

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



Minutes

Wednesday, January 9, 2019

5:00 PM

Closed Session - 4:00 PM

1600 Franklin Street
2nd Floor Board Room
Oakland, California

BOARD OF DIRECTORS

MEMBERS OF THE BOARD OF DIRECTORS
ELSA ORTIZ, PRESIDENT (WARD 3)
JOE WALLACE, VICE PRESIDENT (WARD 1)
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

TELECONFERENCE:

Director H. E. Christian Peeples, 1440 168th Avenue, Room 29b, San Leandro, CA

The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, January 9, 2019.

Prior to the start of the meeting, General Counsel Denise Standridge confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Peeples to participate in the meeting and advised that all votes must be taken by roll call vote. *[Affidavits verifying that the teleconference location was accessible to persons with disabilities and that the agenda was posted at the teleconference location are attached as Exhibit A.]*

The meeting was called to order at 4:00 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 6A-6D as listed on the agenda. Closed Session concluded at 5:00 p.m.

President Ortiz called the Board of Directors meeting to order at 5:04 p.m.

1. ROLL CALL

Present: Harper, Williams, Shaw, Young, Peeples, Wallace, Ortiz

2. PRESENTATION**2.A. 19-005 Update on federal legislative activities.**

Steve Palmer of Van Scoyoc Associates presented an update on the state of federal legislative activities. He further informed the Board of changes in Senate leadership pertaining to the Committees that oversee transit, noting that he did not believe there would be any attempts to cut transit spending. Mr. Palmer further spoke about the federal government shutdown, saying that the Department of Transportation had been affected by the shutdown and only a limited number of staff at the department were deemed essential and are working. The DOT is not working on any grant applications nor is it reviewing any submissions. He further discussed the development of a framework for autonomous vehicles.

Members of the Board inquired about the solvency of highway trust fund, use of the federal gas tax for highways and transit, the return of earmarks, committee chair appointments, status of an infrastructure bill, and the status of local support for autonomous vehicles.

The item was presented for information only.

3. PUBLIC COMMENT

There was no public comment offered.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR

MOTION: WILLIAMS/WALLACE to receive or approve the items on the Consent Calendar as indicated. The motion carried by the following vote:

AYES:7: Williams, Wallace, Harper, Shaw, Young, Peeples, Ortiz

- 5.A. 19-010 Consider approving Board of Directors minutes of November 14, 2018.
- 5.B. 19-011 Consider approving Board of Directors minutes of December 7, 2018.
- 5.C. 19-014 Consider authorizing President Ortiz to travel to Washington, D. C. on March 20, 2019, to receive the 2019 Celebrating Women Who Move the Nation Award from the Conference of Minority Transportation Officials.
- 5.D. 19-013 Consider receiving Retirement Board Minutes of November 8, 2018.
- 5.E. 19-003 Consider receiving the Accessibility Advisory Committee minutes of November 13, 2018.
- 5.F. 19-015 Consider authorizing the General Manager to execute a funding agreement with the Metropolitan Transportation Commission (MTC) for the West Grand Avenue Transit Signal Priority (TSP) Implementation and Evaluation Project.

6. REGULAR CALENDAR

- 6.A. 19-001 Consider receiving a report on the Draft 2019 Federal and State Advocacy Programs.

External Affairs Representative Estee Sepulveda presented an overview of the various changes to the current state and federal programs.

Members of the Board asked clarifying questions regarding the proposed changes; however, no changes to the programs were offered.

MOTION: ORTIZ/WILLIAMS to receive a report on the Draft 2019 Federal and State Advocacy Programs. The motion carried by the following vote:

AYES:7: Ortiz, Williams, Harper, Shaw, Young, Peeples, Wallace

- 6.B. 19-002 Consider receiving report on the cost of providing service to Priority Development Areas (PDA) at standard service level required by the Plan Bay Area 2040. [Requested by Director Peeples – 4/8/2015].

Long Range Planning Manager Jim Cunradi presented the staff report.

President Ortiz asked if AC Transit was going to be obligated to provide service to PDAs and how the CASA program developed by the Metropolitan Transportation Commission could impact service. Mr. Cunradi responded that while the District was not required to serve PDAs, there were a lot of PDAs that already received 30-minute service, adding that there was not enough population density to meet the standards required under Plan Bay Area 2040 (20-minute service during the peak). Mr. Cunradi further advised that there were several grants that included provisions for high quality service (15-minute service in the peak) and for projects that are seeking the funds there had to be 15-minute service in place or a commitment to achieve it. General Manager Michael Hursh explained that under Plan Bay Area the idea was to bring land use and transit together. He added that he did not see this being an expense for the District, but rather cities seeking to meet the PDA would need to find a way to pay for it. He added that developers also had to pay their fair share to have appropriate public transit.

Director Shaw reported that in a discussion about PDAs at MTC the prior day, it was mentioned that one out of every three PDAs did not meet the transit requirements and it appeared MTC would not enforce it. Director Peeples pointed out MTC's duplicity in not providing adequate operating funds for existing transit, while lobbying Sacramento for money to help support their plan to expand transit service.

Vice President Wallace asked how many PDAs were in Ward 1. Mr. Cunradi advised that three of the nine PDAs that don't meet the service standard are located in Richmond and El Sobrante.

MOTION: WALLACE/YOUNG to receive report on the cost of providing service to Priority Development Areas (PDA) at standard service level required by the Plan Bay Area 2040. The motion carried by the following vote:

AYES:7: Wallace, Young, Harper, Williams, Shaw, Peeples, Ortiz

6.C. 19-009 Consider receiving report on current bus routes that might be better suited for Flex service. [Requested by Director Williams 6/27/2018]

Senior Transportation Planner John Urgo presented the staff report.

Discussion ensued regarding the performance of Flex in Castro Valley and the cost to provide Flex service in general. Mr. Urgo advised that while service in Castro Valley was performing better than the Newark service, it was still underperforming at 4 passengers per revenue hour. He added that even if more service were added, it still wouldn't perform as effectively as fixed route service. On the issue of cost, it was pointed out that from a financial standpoint, Flex service did not seem to be an efficient use of funds given the performance. General Manager Michael Hursh pointed out the significant uptick in on-time performance and an improved customer experience. He believed the service was beneficial in terms of equity and being able to provide a level of service coverage in areas with little or no service.

Director Shaw felt the service presented an untapped opportunity, suggesting that route flexibility might increase use. She added that more marketing was needed to create awareness

of the service and commented on the City of Fremont's interest in providing private shuttles, suggesting that Flex might present an opportunity to work with the City.

MOTION: WALLACE/WILLIAMS to receive a report on current bus routes that might be better suited for Flex service. The motion carried by the following vote:

AYES:7: Wallace, Williams, Harper, Shaw, Young, Peeples, Ortiz

6.D. 19-004 Consider receiving semi-annual update on South County Corridors Transit Performance Initiative Project.

Senior Transportation Planner Mika Miyasato presented the staff report advising the Board there would be no further updates on the project as construction is complete.

Director Williams asked whether service along the corridor had improved as a result of the project. Ms. Miyasato advised that there had been no positive or negative feedback to draw on, saying that a final report on the project that would be available in the late Spring could provide more insight.

Director Shaw asked about the project's goal and what staff hoped to glean from the final report. Ms. Miyasato advised that staff was expecting a 15% (improvement) in travel time. She added that staff would have to wait for one or two sign-ups before it could review the bus operations in order to assess the project's overall effectiveness.

MOTION: WILLIAMS/WALLACE to receive the semi-annual update on South County Corridors Transit Performance Initiative Project. The motion carried by the following vote:

AYES:7: Williams, Wallace, Harper, Shaw, Young, Peeples, Ortiz

6.E. 19-018 Consider approving the award of a firm-fixed price construction contract to Bay City Engineering Company, Inc., in the amount of \$654,245.00, for the replacement of the heating system boilers at the Central Maintenance Facility.

There was no presentation of the staff report.

Director Harper inquired about the efficiency of a new boiler, estimating that perhaps a smaller unit with improved fuel efficiency would only be necessary. Capital Projects Manager Stephen Stanley advised that the new boilers were very efficient and would supply heat and would run 60% of the time over a six-month period. Chief Operating Officer Sal Llamas added that in addition to heat, the boilers supplied hot water for the entire facility, including restrooms, showers and also for steam cleaning bus parts in the maintenance area.

MOTION: WILLIAMS/WALLACE to approve the award of a firm-fixed price construction contract to Bay City Engineering Company, Inc., in the amount of \$654,245.00, for the replacement of the heating system boilers at the Central Maintenance Facility. The motion carried by the following vote:

AYES:7: Williams, Wallace, Harper, Shaw, Peeples, Young, Ortiz

6.F. 19-016 Consider receiving a status update on Oracle license expansion and annual support fee.

Director of Systems and Software Development Manjit Sooch presented the staff report.

MOTION: PEEPLES/YOUNG to receive a status update on Oracle license expansion and annual support fee. The motion carried by the following vote:

AYES:7: Peeples, Young, Harper, Williams, Shaw, Wallace, Ortiz

6.G. 19-017 Consider approving amendments to Board Policy 437 - Vehicle Parking at District Facilities.

Manager of Protective Services Kerry Jackson presented the staff report.

Director Young suggested that instead of raising the parking fee, that it be dropped to \$25 a month. Staff argued against the proposal on the basis that it encouraged people to drive and would reduce funding for employee events.

MOTION: WALLACE/HARPER to approving amendments to Board Policy 437 - Vehicle Parking at District Facilities. The motion carried by the following vote:

AYES:6: Wallace, Harper, Williams, Shaw, Peeples, Ortiz

NOES:1: Young

7. SELECTION OF PRESIDENT/VICE PRESIDENT OF THE BOARD

Consider report from the Nominating Committee on the election of 2019 Board President and Vice President.

Director Young, Chair of the Nominating Committee, advised that the Committee met and unanimously nominated Director Wallace as President and Director Ortiz as Vice President.

MOTION: WILLIAMS/PEEPLES to approve the selection of Director Wallace as President and Director Ortiz as Vice President for 2019. The motion carried by the following vote:

AYES:7: Williams, Peeples, Wallace, Harper, Ortiz, Shaw, Young

8. CLOSED SESSION/REPORT OUT

General Counsel Denise Standridge reported out the following:

MOTION: WALLACE/WILLIAMS to approve settlement in the amount of \$200,000 in the matter of *Handy v. AC Transit*, ACSC Case No. RG897536. The motion carried by the following vote:

AYES:6: Wallace, Williams, Shaw, Young, Peebles, Ortiz

NOES:1: Harper

8A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Handy v. AC Transit, ACSC Case No. RG18897536

Nikki McNaulty v. AC Transit, ACSC Case No. RG18933966

8B. Conference with Legal Counsel – Potential Litigation

(Government Code Section 54956.9(b)) (2 cases)

8C. Conference with Labor Negotiators

(Government Code Section 54957.6):

Agency Designated Representative: General Manager

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,

Unrepresented Employees

8D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8E. Threat to Public Services or Facilities

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

9. AGENDA PLANNING

9.A. 19-020 Agenda Planning Pending List

Director Harper inquired about an item he thought had been placed on the agenda planning pending list comparing AC Transit's wheel chair securement policy with that of other agencies like MUNI and VTA. The District Secretary confirmed that the item was on the list.

Director Harper requested that his request for an agenda item concerning fleet size be prioritized for an upcoming meeting, preferably prior to budget discussion. The Chief Operating Officer will agendize a discussion of the item.

Vice President Wallace requested an update on operator security.

Director Harper commented on the issue of buses being uncomfortably warm for passengers who are braced for the winter cold, saying that operators need to be mindful of this.

10. GENERAL MANAGER'S REPORT

The General Manager's Report is incorporated into the file by reference as Staff Report 19-035.

11. BOARD/STAFF COMMENTS

Members of the Board commented on meetings and events attended since the last Board meeting.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:26 p.m. The next meeting of the Board is scheduled for January 23, 2019 at 5:00 p.m.

Respectfully submitted,



Linda A. Nemeroff
District Secretary