



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 13, 2020 at 5:00 PM

Closed Session - 3:30 PM (Items 7A-7F)

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. 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: 970 4214 5763

Or iPhone one-tap :

+16699006833,,97042145763# or +13462487799,,97042145763#

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

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

5.A. Consider approving Board of Directors minutes of April 8, 2020. [20-034](#)
Staff Contact: Linda Nemeroff, 891-7284

5.B. Consider approving Board of Directors minutes of April 22, 2020. [20-035](#)
Staff Contact: Linda Nemeroff, 891-7284

5.C. Consider receiving the Retirement Board minutes of March 19, 2020. [20-193](#)
Staff Contact: Hugo Wildmann, 891-4889

5.D. Consider authorizing the release of an Invitation For Bid (IFB) for tire mileage and leasing services contract for District vehicles. [20-203](#)
Staff Contact: Salvador Llamas, 891-7215

5.E. Consider approving contract assignment for towing services from Palace Garage to Atlas Tow. [15-094b](#)
Staff Contact: Salvador Llamas, 891-7215

5.F. Consider receiving the Quarterly Report on the District's involvement in external planning processes. [20-184](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

5.G. Consider adoption of Resolution No. 20-025 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund replacement of underground storage tanks at Division 2 and [20-188](#)

Central Maintenance Facility and roof repair and replacement at Division 2.

Staff Contact: Claudia Allen, 891-5465

- 5.H. Consider approving amendments to Board Policy 465 - Procurement Policy in order to maintain compliance with Federal Transit Administration regulations and external auditing requirements. [20-192](#)

Staff Contact: Claudia Allen, 891-5465

- 5.I. Consider adoption of Resolution No. 20-024 giving notice of the General District Election to be held on Tuesday, November 3, 2020, for the election of three (3) Directors, requesting consolidation of said election with the General State Election to be held on the same date, and specifications of the election order. [20-176](#)

Staff Contact: Linda Nemeroff, 891-7284

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 6.A. Consider receiving an update on the District's actions to date in response to the Coronavirus Pandemic (COVID-19). [20-185](#)

Staff Contact: Beverly Greene, 891-7255

- 6.B. Consider adoption of Resolution No. 20-027 extending the emergency authority granted to the General Manager under Resolution Nos. 20-020 and 20-022 through June 15, 2020, for the operation and administration of the District during the COVID-19 crisis. [20-162b](#)

Staff Contact: Jill Sprague, 891-4816

- 6.C. Consider ratifying various actions taken under the General Manager's emergency authority granted by Resolution Nos. 20-020 and 20-022 pertaining to fare collection, service levels, passenger load limits, rear-door boarding, securement of mobility devices, and health insurance benefits for new employees in response to the Coronavirus Pandemic and crisis (COVID-19). [20-197](#)

Staff Contact: Michael Hursh

- 6.D. Consider receiving a briefing on the Next Generation Clipper (C2) Program. [20-093](#)

Staff Contact: Ahsan Baig, 891-5490

Planning Items - Chair Shaw

- 6.E. Consider approving staff's plans for bus service over the next 12 months as a result of the Coronavirus (COVID-19) pandemic and its lasting impacts. In addition, consider adopting staff's proposed Guiding Principles document for potential service reductions in FY 2020-21. [20-180](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.F. Consider receiving the Quarterly Update on the Strategic Plan Progress. [20-120](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.G. Consider approving contract award to VSCE for \$490,610.83 for Construction Management (CM) Services associated with the Rapid Corridors Project - San Pablo Avenue. [20-204](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.H. Consider approving contract award to GHD for \$414,541.00 for Construction Management (CM) Services associated with the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. [18-327b](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Young

- 6.I. Consider approving the AC Transit Public Transportation Agency Safety Plan (PTASP). [20-151](#)
Staff Contact: Salvador Llamas, 891-7215
- 6.J. Consider authorizing the General Manager to exercise the second option year on Contract 2016-1358 for Managed Print Services (copiers/printers) with Ray Morgan Company. [15-222d](#)
Staff Contact: Ahsan Baig, 891-5490
- 6.K. Consider authorizing the General Manager to approve a one-year extension of District Contract 2015-1331 for Ellipse Hosting, Upgrade, and Professional Services. [14-306b](#)
Staff Contact: Ahsan Baig, 891-5490

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))

Quarterly Litigation Report

- Edwards v. AC Transit, et al., ACSC No. RG17-885627;
- Blacksher v. Amalgamated Transit Union, et al., ACSC No. HG16-840726;
- McNaulty v. AC Transit, ACSC No. RG18-933966,
- Pearl v. AC Transit, ACSC No. RG19-015118; and
- Claim of Brown, Claim No. 19-AL00271.

7.B. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

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. Conference with Real Property Negotiators
(Government Code Section 54956.8) (Five Matters)

- Property: 971 & 973 66th Avenue, Oakland, CA
 - Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
 - Negotiating parties: Matt Hill for Summit CFS
 - Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
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- Property: 975 & 977-A 66th Avenue, Oakland, CA
 - Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
 - Negotiating parties: Temesghen Gebremichael for TTG Shipping Intl
 - Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
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- Property: 977-B & 995 66th Avenue, Oakland, CA
 - Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
 - Negotiating parties: Eric Shanks for Cypress Mandela
 - Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
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- Property: 37650-A Sycamore, Newark, CA
 - Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
 - Negotiating parties: David Tay for Piotech
 - Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
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- Property: 425 Mission Street, San Francisco, CA
 - Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
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- Negotiating parties: Deanna Simsek (Rep) for Greyhound Lines Int.
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.

7.E. Threat to Public Services and Facilities

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

7.F. 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.

[20-010h](#)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for May 13, 2020.

[20-008h](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: May 27, 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 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.