

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



Minutes

Wednesday, April 24, 2019

1600 Franklin Street
2nd Floor Board Room
Oakland, California

BOARD OF DIRECTORS

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

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, April 24, 2019, at 5:00 p.m.

The meeting was called to order at 4:16 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Williams. The Board convened in Closed Session to discuss Items 6A-6D as listed on the agenda. Closed Session concluded at 4:45 p.m.

President Wallace called the Board of Directors meeting to order at 5:01 p.m.

1. ROLL CALL

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

Absent: Williams (First Excused Absence)

2. PUBLIC COMMENT

- Charlie Cameron commented on the Dumbarton Rail Corridor meeting he attended in San Carlos, voicing frustration with the lack of responsiveness on the part of the organizer. He requested that Director Shaw forward his two letters with corridor improvement suggestions to the appropriate officials in San Mateo county.
- El Meleck Stills Bey commented on the installation of a bus stop in front of his residence on 47th Street. He requested that it be removed on the grounds that it took away parking spaces and that residents and businesses on the block had not received advance notification.

3. MODIFICATIONS TO THE AGENDA

President Wallace announced that Item No. 5.E. (Service Planning in Special District 2) was pulled off the agenda. Director Shaw offered clarification that she would like the report to detail how service changes might affect paratransit service and how other agencies are dealing with micro transit.

4. CONSENT CALENDAR

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

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

ABSENT:1: Peeples

- 4.A. 19-190 Consider approving Board of Directors minutes of April 10, 2019.**
- 4.B. 19-145 Consider authorizing members of the Board of Directors to attend the Transportation Research Board's (TRB) 99th Annual Meeting on January 12-16, 2020 in Washington, D.C.**
- 4.C. 19-136 Consider adoption of Resolution No. 19-014 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for FY 2019-20 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues.**
- 4.D. 19-092 Consider adoption of Resolution No. 19-011 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 Richmond Parkway Transit Center project. [Revised Resolution No. 19-011 was presented at the meeting for the Board's consideration.]

- 4.E. 18-253a Consider approving a contract award to Brinks for Armored Car Transportation and Cash Revenue Processing Services.
- 4.F. 19-154 Consider adoption of Resolution No. 19-017 proclaiming AC Transit's participation in National Get on Board Day on April 25, 2019.
- 4.G. 19-127 Consider approving the disposal of buses and non-revenue vehicles by sale, or by other means most advantageous to the District.

5. REGULAR CALENDAR

- 5.A. 19-140 Consider receiving the Monthly Legislative Report and approval of legislative positions.

[Information on AB 410 (Nazarian): Motor Vehicle Sideshows - was provided at the meeting for the Board's consideration.]

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report. She further reported that AB 1351 (Lackey): paratransit and dial-a-ride service, had been amended and staff was recommending a WATCH position. Information was also provided on AB 410 concerning sideshows.

Director Harper asked why the District was not enthusiastically supporting AB 1198 (Stone): Public Employees' retirement pension reform: excepted employees: transit workers. General Counsel Denise Standridge advised that AC Transit did not have any gap employees; therefore, AC Transit was not an interested party in the legislation.

Vice President Ortiz commented on SB 50 (Wiener) saying that the Alameda County Transportation Commission sub-committee requested two amendments to the bill - one of them was accepted, while the other was replaced to require that future housing developments include EasyPass.

MOTION: ORTIZ/PEEPLES to receive the Monthly Legislative Report and approve the legislative positions as recommended by staff, including WATCH positions on AB1351 (Lackey) and AB 410 (Nazarian). The motion carried by the following vote:

AYES:6: Ortiz, Peeples, Harper, Shaw, Young, Wallace
ABSENT:1: Williams

- 5.B. 16-106b Consider receiving a report on future service considerations for the Broadway Shuttle and provide direction to staff.

Transportation Planner John Uργο presented the staff report.

Vice President Ortiz pointed out that the City of Oakland was requesting a one-year extension of the contract even though they only had funding for six months. She suggested that, as a matter of fairness, the contract only be extended for six months. Mr. Uργο advised that the City had not provided any guarantees to the District in writing with respect to funding for the service.

Rather than continue operating the shuttle, Director Shaw shared her preference to utilize District funds to expand regular bus service along Broadway and make it reliable such that people will pay to use it.

Director Harper felt the service was productive and what the City was paying for it amounted to a higher farebox recovery ratio than the other service the District provides. He requested an analysis of how the resources used to provide the shuttle, including operators, could be better utilized. He further acknowledged that the service should be eliminated if funding from the City were not available. General Manager Michael Hursh recommended that the Board approve a six-month extension and direct staff to seek an increase in funding from the City and report back in 90 days.

Director Peeples felt a six-month extension was reasonable, noting that the service was valuable to the community. He added that the Business Improvement District would like to replace AC Transit with a cheaper, private alternative.

MOTION: ORTIZ/YOUNG to approve a six-month contract extension with the City of Oakland and revisit the issue in six months contingent on the City of Oakland continuing to pay at the current rate. The motion carried by the following vote:

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

ABSENT:1: Williams

5.C. 19-102 Consider receiving report on the utilization of the articulated bus fleet. [Requested by Director Harper – 7/27/16]

Manager of Systems Analysis Campbell Jung presented the staff report.

Director Harper agreed with the report in that there were very few lines that required articulated buses. He further questioned whether it made sense to continue purchasing articulated buses when only one line by his estimation (Line 40) would need them. He also complimented staff's work in analyzing the data, believing that it confirmed his suspicions.

Discussion ensued about the use of articulated buses on the 800 Lines (Owl Service) and the occurrence of pass-ups. Director Peeples reported that based on information he received via customer complaints, people were passed-up frequently on the service because the bus is full. Mr. Jung advised that a small

percentage of pass-ups occur based on the sample staff analyzed.

Director Shaw asked what would be done with staff's analysis. Mr. Jung advised that the information (as well as other factors such as maintenance and ridership growth) would be used to drive future decisions on fleet size.

MOTION: WALLACE/YOUNG to receive report on the utilization of the articulated bus fleet. The motion carried by the following vote:

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

ABSENT:1: Williams

5.D. 19-126 Consider receiving the monthly construction progress report on the East Bay Bus Rapid Transit (BRT) Project for the month of March 2019.

Executive Director of Planning and Engineering Rama Pochiraju presented the staff report. BRT Outreach Manager Steven Jones provided an update on community outreach, while Contracts Compliance Administrator Phillip Halley spoke about the District's progress towards meeting workforce utilization and Disadvantaged Business Enterprise goals.

Vice President Ortiz inquired about the Operations and Maintenance Agreement for the BRT system and whether the City of Oakland was attempting to amend it. Mr. Pochiraju advised that there had not been any attempts to change it; however, the District still needed to develop Delegation of Maintenance Agreements with the City. Vice President Ortiz also asked who would be responsible for security along the corridor given recent sideshow activity. Mr. Pochiraju advised that AC Transit has made it clear to the City that it is not a law enforcement agency and has no jurisdiction. General Manager Michael Hursh advised that disturbances along the corridor would be treated similar (detour) to occurrences in other parts of the system.

Director Shaw asked what needed to occur in order for the project to stay on track. Mr. Pochiraju advised that the project needed to progress 3-4% a month. Mr. Hursh advised that since the last BRT Policy Steering Committee meeting, the City of Oakland had issued all of the needed permits, allowed longer work hours, and has allowed construction on Saturdays. Drier weather has also helped advance the project.

Director Peeples asked about the need for another environmental process. Mr. Pochiraju responded that this is necessary for the northern layover facility.

MOTION: ORTIZ/YOUNG to receive the monthly construction progress report on the East Bay Bus Rapid Transit (BRT) Project for the month of March 2019. The motion carried by the following vote:

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

ABSENT:1: Williams

- 5.E. 19-137 Consider receiving an update on service planning efforts in Special Transit Service District 2, which consists of the cities of Fremont and Newark. [Requested by Director Shaw – 2/13/19]**

This item was pulled of the agenda and will be rescheduled for a later date.

- 5.F. 19-146 Consider adoption of Resolution No. 19-015 requesting transit priority improvements associated with the Caltrans Macarthur Maze Vertical Clearance Project.**

[A copy of a comment letter dated April 23, 2019, from General Manager Michael Hursh to Caltrans was provided at the meeting for the Board's consideration.]

Director of Planning and Service Development Robert del Rosario presented the staff report.

Vice President Ortiz commented that the resolution was very important as the project would heavily impact the cities of Emeryville, Berkeley and Oakland. She added that the cities impacted by the project all support the transit priority resolution and are supportive in mitigating the possibility of spillover traffic caused by the construction.

Director Harper inquired about the comment letter that was sent by the District to Caltrans and whether it included a request to allow buses to make a left turn from Powel Street in Emeryville. General Manager Hursh advised that the letter was sent to Caltrans prior to the close of the public hearing. Vice President Ortiz added that the City of Emeryville would make the left turn request/comment as well.

MOTION: ORTIZ/YOUNG to adopt Resolution No. 19-015 requesting transit priority improvements associated with the Caltrans Macarthur Maze Vertical Clearance Project. The motion carried by the following vote:

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

ABSENT:1: Williams

- 5.G. 19-095 Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the Period of October 1, 2019 through March 31, 2019, and update on the District's progress toward the annual goal.**

Contracts Compliance Administrator Phillip Halley presented the staff reports 19-095 and 19-098, for items 5.G. and 5H., concurrently as the reports were inter-related.

Vice President Ortiz commented favorably on the substantial progress the District

has made with respect to DBE participation during her tenure on the Board.

For the ease of reading, the Board's motions are recorded with each item respectively.

MOTION: YOUNG/WALLACE to receive the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the Period of October 1, 2019 through March 31, 2019, and update on the District's progress toward the annual goal. The motion carried by the following vote:

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

ABSENT:1: Williams

5.H. 19-098 Consider receiving preliminary status report on the District's updated 3-year Disadvantaged Business Enterprise (DBE) goal for federal fiscal years 2020-2022.

Contracts Compliance Administrator Phillip Halley presented the staff report.

MOTION: YOUNG/WALLACE to receive the preliminary status report on the District's updated 3-year Disadvantaged Business Enterprise (DBE) goal for federal fiscal years 2020-2022. The motion carried by the following vote:

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

ABSENT:1: Williams

5.I. 19-120 Consider adoption of Resolution No. 19-012 approving the new classification specifications of Assistant Legal Secretary, Legal Secretary, and Information Technology Manager and the revised classification specifications of Digital Communications Specialist.

[A revised resolution was presented at the meeting for the Board's consideration.]

Assistant General Counsel Jill Sprague presented the staff report.

Vice President Ortiz asked for clarification about the fiscal impact of the revisions to the Digital Communications Specialist classification. General Manager Michael Hursh advised that the current salary grade for this position will remain unchanged and that the class specifications are being revised to clarify the duties.

MOTION: YOUNG/ORTIZ to adopt revised Resolution No. 19-012 approving the new classification specifications of Assistant Legal Secretary, Legal Secretary, and Information Technology Manager and the revised classification specifications of Digital Communications Specialist. The motion carried by the following vote:

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

ABSENT:1: Williams

5.J. 19-099 Consider adoption of Board Policy N. 480 – Safety Management Systems Policy.

Director of Maintenance Cecil Blandon presented the staff report.

Director Peeples asked whether the District would develop a detailed disaster action plan. General Manager Michael Hursh advised that after the adoption of the Board Policy the District is required to develop a Public Transit Agency Safety Plan, under the general guidelines from the Federal Transit Administration. The PTASP would lay out the safety and responsibility blueprint, and in addition, the District's standard operating procedures would include the detailed safety procedures.

MOTION: ORTIZ/PEEPLES to adopt Board Policy N. 480 – Safety Management Systems Policy. The motion carried by the following vote:

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

ABSENT:1: Williams

5.K. 19-156 Consider approving the draft agenda for the Annual Joint Meeting between the AC Transit Board of Directors and the Retirement Board.

District Secretary Linda Nemeroff presented the staff report.

Director Harper requested that a discussion about Other Post-Employment Benefits (OPEB) responsibilities be added to the agenda and inquired whether the Retirement Board would be inclined to take the OPEB responsibility matters under their charge. While Director Peeples agreed with adding the discussion to the Retirement Board agenda for future discussion, he felt that the Retirement Board would not be the appropriate body to handle the OPEB responsibility matters.

MOTION: ORTIZ/PEEPLES to approve the draft agenda for the Annual Joint Meeting between the AC Transit Board of Directors and the Retirement Board. The motion carried by the following vote:

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

ABSENT:1: Williams

5.L. 19-122 Consider dissolving the Central Alameda County Policy Advisory Committee.

There was no presentation of the staff report.

MOTION: WALLACE/ORTIZ to approve the dissolution of the Central Alameda County Policy Advisory Committee. The motion carried by the following vote:

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

ABSENT:1: Williams

6. CLOSED SESSION/REPORT OUT

General Counsel Denise Standridge reported out on the following:

MOTION: ORTIZ/PEEPLES to authorize settlement in the amount of \$416,542.63 in the matter of *Terry v. AC Transit*, WCAB Case No. ADJ1746705. The motion carried by the following vote:

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

ABSENT:1: Williams

6A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9(b))

Terry v. AC Transit, WCAB Case No. ADJ1746705 (OAK235680)

McNaulty v. AC Transit, ACSC No. RG18-933966

6B. Conference with Legal Counsel – Potential Litigation

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

6C. Conference with Labor Negotiators

(Government Code Section 54957.6):

Agency Designated Representatives:

General Manager, Acting Executive Director of Human Resources

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

Unrepresented Employees

6D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

7. AGENDA PLANNING**7.A. 19-020g Agenda Planning Pending List.**

Director Harper requested a discussion on how to handle responsibility for Other Post-Employment Benefits. Director Peeples concurred and suggested that the topic be added to a future Retirement Board agenda in addition to the Board agenda for discussion (see Item 5.K.)

8. GENERAL MANAGER'S REPORT

The General Manager's Report is incorporated into the file by reference as Staff Report 19-158.

9. BOARD/STAFF COMMENTS

Members of the Board commented on meetings and events attended since the last Board meeting. Vice President Ortiz reported on the status of funding for bus service for Oakland Unified School District, saying that the City of Oakland planned to contribute \$500,000 in funds to support bus service for the 19-20 School Year.

10. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at

6:40 p.m. The next meeting of the Board is scheduled for May 8, 2019 at 5:00 p.m.

Respectfully submitted,



Linda A. Nemeroff
District Secretary