



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

### **AGENDA**

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

CLOSED SESSION 4:00 PM for Agenda Items 8A-8E

HYBRID MEETING

Refer to Page 2 of Agenda for In-Person Meeting Protocols.

AC Transit General Offices  
2nd Floor Board Room  
1600 Franklin Street, Oakland, CA 94612

Phone (669) 900 6833

Webinar ID: 984 8717 5063

[Zoom link https://actransit.zoom.us/j/98487175063](https://actransit.zoom.us/j/98487175063)

**Wednesday, November 9, 2022 at 5:00 PM**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**ELSA ORTIZ, PRESIDENT (WARD 3)**

**JOEL YOUNG, VICE PRESIDENT (AT-LARGE)**

**JOVANKA BECKLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**MURPHY MCCALLEY (WARD 4)**

**DIANE SHAW (WARD 5)**

**H. E. CHRISTIAN PEEPLES (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**JILL A. SPRAGUE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**Advisory for Virtual Public Meetings**

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to Government Code Section 54953. Members of the public, and staff members whose presence is not specifically requested, are encouraged to participate remotely.

Covid-19 Protocols for In-Person Attendance:

1. Visitors experiencing the following symptoms of COVID-19 may not enter the meeting location: • Cough • Chills • Sore Throat • Shortness of Breath • Muscle Pain • Loss of Taste or Smell • Fever
2. Visitors must use the hands-free temperature scanners upon entry. An alert will sound and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination and masks will be required for all visitors.

**Live Public Comment**

Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover page. Participants using Zoom should use the "raise your hand" feature to indicate they wish to speak on an item. The meeting host will call on each speaker when it is their turn to speak. Use the unmute option when you are recognized to speak. For participants calling in, dial \*9 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 or by name, dial \*6 to unmute yourself. If you decide not to speak, you may dial \*9 to "lower your hand".

**Written Public Comment**

Written comment can be submitted directly to the Board BEFORE the meeting starts. Click on <https://actransit.legistar.com/Calendar.aspx> and then 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. Written comments can also be emailed 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.

For the members of the public who only wish to listen to the Board of Directors meeting (and not provide comment), a live audio/video stream is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio/Video" column, Click on the "In Progress" link. This can only be done during the live broadcast of the meeting.]

AC Transit does not provide technical support to users accessing the meeting by telephone/Zoom.

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

- 3.A. Consider the adoption of Resolution No. 22-039 expressing heartfelt appreciation and best wishes to Elsa Ortiz for 16 years of dedicated service as a member of the AC Transit Board of Directors representing Ward 3. [22-528](#)

Presenter:

Vice President Joel Young

**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. Two (2) minutes are allowed for each item.

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

- 6.A. Consider receiving the FY 2022-23 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. [22-566](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider receiving the Accessibility Advisory Committee minutes of September 13, 2022. [22-575](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.C. Consider receiving the Quarterly Report on the District's involvement in external planning processes. [22-567](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.D. Consider approving the award of eight (8) contracts for On-Call Architectural/Engineering services to Parsons Transportation Group, Inc.; Interactive Resources, Inc.; STV, Inc.; Chow Engineering, Inc.; Group 4 Architecture Research + Planning, Inc.; Kimley-Horn & Associates, Inc.; Mott-McDonald Group, Inc.; and West Coast Code Consultants, Inc. [22-157a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.E. Consider approving the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California for the installation of new entrance and exit security gates and guard shacks at the Oakland (D4) Division. [21-400a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.F. Consider approving the award of a contract to Messer North America, Inc. to engineer, provide, and install hydrogen fueling equipment for the Oakland Division 4 Hydrogen Upgrade Project. [22-461a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.G. Consider receiving the Monthly Report on Investments for August 2022. [22-526](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.H. Consider receiving the Quarterly budget update for the period of July 2022 through the end of September 2022 of FY 2022-23. [22-586](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.I. Consider approving the FY 2023-24 Annual Budget Development Process and Calendar. [22-588](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.J. Consider authorizing the General Manager or his designee to file and execute applications for the Metropolitan Transportation Commission (MTC) FY 2022-23 Transit Performance Initiative - Investment (TPI-Investment) grant program for the Foothill Corridor Planning Study and MacDonald Transit Signal Priority (TSP) Project. [22-582](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.K. Consider authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Transportation Commission for the Senate Bill 1 Local Partnership Program (Competitive) to secure funding for bus purchases. [22-589](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.L. Consider approving minor amendments to Board Policy 314 Capital Plan and Projects Policy. [22-596](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.M. Consider authorizing the General Manager or his designee to file and execute applications for the Federal Highway Administration (FHWA) FY 2022 Strengthening Mobility and Revolutionizing Transportation (SMART) grant for the Transfer Connection Protection Project. [22-602](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.N. Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2023 to June 30, 2023, in conjunction with the proposed six-month extension of the service contract. [11-256p](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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- 6.O. Consider authorizing the General Manager to enter into an extension of the contract with MV Transportation to operate the Dumbarton Express service for the period of January 1, 2023 to June 30, 2023. [11-256o](#)
- Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 6.P. Consider receiving a report on the District's planned service changes associated with the December 2022 Sign-up. [22-548](#)
- Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 6.Q. Consider authorizing the General Manager to execute a one-year extension of the lease with tenant JAFEC USA LLC for the Newark warehouse. [21-563a](#)
- Staff Contact:  
Chris Andrichak, Chief Financial Officer
- 6.R. Consider review of Board Policy 232 - Attendance Policy with no recommended amendments [22-521](#)
- Staff Contact:  
Sebron Flenaugh III, Executive Director of Human Resources
- 6.S. Consider receiving the Monthly Legislative Report. [22-551](#)
- Staff Contact:  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 6.T. Consider the adoption of AC Transit's 2023 Federal and State Advocacy Programs. [22-466a](#)
- Staff Contact:  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 6.U. Consider receiving the Customer Services Department Quarterly Update. [22-569](#)
- Staff Contact:  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
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- 6.V. Consider authorizing the General Manager to extend contract 2014-1288 between AC Transit and IBI Group for an additional twenty-four (24) months starting January 1, 2023 and ending by December 31, 2024, for support during completion of the Computer Aided Dispatch/Automated Vehicle Location project; and to approve tasking the IBI Group with preparing a radio system replacement assessment report. [13-326d](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

- 6.W. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2022 through September 30, 2022. [22-587](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

## 7. REGULAR CALENDAR

### Finance and Audit Items - Chair Shaw

- 7.A. Consider receiving a report on the possible actions District staff can take to expedite payment to small, local and disadvantaged businesses. [Requested by President Ortiz - 9/14/2022] [22-564](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Lynette Little, Director of Civil Rights & Compliance

### Planning Items - Chair Beckles

- 7.B. Receive an update on the Transit Shelter Contract liability, ownership, and local jurisdiction conversations and determine whether to take ownership of transit shelters in locations where the local jurisdiction under the Joint Powers Agreement (JPA) is unwilling. [18-211i](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning and Engineering

### Operations Items - Chair Young

- 7.C. Consider receiving an audit report regarding the current Contra Costa Sheriff's contract; and consider exercising two 1-year options, contained in the current contract, to extend the agreement through December 31, 2024. [Requested by Director Beckles - 6/23/21] [22-571](#)

Staff Contacts:

Chris Andrichak, Chief Financial Officer

Alan Parello, Manager of Internal Audit

- 7.D. Consider receiving a report on the District's Diversity, Equity, Inclusion and Accessibility (DEIA) efforts. [Requested by President Ortiz - 4/13/2022] [22-601](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

- 7.E. Consider receiving requested information concerning past and future classification specifications and their fiscal impact and consider adoption of Resolution No. 22-042 approving the new classification of Manager of Business Analytics, the revised classification specification of Manager of Media Affairs and Strategic Initiatives and the abolishing of Manager of System Analysis. [22-485a](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

**Board Administrative Matters - President Ortiz**

- 7.F. Consider approving amendments to Board Policy 160 - Board Officers: Performance Evaluations, Employment Agreements, and Leave Notification. [22-595](#)

Presenter:

Murphy McCalley, Chair, Board Officer Evaluation & Compensation Committee

- 7.G. Consider adopting the 2023 regular Board meeting schedule taking into consideration the District's holiday schedule and any days requested by Directors to be included in the holiday schedule; and reschedule regular meetings if necessary. [22-545](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary



- 7.H. Consider adoption of Resolution No. 22-044 reappointing Jeffrey Lewis and Davis Reimer as the two public members to the AC Transit Retirement Board and Chief Financial Officer Chris Andrichak as the non-ATU member on the Retirement Board each for a two-year term expiring on March 31, 2025, or provide direction to staff on how to proceed with making appointments. [22-585](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 7.I. Announcement of appointments to the Nominating Committee for the selection of an Interim President, and if necessary, Interim Vice President of the Board; and schedule a special meeting to consider nominations. (Verbal) [22-584](#)

Presenter:

President Ortiz

## 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))

Turner v. AC Transit, WCAB Case No. ADJ10255110

### 8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)

(Government Code Section 54956.9(b))

### 8.C. Conference with Labor Negotiators

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Labor and Employee Relations Representative;

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

### 8.E. Threat to Public Services or Facilities

(Government Code Section 54957(a)):

Consultation with: Kerry Jackson, Protective Services Manager and Salvador Llamas, Chief Operating Officer.

**9. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of three Directors, including the requestor.

9.A. Review of Agenda Planning Pending List. [22-065s](#)

**10. GENERAL MANAGER'S REPORT**

10.A. General Manager's Report for November 9, 2022. [22-041s](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: December 14, 2022 at 5:00 p.m.

## MEETING DISCLOSURES

**Public Comment:** 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.

**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.

**Wheelchair Access and Assistive Listening Devices:** Due to existing shelter-in-place orders related to the spread of the Coronavirus, in-person public meetings are prohibited. Meetings can be accessed by telephone or Zoom video conference. A live audio stream of the meeting and an archive of past meetings can be accessed via the District's website at <https://actransit.legistar.com/Calendar.aspx>. Please see page 1 of the agenda for further details.

**Alternative Formats/Interpreters:** Written materials in appropriate alternative formats or disability related modification/accommodation must be made three business days in advance of the meeting 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. 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.