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

Wednesday, April 11, 2018 at 5:00 p.m.
Closed Session: 4:00 p.m. (Items 6A-6D)

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
3800 Walnut Avenue, #211
Fremont, California
The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, April 11, 2018.

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 101, Section 4.9 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 4:34 p.m. for the purpose of Closed Session. All Board members were present, except Director Harper and President Ortiz who were absent. The Board convened in Closed Session to discuss Items 6A-6D as listed on the agenda. Closed Session concluded at 4:45 p.m.

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

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

2. **PUBLIC COMMENT**
   - Latrina Meredith, Vice President of ATU Local 192, addressed the Board to advise that she had met with Steve Keller (Executive Director of Safety, Security and Training) and questioned whether he knew all the safety issues and policies at AC Transit. She further cited examples, including the existence of a de-escalation class that Mr. Keller claimed had been in place since 2010 as well as conflicting information concerning safety stops at railroad crossings.
   - Shannon Jaeger addressed the Board concerning problems on Line 95, including unreliable service, operator behavior, failure of operators to request a replacement bus when the bus breaks down, and poor and/or unresponsive customer service. A written complaint was submitted to the Board and is incorporated into the minutes by reference. Staff was directed to follow-up with Ms. Jaeger and investigate the complaints raised at the meeting.

3. **MODIFICATIONS TO THE AGENDA**
   NO
Vice President Wallace announced that there were no modifications to the agenda.

4. **CONSENT CALENDAR**

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

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

4A. Consider approving Board of Directors minutes of February 14, 2018.

4B. Consider approving Board of Directors minutes of March 28, 2018.

4C. Consider receiving report on Annual Statement of Economic Interest filings (Report 18-085).

5. **REGULAR CALENDAR**

   Finance and Audit Items:

   5A. Consider receiving an overview of adjustments and cash flow projections in the existing Capital Improvement Program (CIP) and five-year CIP schedule (Report 18-049a).

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

   MOTION: WILLIAMS/YOUNG to receive an overview of adjustments and cash flow projections in the existing Capital Improvement Program (CIP) and five-year CIP schedule. The motion carried by the following vote:

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

   Planning Items:

   5B. Consider receiving a status report on District-owned real property (Report 18-023).

   Real Estate Manager Lois Rawlings presented the staff report.

   MOTION: WALLACE/WILLIAMS to receive a status report on District-owned real property. The motion carried by the following vote:

   AYES:5: Wallace, Williams, Davis, Peeples, Young
   ABSENT:2: Harper, Ortiz
5C. Consider authorizing General Manager to execute an amendment to the third party utility agreement with Pacific Gas & Electric to pay for the actual costs of gas relocation services associated with East Bay Bus Rapid Transit Project (Report 14-054a).

Director of Bus Rapid Transit David Wilkins presented the staff report.

MOTION: WILLIAMS/YOUNG to authorize the General Manager to execute an amendment to the third party utility agreement with Pacific Gas & Electric to pay for the actual costs of gas relocation services associated with East Bay Bus Rapid Transit Project. The motion carried by the following vote:

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

Items 5D and 5E (Reports 18-105 and 18-106) were presented and acted on concurrently.

5D. Consider authorizing the General Manager to issue a solicitation for a Request For Qualifications for Construction Management services associated with the East Bay Bus Rapid Transit Project (Report 18-105).

APPROVED

5E. Consider authorizing the issuance of a Request For Proposals (RFP) for Community Outreach and Public Engagement services associated with the East Bay Bus Rapid Transit Project (Report 18-106).

APPROVED

With regard to the robust construction environment, Director Peeples asked if staff had an indication of the types of bids the District would receive. Mr. Wilkins acknowledged that the construction and consulting markets were very tight, noting that the goal to complete the project in the next 18 months could impact the types of responses received.

MOTION: YOUNG/WILLIAMS to authorize the General Manager to issue a solicitation for a Request For Qualifications for Construction Management services and a Request For Proposals (RFP) for Community Outreach and Public Engagement services associated with the East Bay Bus Rapid Transit Project. The motion carried by the following vote:

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

5F. Consider authorizing the release of a solicitation for modernization of the District's website (Report 18-058).

Project Manager Darryl Takara presented the staff report.

Director Peeples asked how the General Manager would ensure that the large amount of content on the new website would be kept up to date and how departments would work with the Department of Innovation and Technology in furtherance of this effort. General Manager Michael Hursh advised that a weakness of the current website was the lack of a content management capability. He added that the technology the District is looking for will have this capability and he would form an internal review committee with key departments having a role managing content.

MOTION: YOUNG/WALLACE to authorize the release of a solicitation for modernization of the District's website. The motion carried by the following vote:

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

5G. Consider authorizing the General Manager to issue a Request For Proposals to purchase up to fifty (50) 45-foot commuter buses over a five-year period to replace the Motor Coach Industries buses used in Transbay service (Report 18-082).

Technical Services Manager Stuart Hoffman presented the staff report.

Director Peeples asked if the District has inquired about MCI's pricing for the buses with the vestibule. Mr. Hoffman advised that it had and this information was part of the independent cost estimate.

Director Williams asked how the purchase would be impacted if Regional Measure 3 fails at the ballot. Director of Management and Budget Chris Andrichak advised that the amount of money to purchase buses for Transbay service would be reduced, but it would not have an impact on the contract.

MOTION: PEEPLES/YOUNG to authorize the General Manager to issue a Request For Proposals to purchase up to fifty (50) 45-foot commuter buses over a five-year period to replace the Motor Coach Industries buses used in Transbay service. The motion carried by the following vote:

AYES:5: Peeples, Young, Williams, Davis, Wallace
ABSENT:2: Harper, Ortiz
Consider receiving a report regarding an analysis of the number of District operators having second jobs with Transportation Network Companies (TNCs) or ride sharing services [Requested by Director Peeples—1/27/16, 10/25/17] (Report 18-087).

Director of Transportation Derik Calhoun presented the staff report.

Director Peeples felt there were far more operators working for TNCs than are reported. In addition, he thought the California Transit Association should work on legislation to mandate that TNC drivers maintain a log of their hours to ensure safety. Mr. Calhoun advised that superintendents regularly walk facilities to identify vehicles with a TNC sticker. He added that during the sign-ups, staff talks to operators about outside work for TNCs.

MOTION: PEEPLES/WALLACE to receive a report regarding an analysis of the number of District operators having second jobs with Transportation Network Companies or ride sharing services. The motion carried by the following vote:

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

Consider authorizing the General Manager to bind the 2018-19 Excess Liability Insurance Policies, while maintaining the District’s Self-Insured Retention of $2,000,000 (Report 18-107).

Claims and Liability Administrator Jean-Paul Popoff presented the staff report.

A motion was made by Director Young, which was seconded by Director Peeples to approve the staff recommendation. Subsequently, Director Peeples offered an amendment to decline the terrorism insurance costing $82,000. The amendment died for lack of a second after the General Counsel advised that there was no way to determine whether the District would need it or not. Director Young felt that given the cost, the District should acquire the insurance.

MOTION: YOUNG/PEEPLES to authorize the General Manager to bind the 2018-19 Excess Liability Insurance Policies, while maintaining the District’s Self-Insured Retention of $2,000,000. The motion carried by the following vote:

AYES:4: Young, Williams, Davis, Wallace
ABSENT:2: Harper, Ortiz
ABSTAIN:1: Peeples
6. CLOSED SESSION/REPORT OUT
There was nothing to report out of Closed Session.

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

Walker vs. AC Transit, WCAB Case Nos. ADJ8101500, ADJ2967592, ADJ8101513, ADJ8122718, and ADJ8101517

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
Director Williams requested a report on the possibility of converting Line 97 to a rapid line. (Director 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 18-136.

9. BOARD/STAFF COMMENTS
(Government Code Section 54954.2)
Members of the Board of Directors 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 adjourned at 5:43 p.m. The next regular meeting of the Board of Directors is scheduled for Wednesday, April 25, 2018.

Respectfully submitted,

Linda A. Nemeroff
District Secretary