



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, December 11, 2019 at 5:00 PM

Closed Session - 3:30 PM (Items 8A-8H)

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. PRESENTATION****3.A. A FASTER Bay Area.**[19-402](#)

Presenter: Stewart Cohen, FASTER Bay Area

4. 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.

5. MODIFICATIONS TO THE AGENDA**6. CONSENT CALENDAR****6.A. Consider approving Board of Directors minutes of November 13, 2019.**[19-393](#)

Staff Contact: Linda Nemeroff, 891-7284

6.B. Consider approving Board of Directors special meeting minutes of November 20, 2019.[19-394](#)

Staff Contact: Linda Nemeroff, 891-7284

6.C. Consider approving Board of Directors special meeting minutes of November 25, 2019.[19-409](#)

Staff Contact: Linda Nemeroff, 891-7284

6.D. Consider authorizing members of the Board of Directors to attend the following conferences and meetings during 2020:[19-292](#)

- American Public Transportation Association (APTA) Legislative Conference;
- APTA Annual Meeting and Expo;
- APTA Transit Board Members & Board Administrators Seminar; and
- Conference of Minority Transportation Officials (COMTO) National Meeting.

Staff Contact: Linda Nemeroff, 891-7284

6.E. Consider receiving the Accessibility Advisory Committee minutes of October 8, 2019.[19-349](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

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- 6.F. Consider receiving Retirement Board Minutes of October 28, 2019. [19-391](#)
Staff Contact: Hugo Wildmann, 891-4889
- 6.G. Consider receiving the FY 2019-20 First Quarter Employee and Non-Employee Out-of-State Travel Report. [19-383](#)
Staff Contact: Claudia Allen, 891-5465
- 6.H. Consider receiving the monthly legislative report. [19-368](#)
Staff Contact: Beverly Greene, 891-7255
- 6.I. Consider receiving the Monthly Report on Investments for October, 2019. [19-404](#)
Staff Contact: Claudia Allen, 891-5465
- 6.J. Consider receiving the bi-monthly budget update for the period of July through October for the Fiscal Year 2019-20. [19-403](#)
Staff Contact: Claudia Allen, 891-5465
- 6.K. Consider adoption of Resolution 19-039 authorizing the General Manager or his designee to submit an allocation request to the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) Funds and execute any documents necessary for the purchase of high-capacity coach buses for the Dumbarton corridor. [19-396](#)
Staff Contact: Claudia Allen, 891-5465
- 6.L. Consider adoption of Resolution No. 19-037 authorizing the General Manager, or his designee, to file and execute documents with the Alameda County Transportation Commission (ACTC) and the Metropolitan Transportation Commission (MTC) for 2020 State Transportation Improvement (STIP) funds for the Replacement of Transbay Buses. [19-381](#)
Staff Contact: Claudia Allen, 891-5465
- 6.M. Consider receiving the monthly report on the construction progress and operational readiness of the East Bay Bus Rapid Transit (BRT) Project. [19-405](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.N. Consider adoption of Resolution 19-038 approving the new classification of Assistant Buyer and the revised classifications of Buyer and Senior Buyer. [19-390](#)
Staff Contact: Nathaniel Kramer, 891-5426
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- 6.O. Consider authorizing the District to issue a Request for Proposals (RFP) for on-call outside legal services. [19-335](#)
Staff Contact: Denise Standridge, 891-4833
- 6.P. Consider approving Contract Assignment from US HealthWorks to Concentra as of February 1, 2019 for Contracts 2018-1424B and 2017-10344A. [17-333b](#)
Staff Contact: Nathaniel Kramer, 891-5426
- 6.Q. Consider authorizing the General Manager to enter into a six-month contract extension with Concentra for drug and alcohol testing and medical examinations (Contract No. 2018-1424B) from January 1, 2020 to June 30, 2020. [17-333c](#)
Staff Contact: Nathaniel Kramer, 891-5426
- 6.R. Consider approving the second of two one-year extension options on contract 2013-1234 with Sierra-Cedar, Inc. for PeopleSoft hosting services. [13-138b](#)
Staff Contact: Ahsan Baig, 891-5490

7. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 7.A. Consider approving amendments to Board Policy 110 - Public Hearing Process for the Board of Directors. [Requested by Vice President Ortiz - 9/25/2019] [19-369a](#)
Staff Contact: Denise Standridge, 891-4833
- 7.B. Consider receiving the draft parameters for Inter-agency Liaison Committees (ILC) and provide feedback to staff. [Requested by Vice President Ortiz - 10/9/19] [19-377](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Finance and Audit Items - Chair Harper

- 7.C. Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV tax proceeds for the year ended June 30, 2019. [19-389](#)
Staff Contact: Claudia Allen, 891-5465

Planning Items - Chair Peebles

- 7.D. Consider receiving report, and provide feedback, on two proposed service change scenarios in Special Transit Service District 2, which consists of the cities of Fremont and Newark. [19-407](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.E. Consider receiving the Quarterly Update on the Strategic Plan Progress. [19-359](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.F. Consider approving the submittal of the Draft Short Range Transit Plan (SRTP) to the Metropolitan Transportation Commission (MTC) for review of the Plan's compliance with MTC requirements. [19-406](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Shaw

- 7.G. Consider receiving a report on current and projected usage of Project Pay. [Requested by Director Shaw - 10/9/19] [19-376](#)
Staff Contact: Nathaniel Kramer, 891-5426
- 7.H. Consider approving amendments to Board Policy 468 - Protest Procedures. [Continued from the November 13, 2019 Board of Directors meeting.] [19-291a](#)
Staff Contact: Claudia Allen, 891-5465

Board Administrative Matters:

- 7.I. Consider approving the appointment of retired employee Doreen Mathews to the position of Administrative Specialist, certify that the position is critically needed, and grant an exception to Board Policy 244 - Temporary Employee Staffing, to allow Ms. Mathews, who retired on September 1, 2019, to temporarily return to work in the District Secretary's Office. [19-365](#)
Staff Contact: Linda Nemeroff, 891-7284
- 7.J. Announcement of appointments to the Nominating Committee for the selection of President and Vice President for 2020 (Verbal). [19-408](#)
Staff Contact: Linda Nemeroff, 891-7284

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 Real Property Negotiators

(Govt Code Section 54956.8) (two matters):

- Property: APNs: 432-0114-035, 432-0114-034-01
- Agency negotiator: General Manager Michael Hursh
- Negotiating parties: Chris C. van Keulen, CBRE
- Under negotiation: Price, terms of payment

8.B. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Priscilla Wade v. AC Transit, CLAIM NO.: ACCT-009334 - ADJ9419308, DOI: 10/15/13;
ACCT-011184 - ADJ3191625, DOI: 4/22/02 - ACCT-020324, ADJ561460, DOI: 9/10/13;
ACCT-006558 - ADJ7172058, DOI: 3/30/08.

Quarterly Litigation Report:

- Markowitz v. AC Transit, ACSC No. RG19-003956;
- El Masnaouy v. Thomas, et al., SFCSC No. CGC-19-574522;
- Tecle v. AC Transit, et al., ACSC No. RG17-876401;
- Wilson v. AC Transit, ACSC No. RG17-849057;
- Cleveland and Zachery v. Megaro, et al., ACSC No. RG19-025903;
- Washington v. AC Transit, et al., ACSC No. RG17-881145;
- 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,
- Pearl v. AC Transit, ACSC No. RG19-015118; and
claims of Galpern (18-AL00354) and Stanley (19-AL00120).

8.C. Conference with Legal Counsel – Potential Litigation

(Government Code Section 54956.9(b)) (two cases)

8.D. Public Employment

(Government Code Section 54957(c))

Title: General Counsel

8.E. 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.F. Conference with Labor Negotiators

(Government Code Section 54957.6)

Negotiator: Elsa Ortiz, Vice President

Unrepresented Employees: General Counsel

8.G. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8.H. Public Employee Appointment

(Government Code Section 54957(b))

Title: General Counsel

9. AGENDA PLANNING

9.A. Review of Agenda Planning Pending List.

[19-020t](#)**10. GENERAL MANAGER'S REPORT**

10.A. General Manager's Report for December 11, 2019.

[19-068](#)**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: January 8, 2020 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.

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 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 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.