



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, August 7, 2019 at 5:00 PM

Public Hearing - Service Change Proposals - 6:00 PM

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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, August 7, 2019, at 5 p.m.

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

2. ROLL CALL

Vice President Ortiz appeared in person.

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

3. PUBLIC HEARING

3.A. Hold Public Hearing to receive public comment regarding a set of proposed service changes for FY 2019/20. The proposed changes include:

[19-171a](#)

- Bus Rapid Transit (BRT) Elimination of Line 1 and replacement with BRT, truncation of Line 801, and service on new streets for Lines 14 and 47.
- Proposed service changes to Lines 71, 376, 60, and 96, and associated service on new streets.

[A Summary of Public Outreach was provided to the Board at the meeting and is incorporated into the file by reference.]

At 6:16 p.m., President Wallace welcomed everyone to the public hearing and advised that a decision on the proposals would not be made until the September 11th Board Meeting at the earliest. He then called on General Counsel Denise Standridge to outline the rules of order and procedures for public speakers.

President Wallace reconvened the Public Hearing and 6:21 p.m. The meeting was turned over to Manager of Service Planning Michael Eshleman for the staff presentation. Members of the Board inquired about changes to the Line 801 Owl Service and the transfer of passengers from that line to Bus Rapid Transit as well as the effectiveness of the changes to service in Parchester Village in Richmond.

Vice President Ortiz requested that staff research and analyze how we can implement the changes to Line 801 without additional costs for riders. She added that her concern was that under staff's proposal, working class people would be inconvenienced by having to transfer from one bus to another in the middle of the night and would be required to pay to transfer buses. Director Shaw added that she would like to know the number of riders impacted by the change and what measures would be put in place to ensure riders make their connection at the San Leandro BART Station and are not left stranded with no other way to get to Fremont. Mr. Eshleman advised that there are 165 weekday riders who are either on the bus or who board at San Leandro BART; weekend ridership is approximately 265 riders each day. With regard to the changes in

Parchester Village, Director Harper commented that not everyone likes buses running by their house and suggested a survey of residents.

Six persons presented testimony concerning the proposed service changes. A summary of the testimony given is incorporated into the minutes by reference as Exhibit A. Written comments received up to the close of the hearing are incorporated into the file by reference. The public hearing closed at 6:38 p.m.

4. PUBLIC COMMENT

There were no public comments offered.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 6.A.** Consider receiving an update and providing feedback on the anticipated November 2020 transportation ballot measure known as “FASTER (Freedom, Affordability, Speed, Transparency, Equity and Reliability) Bay Area.”

[19-259](#)

Director of Legislative Affairs & Community Relations Claudia Burgos presented the staff report, and Director of Service Planning Robert Del Rosario presented overview of the proposed projects under consideration.

Members of the Board inquired about the proposal for regional express bus, rapid transit services, supplemental service, funding of the measure, AC Transit's priority projects, plans for water transit, and regional fare plans.

With regard to regional express bus service, Mr. Del Rosario advised that the proposal that staff developed with the other transit agencies goes as far east as Livermore, as far north as Fairfield and Santa Rosa, and as far south as Gilroy. Staff believed that any extension of the service beyond these areas would not be cost effective because it would serve few riders. In addition, he advised that the Major Corridors Study identified the top 10 corridors that may be considered for rapid transit routes and that public schools, such as middle and high schools, would be the focus of supplemental service improvements.

With regard to the District's priorities, Mr. del Rosario reported that AC Transit facilities were a high priority due to the cost, but noted that the region was looking for transformative projects such as regional express bus. He added that WETA had included projects in the expenditure plan and that the details on a regional fare plan were still under development.

Director Williams argued in favor of extending regional express bus service beyond the parameters noted by staff, saying that traffic congestion over the Altmont Pass could be greatly reduced by extending the service further east, which would also benefit workers commuting into Bay Area from the valley.

Director Peeples noted that stories in the media about the expenditure plan seemed to be very different from staff's accounts. General Manager Michael Hursh responded that the Silicon Valley Leadership Group and/or the FASTER group have had little engagement with the media until recently and much of what was being reported was from other groups who are telling the media what they would like to see the money spent on.

With regard to funding the measure, Ms. Burgos advised that currently, the proposal was for a one cent sales tax. Director Peeples advised that he was not in favor of a sales tax, because he believed it was a regressive tax on working people to solve the problems created by large tech companies that pay little or no federal and local taxes.

Vice President Ortiz had serious concerns that legislators outside of the nine county Bay Area would add projects to the expenditure plan that they are not paying for for their own areas.

MOTION: WILLIAMS/PEEPLS to receive an update on the anticipated November 2020 transportation ballot measure known as "FASTER (Freedom, Affordability, Speed, Transparency, Equity and Reliability) Bay Area." The motion carried by the following vote:

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

- 6.B.** Consider receiving the monthly legislative report and approval of legislative positions. [19-276](#)

Director of Legislative Affairs & Community Relations Claudia Burgos presented the staff report.

MOTION: YOUNG/WILLIAMS to receive the monthly legislative report and approve legislative positions. The motion carried by the following vote:

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

Finance and Audit Items - Chair Harper

- 6.C.** Consider setting a public hearing at 6:00 p.m. on September 11, 2019 regarding proposed changes to AC Transit EasyPass pricing matrices. [19-262](#)

Marketing Manager Nichele Laynes presented the staff report.

MOTION: PEEPLES/YOUNG to approve setting a public hearing at 6:00 p.m. on September 11, 2019 regarding proposed changes to AC Transit EasyPass pricing

matrices. The motion carried by the following vote:

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

Planning Items - Chair Peeples

- 6.D.** Consider awarding six (6) on-call Architectural and Engineering (A&E) contracts to Parsons Transportations Group, Inc.; Chow Engineering, Inc.; Interactive Resources, Inc.; STV, Inc.; Mott MacDonald, LLC.; and Kimley Horn & Associates, Inc. [18-230b](#)

There was no presentation of the staff report.

MOTION: YOUNG/ORTIZ to approve the award of six (6) on-call Architectural and Engineering (A&E) contracts to Parsons Transportations Group, Inc.; Chow Engineering, Inc.; Interactive Resources, Inc.; STV, Inc.; Mott MacDonald, LLC.; and Kimley Horn & Associates, Inc. The motion carried by the following vote:

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

Operations Items - Chair Shaw

- 6.E.** Consider adoption of Board Policy 209: Nepotism. [19-210](#)

There was no presentation of the staff report.

MOTION: PEEPLES/WALLACE to adopt Board Policy 209: Nepotism.. The motion carried by the following vote:

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

Board Administrative Matters:

- 6.F.** Consider adoption of Resolution No. 19-022 authorizing the General Manager to transfer ownership of three surplus transit buses to Those Angels, Inc. pursuant to Board Policy 461. [Continued from the July 24, 2019, Board meeting.] [19-230a](#)

General Counsel Denise Standridge announced that Director Williams recused himself due to a conflict of interest on Item 6.F. because he is an Ambassador for Those Angels, Inc. Director Williams left the dais at 5:38 p.m.

Ms. Standridge presented the staff report, advising the Board that several supplemental documents were provided by Those Angels, Inc. including a budget, the Statement of Information filed with the State of California, and letters from the labor council and a school district in support of the charity. She added that Those Angels, Inc. was too small for Charity Navigator and too young for Charity Watch. She further advised that Mr. Joseph was present to address questions from the Board.

Vice President Ortiz commented that while the charity seemed to be doing a good thing, she remained concerned about several issues, including how the buses would be

used once donated and the budget. Vice President Ortiz argued that even if the charity were funded, more than 50% of the expenditures were for administrative costs, which in her experience was high. Mr. Joseph sought to clarify the mission and vision of Those Angels, saying that the charity would follow any criteria specified by the District on how the buses are to be used if donated. He added that Those Angels had received donated buses prior to receiving its 501(c)(3) status, but had not received any since. He added that he was a volunteer with the organization and did not earn a salary even though he was the organization's founder. He further informed that Board that the figures included in the budget were projections, not actuals and were meant to inform the Board of what the charity's intentions were if it were to receive funding.

Director Peeples agreed with the charity's mission, but continued to question the type of bus being requested for donation and what Those Angels would do with them. Mr. Joseph advised that the buses would be used to take children on long trips, adding that Those Angels would use the buses under whatever conditions the District specified.

Director Young asked if transport of the buses to Haiti had been arranged. Mr. Joseph advised that he had a three point plan to get the buses to Haiti, which included making an application to the U.S. Air Force to transport the buses; utilizing contacts via the San Francisco Labor Council with shipping companies; and working with union partners to raise the funds to ship the buses.

Director Shaw asked how long Those Angels would have to ship the buses. Ms. Standridge advised that six months would be given to ship the buses and if they were not shipped by that time, they would be sold at auction and she would amend the resolution to include this.

Director Young suggested that Those Angels purchase the buses at auction which would eliminate concerns about how the buses would be used.

Director Peeples advised that he was willing to move in favor of the donation contingent on two amendments to the resolution: 1) that Those Angels, Inc. accomplish the transfer to Haiti within six months, and if not, the buses will go to auction; and 2) Section 1 of the resolution be amended to include language that the buses be used for school service.

Following the defeat of the motion (below), Director Young suggested that staff investigate the possibility of a direct negotiation with the school in Haiti for purchase of the buses. Ms. Standridge advised that staff can come back to the Board following further discussions with Mr. Joseph regarding sale of the buses to a school in Haiti.

MOTION: PEEPLES/SHAW to adopt Resolution No. 19-022 authorizing the General Manager to transfer ownership of three surplus transit buses to Those Angels, Inc. pursuant to Board Policy 461 with the following amendments: 1) that Those Angels, Inc. accomplish the transfer to Haiti within six months, and if not, the buses will go to

auction; and 2) Section 1 of the resolution to include language that the buses will be used for school service. The motion failed by the following vote:

Ayes: Shaw, Peeples, Young

Nayes: Harper

Abstained: Ortiz, Wallace

Recused: Williams

- 6.G.** Consider whether or not to hear the appeal of Roofing & Solar Construction, Inc. in regard to IFB 2019-1473. [19-105c](#)

Director Williams returned to the dias at 6:10 p.m.

General Counsel Denise Standridge advised that the only decision before the Board was whether or not grant an appeal of the Board's prior decision to deny the protest of Roofing & Solar Construction, which was rendered at the July 24, 2019, Board meeting. She added that no oral arguments would be heard on the substance of the appeal from the protesting party (who was not present) or the District; the only decision before the Board was whether to entertain an appeal. If the Board voted to entertain the appeal, staff would ask the Board to set a hearing date. She further addressed legal and procedural questions from Board members. Director Harper commented in favor of hearing the appeal.

MOTION: to hear the appeal filed by Roofing & Solar Construction. The request was denied by the following vote:

Ayes: Harper, Williams

Nayes: Shaw, Peeples, Young, Ortiz, Wallace

7. AGENDA PLANNING

- 7.A.** Agenda Planning Pending List [19-020n](#)

No new items added to Agenda Planning.

8. GENERAL MANAGER'S REPORT

- 8.A.** General Manager's Report for August 7, 2019. [19-106](#)

The report was presented for information only.

9. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

10. ADJOURNMENT

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

at 6:47 p.m. The next meeting of the Board of Directors is scheduled for September 11, 2019, at 5:00 p.m.

Respectfully submitted,

Linda A. Nemeroff
District Secretary