

# The County Connection

2477 Arnold Industrial Way Concord, CA 94520-5326 (925) 676-7500 www.cccta.org

Agenda Item No. 4.b.

## CCCTA BOARD OF DIRECTORS MINUTES OF THE REGULAR MEETING

June 17, 2010

(Amended 9/16/10 to correct the vote for the two motions under the Citizens Advisory Committee)

### CALL TO ORDER/ROLL CALL/CONFIRM QUORUM

Chair Uilkema called the meeting to order at 9:00 a.m. Board Members present were Directors Dessayer, Horn, Hudson, Manning, Schroder, Simmons and Stepper. Directors Hoffmeister and Mitchell arrived after the meeting convened. Director Worth was absent.

Staff: Ramacier, Chun, Burdick, Casenave, Churchill, Knutson, Madrigal, Miraglio, Mitchell, Muzzini and Woody

Guest: Keith Joseph (Walnut Creek resident)

### PUBLIC COMMUNICATION

Mr. Joseph supported development of a directory that would assist passengers in knowing what bus routes to take to various locations. He gave a mock up of such a directory to CCCTA staff. Chair Uilkema thanked Mr. Joseph for his interest and efforts regarding this project.

(Director Mitchoff arrived.)

### PUBLIC HEARING: CCCTA FY2011 OPERATING AND CAPITAL BUDGET

Chair Uilkema announced the public hearing is being held for the FY2011 operating and capital budget. She opened the public hearing at 9:05 a.m. She asked Kathy Casenave, Director of Finance, to outline the proposed budget. Ms. Casenave advised the public hearing was properly noticed in the Contra Costa Times. The total FY2011 operating and capital budget is \$31,456,545. The operating budget of \$31,269,545 is funded 71% with local funds, 15% from the farebox and special fare revenues, 12% from federal funds and 2% with other revenue. The operating budget will support approximately 219,000 revenue hours of fixed-route service and 87,000 revenue hours of LINK service. Chair Uilkema solicited comments from the public. No comments were received and the public hearing was closed at 9:08 a.m.

### CONSENT CALENDAR

MOTION: Director Stepper moved approval of the Consent Calendar, consisting of (1) Approval of Minutes of Regular Meeting of May 20, 2010; (b) Approval of Minutes of Board Workshop on May 20, 2010; (c) CCCTA Investment Policy—Quarterly Reporting Requirement; (d) Adoption of Gann Appropriations Spending Limitation for FY2011 and Resolution No. 2010-029; and (e) Local Agency Investment Fund (LAIF)/First Republic Bank, Change in Authorized Signers. Director Simmons seconded the motion and it was approved.

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Aye: Directors Dessayer, Horn, Hudson, Manning, Mitchoff, Schroder, Simmons, Stepper and Uilkema  
No: None  
Abstain: None  
Absent: Directors Hoffmeister and Worth

### **REPORT OF CHAIR**

Chair Uilkema congratulated Director Mitchoff for her recent election to the Contra Costa County Board of Supervisors.

### **Appointment of Nominating Committee for Election of CCCTA Officers**

Chair Uilkema appointed Directors Manning and Schroder to serve with her on the Nominating Committee for Election of CCCTA Officers. She asked the Committee to meet directly after the Board meeting today to select a slate of CCCTA officers. A report on their recommendations will be given to the Board of Directors at the July meeting.

### **REPORT OF GENERAL MANAGER**

#### **Recognition of Employees with Twenty Years of Service**

Mr. Ramacier recognized the following employees for their twenty years of service: Chief Service Scheduler Steve Miraglio and Transit Operators Oscar Alverenga, Juanita Garcia, Virgilio Sanchez and Juanita Valles. Mr. Miraglio thanked the Board and said that he appreciates the hard work that they do. On behalf of the Board, Chair Uilkema expressed appreciation for the dedicated service of these employees. Their dedication to high quality service makes a difference and allows CCCTA to gather the support that is necessary from the communities.

#### **Recognition of Departing Employee**

Mr. Ramacier recognized Celinda Dahlgren, Director of Administration, for her eleven years of service with CCCTA. Chair Uilkema thanked Ms. Dahlgren for her service and said she will be missed.

(Director Hoffmeister arrived.)

#### **Report on Walnut Creek Trolley**

Mr. Ramacier advised City of Walnut Creek staff and CCCTA staff will be working together to find ways to reduce the cost of running the trolley service and/or look at potential ways to raise revenue. Director Simmons reported that the Walnut Creek City Council extended financing for one full year with the expectation and request that the two staffs continue to work together on a proposal for consideration of future options that would come back sometime in the February timeframe.

**Report on MTC's Transit Sustainability Project:** There was no report.

#### **Report on CCTA's Vehicle Registration Fee Proposal**

Mr. Ramacier reported that the CCTA Board took action to go out to the public with a draft expenditure plan that they will consider putting on the ballot. He described the current expenditure plan and how it would be allocated. Following public comments, the expenditure plan may be revised.

(Director Stepper left the meeting.)

## **REPORT OF STANDING COMMITTEES**

### **Administration and Finance Committee**

#### FY2011 Proposed Budget and FY2010 Estimated Actual

Director Dessayer introduced this item by stating that the FY2011 proposed budget and FY2010 estimated actual denote a few changes from the draft reviewed by the Board in May. Changes were made in Measure J funding, Dougherty Valley revenue, TDA revenue, and contingency funds. The TDA reserve will be very low in FY2013, and the A&F Committee will be addressing that. The A&F Committee met with representatives from PARS regarding retiree healthcare funding. The Committee reviewed four options on how the funding will be invested and selected the moderately conservative option, which is 20-40% in stock and the remainder in bonds. It will be administered through mutual funds and there is an annual review by PARS with semi-annual reports. This investment approach can be changed at any time.

**MOTION:** Director Dessayer moved approval of Resolution No. 2010-030 which adopts the final FY2011 operating and capital budget in the amount of \$31,456,545. The motion was seconded by Director Manning and it received a vote of approval.

Aye: Directors Dessayer, Horn, Hoffmeister, Hudson, Manning, Mitchoff, Schroder, Simmons and Uilkema  
No: None  
Abstain: None  
Absent: Directors Stepper and Worth

#### Amendment to Agreement with DKS Associates for Design and Engineering Services—Diablo Valley College Transit Center

Director Dessayer expressed disappointment that DKS Associates asked for an additional amendment to its contract. The A&F Committee asked the General Manager to write a letter to DKS making it clear that no further requests of this type would be considered. Responding to questions from Director Simmons, Madeline Chun, Legal Counsel, advised the terms of the DKS contract have a sum not-to-exceed cap so the action before the Board today will give DKS authorization to reach that cap. There is no authority for DKS to go beyond that cap unless the Board approves it. As an engineering and design firm, DKS monitors the construction work and their work is driven, in part, by what is happening in the field. Mr. Ramacier advised DKS is assisting staff with navigating the engineering requirements for this project. DKS is a very reputable firm and he is relying on their integrity as well as the experience and reputation of their project manager. The project is almost complete now and he does not anticipate there will be a compelling reason for DKS to request additional compensation. The amount of the request is reasonable given how the project has unfolded. Director Hoffmeister reported on her experience with the construction firm on this project. She felt DKS was responding to numerous change orders and requests for information. She wanted DKS to watch for change order requests from the contractor and to remind the contractor of the deadline for completing the work on time.

Chair Uilkema asked the Board to review their calendars for September 25, 2010 as a possible date for the dedication of the DVC Transit Center.

**MOTION:** Director Dessayer moved approval of Resolution No. 2010-031 which authorizes the General Manager to execute Amendment No. 6 to the Agreement with DKS Associates for construction support services for the Diablo Valley College Transit Center. Director Manning seconded the motion and it was approved.

Aye: Directors Horn, Hudson, Manning, Mitchoff, Schroder and Uilkema  
No: Directors Dessayer, Hoffmeister and Simmons  
Abstain: None  
Absent: Directors Stepper and Worth

### **Marketing, Planning and Legislative Committee**

#### FY2011 Marketing Communications Plan

Director Hoffmeister introduced this topic by stating the main focus of the FY2011 Marketing Communications Plan is to maintain a presence in the business community and chamber of commerce events. Print and radio media advertising is minimal. The MP&L Committee recommends approval of the Plan. Director Manning said the Plan is a bare minimum and our main advertisement is the buses on the street. Director Hoffmeister also pointed out that the new buses are noticed by the public because they have a different appearance. Chair Uilkema supported more use of the Bus Ambassadors to provide assistance to the passengers. Director Mitchoff noted that an important part of marketing outreach is the CCCTA website and staff is updating it with photos and other information.

MOTION: Director Hoffmeister moved approval of the FY2011 Marketing Communications Plan. The motion was seconded by Director Mitchoff and a vote of approval was cast.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Mitchoff, Schroder, Simmons and Uilkema  
No: None  
Abstain: None  
Absent: Directors Stepper and Worth

#### State Legislation: Oppose AB 2620 (Eng) and AB 1955 (De La Torre)

After introducing this item, Director Hoffmeister asked Mr. Ramacier to provide an overview. Mr. Ramacier stated that AB 2620 would require revenues that are raised from use of hot lanes to first be used to pay for or maintain that lane and the excess revenue would be available for transit augmentation in the corridor where the revenue is collected. This bill would also require that some of the excess funds go to the state highway maintenance program. The recommendation to oppose the bill is based on the need to have regional planning agencies determine where the excess funds are allocated and this is another attempt by the state to pass its responsibility of maintaining highways to the local level. The bill is opposed by transit systems across the state as well as congestion management agencies and MTC.

MOTION: Director Hoffmeister made a motion to have CCCTA send a letter of opposition regarding AB 2620. Director Manning seconded the motion and it was approved.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Mitchoff, Schroder, Simmons and Uilkema  
No: None  
Abstain: None  
Absent: Directors Stepper and Worth

Director Hoffmeister commented that AB 1955 could prohibit elected officials from serving on joint powers authorities. If they do, they forfeit their elected seats. The underlying issue when the bill was written was a potential conflict of interest. Ms. Chun provided background information on this bill. She stated that the common law and the statutory law are sufficient as now written. She felt it would be best to either amend AB 1955 or oppose it on the grounds that it is not necessary. Mr. Ramacier recommended that the Board oppose the bill unless amendments are received that provide the necessary protections.

MOTION: Director Hoffmeister made a motion to oppose AB 1955. Director Manning seconded the motion and it was approved.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Mitchoff, Schroder, Simmons and Uilkema

No: None

Abstain: None

Absent: Directors Stepper and Worth

Federal Legislation: Support the Transportation Preservation Act of 2010 (Dodd)

Mr. Ramacier advised this bill would provide \$2 billion nationwide for transit operations through the existing formulas. CCCTA's share would be significant and it would go a long way in helping in the short term. Funding would be a one-time-only allocation and it may take away what CCCTA would otherwise receive once a reauthorization bill is passed. He recommends supporting the bill because it would provide significant operating funds and a transportation reauthorization bill is still pending.

MOTION: Director Horn made a motion to support the Transportation Preservation Act of 2010. The motion was seconded by Director Schroder and a vote of approval was cast.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Mitchoff, Schroder, Simmons and Uilkema

No: None

Abstain: None

Absent: Directors Stepper and Worth

(Director Mitchoff left the meeting.)

**Operations and Scheduling Committee**

CCCTA "Go Green" Sustainability Program

Director Horn introduced the CCCTA "Go Green" Sustainability Program by pointing out that the most important potential impacts are to get people to ride the buses and the introduction of the hybrid buses which increased fuel mileage by approximately 20%.

Director Dessayer reminded the Board of the future financial difficulty reflected in the budget adopted today. He pointed out the additional cost for a hybrid bus and that cost would not be recouped unless diesel fuel exceeds \$5 per gallon. He felt CCCTA cannot afford a green policy at this time. CCCTA's most important purpose is to provide as much service as possible. He could support a sustainability policy of this type if a cost-efficiency analysis shows it does not increase the overall expenditures to CCCTA. Director Horn directed the Board's attention to the third strategy in the Program that would evaluate the sustainability of existing facilities and implement cost-effective sustainable measures.

Director Hoffmeister expressed support for the Program and pointed out that there are state requirements for green building codes and the Air Resources Board has clean air requirements. This Program records what we are doing now and it will be helpful in getting funding and the attention of federal and state legislative representatives. She suggested looking at the Program in a year to see how it is going. Also expressing support, Director Simmons felt the Program does not go far enough. He said that it is important to make significant evaluations and investment of resources that lead to a zero-energy position. This policy sets in some goals, objectives and the concept for cost efficiencies. He felt CCCTA must be open for every opportunity and this Program will give staff a basis for seeking as many federal and state grants in this area for the purpose of ultimately, over a twenty-year period, getting to a state where the buildings are as close to zero-energy as possible.

Director Manning stated that green requirements are unfunded mandates that have not proven themselves. Unless green requirements are subsidized or they substantially reduce costs, they are a loser for CCCTA given our limited funds. He does not support going green at this point. Director Horn said he did not see where there is a huge financial impact in this Program because it is not reducing or increasing our costs. Director Hudson felt all government agencies should have a green policy. He pointed out that AB 32 requires governments to maximize technologically feasible and cost-effective reductions. He is asking the Board to look for efficiencies and conservation, which is the largest part of what we are trying to do. It is a good policy and, as it evolves, it can be changed. If something is not cost-effective, it will not be done.

MOTION: Director Horn made a motion to adopt the CCCTA "Go Green" Sustainability Program. The motion was seconded by Director Hoffmeister and the motion was approved.

Aye: Directors Hoffmeister, Horn, Hudson, Schroder, Simmons and Uilkema  
No: Directors Dessayer and Manning  
Abstain: None  
Absent: Directors Mitchoff, Stepper and Worth

## **ADVISORY COMMITTEE REPORTS**

### **Citizens Advisory Committee**

#### Reappointment of Harvey Riggs, CAC Representative from the City of San Ramon

MOTION: Director Hudson moved the reappointment of Harvey Riggs to the CAC as a representative from the City of San Ramon. Director Manning seconded the motion and it was approved.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Schroder, Simmons and Uilkema  
No: ~~Directors Dessayer and Manning~~  
No: None  
Abstain: None  
Absent: Directors Mitchoff, Stepper and Worth

#### Appointment of Beverli Marshall, CAC Representative from the City of Martinez

MOTION: Director Schroder moved the appointment of Beverli Marshall to the CAC as a representative from the City of Martinez. The motion was seconded by Director Horn and it was approved.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Schroder, Simmons and Uilkema  
No: ~~Directors Dessayer and Manning~~  
No: None  
Abstain: None  
Absent: Directors Mitchoff, Stepper and Worth

**Accessible Services Committee:** There was no report.

## **BOARD COMMUNICATION**

Director Schroder announced the Willows Theatre and Main Street Martinez purchased some advertising on the CCCTA buses.

## **CLOSED SESSION**

At 10:14 a.m. Chair Uilkema announced the Board would adjourn to closed session to discuss the performance evaluation of the General Manager, pursuant to Government Code Section 54957.

**OPEN SESSION**

The Board reconvened in open session at 10:20 a.m. Director Dessayer advised the Board reviewed items related to the performance of the General Manager and reviewed a potential amendment of his contract to extend the term.

MOTION: Director Dessayer moved adoption of Resolution No. 2010-032, which approves the second amendment to the Employment Agreement between CCCTA and Rick P., Ramacier. The motion was seconded by Director Simmons and it was approved.

Aye: Directors Dessayer, Hoffmeister, Horn, Hudson, Manning, Schroder, Simmons and Uilkema

No: None

Abstain: None

Absent: Directors Mitchoff, Stepper and Worth

**ADJOURNMENT**

Chair Uilkema adjourned the regular meeting at 10:25 a.m.

Minutes prepared by

\_\_\_\_\_  
Janet Madrigal, Clerk to the Board

\_\_\_\_\_  
Date