

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting
VIRTUAL MEETING

Wednesday, July 14, 2021 at 5:00 PM https://bit.ly/3iuZ7xV

MEMBERS OF THE BOARD OF DIRECTORS
ELSA ORTIZ, PRESIDENT (WARD 3)
JOEL YOUNG, VICE PRESIDENT (AT-LARGE)
JOVANKA BECKLES (WARD 1)
JEAN WALSH (WARD 2)
MARK WILLIAMS (WARD 4)
DIANE SHAW (WARD 5)
H. E. CHRISTIAN PEEPLES (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, July 14, 2021.

Members of the Board participated via video conference from off-site locations in accordance with Executive Order N-08-21. Pursuant to the Executive Order, notice of teleconference locations is not required.

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

2. ROLL CALL

Present: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

3. PRESENTATION

3.A. Update on Federal legislative activities, including efforts to reinstate operating funding [Request by Director Peeples - 5/12/21].

21-285

Steve Palmer of Van Scoyoc Associates presented information on infrastructure, proposed financing structures for new investment, federal legislative matters, the Surface Transportation Bill, earmark requests for AC Transit projects, and the FY 22 federal budget. Mr. Palmer also addressed questions from the Board with respect to cybersecurity funding for public agencies, security and non-police crime reduction measures, overlapping transportation funding bills, and funding for Green New Deal and other climate change proposals.

Public Comment:

Katy Scott-Smith, People's Transit Alliance of the East Bay Democratic Socialists of America (PTA-EBDSA), presented details about the Metropolitan Transportation Commission's distribution of the federal American Rescue Plan (ARP) Act funds. Scott-Smith asked that District staff be agile as it plans for the restoration of service and strategically utilize the ARP funding distribution for such services as hiring incentives and bonuses towards hiring operators.

The items was presented for information only.

4. PUBLIC COMMENT

Richard Marcantonio, Public Advocates, supported Scott-Smith's earlier comments about utilization of federal ARP funds and advised management to immediately coordinate with other agencies and labor unions as it works to restore service.

Andrea Lowe, PTA - EBDSA, agreed with Marcantonio's support of the utilization of federal ARP funds and advised management to coordinate with the riders and labor unions to quickly deploy the ARP funding as it works to restore service. Lowe recommended the use of ARP funds towards program such as fare reduction, increased hiring, and back-hazard pay.

Matthew Lewis, PTA - EBDSA, agreed with the previous speakers support of the utilization of

federal ARP funds and the urgent and quick deployment the ARP funding by the District as it works to restore service.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

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

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.A. Consider approving Board of Directors minutes of June 23, 2021.

21-358

MOTION: WILLIAMS/BECKLES to approve the Board of Directors minutes of June 23, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.B. Consider receiving the Accessibility Advisory Committee minutes of May 11, 2021.

21-326

MOTION: WILLIAMS/BECKLES to receive the Accessibility Advisory Committee minutes of May 11, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.C. Consider receiving Retirement Board Minutes of June 8, 2021.

21-345

MOTION: WILLIAMS/BECKLES to receive the Retirement Board Minutes of June 8, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.D. Consider approving the repeal of Board Policy 163 - Notification of Meetings with Elected Officials.

21-305

MOTION: WILLIAMS/BECKLES to approve the repeal of Board Policy 163 - Notification of Meetings with Elected Officials. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.E. Consider review of Board Policy 177 - Meeting Expense Reimbursements for Accessibility Advisory Committee Members with no recommended amendments.

21-314

MOTION: WILLIAMS/BECKLES to receive the review of Board Policy 177 - Meeting Expense Reimbursements for Accessibility Advisory Committee Members with no recommended amendments. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.F. Consider the adoption of Resolution No. 21-021 providing notice of

21-312

the scheduled adoption of an Appropriations Limit for Fiscal Year 2021-22.

MOTION: WILLIAMS/BECKLES to approve the adoption of Resolution No. 21-021 providing notice of the scheduled adoption of an Appropriations Limit for Fiscal Year 2021-22. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.G. Consider receiving the Financial Audit Plan and Audit Engagement Letter for the Fiscal Year Ending June 30, 2021.

MOTION: WILLIAMS/BECKLES to receive the Financial Audit Plan and Audit Engagement Letter for the Fiscal Year Ending June 30, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.H. Consider the adoption of Resolution No. 21-024 approving the revised classifications of Chief Dispatcher and Dispatcher and abolishing the temporary classification of Deputy Chief Financial Officer.

MOTION: WILLIAMS/BECKLES to approve the adoption of Resolution No. 21-024 approving the revised classifications of Chief Dispatcher and Dispatcher and abolishing the temporary classification of Deputy Chief Financial Officer. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.I. Consider approving a full amendment of Board Policy 522 and retitle the policy as "Policy for Transit-Oriented Development and Transit-Supportive Land Use."

MOTION: WILLIAMS/BECKLES to approve a full amendment of Board Policy 522 and retitle the policy as "Policy for Transit-Oriented Development and Transit-Supportive Land Use." The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.J. Consider authorizing the General Manager to sign a 12-month contract extension with Alexander Dennis Incorporated to purchase additional double deck-buses.

Public Comment:

Patrick Traughber urged the Board to approve the contract extension to purchase double-decker buses and noted that these buses service the Transbay lines well.

MOTION: WILLIAMS/BECKLES to approve the authorization of the General Manager to sign a 12-month contract extension with Alexander Dennis Incorporated to purchase additional double deck-buses. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.K. Consider adoption of Resolution No. 21-027 approving a three-year Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), effective July 1, 2020.

21-330

Public Comment:

Tiffany Bonaparte, AFSCME President, thanked all parties involved in labor negotiations and expressed gratitude for everyone's work with the labor contract negotiation. **Lisa Harlow**, AFSCME Business Agent, urged the Board approve the labor contract agenda item and thanked everyone involved with contract negotiations.

MOTION: WILLIAMS/BECKLES to approve the adoption of Resolution No. 21-027 approving a three-year Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), effective July 1, 2020. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

7. REGULAR CALENDAR

External Affairs Items - Chair Williams

7.A. Consider receiving an update about social media, including use, growth, and future plans. [Requested by Director Walsh - 3/10/2021]

21-328

Marketing and Communications Manager Julia Kocs presented the staff report.

Public Comment:

There were no comments offered.

Board Discussion:

Director Beckles stressed the importance of communicating to riders via social media and thanked staff for their effort.

Director Shaw acknowledged the importance of providing accurate information to riders on social media that riders can depend on. Director Shaw commented on the social media objective to expand the reach further but felt that customer satisfaction, service disruptions, and changes needed to be communicated as well. Director Shaw also commented about the possibility to provide continuous customer and social media responsiveness during the weekends by perhaps modifying staff's work week to include weekends. Executive Director of External Affairs, Marketing and Communications Beverly Greene advised that having a new position that would handle social media on weekends would be under consideration if funds became available.

Director Walsh noticed that customer service messages go without response on Twitter and asked about staff's practice of providing customer service through Twitter. Ms. Kocs explained that customer service issues are entered into the tracking system and were forwarded to the appropriate staff for a response. Ms. Kocs added that staff aims

to provide full responsiveness to all customer issues.

Director Walsh further commented that she is often tagged to respond to comments on social media and would like staff to respond to issues consistently. Director Walsh felt that Twitter should be a dedicated customer service channel going forward. Ms. Greene advised that the general practice is to provide a direct response to a person's message; however, if a message affects a significant portion of the constituents, staff will respond publicly. Director Walsh commented on the staff's objective to listen, gather input, amplify feedback internally and asked how customer feedback is relayed internally among staff. Ms. Kocs explained that besides using the metrics to follow the audience's trends, social media coordinators constantly forward information and social media activities to their supervisors.

Director Walsh further commented that some transit agencies use more than one channel to stream exclusive messages, for example, one dedicated to service changes and disruptions and another channel for public relations and promotions. Director Walsh asked staff to look into this option and suggested that the District follows the active community members' accounts on Twitter. Director Walsh commented that she would like to see more regional coordination and a unified effort between transit agencies to renew post-pandemic public transit. Ms. Greene confirmed that such an effort is already in place, noting that regional transit marketing representatives are coordinating a campaign in the autumn.

Director Williams commented that he interacts with the District on Instagram and thanked staff for responsiveness.

Regarding the additional social media coordinator positions, General Manager Hursh clarified that the District is awaiting the allocation of the ARPA (American Rescue Plan Act) funds at the end of July to decide whether the position would be funded.

MOTION: WALSH/ORTIZ to reeceive an update about social media, including use, growth, and future plans. [Requested by Director Walsh - 3/10/2021] The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

7.B. Consider authorizing the General Manager to exercise the first of two one-year options to extend AC Transit's contract for call center services with American Customer Care.

<u>17-222b</u>

Customer Services Manager Margaret Tseng presented the staff report.

Public Comment:

There were no comments offered.

Board Discussion:

Director Shaw asked when staff planned to begin the procurement process for the next

contract for call services. Customer Service Manager Margaret Tseng advised that the process began in June.

Director Peeples commented on his recent experience with the call center, saying and noted that the representatives need to have tools such as Google maps to better navigate the service area and provide accurate customer support.

Director Walsh asked if the staff's goal is to decrease the need for phone calls to the call center. Executive Director of External Affairs, Marketing and Communications Beverly Greene advised that to be true and added that the number of calls had dropped significantly since the introduction of the mobile app and customer service outsourcing. Ms. Greene further advised that the live-person service and language translation would continue to be an important service for riders without smart devices.

MOTION: WALSH/PEEPLES to authorize the General Manager to exercise the first of two one-year options to extend AC Transit's contract for call center services with American Customer Care. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

Planning Items - Chair Peeples

7.C. Consider receiving a report on the District's planned service changes associated with the August 2021 Sign-up, including a summary of Supplementary Service scheduled to operate in the fall.

21-310

Items 7.C. and 7.D. were discussed concurrently.

[Written comments received prior to the meeting are incorporated into the file by reference.]

Manager of Service Development Michael Eshelman presented Staff Reports 21-310 and 21-311 concurrently as the reports were interrelated.

Public Comment:

John Minot, East Bay Transit Riders Union (EBTRU), expressed appreciation for staff's creativity in managing planned service changes, but also expressed concern with the plan to spread ARP funds across a three-year period. Minot was pleased with the overall service recovery prioritization planning while hoping for greater attention on Transbay service in the future.

Patrick Traughber, cited research and polling in support of restoring service on Transbay Line B. Traughber commented that current Line B riders may permanently switch to alternative travel methods in the absence the service.

Chris Hartley expressed his support of the restoration Line B.

Katy Scott-Smith, PTA - EBDSA, supported the comments of earlier speakers regarding planned service changes and service recovery prioritization and hoped that public input is considered in this planning.

Board Discussion:

Director Williams noted an interest at the last Hayward ILC meeting to preserve service in the industrial areas and near new housing developments and wanted to ensure staff's proposal would not affect the pilot service to Chabot College. Mr. Eshelman advised that staff had retained a lot of service in Hayward, but workforce availability was the driving factor behind service restoration. Further, the pilot to Chabot College was a separate issue and subject to workforce availability. Director Williams also inquired about Transbay service and the status of Flex service. Mr. Eshelman reported that once new Regional Measure 3 (RM3) money becomes available, it will provide a dedicated long-term funding source for Transbay service. He added that Flex service is hard to justify given the low ridership. General Manager Michael Hursh advised that the General Counsel planned to update the Board on the status of RM3 once more information became available.

Director Shaw thought staff's criteria was acceptable and prioritized local service to disadvantaged communities over Transbay. She also wanted to know if seniors were considered/included in the definition of disadvantaged communities. Mr. Eshleman advised that low income seniors would be considered disadvantaged according to the state's requirements. Director Shaw requested that seniors that are not low income but are unable to drive be considered in the development of future service plans.

Director Shaw felt the staff report did not fully address her agenda planning request, saying that she wanted to know what staff plans to do to address possible shortages in future supplemental service. She requested that staff take another look at supplemental service to better understand future needs and how to address them.

Director Shaw asked if the attrition and forecasting of additional operator needs was taken into account in preparing new service schedules and whether unscheduled operating unavailability was considered. Mr. Eshelman advised that staff has the minimal number of operators required to meet the scheduled level of service and there was also an extra board that provides coverage for operator shortages. Chief Operating Officer Salvador Llamas commented on operator attrition rates, saying that Operations works closely with the Human Resources Department to forecast both new bus operator candidates and attrition. He added that the District is on track to meet the operator requirements for the August sign up with confidence that hiring goals will be met to meet the needs of the December sign-up.

Director Shaw asked about the timeline for community outreach associated with next years' service adjustments. Director of Legislative Affairs and Community Relations Claudia Burgos advised that staff would begin community outreach in September or October of this year. Staff would also engage in onboard surveys. Mr. Hursh added that American Rescue Plan (ARP) funds would also be used to hire additional trainers and boost recruitment and retention efforts.

Director Beckles commented on the petition to restore service on Line B and asked if the ARP funds could be used for both supplemental service and Line B. Mr. Eshleman advised that the ARP money will provide more resources to train more operators and staff using the established priorities to determine which service is restored first. He added that Line B is in the bottom half of Transbay capacity and there were other lines that were suspended that carried more riders. He added that staff would like to restore service to communities in a fair and equitable manner.

Vice President Young commented positively on the report and asked about the potential consequences of restoring service and having ridership demand that is below expectations. Mr. Eshleman advised that staff would make adjustments as needed to maximize resources depending on post-pandemic demand and travel patterns.

Director Walsh thanked staff for the report but was unsure how Transbay lines would be prioritized. Mr. Eshelman explained that Transbay would be treated as a subset of the service and prioritized in an equitable way with the goal of turning on a minimal level service for each line. Director Walsh asked why Transbay was being treated differently from local service types. Mr. Eshleman advised that the local service is more frequent and serves more disadvantaged communities. Director Walsh shared that there needed to be an emphasis on keeping cars off the road and respecting input from riders who would like their service restored.

President Ortiz inquired about supplemental service and whether schools have communicated their bell times to the District. Mr. Eshelman advised that the District received a lot of information, but more adjustments will be needed in December. President Ortiz also noted the impact of the SB 328 (Portantino) which creates two starting times and would require additional buses. Mr. Eshelman advised that some of the schools have already started to provide the information required under SB 328. He added that more buses would be needed to meet the additional demand created by two start times.

Director Williams asked what feedback had been received from operators about the schedules and run times. He also asked about the rate of operator retirements. Mr. Eshelman reported that staff sought to identify the five biggest run time problems at each division for every sign-up and then works to address them within the resources available. Director of Planning and Service Development Robert del Rosario added that there have been a number of discussions with the unions on the issue of run time, saying that the pandemic allowed for better on-time performance and less dwell time, but as traffic increases it is likely to be an issue going forward. Mr. Hursh believed that operators eligible for retirement was still above 50%.

Director Peeples asked about the impact of social distancing and when this requirement would be lifted. Mr. Eshelman advised that there is currently no social distancing on buses and there is more capacity. Director Peeples also commented on the need to have realistic schedules that operators can deliver.

MOTION: ORTIZ/WILLIAMS to receive a report on the District's planned service changes associated with the August 2021 Sign-up, including a summary of Supplementary Service scheduled to operate in the fall. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

7.D. Consider approving the District's plan (Plan) to prioritize lines for service recovery through August 2022, including Transbay and Supplementary service. [Requested by Directors Walsh - 5/12/2021 and Shaw - 5/26/2021]

21-311

This agenda item was discussed concurrently with agenda item 7.C. Please refer to the minutes of Item 7.C. (Staff Report 21-310).

MOTION: ORTIZ/WILLIAMS to approve the District's plan (Plan) to prioritize lines for service recovery through August 2022, including Transbay and Supplementary service. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

7.E. Consider receiving a report on the status of the District's contract with Clear Channel Outdoor (CCO), a peer review exploring different transit shelter contract models, a cost-benefit analysis of different scenarios for the District's bus shelter program, and provide feedback on the staff recommendation for next steps. [Requested by Directors Peeples - 4/28/21 and Walsh - 5/26/21]

<u>18-211d</u>

Transportation Planner Carissa Lee presented the staff report. Bruce Qwalls, Vice President of Real Estate & Public Affairs, with Clear Channel was also introduced and was present to address questions.

Public Comment:

Katy Scott-Smith, EBTRU, spoke in favor of bringing the service in-house since the contracted service had led to a lack of control in ensuring that bus shelters are properly maintained. Scott-Smith noted that similar problems could arise with new vendors if the service continues to be contracted out and that bringing it in-house would rectify control issues while creating good union jobs within the District.

Shifra, Executive Director of the Temescal Business Improvement District (TBID), commented on the extra bus shelter maintenance cleaning services the TBID has provided, saying that such maintenance should only be needed as a supplement to a contractor's service. Shifra advocated for the District's expedited contracting of a bus shelter maintenance service provider because an unclean bus shelter is a blight which merchants are disinterested in having in front of their businesses.

Board Discussion:

Director Shaw commented on the challenges associated with working with multiple cities to maintain the bus shelters/stops and wanted to know if there were any other

transit agencies with a profile similar to AC Transit. Mr. Qwalls shared that the Valley Transportation Authority (VTA) was similar to AC Transit and had received a federal grant to help replace many of the existing bus shelters. Ms. Lee added that both VTA and Metro Transit overlapped with several different jurisdictions similar to AC Transit. Director of Planning and Service Development Robert del Rosario explained the nature of the JPA, saying that Clear Channel owns all the bus shelters and applies for permits with the local jurisdiction to get them installed and it was the responsibility of the local jurisdiction to follow-up with Clear Channel with respect to maintenance issues. He added that the AC Transit often facilitates contact between Clear Channel and the cities with respect to maintenance requests. It was also pointed out that cities, such as Oakland, that are not in the JPA must maintain their own stops and shelters.

Director Beckles expressed concern with outsourcing shelter maintenance and asked about the difference in cost between outsourcing and doing the work in-house. General Manager Michael Hursh advised that further analysis of the cost and advantages and disadvantages was necessary and would be brought back to the Board at a future meeting. Director Beckles also agreed that dedicated resources would be needed to help manage the effort. Mr. del Rosario clarified that the existing contract with Clear Channel was a revenue contract that resulted in zero cost to the District for shelter maintenance.

Director Walsh commented that while the bus shelters and stops are by and large the responsibility of the cities and Clear Channel, AC Transit is inextricably linked because we provide bus service. She added that she supported the use of additional resources to help manage maintenance efforts and felt AC Transit should own that responsibility. Director Walsh further advised that she supported staff's recommendation to separate out the maintenance and advertising functions of the contact (Scenario C) and moving towards owning and taking responsibility for the shelters.

Vice President Young inquired about the amount of staff time and financial investment required to manage the three contracts proposed under Scenario C. Ms. Lee advised that staff had an estimate of how much the contract would cost, excluding the cost of staff time. Executive Director of Planning & Engineering Ramakrishna Pochiraju advised that the staff estimate for Scenario C was between 1 and 1.5 million. Mr. Hursh advised that from his experience, this estimate appeared to be low and requested that the item be continued in order to provide a better cost estimate for each of the scenarios. Vice President Young commented that taking on the bus shelters posed a significant cost to the District and the Board needed to decide if additional monies should be invested in bus shelters or in providing actual transit service. He added that the Board needed to have a better understanding of the financial implications associated with each scenario.

Director Williams agreed that the issue is complex but liked the idea of cities taking on more ownership. He added that the Board needed to have more information concerning the cost of the scenarios.

President Ortiz commented that the District should have been more vigilant in managing the contract with Clear Channel and shared the concerns raised about the cost and where the money was going to come from to pay for it. Director Peeples agreed.

Director Walsh felt that bus stops and service were interconnected as part of the overall rider experience. Director Young pointed out that what staff was saying in their report was that there would ultimately be fewer bus shelters, and rather than complain about the state of shelters, riders would complain about the lack of a shelter. Director Walsh supported an evaluation of what riders really need and whether having a shelter was more important than having a bench.

Director Peeples noted that it did not seem appropriate to bring the advertising contract in-house. He added that while shelters are a part of the rider experience, there would be difficulties associated with people sleeping or defecating on benches or in shelters and who would be required to intervene in these instances. Director Peeples urged staff to come back with a more realistic estimate, believing it would likely result in many millions in additional cost to the District.

MOTION: YOUNG/ORTIZ to continued the discussion to a future meeting with direction to staff to provide additional information and cost analysis for each of the scenarios presented. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

8. AGENDA PLANNING

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

8.A. Review of the Agenda Planning Pending List.

21-018l

Director Williams requested a report on non-police response programs such as the City of Oakland's MACRO Program and those being offered in other cities in AC Transit's Service area, including an overview of each program and their implications throughout the District. (Director Shaw concurred)

Director Shaw requested a report on planning for future supplemental service needs. (President Ortiz concurred)

President Ortiz requested a presentation by MTC and ACTC about the Bay Bridge Forward initiative. (Director Shaw concurred)

President Ortiz requested a discussion about the plan to return employees to the office. (Director Peeples concurred)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for July 14, 2021.

21-020l

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

There being no further business to come before the Board of Directors, the meeting adjourned at 8:23 p.m. in memory of Judy Nakadegawa. The next meeting of the Board is scheduled for July 8, 2021 at 5:00 p.m.

Respectfully submitted,

/s/ Linda A. Nemeroff District Secretary