



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

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

Wednesday, November 13, 2019 at 5:00 PM
Closed Session - 3:00 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
DENISE C. STANDRIDGE, GENERAL COUNSEL
LINDA A. NEMEROFF, DISTRICT SECRETARY

TELECONFERENCE

Director H. E. Christian Peeples and Director Diane Shaw
MST Bus Stop Shop, 201 Pearl Street, Monterey, California

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, November 13, 2019.

Prior to the start of the meeting, Assistant General Counsel Jill Sprague 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 Directors Peeples and Shaw to participate in the meeting and advised that all votes must be taken by roll call vote.

The meeting was called to order at 3:07 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 7A-7F as listed on the agenda. Closed Session concluded at 4:49 p.m.

President Wallace called the Board of Directors meeting to order at 5:02 p.m.

2. ROLL CALL

Directors Shaw and Peeples attended the meeting by teleconference.

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

3. PUBLIC COMMENT

Haleema Bharoocha with Alliance 4 Girls spoke about feeling unsafe on public transit and asked that the District establish new safety measures to protect young women on busses. A written document was distributed to the Board and is incorporated into the file.

Ja'Nai Aubry spoke in support of the previous speaker and underlined the importance of women's safety on public transit. Ms. Aubry offered to collaborate with the District on improving the safety of women riders.

Jennifer Rodriguez complained that the length of the public comment time is short and asked that it be extended from two to three minutes per speaker.

4. MODIFICATIONS TO THE AGENDA

District Secretary Linda Nemeroff announced that Item No.6.A. (amendments to Board Policy 110) was pulled off the agenda.

5. CONSENT CALENDAR**Approval of the Consent Agenda**

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

- Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young
- 5.A.** Consider approving the minutes of the Joint Meeting of the AC Transit Board of Directors and Financing Corporation Board of Directors held on October 23, 2019. [19-361](#)
- 5.B.** Consider approving Board of Directors minutes of October 23, 2019. [19-373](#)
- 5.C.** Consider receiving the Accessibility Advisory Committee minutes of September 10, 2019. [19-332](#)
- 5.D.** Consider receiving Retirement Board Minutes of September 12, 2019. [19-366](#)
Director Harper asked for clarification of data in the Retirement Board Minutes (agenda item 5.D., page two) related to a decrease in market value assets. Retirement Systems Manager Hugo Wildmann advised that the numbers reflect the comparison of the 2018 and 2019 data.
- 5.E.** Consider receiving the Semi-Annual Retirement Board Report. [19-367](#)
- 5.F.** Consider receiving the FY 2019-20 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. [19-355](#)
- 5.G.** Consider receiving the Monthly Report on Investments for September, 2019. [19-352](#)
- 5.H.** Consider approving of the FY 2020-21 Annual Budget Development Process and Calendar. [19-350](#)
- 5.I.** Consider receiving the FY 2019-20 First Quarter Surplus and Obsolete Materials Report. [19-364](#)
- 5.J.** Consider authorizing the General Manager to execute a funding transfer agreement with the City of Oakland to fund various corridor improvements related to the East Bay Bus Rapid Transit (BRT) Project. [19-363](#)
- 5.K.** Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the Period of April 1, 2019 through September 30, 2019. [19-307](#)
- 5.L.** Consider receiving the monthly legislative report. [19-334](#)
- 5.M.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [19-342](#)
- 5.N.** Consider receiving the monthly report on the construction progress and operational readiness of the East Bay Bus Rapid Transit (BRT) project. [19-370](#)

5.O. Consider receiving a report on the service changes associated with the December 2019 Sign-up. [19-333](#)

5.P. Consider award a fixed price construction contract to Air & Lube Systems, Inc. in the amount of \$1,256,571 for the construction and installation of a bus wash at the Seminary (D4) Division. [14-144d](#)

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

6.A. Consider approving amendments to Board Policy 110 - Public Hearing Process for the Board of Directors. [Requested by Vice President Ortiz - 9/25/2019] [19-369](#)

This item was pulled off the agenda and will be presented at a future meeting.

6.B. Consider review of Board Policy 140 - Candidates' Statement of Qualifications Cost with no recommended amendments. [19-356](#)

District Secretary Linda Nemeroff presented the staff report.

MOTION: WALLACE/PEEPLES to receive report on the review of Board Policy 140 - Candidates' Statement of Qualifications Cost. The motion carried by the following vote:

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

Finance and Audit Items - Chair Harper

6.C. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2019. [19-351](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WILLIAMS to receive the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2019. The motion carried by the following vote:

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

6.D. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [19-278](#)

There was no presentation of the staff report. Director of Procurement and Materials Gene Clark addressed questions from the Board.

Director Shaw asked staff to explain how a contract could be 100% spent, yet wouldn't expire for several more years. Mr. Clark advised that even though a contract is spent, it will remain active until the end of the contract term in case additional work needs to be performed under the contract. Once the term expires, the contract will be removed from the report.

Director Peeples inquired about a \$50 million contract for a bus procurement and wanted to know how many buses would be purchased. Chief Operating Officer Sal Llamas responded that the contract was for up to 50 MCI commuter buses.

Director Harper suggested that another column be added to the report to show what has been authorized to be spent. He added that he wanted the next report to provide details on how staff intends to use the information in the report.

MOTION: ORTIZ/WILLIAMS to receive the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. The motion carried by the following vote:

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

- 6.E.** Consider approving an amended bid price for Brinks' Armored Car Transportation and Cash Revenue Processing Services. [18-253b](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WILLIAMS to approve an amended bid price for Brinks' Armored Car Transportation and Cash Revenue Processing Services. The motion carried by the following vote:

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

Planning Items - Chair Peeples

- 6.F.** Consider receiving update on the Rapid Corridors Project. [19-360](#)

Senior Transportation Planer Mika Miyasato presented the staff report.

Vice President Ortiz asked for clarification of the "Rapid Bus Replace Local" service model and whether this approach would be used on other rapid corridors in AC Transit's service area. Ms. Miyasato explained that this model is intended for constrained routes with only one lane of traffic, such as San Pablo Avenue or Telegraph Avenue, where a rapid bus would not be able to pass a local bus. She added that this model would also have a reduced number of bus stops in some areas.

Director Peeples raised questions about boarding platforms and whether there is a plan to replace the rubberized temporary boarding islands with permanent ones. Ms. Miyasato clarified that the temporary boarding islands are the City of Oakland's facility, and the City plans to install the permanent hardscape starting next year. Director Peeples asked staff for a report on the performance of the rubberized boarding islands with an idea to re-use them in other locations. Staff responded that they will work on identifying pertinent criteria to evaluate the performance of the rubber islands that will be reported back to the Board.

Director Young asked if staff is concerned about the possibility of Complete Streets Projects, similar to the one on Telegraph Avenue, on other major corridors from a service planning perspective. Director of Service Development and Planning Robert del Rosario advised that, in general, local jurisdictions in their planning of safe streets tend to narrow down and slow down the streets, but he also added that there are solutions that would accommodate rapid bus lanes on narrow corridors. Further, the District maintains positive relationships with local jurisdictions and has been successful in collaborating with Emeryville, Oakland and other local jurisdictions.

Public Comment:

David Vartanoff urged the Board to carefully consider service planning and not to promise frequent service if it is not realistic. Mr. Vartanoff also made a complaint that the transit signal priority equipment on Telegraph is not operational.

MOTION: ORTIZ/WILLIAMS receive an update on the Rapid Corridors Project. The motion carried by the following vote:

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

Operations Items - Chair Shaw

- 6.G.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the First Quarter FY20. [19-320](#)

Director Shaw commented on staff's efforts to verify the accuracy of data captured by the newly deployed Clever Devices system, and asked if there is a timeframe of when accurate data will be available. Mr. Calhoun advised that the District is close to completing the transition to Clever Devices and is working with the Operations Control Center and the Clever Devices team to analyze the data and finalize the configuration of the new system.

Director Shaw praised the addition of Transbay data in the report and requested that staff continue to report the missed trip data for Transbay and all other lines as part of the report.

In addition, Director Shaw complimented the transportation and maintenance teams on bus cleanliness. She further asked if staff had any information on the possibility that the Federal Transit Administration might focus Key Performance Indicators on customer service. Staff advised that they would research and verify the information.

Director Young asked if there was a reason why on-time performance for Transbay service was lower than other routes. Mr. Calhoun explained that slow, heavy traffic coming from the south bay affects on-time performance in the morning hours. Director Young further inquired about the importance of operator log-on data and whether there is a way to track individual operator log-on records. Mr. Calhoun confirmed that operators log on to the system by tapping their badge to a device at the start of their assignment, which allows the system to also capture when the bus arrives at stops.

Board members further commented and recognized the increase in Transbay ridership.

Public Comment:

Jane Kramer commented on Lines 51A and 51B, saying that 51B often leaves the stop just seconds before 51A arrives, which causes the riders to miss the connection. Ms. Kramer urged the Board to correct this problem.

MOTION: WALLACE/PEEPLS to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the First Quarter FY20. The motion carried by the following vote:

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

- 6.H.** Consider approving contract award for a 5-year contract - with three 5-year options to extend the contract - with Clear Channel Outdoor Advertising (CCO) for the design, supply, construction, and maintenance of advertising and non-advertising transit shelters. [18-211a](#)

Transportation Planner Carissa Lee presented the staff report.

Director Shaw requested a follow-up report on the replacement of shelters and where they are located (see Agenda Planning). Director Wallace suggested that the report include a timeline for shelter replacement.

Ms. Lee advised that once contract negotiations have concluded, staff will work with the Joint Powers Authority on where the shelters will be located.

MOTION: YOUNG/WALLACE to approve contract award for a 5-year contract - with three 5-year options to extend the contract - with Clear Channel Outdoor Advertising (CCO) for the design, supply, construction, and maintenance of advertising and non-advertising transit shelters. The motion carried by the following vote:

Ayes: Wallace, Harper, Williams, Shaw, Peeples, Young

Nays: Ortiz

- 6.I.** Consider approving amendments to Board Policy 468 - Protest Procedures. [19-291](#)

Director of Procurement and Materials Gene Clark presented the staff report.

Director Young requested that staff consider the following amendments/clarifications:

1. Page 2, Section D. Timeliness of Protests - amend to reflect business days instead of calendar days;
2. Page 2, Section E. Protest Submission - Clarify how protests can be submitted (in person, by mail, etc.);

3. Page 5, Section G.2. - Language stating, "The basis for the Board's decision on appeal shall be limited to 1) determining whether there was a violation of state law..." needs to be revisited (the issue being that Board members could have differing opinions on this); and
4. Grammatical errors/inconsistencies.

The suggestion that a small committee of the Board hear appeals did not receive concurrence from the Board.

Staff is to review and address the amendments proposed and draft revised language if appropriate. The matter is continued to the December 11, 2019 Board meeting.

- 6.J.** Consider approving amendments to Board Policies 460 and 466; [19-198a](#)
Disadvantaged Business Enterprise (DBE) Policy and Small and Small Local Business Enterprise (SBE/SLBE) Policy, respectively. [Continued from the October 9, 2019 Board of Directors meeting.]

Contracts Compliance Administrator Phillip Halley presented the staff report. Vice President Ortiz thanked staff for addressing her concerns.

MOTION: WALLACE/YOUNG to approve amendments to Board Policies 460 and 466; Disadvantaged Business Enterprise (DBE) Policy and Small and Small Local Business Enterprise (SBE/SLBE) Policy, respectively. The motion carried by the following vote:

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

Absent: Williams

- 6.K.** Consider authorizing the General Manager to extend contract [13-326c](#)
2014-1288 between AC Transit and IBI Group for an additional two-year period, starting January 1, 2020 and ending December 31, 2021 for Owner's Representation in the completion of the Computer Aided Dispatch/Automated Vehicle Location (CAD/AVL) project.

There was no presentation of the staff report.

Director Harper noted the problems that can arise when one software application is integrated with another and cautioned staff to beware of this.

MOTION: YOUNG/WALLACE to authorize the General Manager to extend contract 2014-1288 between AC Transit and IBI Group for an additional two-year period, starting January 1, 2020 and ending December 31, 2021 for Owner's Representation in the completion of the Computer Aided Dispatch/Automated Vehicle Location (CAD/AVL) project. The motion carried by the following vote:

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

Absent: Williams

- 6.L.** Consider authorizing the General Manager to negotiate and execute Enterprise License Agreement extension for three years with Microsoft or its value-added reseller for various Microsoft products and services. [17-052a](#)

There was no presentation of the staff report.

Director Harper expressed frustration with the effectiveness of Office 365. Director Peeples advocated for using applications that were open source.

MOTION: WALLACE/YOUNG to authorizing the General Manager to negotiate and execute Enterprise License Agreement extension for three years with Microsoft or its value-added reseller for various Microsoft products and services. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Shaw, Young

Absent: Williams

Abstained: Peeples

Board Administrative Matters:

- 6.M.** Consider adopting the 2020 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. [19-357](#)

Assistant District Secretary Jelena Harada presented the staff report.

MOTION: ORTIZ/WALLACE to adopt the 2020 regular Board meeting schedule for calendar year 2020. The motion carried by the following vote:

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

Absent: Williams

7. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Lehman, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-16-553758
- Ying, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-17-559210
- Turgeon, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-18-564417

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. Public Employment

(Government Code Section 54957(c))

Title: General Counsel

7.E. Conference with Labor Negotiators

(Government Code Section 54957.6):

Negotiator: Joe Wallace, Board President

Unrepresented Employees: General Counsel

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.

[19-020s](#)

Director Harper requested a discussion of options to extend the public comment time for speakers at Board meetings.

Director Shaw requested a report with the timeline of bus shelter replacement. The report should also list new shelter locations once they are identified, as well as the timeline for installation.

Director Shaw requested a follow up report on the results of the operator recruitment campaign.

Director Peeples requested a report on the performance of the rubber boarding islands along Telegraph Avenue and the possibility of re-using the existing islands at different locations.

Director Young requested an update on the status of changes to Transit District Law and the plan on moving forward with the Board's recommendations.

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for November 13, 2019.

[19-082](#)

The report was presented for information only.

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

11. ADJOURNMENT

Next Meeting: December 11, 2019 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 6:21 p.m. The next meeting of the Board of Directors is scheduled for December 11, 2019 at 5:00 p.m.

Respectfully submitted,

/S/

Linda A. Nemeroff
District Secretary