



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a regular virtual meeting on Wednesday, May 13, 2020.

Members of the Board participated via video conference from off-site locations in accordance with the statewide shelter in place order issued on March 16, 2020, and extended through May 31, 2020.

At 3:32 p.m., the Board of Directors convened in Closed Session to discuss Items 7.A. - 7.F. as listed on the agenda. All Board members were present with the exception of Director Harper who was absent. Closed Session concluded at 4:45 p.m.

President Wallace called the Board of Directors meeting to order at 5:03 p.m.

2. ROLL CALL

Director Peeples arrived to the meeting at 5:11 p.m.

Director Harper arrived to the meeting at 5:10 p.m.

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

3. PUBLIC COMMENT

There were no public comments offered.

4. MODIFICATIONS TO THE AGENDA

District Secretary Linda Nemeroff advised that Item 5.H. (Amendment to Board Policy 465) had been pulled off the agenda.

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

MOTION: ORTIZ/SHAW to receive, approve or adopt the items on the Consent Calendar as indicated below.

5.A. Consider approving Board of Directors minutes of April 8, 2020. [20-034](#)

MOTION: ORTIZ/SHAW to approve the Board of Directors minutes of April 8, 2020. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

5.B. Consider approving Board of Directors minutes of April 22, 2020. [20-035](#)

MOTION: ORTIZ/SHAW to approve the Board of Directors minutes of April 22, 2020. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 5.C.** Consider receiving the Retirement Board minutes of March 19, 2020. [20-193](#)

MOTION: ORTIZ/SHAW to receive the Retirement Board minutes of March 19, 2020.
The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 5.D.** Consider authorizing the release of an Invitation For Bid (IFB) for tire mileage and leasing services contract for District vehicles. [20-203](#)

MOTION: ORTIZ/SHAW to authorize the release of an Invitation For Bid (IFB) for tire mileage and leasing services contract for District vehicles. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 5.E.** Consider approving contract assignment for towing services from Palace Garage to Atlas Tow. [15-094b](#)

MOTION: ORTIZ/SHAW to approve contract assignment for towing services from Palace Garage to Atlas Tow. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 5.F.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [20-184](#)

MOTION: ORTIZ/SHAW to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 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 Central Maintenance Facility and roof repair and replacement at Division 2. [20-188](#)

MOTION: ORTIZ/SHAW to adopt 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 Central Maintenance Facility and roof repair and replacement at Division 2. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

- 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](#)

Item 5.H. was pulled off the agenda and would be brought back to the Board at a later date.

- 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](#)

MOTION: ORTIZ/SHAW to adopt 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. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Shaw, Williams, Young

Absent: Harper, Peeples

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](#)

Executive Director of External Affairs, Marketing and Communications Beverly Greene presented the staff report.

Vice President Ortiz asked when the District would engage in a public campaign to encourage riding the bus. Ms. Greene advised that staff was engaged in a social media campaign emphasizing bus cleanliness and would expand on it soon. Staff is also looking to develop a passenger survey. Vice President Ortiz felt the District needed to be more proactive in making people feel safe on the bus. President Wallace shared his observation that AC Transit is cleaner than both BART and MUNI.

Director Young asked about the status of slow streets programs that some of the cities

have adopted. Ms. Greene advised that these initiatives were off to a slow start and would be further elaborated on in a future report from the Service Development Department.

- 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](#)

There was no presentation of the staff report.

MOTION: PEEPLES/WALLACE to adopt 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.. The motion failed by the following vote:

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

- 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](#)

There was no presentation of the staff report.

Director Young asked how long we anticipate rear-door boarding with no fare collections. General Manager Michael Hursh advised that the current plan is to do this through August.

MOTION: PEEPLES/WALLACE to ratify 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). The motion carried by the following vote:

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

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

Chief Information Officer Ahsan Baig presented the staff report and introduced Jason Weinstein and Edward Meng with the Metropolitan Transportation Commission.

Director Shaw asked how the mobile app compares to the plastic Clipper card and whether the app would include the monthly pass. Mr. Weinstein advised that the

mobile app would have the full functionality of the plastic card, including the monthly pass. He further clarified that everything that a Clipper card user has on their plastic card would be available on the virtual app card.

Director Shaw commented on the ticket vending machine provider mentioned in the staff report and asked for clarification as to whether the same vendor will be used for the BRT tickets. Mr. Weinstein advised that one vendor will be used for AC Transit's general service system and another ticket vendor is assigned to the BRT system.

Director Shaw further inquired about the timeline for the Clipper app implementation. Mr. Weinstein advised that progress in implementing the application had slowed down due to the Covid-19 pandemic, but was confident that the app will launch by the end of the year.

Director Harper commented that Clipper may be inaccessible to the riders who do not own bank accounts and rely solely on cash. Mr. Meng advised that there is an upward trend in Clipper use across the region. He further explained that other agencies are driving the increase in Clipper use on AC Transit's buses, citing BART's change to Clipper-only payments in 2019 and UC Berkeley's student pass as examples.

Director Young asked if the new Clipper app will have the capability to communicate out to riders about service change updates. Director Young further raised questions about privacy and data collection, specifically about the Clipper app's capability to collect the users' identity, and who would have ownership of such data for the purpose of the Public Record Act. Mr. Weinstein acknowledged the relevant privacy concerns and advised that MTC's privacy policies allow riders to opt in or out of communications. He added that once the Clipper app graduates to an account-based system in 2022, users will have an option to use anonymous Clipper accounts. Mr. Weinstein further advised that public record requests for Clipper data are handled by MTC.

Director Harper observed that some transit agencies use the tag-on/tag-off method to collect ridership data and asked if such functionality will be offered to AC Transit. Mr. Meng advised that the method is used primarily for fee collection, because some transit agencies have multiple travel zones and charge fees per zone. By tagging-off at their destination, riders are ensuring they are not being charged for additional zones. Mr. Meng explained that the Clipper app is capable of such functionality, however, AC Transit is currently charging flat fees so the tag-on/tag-off method wouldn't apply.

MOTION: SHAW/WALLACE to receive a briefing on the Next Generation Clipper (C2) Program. The motion carried by the following vote:

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

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

[20-180](#)

lasting impacts. In addition, consider adopting staff's proposed Guiding Principles document for potential service reductions in FY 2020-21.

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

Vice President Ortiz commented on impacts to gas tax revenues, believing they would be down considerably. She further inquired about school service and how the District would effectively provide service with staggered classes and bell times, as currently being proposed as a means of addressing social distancing, and while also interlining with Transbay service. Mr. del Rosario advised that the District's service cannot handle staggered bell times and that schools have been asked to leave the bell times the same as last year. He added that schools also don't know what they are doing next year and that staff has asked all schools to respond to the District by the end of the month.

With regard to staff's planned service reduction, Vice President Ortiz pointed out that the Metropolitan Transportation Commission's funding requirements are based on service in low income areas. Mr. del Rosario added that in terms of obtaining needs/equity-based funding, he believed the District's service would meet the criteria.

Director Harper asked about social distancing measures that might be in place for the August sign-up and how service would be planned to accommodate this. Mr. del Rosario advised that the District would be able to provide stand-by buses to pick up additional passengers for heavily traveled lines. Staff has an idea now of where overloads are occurring and can schedule stand-bys now to meet the demand. Director Harper complained that since he has not seen any ridership numbers over the past two months, it was affecting his ability to understand how much service could be provided. He further questioned how the District could provide 80% of the service in August with social distancing guidelines in place. The cost of the service was another area of concern for him. He believed that staff should be looking to the December sign-up as a baseline. He further complained that not enough information was available on the use of the District's reserves.

Vice President Ortiz asked if staff's proposal was flexible since we are not sure at this point how many buses will be available to provide the service. Mr. del Rosario advised that the content of service changes was subject to further review and reporting to the Board.

Director Young asked how staff arrived at the goals, believing that service should be allocated on the basis of the District's finances and the amount of service that can be provided. He felt the goal did not reflect the uncertainty the District is facing. Mr. del Rosario advised that staff would base the amount of service reductions on the District's financial outlook, adding that ridership needed to be balanced with the socially distant load capacity revenue limitations. He added that the District needed to react fairly soon to the changing conditions impacting service.

Director Harper further commented that the District was not going to know what the revenue picture would look like for several months and should be planned for conservatively.

General Manager Michael Hursh reassured the Board that staff has tightened the belt where it can, noting that overtime has been cut and there was a high operator vacancy count. He discouraged any discussion of layoffs and furloughs until more financial information is available. He further advised that staff's presentation is a starting point in preparation for the difficult process that lies ahead.

Director Shaw asked if the Board would be briefed on the permanent service changes. Mr. del Rosario advised that the Board would be briefed in July on the plan.

Director Shaw also suggested that the District not run any supplemental service when social distancing restrictions are in effect because it is too cost prohibitive, and believed there would be more virtual classes in the fall. She further approved of the guiding principles recommended by staff and was looking forward to how the District might reinvent its service post-pandemic. Vice President Ortiz reminded staff the Oakland Unified School District had \$2 million in the bank for school service. Mr. del Rosario commented that it was impossible under social distancing to determine who would be able to use bus service each day, which would pose an additional challenge.

Director Young commented that two issues that should be considered are to allow the most people on the bus as possible and to wear personal protective equipment. He added that it did not seem financially sustainable to run socially distant service.

Public Comment:

Yvonne Williams, President and Business Agent of ATU Local 192, felt it was inappropriate to even suggest the discontinuance of supplemental service. She also felt it was inappropriate to suggest that the District not follow CDC guidance.

MOTION: PEEPLES/WALLACE to approve staff's plans for bus service over the next 12 months as a result of the Coronavirus (COVID-19) pandemic and its lasting impacts. The motion carried by the following vote:

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

Noes: Harper

MOTION: PEEPLES/WALLACE to adopt staff's proposed Guiding Principles document for potential service reductions in FY 2020-21. The motion carried by the following vote:

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

- 6.F.** Consider receiving the Quarterly Update on the Strategic Plan Progress.

20-120

Director of Project Controls and System Analysis William Tonis presented the staff report. General Manager Michael Hursh added that foundationally, the Strategic Plan is very strong, but there would be some short-term initiatives specific to the COVID-19 pandemic.

MOTION: PEEPLES/WALLACE to receive the Quarterly Update on the Strategic Plan Progress. The motion carried by the following vote:

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

- 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](#)

Senior Transportation Planner Mika Miyasato presented the staff report.

Director Peeples asked how this project interrelates with the Alameda County Transportation Commission's project to analyze the various types of street treatments for San Pablo Avenue. Ms. Miyasato advised that the District's project is to replace/refresh existing technology on San Pablo Avenue, while the ACTC's project is long-range. She added that the project is compatible with the ACTC's vision for the corridor. The bigger ACTC project will take eight or more years to implement. Vice President Ortiz advised that the ACTC would not contribute money to AC Transit's project if it didn't fit within their long-term plans.

Director Harper questioned the need for construction management services. Ms. Miyasato advised that project will update the GPS technology and monitoring of 70 signaled intersections and the services are needed to oversee proper installation of the equipment at each intersection as well as provide oversight of electrical work and signal timing work.

MOTION: ORTIZ/PEEPLES to approve contract award to VSCE for \$490,610.83 for Construction Management (CM) Services associated with the Rapid Corridors Project - San Pablo Avenue.. The motion failed by the following vote:

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

- 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](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WALLACE to approve contract award to GHD for \$414,541.00 for Construction Management (CM) Services associated with the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. The motion carried by the following vote:

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

Operations Items - Chair Young

- 6.I.** Consider approving the AC Transit Public Transportation Agency Safety Plan (PTASP). [20-151](#)

There was no presentation of the staff report. General Manager Michael Hursh thanked staff for their efforts to implement the plan in compliance with FTA requirements.

Director Shaw asked if the Board would receive an annual safety report and why the fatality rate wasn't zero. Mr. Hursh advised that periodic safety reports were required and that the fatality rate should be zero and would be corrected.

Director Shaw asked who was responsible for providing a PTASP for Paratransit. Mr. Hursh advised that the Paratransit broker was responsible for completing the plan.

MOTION: WALLACE/ORTIZ to approve the AC Transit Public Transportation Agency Safety Plan (PTASP), including a correction of the fatality rate to zero. The motion failed by the following vote:

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

- 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](#)

There was no presentation of the staff report.

MOTION:SHAW/PEEPLS to authorize the General Manager to exercise the second option year on Contract 2016-1358 for Managed Print Services (copiers/printers) with Ray Morgan Company. The motion failed by the following vote:

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

- 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](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WALLACE to authorize the General Manager to approve a one-year extension of District Contract 2015-1331 for Ellipse Hosting, Upgrade, and Professional Services. The motion carried by the following vote:

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

7. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague distributed a summary of open claims and lawsuits. A copy is

incorporated into the file by reference as Staff Report 20-____.

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.

- 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.

- 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.

- 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.

- Property: 425 Mission Street, San Francisco, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- 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](#)

There were no new items added to agenda planning.

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for May 13, 2020.[20-008h](#)

The report was provided 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: May 27, 2020 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 7:02 p.m. The next meeting of the Board is scheduled for May 27, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary