

Authority Board Meeting **MINUTES**

MEETING DATE: Wednesday, December 21, 2022

MINUTES PREPARED BY: Tarien Grover

MEMBERS PRESENT:

Chris Kelley, Chair
Federal Glover, Vice Chair
Newell Arnerich, Commissioner
Tom Butt, Commissioner
Teresa Gerringer, Commissioner
Loella Haskew, Commissioner
Dave Hudson, Commissioner
Karen Mitchoff, Commissioner
Sue Noack, Commissioner
Lamar Thorpe, Commissioner
Mark Foley, Ex-Officio Rep.
Maureen Powers, Ex-Officio Rep.

STAFF PRESENT:

Colin Clarke
Peter Engel
Tarien Grover
Timothy Haile
Jack Hall
Christina Hartley
Jacqueline Hill
John Hoang
Stephanie Hu
Brian Kelleher
Matt Kelly
Hisham Noeimi
Irene Ortega
Jackie Reyes
Ying Smith
Sherri Sylva
Yuliana Tjeng
Linsey Willis
Amara Morrison, Legal Counsel

MEMBERS ABSENT:

Aaron Meadows, Commissioner

1. CONVENE MEETING: *Chris Kelley, Chair*

DISCUSSION: Chair Kelley convened the meeting at 6:00 PM. Commissioner Meadows was absent, and Rep. Powers had not yet arrived.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: Members of the public are invited to address the Authority regarding any item that is not listed on the agenda. Please refer to the Teleconferencing Special Notice for Public Comment guidelines.

DISCUSSION: Rashidi Barnes, Tri Delta Transit, introduced himself as the new Chief Executive Officer for Tri Delta Transit.

Debbie Toth, Choice in Aging, thanked Peter Engel, Director, Programs, for his efforts on accessible transportation.

Rep. Powers joined the meeting at 6:04 PM.

4. PRESENTATIONS

CONSENT CALENDAR

ACTION: Commissioner Mitchoff moved to approve the consent calendar, seconded by Commissioner Arnerich. The motion was adopted by unanimous vote of the commissioners present, unless otherwise noted.

Noes-None

Absent-Commissioner Meadows

Abstain-None

5. APPROVAL OF MINUTES

- A. Authority Board Minutes of November 16, 2022
- B. Authority Board Special Minutes of December 7, 2022

6. Administration & Projects Committee - Consent:

- A. Accept Monthly Accounts Payable Invoice Report for October 2022

Recommendation: Staff seeks acceptance of the monthly accounts payable invoice report for October 2022.

- B. Accept Consultant Agreement Amendments for Various Projects

Recommendation: Staff seeks authorization for the Chair to execute Amendment No. 4 to Agreement No. 532 with Kimley-Horn and Associates to extend the agreement termination date to December 31, 2024, with no increase in budget, Amendment No. 2 to Agreement No. 473 with NV5 Global, Inc. to extend the agreement termination date to December 31, 2023, with no increase in budget, and Amendment No. 9 to Agreement No. 430 with Quincy Engineering, Inc. to extend the agreement termination date to June 30, 2023, with no increase in budget.

- C. Authorization to Execute Amendment No. 1 to Agreement No. 578 with Baker Tilly US, LLP (Baker Tilly) for Executive Recruitment Services

Recommendation: Staff seeks authorization for the Chair to execute Amendment No. 1 to Agreement No. 578 with Baker Tilly, to provide additional executive recruitment services, and to allow the Executive Director or designee to make any non-substantive changes to the language. This amendment will extend the agreement termination date from December 31, 2022 to December 31, 2023, with no increase in budget.

D. Legislative Update

Recommendation: Staff will provide an update on legislation, along with addressing any questions that may arise. The Authority may take action on any item presented in the attachment or any State or Federal legislation pertaining to the Authority's legislative program.

7. Planning Committee - Consent:

- A. NEW ITEM:** City of El Cerrito – El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement (Project 250004/120061) – Request for Approval of the 65% Design Peer Review

Recommendation: Staff seeks approval of the Technical Coordinating Committee's recommendation to have the 65% design peer review approved by the Authority Board.

- B. NEW ITEM:** Approval of Proposed Actions to Various Funding Resolutions

Recommendation: Staff seeks approval of Resolution 17-47-G (Rev 2), which will extend the term of the resolution through December 31, 2024 with the City of Pinole; Resolutions 15-48-G (Rev 3), 18-64-G (Rev 2), and 19-62-G (Rev 2), which will terminate the resolutions with the East Bay Regional Park District, Resolution 15-15-G (Rev 4), which will terminate the resolution with the City of El Cerrito; and Resolution 17-46-G (Rev 2), which will terminate the resolution with Bay Area Rapid Transit.

- C. NEW ITEM:** Authorization to Execute Amendment No. 3 to Agreement No. 465 with Placeworks, Inc. (Placeworks) for On-Call Planning Services

Recommendation: Staff seeks authorization for the Chair to execute Amendment No. 3 to Agreement No. 465 with Placeworks, and to allow the Executive Director or designee to make any non-substantive changes to the language. This amendment will extend the agreement termination date from December 31, 2022 to June 30, 2023, with no increase in budget.

- D. NEW ITEM:** Authorization to Execute Amendment No. 3 to Agreement No. 523 with Nelson\Nygaard Consulting Associates, Inc. (Nelson\Nygaard) for the Accessible Transportation Strategic Plan (ATSP) Task Force and Implementation Services

Recommendation: Staff seeks authorization for the Chair to execute Amendment No. 3 to Agreement No. 523 with Nelson\Nygaard, in the amount of \$125,000, for a new total agreement value of \$623,700, to provide additional ATSP implementation services, and to allow the Executive Director or designee to make any non-substantive changes to the language. This amendment will extend the agreement termination date from December 31, 2022 to June 30, 2024.

REGULAR AGENDA ITEMS

8. Administration & Projects Committee - Regular:

A. Approval of Proposed Measure J Reserve Policy (Policy)

Recommendation: Staff seeks approval of Resolution 22-33-P, which will approve the proposed Policy that defines the mechanism for funding the Reserve, identifies eligible uses of Reserve funds, and required approvals to utilize funds from the Reserve.

ACTION: *Commissioner Arnerich* moved to approve Resolution 22-33-P, which will approve the proposed Measure J Reserve Policy that defines the mechanism for funding the Reserve, identifies eligible uses of Reserve funds, and required approvals to utilize funds from the Reserve, seconded by *Commissioner Noack*. The motion was adopted by unanimous vote of the commissioners present, unless otherwise noted.

Noes-*None*

Absent-*Commissioner Meadows*

Abstain-*None*

DISCUSSION: Hisham Noeimi, Director, Programming provided a brief background and overview of the Measure J Reserve Policy including the Measure J Transportation Expenditure Plan, the impacts of the 2008 Great Recession on Measure J revenues, projected revenues, and imposed expenditure caps. Mr. Noeimi also provided an overview of capital project delivery status, the Authority's support of local jurisdictions and agencies through various Measure J programs, along with an overview of the Measure J Reserve and its eligible uses, funding mechanisms, and required approvals.

Commissioners provided comments.

B. NEW ITEM: Consideration, Review, and Input of Administrative Code Section 104.6 and Resolution 91-11-A, Revision 2 to Establish Representative Positions on the Authority Board

Recommendation: Staff seeks Authority Board input on the requirements for the Metropolitan Transportation Commission representative on the Authority Board and seeks direction on the requirements and/or any potential revisions to Administrative Code Section 104.6 and Resolution 91-11-A, Revision 2 to establish representative positions on the Authority Board.

ACTION: Commissioner Mitchoff moved to direct staff to revise Resolution 91-11-A, Revision 2, to clarify that the two Metropolitan Transportation Commission representatives on the Authority Board can also serve as primary Authority Board Members and bring it back to the Authority Board meeting in January 2023 for consideration of approval, seconded by Commissioner Gerring. The motion was adopted by unanimous vote of the commissioners present, unless otherwise noted.

Noes-None

Absent-Commissioner Meadows

Abstain-None

DISCUSSION: Timothy Haile, Executive Director, provided a brief background of the Metropolitan Transportation Commission (MTC) representative positions and the need to update the language in the resolution to allow the two MTC representatives to also serve as primary Authority Board members.

Commissioner provided comments. Staff responded to comments from commissioners.

9. Planning Committee - Regular:

A. NEW ITEM: Coordinating Entity (CE) Update and Recommendation

Recommendation: Staff seeks approval for the establishment of a framework and concept for the Countywide CE and input from the Authority Board to inform next steps.

ACTION: Commissioner Butt moved to approve the establishment of a framework and concept for the Countywide Coordinating Entity, seconded by Commissioner Mitchoff. The motion was adopted by unanimous vote of the commissioners present, unless otherwise noted.

Noes-None

Absent-Commissioner Meadows

Abstain-None

DISCUSSION: Peter Engel, Director, Programs provided a brief background of the Accessible Transportation Strategic Plan (ATSP), Measure J expenditure plan and regional initiatives and discussed the recommendation from the ATSP Task Force to create a Coordinating Entity (CE) and development of guiding principles on the structure of the CE. Ying Smith, Director, Mobility Programs discussed the proposed framework for the CE and its supporting networked infrastructure, the roles of the Authority Board, and the establishment of the Office of Accessibility and Equity (OAE) and formation of an OAE Advisory Committee. Ms. Smith further announced that the Authority would establish a new non-profit CE to coordinate the accessible transportation programs and services and the proposed framework's intent for the transit operators to continue to maintain authority

over their paratransit operations. She further discussed the stages of the CE development to include the development of the OAE, seeking the Consolidated Transportation Services Agency designation with the Authority's intent to not claim Transportation Development Act and State Transit Assistance funding, and the formation of the CE with the primary goal to enhance accessible transportation.

Mr. Engel discussed the potential revenue sources such as Contra Costa County's Measure X and the Authority's Measure J.

Commissioners provided comments. Staff responded to comments from commissioners.

Public Comment:

Debbie Toth, Choice in Aging, spoke in favor of the development of a CE.

10. CORRESPONDENCE AND COMMUNICATIONS

- A.** Summary of the Authority Board Workshop held September 15-16, 2022 at the Don Tatzin Community Hall in Lafayette, CA

11. ASSOCIATED COMMITTEE REPORTS

- A.** Central County (TRANSPAC): Meeting Report for the regular meeting on December 8, 2022
- B.** East County (TRANSPLAN): Meeting Report for the regular meeting on December 8, 2022
- C.** Southwest County (SWAT): Notice of Cancellation for the regular meeting on December 5, 2022
- D.** West County (WCCTAC): Meeting Report for the regular meeting on December 9, 2022 *(Meeting handout if available)*

12. AUTHORITY BOARD AND STAFF COMMENTS

- A.** Chair's Comments and Reports

DISCUSSION: Chair Kelley thanked outgoing Commissioners Butt, Mitchoff, and White, and Representative Worth for their many years of service on the Authority Board.

Commissioners Butt and Mitchoff provided outgoing comments.

Representative Worth provided outgoing comments.

B. Commissioners' and Ex-Officio Representatives' Comments and Reports on Activities and Meetings

DISCUSSION: Commissioner Gerringer announced that she attended the American Public Transportation Association's TRANSform conference in Seattle, Washington from October 9-12, 2022.

Vice Chair Glover thanked outgoing Authority Board Members for their service to the Authority.

C. Executive Staff Comments

DISCUSSION: Timothy Haile, Executive Director, thanked the outgoing Authority Board members, and announced that they will be invited to the February Authority Board meeting to thank them for their service. He thanked Peter Engel, Director, Programs, and Irene Ortega, Accounting Specialist, for their years of service at the Authority. He introduced the Authority's new Administrative Assistant Jacqueline Hill. He discussed the potential branding for the Authority; Presto and GoCoCo are the two names that are being considered. He discussed meetings with Concord First Partners and the City of Concord on the Term Sheet for the Concord Naval Weapons Station. He also discussed the meetings regarding the Bay Area Rapid Transit (BART) Bus Feeder services and the need for funding and BART to continue these services in Contra Costa County. Mr. Haile further discussed the 2022 Activities and Accomplishments, and federal appropriations that will provide funding for projects in Contra Costa County.

Mr. Engel provided outgoing comments and thanked the Authority Board and staff.

Ms. Hill provided an introduction.

13. CALENDAR

- A.** December 2022, and January, February, and March 2023
- B.** Calendar of Upcoming Events

14. CLOSED SESSION

- A.** Public Employee Performance Evaluation Pursuant to Government Code § 54957
Title: Executive Director

Recommendation: Conference with Labor Negotiators Pursuant to Government Code § 54957.6

Agency Designated Representative: Chris Kelley, Chair

Unrepresented Employee: Executive Director

DISCUSSION: Commissioners, staff, and legal counsel convened into Closed Session at 7:48 PM. Reps. Foley and Powers left the meeting at 7:48 PM.

15. RECONVENE IN OPEN SESSION

A. Report on Action Taken in Closed Session

DISCUSSION: Commissioners, staff, and legal counsel reconvened into Open Session at 8:11 PM. Vice Chair Glover left the meeting at 8:11 PM.

Chair Kelley announced that there was no reportable action.

16. ADJOURNMENT to the next regular meeting proposed for January 18, 2023 at 6:00 PM.

DISCUSSION: The meeting was adjourned at 8:11 PM.