Regular Meetings of the Board of Directors and the Planning and Operations Committees

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

Wednesday, January 13, 2016 at 5:00 p.m.
Closed Session: 4:30 p.m. (Items 10A-10C)
Committee meetings will commence when the Board of Directors recesses to a Committee of the Whole

MEMBERS OF THE BOARD OF DIRECTORS
H. E. CHRISTIAN PEEPLES, PRESIDENT (AT-LARGE)
ELSA ORTIZ, VICE PRESIDENT (WARD 3)
JOE WALLACE (WARD 1)
GREG HARPER (WARD 2)
MARK WILLIAMS (WARD 4)
JEFF DAVIS (WARD 5)
JOEL YOUNG (AT-LARGE)

Teleconference
President H. E. Christian Peeples, Director At-large
Hostelling International Washington
1009 11th Street, NW, First Floor Lounge
Washington, D.C. 20001

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 regular meeting on Wednesday, January 13, 2016.

Prior to the start of the meeting, General Counsel Denise Standridge confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 100, Section 4.8 regarding teleconferenced meetings were met in order for President Peeples to participate in the meeting and advised that all votes must be taken by roll call vote. [An affidavit verifying that the teleconference location was accessible to persons with disabilities and that the agenda was posted at the teleconference location at least 72 hours prior to the start of the first meeting is attached as Exhibit A.]

At 5:05 p.m., Vice President Ortiz called the Board of Directors meeting to order.

1. ROLL CALL
Present: Wallace, Harper, Williams, Davis, Young, Ortiz, Peeples

General Manager Michael Hursh introduced and welcomed the following new employees:

- Robert Lyles, Media Affairs Manager
- David Murphy, Assistant Director of Transportation
- Michael Eshleman, Service Planning Manager

2. PRESENTATION
Update on state legislative activities.

[A chart comparing proposed transportation bills was distributed at the meeting for the Board’s information and is incorporated into the file by reference.]

Steve Wallauch of Platinum Advisors reported on current legislation and legislative activities:

- AB 61 – the bill was reintroduced and would allow tech company buses to enter into agreements with transit operators for use of public transit stops;
- AB 1591 – the bill would generate over $7 billion through excise taxes, vehicle registration fees, and fees for alternative fuel/zero emission vehicles.
Transportation Special Session - the session continues with little progress being made unless an agreement is reached on a transportation package. The current package does not provide for an increase in operating assistance.

Release of the Governor's Proposed Budget - Presently does not include any new money for transit unless approved by a two-thirds vote; and

Cap and Trade Funds - funds remain unappropriated by the legislature for over a year and will be held and counted toward next year's appropriations even though there are a lot of programs dependent on the money becoming available.

Mr. Wallauch addressed questions from the Board regarding voter approval of excise taxes, leadership changes in the senate and assembly, lobbying efforts by ride-sharing services, and the appropriation of Cap and Trade funds and set asides.

The item was presented for information only.

3. PUBLIC COMMENT

- Jane Kramer commented on transparency and accountability, noting that the transit code of conduct suggested at the prior Board meeting for riders, drivers, motorists, etc. would only be acceptable when the District stops truncating and slicing existing lines to restore lines that were previously cut and when it provides service that arrives on time on routes that flexibly meet the multiple needs of all residents.

4. CONSENT CALENDAR

MOTION: WALLACE/WILLIAMS to approve the Consent Calendar as presented with the exception of Item 4D, which was pulled off the consent calendar by Director Harper for comment. The motion carried by the following vote:

AYES: 7: Wallace, Williams, Harper, Davis, Young, Ortiz, Peeples

4A. Consider approving the Board of Directors/Retirement Board joint meeting minutes of October 21, 2015.

4B. Consider approving Board of Directors and Standing Committee minutes of December 9, 2016.

4C. Consider approving Board of Directors minutes of December 23, 2015. (Special meeting)
4D. Consider authorizing Director Young to attend the Ninth Triennial Symposium on Transportation Analysis (TRISTAN IX) on June 12 – 17, 2016 in Oranjestad, Aruba (Report 16-032).

Director Harper pulled the item off the consent calendar to voice his objection to the request.

MOTION: WALLACE/YOUNG to authorize Director Young to attend the Ninth Triennial Symposium on Transportation Analysis (TRISTAN IX) on June 12 – 17, 2016 in Oranjestad, Aruba as presented. The motion carried by the following vote:

AYES: 6: Wallace, Young, Williams, Davis, Ortiz, Peeples
NOES: 1: Harper

4E. Consider approving the reappointment of Hale Zukas as AC Transit’s representative to the Alameda County Transportation Commission’s Paratransit Advisory Planning Committee (Report 16-031).

4F. Consider receiving the Accessibility Advisory Committee minutes of October 13, 2015 (Report 16-001).

4G. Consider receiving Retirement Board minutes of November 12, 2015 (Report 16-002).

5. REGULAR CALENDAR

5A. Consider the adoption of Resolution No. 16-002 approving the Final Initial Study/Negative Declaration for the 2015 Service Expansion Plan (SEP); authorize the filing of a Notice of Determination; and approving the 2015 Service Expansion Plan and new service on new streets throughout the AC Transit service area (Report 15-218c) [Public Hearing held on November 11, 2015].

Director of Service Development and Planning Robert del Rosario presented the staff report, including an overview of the line changes that had been removed from the SEP. He addressed questions from the Board regarding issues on Line 37 which may require further modification, the accuracy of the hourly cost rate of $101.82, impacts to the fare policy, operator breaks and access to restrooms, and the fiscal impact of the line proposals removed from the plan.

Public Comment:
David Vartanoff requested that changes to the 1/1R be severed from the SEP approval process for the line segment that runs from downtown Oakland to downtown Berkeley because the Planning staff had not shown which stops would be removed or abolished.
MOTION: ORTIZ/YOUNG to remove the proposal for the City of Alameda from the SEP in order for the City's Transportation Commission and City Council to make a recommendation on which alternatives are preferred by March 1, 2016. The motion carried by the following vote:

AYES:7: Ortiz, Young, Wallace, Harper, Williams, Davis, Peeples

MOTION: WILLIAMS/ORTIZ to approve the findings set forth in Section 1 of Resolution No. 16-002 with respect to the Final Initial Study/Negative Declaration concerning the 2015 Service Expansion Plan and Service on New Streets in Oakland. The motion carried by the following vote:

AYES:7: Williams, Ortiz, Wallace, Harper, Davis, Young, Peeples

MOTION: WALLACE/WILLIAMS to adopt Resolution No. 16-002 approving the Final Initial Study/Negative Declaration for the 2015 Service Expansion Plan; authorizing the filing of a Notice of Determination; and approving the 2015 Service Expansion Plan and new service on new streets throughout the AC Transit service area. The motion carried by the following vote:

AYES:7: Wallace, Williams, Harper, Davis, Young, Ortiz, Peeples

5B. Consider approving the East Bay Bus Rapid Transit Project Bid Package 3 Construction Impact Mitigation Plan (CIMP), which addresses direct temporary construction impacts [Report 16-014].

BRT Senior Project Manager Mitra Moheb presented the staff report.

Vice President Ortiz inquired about the process used to access the CIMP funds. Ms. Moheb reported that the funds were available to mitigate direct temporary impacts as a result of construction for the duration of the project. Complaints received by the contractors will be forwarded to the District’s Community Construction Relations Manager who will review it and work with the appropriate party to mitigate the complaint. In addition, if the total cost of all impacts is greater than what is budgeted, contingency will be used to cover the additional costs.

Director Davis asked about the oversight of the money being passed through to the City of Oakland for their technical assistance program. Director of BRT David Wilkins advised that the City of Oakland has their own consultant who will oversee the program and the District will validate the use of the program through invoices provided to the
President Peeples commented on an issue that had arisen whereby the City of Oakland had not included the BRT project on the list of projects maintained by the East Bay Municipal Utility District (EBMUD) for coordinated pipe repair and wanted to know if this would result in additional costs for the project. Director of BRT David Wilkins advised that staff does not anticipate that those costs will have any bearing on the CIMP. He added that the EBMUD issue is separate and related to design issues associated with pavement reconstruction and utility relocation associated with some of the station platforms that weren't included in the Bid Package 1 effort. President Peeples wanted to avoid disputes between AC Transit and EBMUD about which agency is responsible for construction damage and ensure there was a process in place, such as arbitration, to allocate responsibility accordingly and expeditiously. Mr. Wilkins advised that damage caused by contractors during construction would be the responsibility of the contractor, whether it be an AC Transit or EBMUD contractor.

MOTION: WALLACE/YOUNG to approve the East Bay Bus Rapid Transit Project Bid Package 3 Construction Impact Mitigation Plan. The motion carried by the following vote:

AYES:7: Wallace, Young, Harper, Williams, Davis, Ortiz, Peeples

5C. Consider approving the District's Federal and State Legislative Advocacy Programs for 2016 (Report 15-293a).

Director of Legislative Affairs & Community Relations Beverly Greene presented the staff report.

MOTION: WALLACE/WILLIAMS to approve the District's Federal and State Legislative Advocacy Programs for 2016 as presented. The motion carried by the following vote:

AYES:7: Wallace, Williams, Harper, Davis, Young, Ortiz, Peeples

5D. Announcement of alternate appointments to the BRT Policy Steering Committee and the Berkeley Successor Agency Oversight Board. (verbal)

President Peeples announced the appointment of Director Williams as an alternate member on the BRT Policy Steering Committee. He also appointed himself as an alternate member on the Berkeley Successor Agency Oversight Board.
6. BOARD WORKSHOP


[A PowerPoint Presentation was given and is incorporated into the file by reference.]

Director of Management and Budget Donald Eckert gave the presentation.

Director Davis asked if Kaiser’s health insurance rate were employer specific. Human Resources Manager Lis West advised that the rates were specific to each agency and based on utilization. She added that the District’s benefits broker has been asked to research and compare the rates of other public agencies. Director Davis asked that this information be shared with him when it becomes available.

The item was presented for information only.

RECESS TO STANDING COMMITTEES (as the Committee of the Whole)
The Board meeting recessed to the Standing Committees at 6:19 p.m.

ALL COMMITTEES ARE ADVISORY ONLY.

A. PLANNING COMMITTEE – Greg Harper, Chairperson
The Planning Committee convened at 6:19 p.m. All Committee members were present.

A-1. Public Comment (for items not on the agenda)
There was no public comment offered.

Briefing/Action Items:


Manager of Systems Analysis Campbell Jung presented the staff report.

Citing concerns that the change in methodology could affect the District’s funding, Vice President Ortiz asked why a 5% expansion factor was no longer used and whether the current numbers show 5% lower ridership than last year. Mr. Jung replied that when Automatic Passenger Counter (APC) data first became available, manual counts showed it was low, so the previous methodology expanded the numbers to account for APC misreporting. Since then, APC’s have been installed on enough buses to give reliable data and staff has worked with the FTA to ensure that using APC data without adjusting for error
was acceptable. As a result, the National Transit Database report showed about a 1% drop since last year. General Manager Michael Hursh added that even though there is a slight percentage decrease, ridership has actually grown and what is most important is the validation of the APC model so numbers can’t be questioned. He further noted that the passenger count now matches revenue, which is a quality indicator in the transit industry that will stand up to greater scrutiny.

MOTION: ORTIZ/WILLIAMS to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES:7: Ortiz, Williams, Wallace, Davis, Young, Peeples, Harper

Consider recommending receipt of an update on the 2013 Transit Sustainability Project Strategic Plan as required by the Metropolitan Transportation Commission (Report 16-011).

Transportation Planning Manager Jim Cunradi presented the staff report.

Chair Harper felt the implementation of the Service Expansion Plan (SEP) alone should greatly lower the cost per vehicle revenue hour since more service will be added at a lower cost. He suggested that this be added to the Strategic Plan as another goal.

Chair Harper also questioned whether the cost per passenger mile was going to decrease since that assumes we will continue adding passengers at the current rate. Director of Service Development and Planning Robert del Rosario replied that was one factor; however another factor would be more passengers using express bus services and travelling longer distances.

Lastly, Chair Harper commented that the SEP could put the District in a position to meet all three goals.

MOTION: ORTIZ/WILLIAMS to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES:7: Ortiz, Williams, Wallace, Davis, Young, Peeples, Harper
Consider recommending that the General Manager be authorized to execute a Memorandum of Understanding with the cities of Hayward, San Leandro, Union City, the Metropolitan Transportation Commission (MTC), Caltrans, and the County of Alameda as well as a funding agreement with MTC for the South County Corridors Project (Report 16-012).

Transportation Planning Manager Jim Cunradi presented the staff report.

Recalling the delays on the Line 51 Project, Vice President Ortiz asked that the Committee receive an update on the South County Corridors Project every six months. There was consensus by the Committee to receive semi-annual updates.

MOTION: ORTIZ/WILLIAMS to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES:7: Ortiz, Williams, Wallace, Davis, Young, Peeples, Harper

Consider recommending authorization to issue a Request for Proposals for the South County Corridors Transit Initiative Project Adaptive Traffic Control System (Report 16-013).

There was no presentation of the staff report.

MOTION: ORTIZ/WALLACE to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES:7: Ortiz, Wallace, Williams, Davis, Young, Peeples, Harper

Consider recommending authorization to issue two Requests for Qualifications for project design and project management/construction management services associated with the South County Corridors Project (Report 16-024).

There was no presentation of the staff report.

MOTION: YOUNG/ORTIZ to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES:7: Young, Ortiz, Wallace, Williams, Davis, Peeples, Harper

The Planning Committee adjourned at 6:47 p.m.
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<th>OPERATIONS COMMITTEE – Joe Wallace, Chairperson</th>
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<td></td>
<td>The Operations Committee convened at 6:47 p.m. All Committee members were present.</td>
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**Public Comment (for items not on the agenda)**

There was no public comment offered.

**Consent Items:**

MOTION: ORTIZ/YOUNG to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES: 7: Ortiz, Young, Harper, Williams, Davis, Peeples, Wallace

**Consider recommending receipt of the Disadvantaged Business Enterprise Semi-Annual Payment Report for the period of April 1, 2015 through September 30, 2015 (Report 16-006).**

**Briefing/Action Items:**

**Consider recommending that the General Manager be authorized to extend an existing lease with Summit CFS for space within the District's Oakland warehouse facility for a period of two additional years (Report 16-023).**

Interim Real Estate Manager Lois Rawlings presented the staff report.

MOTION: WALLACE/ORTIZ to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES: 7: Young, Ortiz, Harper, Williams, Davis, Peeples, Wallace

**Consider recommending receipt of a report regarding modifications to classification specifications approved by the General Manager in 2015 (Report 16-005).**

Human Resources Manager Elisabeth West presented the staff report.

MOTION: WILLIAMS/ORTIZ to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES: 7: Williams, Ortiz, Harper, Davis, Young, Peeples, Wallace
Consider recommending adoption of Resolution No. 16-004 approving revisions to the classification specifications of Chief Operating Officer and Chief Information Services Officer, authorizing the General Manager to set a fixed salary within the recommended salary range outlined in the staff report, and repeal Resolution No. 1118 (Report 16-007).

Human Resources Manager Elisabeth West presented the staff report.

MOTION: YOUNG/WILLIAMS to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES: 7: Young, Williams, Harper, Ortiz, Davis, Peeples, Wallace

Consider recommending adoption of Resolution No. 16-005 approving new classification specifications for Senior Contracts Specialist, Wellness Coordinator, and Facilities Systems Technician (Report 16-008).

The item was pulled off the agenda.

Consider recommending approval of Board Policy 118 to include financial background checks for particular classifications and increasing the classifications subject to criminal background checks, adoption of Resolution No. 16-003 repealing Resolution No. 831, and authorizing the General Manager to create an Administrative Regulation providing for procedures for conducting employment background checks (Report 15-007a).

Attorney IV Almee Steele presented the staff report, noting that AFSCME objected to background investigations for some of the job classifications outlined in the report.

Directors Williams and Ortiz requested that the item be continued in order hear and get a better understanding of AFSCME's concerns.

CONSENSUS to continue the item to the next meeting (7).

The Operations Committee adjourned at 7:08 p.m.

RECONVENE BOARD OF DIRECTORS MEETING
The Board of Directors meeting reconvened at 7:08 p.m. All Board members were present.
7. REPORTS OF STANDING COMMITTEES
District Secretary Linda Nemeroff reported that all of the items from the Planning and Operations Committee meetings, with the exception of Item B-6 which was pulled off the agenda and Item B-7 which was continued to the next meeting, were referred to the Consent Calendar Addenda recommending receipt, approval or adoption as presented.

8. CONSENT CALENDAR ADDENDA
MOTION: WALLACE/WILLIAMS to receive, approve or adopt the items referred to the Consent Calendar Addenda as indicated with the following exceptions:

- Item B-6 which was pulled off the agenda; and
- Item B-7 which was continued to the next meeting.

The motion carried by the following vote:

AYES: 7: Wallace, Williams, Harper, Davis, Young, Ortiz, Peeples

The items brought before the Board were as follows:

A. PLANNING COMMITTEE:
A-3. Consider receiving an update on the 2013 Transit Sustainability Project Strategic Plan as required by the Metropolitan Transportation Commission (Report 16-011).
A-4. Consider authorizing the General Manager to execute a Memorandum of Understanding with the cities of Hayward, San Leandro, Union City, the Metropolitan Transportation Commission (MTC), Caltrans, and the County of Alameda as well as a funding agreement with MTC for the South County Corridors Project (Report 16-012).
A-6. Consider authorizing the issuance of two Requests for Qualifications for project design and project management/construction management services associated with the South County Corridors Project (Report 16-024).

B. OPERATIONS COMMITTEE:
B-3. Consider authorizing the General Manager to extend an existing lease with Summit CFS for space within the District’s Oakland warehouse facility for a period of two additional years (Report 16-023).

B-4. Consider receiving report regarding modifications to classification specifications approved by the General Manager in 2015 (Report 16-005).

B-5. Consider adoption of Resolution No. 16-004 approving revisions to the classification specifications of Chief Operating Officer and Chief Information Services Officer, authorizing the General Manager to set a fixed salary within the recommended salary range outlined in the staff report, and repeal Resolution No. 1118 (Report 16-007).

B-6. Consider adoption of Resolution No. 16-005 approving new classification specifications for Senior Contracts Specialist, Wellness Coordinator, and Facilities Systems Technician (Report 16-008).

B-7. Consider approving Board Policy 118 to include financial background checks for particular classifications and increasing the classifications subject to criminal background checks, adoption of Resolution No. 16-003 repealing Resolution No. 831, and authorizing the General Manager to create an Administrative Regulation providing for procedures for conducting employment background checks (Report 15-007a).

9. SELECTION OF PRESIDENT/VICE PRESIDENT OF THE BOARD
REPORT FROM THE NOMINATING COMMITTEE
Director Wallace, Chair of the Nominating Committee, announced that the Committee unanimously recommended the selection of Director Peeples as President and Director Ortiz as Vice President for 2016 and motioned same.

MOTION: WALLACE/YOUNG to appoint Director Peeples as President and Director Ortiz as Vice President for 2016. The motion carried by the following vote:

AYES: 7: Wallace, Young, Harper, Williams, Davis, Ortiz, Peeples

10. CLOSED SESSION/REPORT OUT
Closed session was cancelled.

10A. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

10B. Conference with Labor Negotiators
(Government Code Section 54957.6):
Agency Designated Representative: General Manager
Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245, Unrepresented Employees
10C. Public Employee Performance Evaluation
(Government Code Section 54957)
Title: General Manager, General Counsel, District Secretary

11. AGENDA PLANNING

Referred to Planning Committee
Director Wallace asked how long Clear Channel takes to remove and repair a bus shelter, noting that a damaged shelter had been removed from San Pablo Avenue that has yet to be replaced.

Referred to the Operations Committee
Director Harper distributed information on a See Click Fix! App that was recently launched by the City of Emeryville to report potholes, graffiti, drainage problems, etc. and suggested that AC Transit pursue the use of the app for reporting bus stop maintenance and pole issues.

Referred to the Finance and Audit Committee
President Peeples requested that the Board consider at the next meeting a resolution in support of the State Department of Finance Release of Funds for Brooklyn Basin affordable housing (Vice President Ortiz concurred).

12. GENERAL MANAGER’S REPORT
The General Manager’s report is incorporated into the file by reference as Staff Report 16-038.

13. BOARD/STAFF COMMENTS
Members of the Board commented on meetings and events attended since the last meeting.

14. ADJOURNMENT
There being no further business to come before the Board of Directors, the meeting was adjourned at 7:16 p.m. in memory of former AC Transit Board member Ruth Ganong who served on the Board from 1988 to 1996. The next meeting of the Board of Directors is scheduled for Wednesday, January 27, 2016 at 5:00 p.m.

Respectfully submitted,

Linda A. Nemeroff
District Secretary