



# **BOARD OF DIRECTORS ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

## **MINUTES**

### **Regular Meeting of the Board of Directors**

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

**Wednesday, September 14, 2016 at 5:00 p.m.**

**Closed Session: 4:45 p.m. (Item 6A-6C)**

### **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**

Mark Williams, Director, Ward 4  
Residence Inn Los Angeles L.A. Live, Room 610  
901 West Olympic Boulevard  
Los Angeles, CA 90015

### **BOARD OFFICERS**

MICHAEL A. HURSH, GENERAL MANAGER  
DENISE C. STANDRIDGE, GENERAL COUNSEL  
LINDA A. NEMEROFF, DISTRICT SECRETARY

Board of Directors  
September 28, 2016  
Agenda Item 3A

BOARD OF DIRECTORS MEETING – H. E. Christian Peeples, President Wednesday, September 14, 2016 at 5:00 p.m.	Staff Contact or Presenter
<p>The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, September 14, 2016</p> <p>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 Williams to participate in the meeting and advised that all votes must be taken by roll call vote. <i>[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 meeting is attached as Exhibit A.]</i></p> <p>The Board of Directors meeting was called to order at 5:01 p.m. with President Peeples presiding.</p> <p>1. <b>ROLL CALL</b>  Present: Wallace, Harper, Williams, Ortiz, Peeples  Absent: Davis (Excused absence), Young (Excused absence –District business)</p> <p>2. <b>PRESENTATION</b></p> <p>2A. <b>Certificate of Commendation awards to City of Richmond Police Officers for aiding in the return of stolen property.</b></p> <p>Director Wallace acknowledged and thanked officers from the Richmond Police Department for coordinating the return of property that was stolen from him while attending to District business.</p> <p>3. <b>PUBLIC COMMENT</b></p> <ul style="list-style-type: none"> <li>Jane Kramer commented on transparency and accountability with regard to fiscal responsibility for what she felt was an inappropriate use of Bus Rapid Transit Small Starts Funds for the purchase of double-deck buses. She asked that the public receive a rational accounting.</li> <li>Donna Rothert commented on Line 642 bus service to Montera Middle School, noting that the weekend before school began parents were told the bus would no longer run its usual route. She added that she would have to drive her child to a bus stop which would get him to school an hour early. She also felt the private bus being supplied by the Oakland Unified School District (OUSD) was too costly and preferred her child be able to take public transportation to school. [President Peeples advised that</li> </ul>	<p>COMMENDATIONS PRESENTED</p>

while the Board could not discuss the issues regarding Montera Middle School because it was not agendaized, staff was available to meet with parents to discuss their concerns.]

- Esther Gulli echoed the comments of Ms. Rothert, noting that she was concerned about the cost of the private bus being provided by OUSD. She added that OUSD pays AC Transit \$20 million a year to provide bus service, in addition to the fares being collected from students which she felt contributed to financial barriers for low income students. She asked AC Transit to work with OUSD to fix the problem so that the money for the private bus could be better spent. She also hoped that the District would publish its scheduled routes more than 48 hours before the start of school to assist working families. [President Peebles corrected the record by saying that OUSD pays AC Transit zero dollars for bus service. He clarified that through the legislature, AC Transit receives a \$2 million grant that flows through OUSD for bus service that costs \$20 million per year to provide. Vice President Ortiz further added that it costs \$4.5 million to provide service to OUSD.]
- Mischelle Schweickert echoed the comments of the previous two speakers and asked what had prohibited AC Transit from making the necessary changes to the schedule to provide bus service 30 to 40 minutes earlier.
- C. Landry commented on the decrease in service to Jack London Square as a result of the June service changes. She reported that she takes Lines 72/72M to get to work and both lines have been re-routed to go to the theater on Washington Street when most of the residents live near Broadway. She also commented on the elimination of Line 58, leaving only Line 12 which is less frequent and doesn't run as late at night. She requested additional bus service to Jack London Square.

**4. CONSENT CALENDAR**

MOTION: ORTIZ/WALLACE to approve or receive the items on the Consent Calendar as indicated. The motion carried by the following vote:

AYES:5: Ortiz, Wallace, Harper, Williams, Peebles

ABSENT:2: Davis, Young

- 4A. Consider approving Board of Directors minutes of July 27, 2016.
- 4B. Consider approving Board of Directors minutes of August 10, 2016.
- 4C. Consider approving the Joint Board of Directors/Accessibility Advisory Committee minutes of June 22, 2016.
- 4D. Consider receiving Retirement Board Minutes of July 25, 2016 (Report 16-228).

**APPROVED OR  
RECEIVED AS  
INDICATED**

- 4E. Consider receiving the FY 2015-16 Fourth Quarter Employee and Non-Employee Out-of-State Travel Report (Report 16-176).
- 4F. Consider approving the restatement of the Retirement System Manager's employment agreement (Report 16-130).
- 4G. Consider authorizing the General Manager to travel to Community Transit in Seattle, Washington and Ballard Power Systems in Vancouver, Canada on October 19 – 21, 2016 (Report 16-249).

**5. REGULAR CALENDAR**

**Planning Items:**

- 5A. Consider authorizing the General Manager to execute an amended Memorandum of Understanding with the City of Oakland to provide funding to supplement the City's Business Sustainability Program associated with the East Bay Bus Rapid Transit Project (Report 16-211).

**PULLED OFF THE  
AGENDA**

This item was pulled off the agenda and will be rescheduled.

- 5B. Consider receiving an update on AC Go December 2016 and March 2017 service changes (Report 16-218).

**RECEIVED**

Service Planning Manager Michael Eshleman presented the staff report, noting that the implementation of Phase 2 will be divided between the December 2016 sign-up and the March 2017 sign-up. He added that the new Line 19 Buena Vista Route to Alameda would begin operating in December.

Director Wallace asked when the final phase of the plan would be implemented and if there would be enough operators to provide the service. Mr. Eshleman advised that the final phase would be implemented in August 2017 and that the District was on track to hire the operators needed to provide the service.

**Director Williams left the meeting at 5:28 p.m.**

**MOTION: ORTIZ/WALLACE** to receive the update on AC Go December 2016 and March 2017 service changes. The motion carried by the following vote:

**AYES:4:** Ortiz, Wallace, Harper, Peeples

**ABSENT:3:** Davis, Young, Williams (temporarily unavailable via teleconference)

**Director Williams rejoined the meeting at 5:29 p.m.**

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|-----|---|----------|
| 5C. | <p><b>Consider receiving monthly report on the Division 3 Rehabilitation Project (Report 16-215).</b></p> <p>Senior Project Manager Michael Hass presented the staff report.</p> <p>MOTION: WALLACE/ORTIZ to receive the monthly report on the Division 3 Rehabilitation Project. The motion carried by the following vote:</p> <p>AYES:5: Wallace, Ortiz, Harper, Williams, Peeples<br/>ABSENT:2: Davis, Young</p>   | RECEIVED |
|     |   |          |
| 5D. | <p><b>Consider receiving report on the sequencing of the CAD/AVL, Operations Control Center Relocation, and Bus Rapid Transit (BRT) Projects (Report 16-225).</b></p> <p>Senior Project Manager William Tonis presented the staff report.</p> <p>Director Harper inquired about the status of selecting a fare collection system for BRT and whether there had been any changes discussed to the real-time message signs given changes in technology. Executive Director of Planning and Engineering Mike Cannell advised that staff would be discussing fare collection alternatives with the Board at the October retreat and could also provide more information at that time on the technology used for the signs to be installed along the BRT corridor.</p> <p>MOTION: WALLACE/HARPER to receive report on the sequencing of the CAD/AVL, Operations Control Center Relocation, and Bus Rapid Transit Projects. The motion carried by the following vote:</p> <p>AYES:5: Wallace, Harper, Williams, Ortiz, Peeples<br/>ABSENT:2: Davis, Young</p> <p><b>Operations Items:</b></p> | RECEIVED |
|     |   |          |
| 5E. | <p><b>Consider receiving report on the Heavy Duty Coach Mechanic Apprenticeship Program [Requested by President Peeples – 9/24/14 and Director Wallace – 7/29/15] (Report 16-216).</b></p> <p>Assistant Director of Maintenance Roland Fecteau presented the staff report.</p> <p>President Peeples felt the cost for tools that entrants to the program had to pay was excessive and served as a barrier to entering the program. Mr. Fecteau explained that a \$15,000 investment in tools was not necessary and that a select tool list established by the Training Center and Joint Apprenticeship Committee was not very</p>   | RECEIVED |

costly. President Peebles further inquired if there was a way to loan money to participants to purchase items on the select tool list. Mr. Fecteau advised that he was not aware of such a loan program, but felt it should be investigated in order to help people gain entry into the Apprenticeship Program.

Vice President Ortiz called attention to the letter from ATU Local 192, which raised many of the same concerns that had previously been raised about the program and also asserted that the District was circumventing a side letter agreement with the union. Chief Operating Officer James Pachan explained that the side letter agreement provided for the creation of a Mechanic Helper position which would provide a career ladder for Service Workers to enter the Apprenticeship Program. He further advised that under the agreement, the District and Union were required to meet within 90 days of signing the Collective Bargaining Agreement to establish the program, noting that a meeting had been set for the following week to discuss the matter.

Vice President Ortiz also noted ATU's concerns that lower paid Apprentice Mechanics had to show higher paid, but lower skilled mechanics how to do their job. Mr. Pachan advised that this is a point of disagreement, citing that an external Journey Level Mechanic can only come into the program if they have two years of technical training and four years of experience. He added that many of the external candidates had training in areas not available to internal candidates, such as electronics and diagnostics and that mechanics learn a lot by sharing knowledge amongst each other.

Director Harper commented that several prior general managers had claimed that their biggest problem was the ability to hire enough mechanics and in that area, he felt the program had failed to accomplish its mission. General Manager Michael Hursh responded that the Bay Area market for mechanics was challenging because AC Transit has to compete with other transit agencies. He added that he would also look into ways to make the cost of tools less of a challenge for people entering the program.

Director Harper suggested that the District create a general program that functions like a vocational school to provide good training that will result in a good job. He added that there is a need for this given that three major nationwide tech schools in the area had closed. He felt that AC Transit should expand the existing program, given the current need combined with the future growth and service demand the District faces.

He further requested that staff report back on the program and identify any problems with it, discuss current performance and what

is or isn't lacking, and how the District plans to change it. He also requested a long-term plan to develop the existing program into a vocational school for mechanics considering all of the upcoming changes to the fleet in size and complexity.

President Peeples added that the District should consider partnering with some of the junior colleges and seek educational grants to support the program. He also felt that there needed to be a more appropriate salary differential between operators and mechanics, expressing the opinion that the mechanics were under paid.

**Public Comment:**

- Yvonne Williams, President and Business Agent for ATU Local 192, agreed with Director Harper. Regarding the possible expansion of the program to external agencies, ATU agreed that the expansion would be challenging, but the challenge was one the District should take on. The District should explore ways to expand the program so that providing training to external agencies becomes a source of additional revenue to support the program. She offered the union's support, but it would only be possible if AC Transit commits to build on the excellence of the program.
- Eric Darby, Assistant Business Agent for ATU Local 192 and Alameda County Workforce Investment Board Member, commented that the inability to hire quality mechanics is a nation-wide problem. He added that it was difficult to obtain the training and experience necessary to enter apprenticeships programs. He felt it was a good idea to expand the program in order to better serve the community.
- Alexander Mahshi, Apprentice Mechanic, commented on the importance of the program because of limited opportunities to obtain training elsewhere. He added that along with any possible consideration of expanding the training center there needs to be a discussion about the workload of the current trainers.
- Jane Kramer suggested that the College of Alameda has an auto mechanics program, which would help solve the problem of meeting the educational requirements.

MOTION: PEEPLES/ORTIZ to receive report on the Heavy Duty Coach Mechanic Apprenticeship Program. The motion carried by the following vote:

AYES:5: Peeples, Ortiz, Wallace, Harper, Williams

ABSENT:2: Davis, Young

- 5F. **Consider approving the purchase of manufacturer training, tools, and extended warranty coverage for the twenty-seven New Flyer Bus Rapid Transit bus fleet (Report 16-223).**

**APPROVED**

Technical Services Manager Stuart Hoffman presented the staff report.

MOTION: HARPER/PEEPLES to approve the purchase of manufacturer training, tools, and extended warranty coverage for the twenty-seven New Flyer Bus Rapid Transit bus fleet. The motion carried by the following vote:

AYES:5: Harper, Peeples, Wallace, Williams, Ortiz

ABSENT:2: Davis, Young

**5G. Consider approving amendments to Board Policy 438 – Vehicle Use Policy (Report 16-219).**

General Counsel Denise Standridge presented the staff report.

Director Peeples suggested that all employees who use either a personal vehicle or a non-revenue vehicle for District business be required to enroll in the Department of Motor Vehicles Employee Pull Notice Program. Ms. Standridge advised that this requirement could be included in the policy.

Director Ortiz inquired about the policy provision that would reimburse an employee's insurance deductible in the event of an accident. Ms. Standridge clarified that if an accident was preventable, the deductible would not be reimbursed.

Director Harper inquired about the amount of insurance coverage employees should carry when using their personal vehicle for District business. He suggested that the amount of coverage be increased to \$100,000 per person/\$300,000 per incident. President Peeples concurred. Ms. Standridge advised that the policy would be amended to reflect the change.

The item is to be brought back to the Board at its next meeting for further consideration of the amendments proposed.

**5H. Consider authorizing the General Manager to exercise an option to renew the lease for the East Bay Bus Rapid Transit Community Outreach Center located at 3322-A International Boulevard in Oakland (Report 13-160b).**

There was no presentation of the staff report.

Vice President Ortiz asked how the third year of the lease would be paid for since the Bus Rapid Transit Project would be completed in year two. Real Estate Manager Lois Rawlings advised that the lease could be terminated by the District upon 60-days advance notice.

**CONTINUED TO  
THE NEXT  
MEETING TO  
CONSIDER  
ADDITIONAL  
AMENDMENTS**

**APPROVED**



MOTION: PEEPLES/HARPER to authorize the General Manager to exercise an option to renew the lease for the East Bay Bus Rapid Transit Community Outreach Center located at 3322-A International Boulevard in Oakland. The motion carried by the following vote:

AYES:5: Peeples, Harper, Wallace, Williams, Ortiz

ABESENT:2: Davis, Young

- 5I. **Consider authorizing the General Manager to execute a sole source contract with GIRO, Inc. to provide ongoing HASTUS application and support during FY 2016/17 (Report 16-210).**

Senior Project Manager Patricia Broadbent presented the staff report, noting that the Board may direct the General Manager to negotiate further with GIRO and bring the contract back to the Board for approval.

Vice President Ortiz commented that she liked the idea of bringing the contract back to the Board after further negotiations.

MOTION: ORTIZ/PEEPLES to authorize the General Manager to negotiate a sole source contract with GIRO, Inc. to provide ongoing HASTUS application and support during FY 2016/17. The final contract is to be brought back to the Board for approval on September 28, 2016. The motion carried by the following vote:

AYES:5: Ortiz, Peeples, Wallace, Harper, Williams

ABSENT:2: Davis, Young

- 5J. **Consider receiving report on Medicare eligibility for active employees [Requested by Director Harper – 5/25/16] (Report 16-230).**

There was no presentation of the staff report.

MOTION: PEEPLES/ORTIZ to receive report on Medicare eligibility for active employees. The motion carried by the following vote:

AYES:5: Peeples, Ortiz, Wallace, Harper, Williams

ABSENT:2: Davis, Young

- 5K. **Consider adopting revisions to Board Policy 213 - Prohibiting All Forms of Unlawful Employment Discrimination, Including Sexual or Other Forms of Harassment (Report 16-183).**

EEO Program Administrator Sherri Stokes presented the staff report.

**AUTHORIZED  
FURTHER  
NEGOTIATIONS  
WITH GIRO. FINAL  
CONTRACT TO BE  
AGENDIZED FOR  
SEPTEMBER 28,  
2016**

**RECEIVED**

**CONTINUED TO  
THE OCTOBER 26,  
2016 FOR  
FURTHER  
CONSIDERATION**

Director Harper asked how the District handled malicious complaints brought by one employee against another employee as a form of punishment (in bad faith). Ms. Stokes reported that the revised policy complied with the law, but staff would discuss the issue further and determine whether it should be addressed in the Administrative Regulation. Director Harper suggested that language be added requiring that a good faith standard be met before making a determination that the complaint was not some type of retaliation. The General Counsel advised that to her knowledge there was no legal requirement that a complaint be brought in good faith, but she would research the issue further. Director Harper requested a brief with citations.

Director Harper also raised the issue of requiring supervisors and managers to report personal relationships with subordinates and was informed that the matter was addressed in the administrative regulation regarding nepotism. Director Harper also felt that the policy and administrative regulation needed to convey to employees the seriousness of the consequences for violating state and federal law.

The policy is to be brought back to the Board on October 26, 2016 for further consideration.

- 5L. **Consider approving contract award to Stericycle Environmental Solutions to provide hazardous waste disposal services including identification, labeling, collection, transportation and disposal of hazardous wastes in accordance with applicable State and Federal laws (Report 15-228a).**

**APPROVED**

There was no presentation of the staff report.

President Peeples asked staff to address the issue of quality versus price when selecting a provider for hazardous waste disposal services, noting the problems that could arise later if hazardous waste was not disposed of properly. Executive Director of Safety, Security and Training Steven Keller advised that a provider was selected who could deliver the level of service necessary to ensure the District's compliance, and staff would monitor the provider to make sure they were doing what they said they would do. In addition, he reported that the District receives bills of lading and other documentation to ensure the waste goes to an appropriate site. Staff also audits the contract.

Director Harper asked if the provider is required to be bonded and if the District would be an additional insured on the policy. Mr. Keller advised that the provider was not only required to have the appropriate environmental liability insurance, but due to its size, also

had substantial assets which factored into the scoring. The District is also indemnified for everything it can legally be indemnified for. He further advised that it would be difficult to find a bonding company willing to bond this type of activity, noting that most environmental liability insurance companies do not allow an additional insured to sue unless certain provisions are followed. There were also some situations where it was better not to be listed as an additional insured.

Director Harper further inquired about training for employees who handle hazardous materials. Mr. Keller advised that AC Transit has a program in place to ensure employees receive the appropriate training with regard to hazardous waste handling, management and disposal. He added that in large scale disaster situations, employees have to know who to call to get professionals on scene as soon as possible.

MOTION: HARPER/PEEPLES to approve contract award to Stericycle Environmental Solutions to provide hazardous waste disposal services including identification, labeling, collection, transportation and disposal of hazardous wastes in accordance with applicable State and Federal laws. The motion carried by the following vote:

AYES:5: Harper, Peeples, Wallace, Williams, Ortiz

ABSENT:2: Young, Davis

**6. CLOSED SESSION/REPORT OUT**

There was no closed session held.

**6A. Conference with Legal Counsel – Potential Litigation**

(Government Code Section 54956.9(b)) (Two Cases)

**6B. 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

**6C. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**7. AGENDA PLANNING**

Director Harper requested an initial discussion regarding the development of a District-wide comprehensive strategic plan. [General Manager Michael Hursh advised that staff was planning to undertake this effort in January.]

**NO CLOSED  
SESSION WAS  
HELD**

Director Harper requested a report on the possibility of having headway-based schedules for Line 72R.

Director Harper commented that he regularly observes PG&E, East Bay MUD and contractors parking vehicles in the bus stop at 17<sup>th</sup> Street and Broadway in Oakland. He requested a report on whether government and business entities could be ticketed for parking in a bus zone. (President Peeples concurred)

Director Harper requested a discussion of an idea that would supply the Oakland Department of Transportation with an AC Transit planner. (President Peeples concurred)

Director Wallace requested the development of a policy that would protect the health of bus operators by eliminating the use of aerosol sprays on the bus. (President Peeples concurred)

Vice President Ortiz noted that there are indications that the Bus Rapid Transit service will not be operational until 2019 and requested a report on contingency plans for funding shortfalls in each of the following amounts: \$5, \$10 and \$15 million. (President Peeples concurred)

**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 16-254.

**9. BOARD/STAFF COMMENTS**

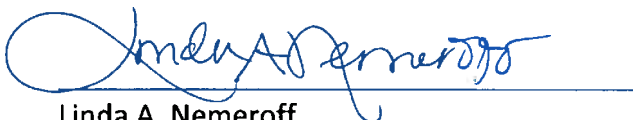
Members of the Board commented on meetings and events attended since the last meeting.

**10. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting was adjourned at 7:12 p.m. The next meeting of the Board of Directors is scheduled for Wednesday, September 28, 2016 at 5:00 p.m.

**INFORMATION  
ONLY**

Respectfully submitted,



Linda A. Nemeroff,  
District Secretary