station. [20-212](#)  
Staff Contact: Salvador Llamas, 891-7215

#### External Affairs Items - Chair Ortiz

7.E. Consider approving the monthly legislative report. [20-196](#)  
Staff Contact: Beverly Greene, 891-7255

7.F. Consider approving revisions to Board Policy 145, Elections: Political and Campaign Activities. [20-208](#)  
Staff Contact: Jill Sprague, 891-4816

#### Planning Items - Chair Shaw

7.G. Consider authorizing the General Manager to approve change orders and amend the O.C. Jones and Sons, Inc. contract as-needed up to 30% of the Board-approved contract value for the East Bay Bus Rapid Transit (BRT) Project Infrastructure and Station Platforms. [15-210d](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

7.H. Consider receiving a report on the status of the District's contract with Clear Channel Outdoor (CCO) to install and maintain transit shelters throughout the AC Transit service area. [18-211b](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

#### Board Administrative Matters - President Wallace

7.I. Consider the adoption of Resolution 20-028 confirming the approval of a Collective Bargaining Agreement with the Amalgamated Transit Union (ATU), Local 192 through June 30, 2022. [20-215](#)  
Staff Contact: Nathaniel Kramer, 891-5426

#### 8. 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.

**8.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Galpern v. AC Transit, U.S. District Court, Northern California District, Case 3:20-cv-02572-TSH

**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;

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. [20-010i](#)

Staff Contact: Linda Nemeroff, 891-7284

**10. GENERAL MANAGER'S REPORT**

10.A. General Manager's Report for May 27, 2020. [20-008i](#)

Staff Contact: Michael Hursh

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: June 10, 2020 at 5:00 p.m.

## MEETING DISCLOSURES

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 three (3) 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.

**Live Audio Streaming of Board Meetings:** To access live audio streaming and an archive of previously recorded meetings, please visit the District's website at [www.actransit.org](http://www.actransit.org) and click on "Public Meetings". For technological reasons, recordings of meetings held outside of the Board Room cannot be streamed to the web.

**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.

**Free Public WiFi Access:** Free public WiFi is available to all users with their own devices during meetings in the Board Room. Please consult information posted in the Board Room regarding access.