BOARD OF DIRECTORS
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Special Meeting of the Board of Directors
El Cerrito City Hall
City Council Chambers
10890 San Pablo Avenue
El Cerrito, CA 94530

Wednesday, August 9, 2017 at 5:00 p.m.
Closed Session: 4:30 p.m. (Items 7A-7D)

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

Teleconference
Director Jeff Davis, Ward 5
36365 Shorehaven Place
Newark, California
The Alameda-Contra Costa Transit District Board of Directors held a Special meeting on Wednesday, August 9, 2017.

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 Director Davis 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 is attached as Exhibit A.]

The meeting was called to order at 4:41 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Directors Harper and Williams. The General Counsel announced that the Board would convene in Closed Session to discuss Items 7A and 7C as listed on the agenda. Closed Session concluded at 4:47 p.m.

President Ortiz called the Board of Directors meeting to order at 5:06 p.m. and called upon Vice President Wallace to open the meeting. Vice President Wallace welcomed everyone to the meeting and thanked the Board for holding it in his ward. He then asked the Mayor of El Cerrito, Janet Abelson, to say a few words.

Mayor Abelson expressed her appreciation for the Board holding its meeting in her community, noting that she was a frequent user of public transit. She further commented on housing projects under development in El Cerrito, which she felt would increase the need for bus service. A map outlining projects being undertaken by the City was distributed for the Board’s information.

Mayor Pro Tem Gabriel Quinto thanked the Board for holding a meeting in El Cerrito so residents could access the Board. He commented on transit-oriented development projects and was looking forward to the new double-decker buses, noting that the region was excited to have another transportation choice other than BART to cross the Bay Bridge.

1. **ROLL CALL**

Present: Williams, Davis, Peeples, Young, Wallace, Ortiz

Absent: Harper
2. PUBLIC COMMENT
   - Aleta Dupree addressed the Board regarding Transbay fares, requesting simplification of the fare structure, 24 hour passes, rolling 31 day passes for seniors and disabled, and replacement of paper passes with Clipper. The Board was also urged to purchase more fuel cell and battery electric buses.
   - David McCoard addressed the Board regarding the lack of bus service to a large new shopping center and apartment complex just south of El Cerrito.
   - Jerry Grace addressed the Board concerning service on Line 72R.

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

4. CONSENT CALENDAR
   MOTION: PEEPLES/WALLACE to approve or receive the items on the Consent Calendar as indicated with the exception of Item 4H which was pulled off consent by President Ortiz for a comment. The motion carried by the following vote:

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

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

4B. Consider receiving the FY 2016-17 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers (Report 17-209).

4C. Consider receiving the Report on Investments for the Month of June 2017 (Report 17-210).

4D. Consider receiving the Quarterly Report on the Status of Contracts and Purchase Orders over $50,000 (Report 17-211).

4E. Consider receiving the FY 2016-17 Fourth Quarter Surplus and Obsolete Materials Report (Report 17-212).

4F. Consider authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Federal Transit Administration (FTA) for FY 2017 Bus and Bus Facilities Grant Program to fund the Division 4 Rehabilitation Project (Report 17-240).

Consider authorizing the General Manager to permit use of the District’s logo by Ballard by allowing them to use a video previously made by AC Transit and Linde about the District’s Hydrogen Fuel Cell Project (Report 17-250).

President Ortiz pulled the item off the consent calendar to comment that AC Transit should look to charge for use of its logo, especially when use is for the benefit of private industry.

MOTION: ORTIZ/WILLIAMS to authorize the General Manager to permit use of the District’s logo by Ballard by allowing them to use a video previously made by AC Transit and Linde about the District’s Hydrogen Fuel Cell Project. The motion carried by the following vote:

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

5. BOARD WORKSHOP

Consideration of staff’s recommendations regarding adjustments to Transbay fares for FY 2018/19 through FY 2022/23 (Report 17-234).

[A PowerPoint Presentation given at the meeting is incorporated into the file by reference.]

Chief Financial Officer Claudia Allen presented the staff report. Director of Service Development and Planning Robert del Rosario was present to address questions.

Director Peeples was alarmed by what he felt was too large an increase in Transbay fares, noting that what had been discussed for many years was one fifty-cent increase to pay off the District’s capital contribution for the new terminal. He felt a $3 increase was unacceptable in a one percent inflationary environment and would not support it. He suggested that staff look into a zone system whereby fares are based on the distance traveled because there was a disparity for those who live closer to San Francisco.

President Ortiz agreed with the concerns, but was under the impression that fares would increase by a quarter rather than fifty-cents for the capital contribution. Also of concern was the issue that fares had recently been increased and another increase was proposed for next year.

Vice President Wallace felt it was hard enough for people to afford the current fare and the proposal needed to be re-thought.
Ms. Allen advised that the agreement with the Transbay Joint Powers Authority stated that fares would be increased by twenty-five cents the first year and by ten cents each year thereafter. Mr. del Rosario reported that under the staff proposal, the capital contribution to the terminal would be paid off by the year 2033 (without any additional fare increases after five years) instead of 2050. With regard to zone pricing, he added that further research would be required in addition to learning the capabilities of Clipper 2. It was pointed out that Golden Gate Transit provided a zonal fare structure. Director Peeples ventured pulling out of Clipper if the system could not adapt to a zonal pricing structure.

Director Young requested that staff report back on what other transit agencies are doing with respect to future fare increases as well as projected bridge toll figures.

General Manager Michael Hursh advised that the direction the Board has provided would be helpful to staff in developing more options for the Board to consider as well as a zonal fare structure for Transbay.

Public Comment:
- Aleta Dupree addressed the Board advocating for a Transbay pricing policy for those that have a senior/disabled monthly pass, noting that fare simplification was very important as was Clipper.
- Jerry Grace felt the Golden Gate Transit fares quoted in the report were not accurate and should be looked at again. Another issue raised was that BART raised fares in January and had since raised them again.
- Omowale Fowles addressed the Board regarding the fare proposal, noting that the percentage increase of the senior/disabled and student passes were 32.5%, while cash fares increased by 5% and the senior/disabled and student single ride fare saw a 7% increase. The Board was urged not to enact the staff proposal. Also submitted was a letter outlining several issues that the Board was requested to address (submitted handout).

The item was presented for discussion purposes only. Direction was given, no action was taken.

6. REGULAR CALENDAR

External Affairs Items:

6A. Consider receiving the Monthly Legislative Report and approval of legislative positions (Report 17-189).

[Information on AB 1184 (Ting) regarding incentives for electric vehicles, was provided at the meeting for the Board’s consideration.]
Director of Legislative Affairs and Community Relations Beverly Greene presented the staff report and requested that the Board take a SUPPORT IF AMENDED position on AB 1184 (Ting) to include hydrogen vehicles, which could provide significant financial assistance to purchase vehicles.

MOTION: PEEPLES/WALLACE to receive the Monthly Legislative Report and approve a SUPPORT IF AMENDED position on AB1184 (Ting) to include hydrogen vehicles. The motion carried by the following vote:

AYES:5: Peeples, Wallace, Williams, Young, Ortiz
ABSENT:1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

6B. Consider authorizing the General Manager to enter into an agreement with the Metropolitan Transportation Commission regarding funding and implementation of an onboard survey of AC Transit passengers (Report 17-231).

There was no presentation of the staff report.

MOTION: PEEPLES/WALLACE to authorize the General Manager to enter into an agreement with the Metropolitan Transportation Commission regarding funding and implementation of an onboard survey of AC Transit passengers. The motion carried by the following vote:

AYES:5: Peeples, Wallace, Williams, Young, Ortiz
ABSENT:1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

Finance and Audit Items:


Internal Audit Manager Alan Parello presented the staff report.

President Ortiz asked why the District had not fully implemented a Title VI monitoring program for one of its two sub-recipients, Eden I&R. Title VI Coordinator Sally Goodman advised that staff had been working with Eden I&R to make sure they were Title VI compliant; however, there was no documentation to present to the FTA on the District’s
efforts. She added that one of this year’s improvements to the Title VI program was to improve documentation of the District’s efforts.

MOTION: PEEPLES/WILLIAMS to receive report regarding the 2017 Federal Transit Administration Triennial Review. The motion carried by the following vote:

AYES: 5: Peeples, Williams, Young, Wallace, Ortiz
ABSENT: 1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

Planning Items:

6D. Consider receiving the Quarterly Report on the Transbay Transit Center Project (Report 17-216).

Senior Transportation Planner Linda Morris presented the staff report.

President Ortiz asked what impact construction delays would have on the District’s move into the new terminal. Ms. Morris responded that it would still happen in 2018, but would be delayed a few months.

Director Peeples inquired about the plan to cure the on ramp merge issue discussed in the Staff Report. Ms. Morris explained that the on ramp to the Bay Bridge merged with the Essex Street on ramp at a blind spot. Mitigation of the issue would involve signage and striping and signal coordination of the lights on Essex Street.

President Ortiz inquired about a language change regarding an assumption in the Transbay Joint Powers Authority (TJPA) operating budget to read “regional contributions” instead of “operator contributions” with respect to who would pay for projected shortfalls. Ms. Morris advised that this meant the Metropolitan Transportation Commission would pay for the shortfalls. She added that the TJPA had not yet informed the District what the impact of the Sales Force contribution would be on the budget.

General Manager Michael Hursh advised that money received for naming rights would offset annual operating costs for the facility, including part of any potential operating deficit. He also reported that he explained the urgency of a clear operating budget and date for moving into the terminal with the Executive Director of the TJPA.

MOTION: WILLIAMS/ORTIZ to receive the Quarterly Report on the Transbay Transit Center Project. The motion carried by the following vote:
AYES: Williams, Ortiz, Peeples, Young, Wallace

ABSENT: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

Operations Items:


DIRECTOR OF TRANSPORTATION

Director of Transportation Derik Calhoun presented the staff report.

Director Peeples asked how well the newly hired journey level mechanics were integrating with the staff that had gone through the Apprenticeship Training Program. Director of Maintenance Sal Llamas reported that mechanics in the Program had the benefit of being trained specifically on the District's equipment, while journey level mechanics from other industries had more knowledge of diagnostic equipment. Mr. Llamas explained that the sharing of information at the shop helped to promote a learning environment. He added that the details of the Mechanic Helper position are still being worked out, but could provide a career path for service employees.

President Ortiz inquired about bus cleanliness, noting that a local mayor had shared with her several complaints about dirty buses. Mr. Llamas explained that bus cleanliness had consistently improved over the last four years. Mr. Calhoun advised that operators are cleaning their area to make sure the bus is as clean as possible.

Director Williams asked about the call volume and the types of complaints about Flex Service the Customer Service Call Center was handling. Customer Service Manager Victoria Einhaus advised that the volume had dropped over time with fluctuations in the number of complaints being received. She added that she would need research the Flex complaints and report back.

Vice President Wallace requested that the District look into expanding the Apprenticeship Training Program.

Public Comment:

Yvonne Williams, President of ATU Local 192, addressed the Board regarding the Mechanic Apprenticeship Training Program, noting that even though ATU worked closely with some of the journey mechanics hired from outside the District, what remained an issue was that mechanics who completed the Apprenticeship Program were the only certified heavy duty coach mechanics at the District. ATU felt there
was no comparison between mechanics that come from car dealerships to those who are certified to work on coaches, arguing that AC Transit’s program is understaffed, underutilized and should be expanded.

MOTION: WILLIAMS/PEEPLES to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services. The motion carried by the following vote:

AYES:5: Williams, Peeples, Young, Wallace, Ortiz
ABSENT:1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

6F. Consider authorizing the release of a solicitation for on-call project management/construction management services (Report 17-233).

There was no presentation of the staff report.

President Ortiz expressed concern that the previous on-call contracts expired in June, 2017, and asked why there had been a delay in issuing a new solicitation. General Manager Michael Hursh advised that the solicitation was for on-call services and it was not a problem if there was a gap between the expiration of the prior contracts and the issuance of a solicitation for the new contracts.

MOTION: PEEPLES/WILLIAMS to authorize the release of a solicitation for on-call project management/construction management services. The motion carried by the following vote:

AYES:5: Peeples, Williams, Young, Wallace, Ortiz
ABSENT:1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

6G. Consider authorizing the General Manager to enter into a Transit Service Agreement with Stanford University for continued transit service on Line U (Report 17-232).

There was no presentation of the staff report.

President Ortiz expressed concern with the timing of the agreement, which she felt gave the Board little choice but to approve it as well as the cost split between AC Transit and Stanford and the issue of free rides for Stanford employees.
Director of Service Development and Planning Robert del Rosario advised that staff did not bring the agreement to the Board sooner because staff did not anticipate any issues with the agreement since it had been approved by the Board twice before. Mr. del Rosario advised that staff felt a 20% contribution from the District was reasonable and while staff considered asking Stanford to contribute more money, it did not follow through.

Noting her discomfort with the timing of the agreement and the idea of subsidizing free rides for Stanford employees while regular riders pay a fare, President Ortiz advised that she could not support the staff recommendation because she felt the District was creating a two tier system.

Director Peeples disagreed, noting that employers and residential developers should be encouraged to pay for their employees and residents. He felt it was an example of what the District wanted to do versus what it wanted to deter.

Mr. del Rosario commented that even though employees were receiving free rides, there was nothing to suggest that the employees using the bus were highly paid.

MOTION: WILLIAMS/PEEPLES to authorize the General Manager to enter into a Transit Service Agreement with Stanford University for continued transit service on Line U. The motion carried by the following vote:

AYES:4: Williams, Peeples, Young, Wallace
NOES:1: Ortiz
ABSENT:1: Harper

[Due to technical difficulties, Director Davis could not hear the discussion of the item and did not participate in the vote.]

6H. Consider receiving report on the 2017 update to AC Transit’s Title VI Program (Report 17-218).

Title VI Coordinator Sally Goodman presented the staff report, noting that the program would be brought to the Board for adoption next month.

Director Peeples was surprised by the small number of Title VI complaints given the number of advocacy groups in the Bay Area. Ms. Goodman advised that this was a result of staff’s efforts to carry out public engagement in a proactive manner.
MOTION: WALLACE/WILLIAMS to receive report on the 2017 update to AC Transit’s Title VI Program. The motion carried by the following vote:

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

Board Administrative Matters:

6I. Consider approving the draft agenda for the Annual Joint Board of Directors/Retirement Board meeting scheduled for October 4, 2017 (Report 17-245).

There was no presentation of the staff report.

MOTION: PEEPLES/WILLIAMS to approve the draft agenda for the Annual Joint Board of Directors/Retirement Board meeting scheduled for October 4, 2017. The motion carried by the following vote:

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

APPROVED


There was no presentation of the staff report.

MOTION: PEEPLES/WILLIAMS to approve amendments to Board Policy 160 — Board Officers: Performance Evaluations, Employment Agreements and Leave Notifications. The motion carried by the following vote:

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

APPROVED

6K. Consider authorizing Director Young to attend the International Association of Public Transport’s Bus Procurement, Commissioning and Standardized On-Road Test training in London, England on December 4 - 6, 2017 (Report 17-253).

There was no presentation of the staff report.

MOTION: PEEPLES/WILLIAMS to authorize Director Young to attend the International Association of Public Transport’s Bus Procurement, Commissioning and Standardized On-Road Test training in London, England on December 4 - 6, 2017. The motion carried by the following vote:
AYES:4: Peeples, Williams, Davis, Young
NOES:1: Ortiz
ABSTAIN:1: Wallace
ABSENT:1: Harper

7. CLOSED SESSION/REPORT OUT
General Counsel Denise Standridge reported on the following:

MOTION: PEEPLES/ORTIZ to approve settlement in the amount of $1,850,000 in the matter of Blake Evans v. AC Transit, Claim No. 15-3214, ACSC case No. RG16825093. The motion carried by the following vote:

AYES:5: Peeples, Ortiz, Davis, Young, Wallace
ABSENT:2: Harper, Williams

7A. Conference with Legal Counsel – Existing Litigation
(Government Code Section 54956.9 (a))

- Blake Evans v. AC Transit, Claim No. 15-3214, ACSC case No. RG16825093

7B. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

7C. 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

7D. Public Employee Performance Evaluation
(Government Code Section 54957)
Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

Director Wallace requested a report on expansion of the District’s Apprenticeship Program.

9. 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 17-253.

10. BOARD/STAFF COMMENTS
Members of the Board commented on meetings and events attended since the last meeting.
11. **ADJOURNMENT**

   There being no further business to come before the Board of Directors, the meeting was adjourned at 6:57 p.m. The next meeting of the Board of Directors is scheduled for Wednesday, September 13, 2017 at 5:00 p.m.

Respectfully submitted,

\[Signature\]
Linda A. Nemeroff
District Secretary