BOARD OF DIRECTORS
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Regular Meeting of the Board of Directors
AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

Wednesday, May 10, 2017 at 5:00 p.m.
Closed Session: 4:30 p.m.

MEMBERS OF THE BOARD OF DIRECTORS
ELSA ORTIZ, PRESIDENT (WARD 3)
JOE WALLACE, VICE PRESIDENT (WARD 1)
GREG HARPER (WARD 2)
MARK WILLIAMS (WARD 4)
JEFF DAVIS (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
The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, May 10, 2017.

The meeting was called to order at 4:33 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Young. The District Secretary announced that the Board would convene in Closed Session to discuss Items 6A-D as listed on the agenda. Closed Session recessed at 5:01 p.m. See Item 6 for additional information.

President Ortiz called the Board of Directors meeting to order at 5:06 p.m.

1. **ROLL CALL**
   Present: Harper, Williams, Davis, Peeples, Young (arrived at 5:15 p.m.), Wallace, Ortiz

2. **PUBLIC COMMENT**
   - David Vartanoff suggested that AC Transit adopt new policies that require any fare instrument to be available at any ticket vending machine, including passes for disabled/senior/etc. He felt that people should be able to purchase the fare they are entitled to.

3. **MODIFICATIONS TO THE AGENDA**
   There were no modifications to the Agenda.

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

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

4A. Consider approving Board of Directors minutes of April 26, 2017.

4B. Consider receiving the Quarterly Report on the Status of Contracts and Purchase Orders over $50,000 (Report 17-124).

4C. Consider adoption of Resolution No. 17-001 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Governor's Office of Emergency Services for allocations of FY 2016-17 Transit System Safety, Security and Disaster Response Account Funds for the East Bay Bus Rapid Transit Closed Circuit Television System and Division 6 security enhancements (Report 17-023).

Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services (Report 17-126).


5. **REGULAR CALENDAR**

Finance and Audit Items:


[A PowerPoint presentation on the Draft FY 2017-18 Operating Budget was given at the meeting and incorporated into the file by reference.]

Director of Management and Budget Chris Andrichak presented the staff report.

Director Williams asked about the proposed delay in the implementation of Phase 3 of AC Go and the projected loss of advertising revenue. Mr. Andrichak advised that AC Go implementation has been delayed because of strain on existing staff resources over the next six months due to training at all levels on new systems, including Ellipse, CAD/AVL, Hastus and others. Director of Marketing and Communications Michele Joseph advised that a new contract for advertising services would be brought to the Board at the next meeting. She further reported on the shift to digital advertising, which wasn’t conducive to bus advertising.

Director Williams inquired about the projected decrease in Americans with Disabilities Act funding. Mr. Andrichak commented that the appearance of a decrease was due to the timing of the award cycle and not necessarily a decrease.

Director Harper asked about the $4.8 million in operating and maintenance cost for the Transbay Terminal and whether this was AC Transit’s portion. Mr. Andrichak confirmed that this was AC Transit’s share of the cost after the three sub-tenants (Greyhound, Amtrak, and WestCat) were accounted for.

Director Harper felt that it was important to delay the implementation of the next phase of AC GO, especially given the decrease in ridership. He also felt it called into the question the efficacy of Phases 1 and 2.
General Manager Michael Hursh advised that more information would be provided on the budget at the Board Retreat at the end of the month.

MOTION: ORTIZ/PEEPLES to receive report on the Draft FY 2017-18 Operating Budget. The motion carried by the following vote:

AYES:6: Ortiz, Peeples, Harper, Davis, Young, Wallace, ABSENT:1: Williams (out of seat)

Planning Items:

5B. Consider receiving an update on the Transbay Transit Center Project (Report 17-127).

Senior Transportation Planner Linda Morris presented the staff report.

Director Harper asked for clarification about the operating reserve and capital contribution from the District for the terminal. Director of Management and Budget Chris Andrichak advised that the $40 million contribution from the District provided in the staff report had already been paid.

Director Peeples asked why all bus operators weren’t being trained on accessing the new terminal. Executive Director of Safety, Security and Training Steven Keller advised that all the operators serving the terminal and on the Extra Board will receive training initially and others would be trained as they sign-up for Transbay routes.

Director Peeples also inquired about the use of four Clipper ticket vending machines and whether the District would be purchasing more. Ms. Morris reported that there would only be four machines and no add value machines, noting that proof-of-payment would not be rolled out initially and there would be a different set-up for the card readers at a later date.

Public Comment:
Jerry Grace commented that he didn’t understand why it was taking so long to open the terminal. Director Peeples explained that it was opening next year after operators are trained.

MOTION: YOUNG/WILLIAMS to receive update on the Transbay Transit Center Project. The motion carried by the following vote:

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

5C. Consider adoption of Resolution No. 17-020 approving amendments to Board Policy 468 – Procurement Protest Procedures and repealing Resolution Nos. 12-029 and 15-001 [Requested by President Ortiz – 6/22/16] [Report 17-135].

There was no presentation of the staff report.

MOTION: YOUNG/PEEPLES to adopt Resolution No. 17-020 approving amendments to Board Policy 468 – Procurement Protest Procedures and repeal Resolution Nos. 12-029 and 15-001. The motion carried by the following vote:

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

6. CLOSED SESSION/REPORT OUT
The General Counsel reported on quarterly litigation figures. The report is incorporated into the file by reference as Staff Report 17-178.

The Board reconvened in Closed Session at 5:42 p.m. to continue discussion of the items on the Closed Session agenda. All Board members were present. Closed Session concluded at 6:15 p.m. There was nothing to report out of Closed Session.

6A. Conference with Legal Counsel – Existing Litigation
(Government Code Section 54956.9 (a))

Caldwell et. al., v. AC Transit, ACSC Case No. HG15794684, Claim No. 14-3274.

Quarterly Litigation Report

- Newton v. AC Transit, ACSC No. RG13-667254;
- Malone v. AC Transit, ACSC No. RG14-720784;
- Lovett v. AC Transit, ACSC No. RG15-773830;
- Ahmad v. AC Transit, ACSC No. RG15-794461;
- Agoro v. AC Transit, ACSC No. RG16-830160;
- Freeman v. AC Transit, ACSC No. RG13-683635;
- Al-Dubaili v. AC Transit, ACSC No. RG17-845966;
- Kido v. AC Transit, ACSC No. RG16-799080;
- Tran, et al. v. AC Transit, ACSC No. RG16-828109; and
- Claims of Navarrete (16-1307), Diaz (16-3299) and Survivors of J. Esera (16-2547).

6B. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

6C. 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

6D. Public Employee Performance Evaluation
(Government Code Section 54957)
Title: General Manager, General Counsel, District Secretary

7. AGENDA PLANNING
There were no new items added to agenda planning.

8. GENERAL MANAGER’S REPORT
The General Manager’s report was presented for information only and is incorporated into the file by reference as Staff Report 17-177.

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

Director Young provided a letter to the Board from Los Angeles Mayor Eric Garcetti regarding the City’s efforts to achieve a zero emission bus fleet. A copy of the letter is incorporated into the file by reference.

10. ADJOURNMENT
There being no further business to come before the Board of Directors, the meeting was adjourned at 6:15 p.m. The next meeting of the Board of Directors is scheduled for Wednesday, May 24, 2017 at 5:00 p.m.

Respectfully submitted,

Linda A. Nemeroff
District Secretary