

**SACRAMENTO REGIONAL TRANSIT DISTRICT  
BOARD OF DIRECTORS  
BOARD MEETING  
May 11, 2009**

**ROLL CALL:** Roll Call was taken at 6:08 p.m. PRESENT: Directors Dickinson, MacGlashan, Miller, Morin, Nottoli, Pannell, Sander, Tretheway and Chair Cohn. ABSENT: Directors Hammond and Hume.

**CONSENT CALENDAR**

1. Motion: Action Summary - Board Meeting of April 13, 2009
2. Resolution: Awarding a Contract to CirclePoint for Community Relations Services for the South Sacramento Corridor Phase 2 Project (Scofield)
3. Resolution: Approving the Agreement with the City of Sacramento for Peace Officer Assignment (Lonergan)
4. Resolution: Approving Second Amendment to Contract with Lockwood, Andrews & Newnam, Inc. for Civil, Track and Structure Design Services for the South Sacramento Corridor Phase 2 (Scofield)
5. Resolution: Authorizing Solicitation of Bids for Weed Abatement Services (Cain)
6. Resolution: Approving Amendment #1 to Work Order 53 to the Contract with Psomas for General Engineering Support Services (Abansado)
7. Adopt Ordinance 09-05-01, Amending and Restating Chapters 1 and 2 of Title I of the Sacramento Regional Transit District Administrative Code Pertaining to Procurement Activities and Disposal of Surplus Property (Miller)
8. Resolution: Scheduling a Public Hearing for June 8, 2009 to Consider Service Reductions (Covington)
9. Resolution: Authorizing the General Manager/CEO to Submit Grant Applications and Execute Grants for Funds from the American Recovery and Reinvestment Act for Tier 2 Projects (Brookshire)
10. Motion: Receive and File Quarterly Investment Report as of March 31, 2009 (Brookshire)
11. Resolution: Approving Work Order #2 for Paragon Partners, Ltd. to Provide

Right of Way Acquisition, Relocation and Property Management Services for the South Sacramento Corridor Phase 2 Project (Arnold)

12. Resolution: Agreeing to Comply with the California Transportation Commission Policy for Hazardous Waste Identification and Clean-up for Rail Right-of-Way for the South Sacramento Corridor Phase 2 Project (Arnold)

**ACTION: APPROVED - Director Morin moved; Director Pannell seconded approval of the consent calendar with the exception of items 3 and 5. Motion was carried by voice vote. ABSENT: Directors Hammond and Hume.**

3. Resolution: Approving the Agreement with the City of Sacramento for Peace Officer Assignment (Lonergan)

Speaker: Barbara Stanton - Concerned about 2% increase

**ACTION: APPROVED - Director Dickinson moved; Director Pannell seconded approval of the item as written. Motion was carried by voice vote. ABSENT: Directors Hammond and Hume.**

5. Resolution: Authorizing Solicitation of Bids for Weed Abatement Services (Cain)

**ACTION: APPROVED - Director MacGlashan moved; Director Miller seconded approval of the item as written. Motion was carried by voice vote. ABSENT: Directors Hammond and Hume.**

### **GENERAL MANAGER'S REPORT**

13. General Manager's Report
  - a. Federal Updates
  - b. State Updates
  - c. Government Finance Officers Association - Distinguished Budget Presentation Award
  - d. Monthly Performance Report (March 2009)
  - e. RT Meeting Calendar

Mike Wiley verbalized his written report.

Mr. Wiley noted that RT is proposing to submit a grant application for 9 million dollars requesting funding for photovoltaic cell arrays on the roof of the new bus maintenance facility at McClellan.

RT participated in a briefing session with Chairman Oberstar of the House Transportation Infrastructure Committee with our congressional representative Doris



Matsui. RT received a broad level of background with regard to what Chairman Oberstar terms the retransformation of SAFETEA-LU. The reauthorization is scheduled to come out of the House around Memorial Day.

Last Friday (May 8) RT received word from the White House that South Line Phase 2 had been included and recommended in the President's budget for fiscal 2010 to be funded from the New Starts Program. RT has the full and complete backing of the Administration and the White House with regard to the South Line Phase 2 Project. In the President's proposed budget, there are 5 projects to be funded out of New Starts program. The only west coast project is Sacramento's South Line Phase 2. It is clear that with the increased level of federal commitment RT needs to be very focused on making sure that we secure the local match to match the federal dollars. RT has roughly 66 million in Transportation Congestion Relief Funds that are state bond funds that are critical to this project. RT has a number of alternative strategies to backfill that funding if we are not successful in receiving those funds. RT must focus its attention to the state level, and put as much pressure as we can on the state to make sure they follow through with their commitment to provide the state matching funds to match the federal New Starts funds.

Mark Lonergan noted that when RT purchased the last 91 buses they came with the latest version of the Cummins ISL G engines with 2010 emission standard. Other engine manufacturers are struggling to achieve the 2010 standard. RT has the cleanest engine available today on the market without going into the electric/fuel cell technology buses. Because these are unique engines, RT had a team from Cummins come to check the emissions which showed a true rating of the engine. Mike Wiley noted that these vehicles are very economical as well -- seeing a decline in fuel costs because of the rate of consumption. Mark Lonergan indicated that the buses have been very well received by the operators, noting that they are "very peppy" off the line.

Speakers: Ron Emslee - Bus Shelter - Broadway & 32<sup>nd</sup> Street/Working Women  
L. Roberts - Safety at Oak Park Bus Stops  
Terrance Johnson - Bus Stops/Shelters on Broadway & Security  
Mike Barnbaum - Revised MAC Meeting dates

Chair Cohn suggested that RT Police talk with City Police to see what can be done about the criminal activity at this stop.

Director Miller asked whether RT had received a recommendation from City Police as to whether the bus shelter should be removed.

Director Dickinson suggested that RT staff get together with City Police/POP Officers, and include Member Hammond, and examine the alternates for this bus shelter/stop.

### **INTRODUCTION OF SPECIAL GUESTS**

14. Resolution: Recognizing National Public Works Week (Nakano)

Jerry Way, Sacramento Chapter President of the American Public Works Association, and Director of Transportation from the City of Sacramento, accepted the resolution.

**ACTION: APPROVED - Director Pannell moved; Director Tretheway seconded approval of the item as written. Motion was carried by voice vote. ABSENT: Directors Dickinson, Hammond and Hume.**

## UNFINISHED BUSINESS

### PUBLIC HEARING

15. Proposed Fiscal Year 2010 Budget (Brookshire)
  - A. Accept Public Comment on the Proposed Fiscal Year 2010 Budget; and
  - B. Motion: Continue Public Hearing to June 22, 2009

Speaker: Rick Hodgkins - Wants more service from Citrus Heights to the Franchise Tax Board

Chair Cohn asked staff to bring back an information item on a potential pilot program for parking at light rail stations, if the costs for the program are revenue neutral.

Director MacGlashan asked staff to identify the area of the routes listed in Item #8 when they come back to the Board at the June 8<sup>th</sup> meeting.

**ACTION: APPROVED - Director Tretheway moved; Director Pannell seconded approval to continue the public hearing to June 22, 2009. Motion was carried by voice vote. ABSENT: Directors Dickinson, Hammond and Hume.**

16. Proposed Amendment to the Short Range Transit Plan (see New Business Item #17 below)

Speaker: Rick Hodgkins - Does the plan include more transit service?

## NEW BUSINESS

17. Resolution: Adopting the Amended Short Range Transit Plan (SRTP) for Fiscal Years 2009-2010 (Marx)

**ACTION: APPROVED - Director Nottoli moved; Director Pannell seconded approval of the item as written. Motion was carried by voice vote. ABSENT: Directors Dickinson, Hammond and Hume.**



## **REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS**

### 18. Chair's Report (Cohn)

Chair Cohn did not have anything further to add.

Director Miller noted that he received a complaint about some offensive advertising at the bus stops in Citrus Heights. He asked about RT's policy on advertising. Mike Wiley reviewed the policy verbally, and asked Director Miller to provide the location of the advertising that was offensive.

Director Sander noted the special operation that was run at the Cordova Town Center light rail station. Residents in Rancho Cordova (RC) reported problems. The problems were isolated to a couple of inebriants who frequented a liquor store directly across the street from the station. RC Police and Code Enforcement are dealing with the liquor store. However, RC did a sweep with RT fare inspectors, RC Code Enforcement, RC Police Department, and the RT Police Department and within a four hour period they arrested 12 people and issued 110 citations for fare evasion. Director Sander thought that the number was high, but RT Police indicated that the number was low for a special operation. Director Sander asked his Police Department to work with RT Police, and other Police Departments in the region to think about how we might better police these facilities.

## **PUBLIC ADDRESSES THE BOARD ON MATTERS NOT ON THE AGENDA**

Rick Hodgkins - Supports streetcars; Is Route 21 going to be cut?

Mike Barnbaum - Amtrak is looking to see what they can do to have betterment of service on long distance trains.

Barbara Stanton - Conducted her own survey of light rail riders. They would be willing to pay .50 - 1.00 to park at light rail stations; Did Route 18 get cancelled today because of mechanical problems?

## **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

### **RECESS TO CLOSED SESSION**

### **CLOSED SESSION**

### **RECONVENE IN OPEN SESSION**

### **CLOSED SESSION REPORT**

### **ADJOURN**

As there was no further business to be conducted, the meeting was adjourned at 7:50 p.m.

\_\_\_\_\_  
STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
2	06/08/09	Open	Action	05/14/09

Subject: Rejection of Claims

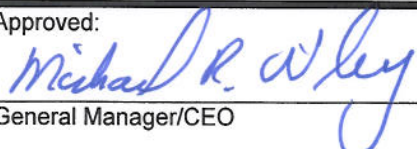
ISSUE

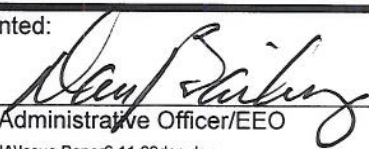
Whether to reject the following claims against Regional Transit.

RECOMMENDED ACTION

Adopt a motion to reject the following claims:

<u>Claimant</u>	<u>Amount Claimed</u>	<u>Description</u>
Conners, Tim	\$140,000.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when passenger was struck by bus lift while boarding bus.
Powell, Kenneth	\$52,213.60	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when claimant was walking down stairs in a light rail station and fell.
Nunez, Robert	\$186,200.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained while claimant was a passenger onboard an RT bus that made an abrupt stop.
Mickow, Deborah	\$118,651.31	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained while claimant was boarding a light rail vehicle and door closed on hand.
Allen, Makaina	\$535,000.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained while claimant was a passenger onboard a RT bus that was involved in a collision.

Approved:  
  
 General Manager/CEO

Presented:  
  
 Chief Administrative Officer/EEO

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
2	06/08/09	Open	Action	05/14/09

Subject: Rejection of Claims

## FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	N/A
Budget Source:	Operating	Next FY:	\$	N/A
Funding Source:	Local	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or Capital Project #:	N/A	Total Amount:	\$	N/A
Total Budget:	\$ See Below			

## DISCUSSION

Regional Transit establishes reserves in an aggregate amount sufficient to cover losses for all claims up to the self insurance limit.

The above referenced claims are currently under investigation to determine if RT has any liability. Therefore, staff recommends the Board adopt a motion rejecting the above claims.



# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
3	06/08/09	Open	Action	05/14/09

Subject: Application for Leave to Present Late Claim

## ISSUE

Whether to reject the following Application for Leave to Present Late Claim against Sacramento Regional Transit District.

## RECOMMENDED ACTION

Adopt a motion to reject the following Application for Leave to Present Late Claim.

<u>Claimant</u>	<u>Amount Claimed</u>	<u>Description</u>
Schmitt, Maude	\$ 66,500.00	<u>Rejection of application for leave to present late claim:</u> Claim is for wrongful death of spouse that was struck by light rail vehicle.

## FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	N/A
Budget Source:	Operating	Next FY:	\$	N/A
Funding Source:	Local	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or Capital Project #:	N/A	Total Amount:	\$	N/A
Total Budget:	\$ See Below			

## DISCUSSION

Regional Transit establishes reserves in an aggregate amount sufficient to cover losses for all claims up to the self insurance limit.

The above referenced application for leave to present late claim is insufficient to allow the filing of a late claim. Therefore, staff recommends the Board adopt a motion rejecting the above claim.

Approved:

  
General Manager/CEO

Presented:

  
Chief Administrative Officer/EEO

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	06/08/09	Open	Action	05/20/09

Subject: Awarding Contract for Construction of the 13th & 16th Street Station Improvement Project

## ISSUE

Whether or not to award a contract for the 13<sup>th</sup> and 16<sup>th</sup> Street Station Improvement Project.

## RECOMMENDED ACTION

Adopt Resolution No. 09-06-\_\_\_\_\_, Awarding Contract to C&C Construction, Inc. for the 13<sup>th</sup> and 16<sup>th</sup> Street Station Improvement Project.

## FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	0
Budget Source:	Capital	Next FY:	\$	565,400
Funding Source:	TEA/STIP/TE/STA/MSA	Annualized:	\$	N/A

13th and 16th Street Station Improvement Project Budget	\$668,248
13th and 16th Street Station Improvement Project Contract	\$565,400
Contingency	\$ 56,540
Undistributed Budget	\$ 46,308

GL 910800 (WBS 0534.08)

## DISCUSSION

On September 22, 2008, the Board authorized the solicitation of bids for the 13<sup>th</sup> and 16<sup>th</sup> Street Station Improvement Project. The Invitation to Bid was issued on April 10, 2009.

The project at 13<sup>th</sup> Street Station includes cosmetic improvements to the existing shelter. At 16<sup>th</sup> Street Station, it includes replacing the existing vertical lift at the inbound mini-high platform with a ramp and removal of seat walls to increase platform area. At both stations, it includes replacing ramp railings, constructing mini-high shelters on ramps, installing additional light poles, and miscellaneous landscape improvements.

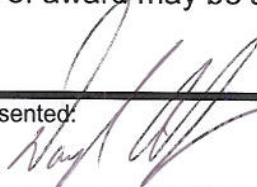
Because the total project estimate was anticipated to exceed available funding, several components of the project were listed as additive bid items. These additive bid items include additional site furniture, construction of additional communications conduits, and replacement of the existing shelter at 16<sup>th</sup> Street Station. The bid documents provide that any optional Added Work Items not included in the contract at the time of award may be added up to 3 months after award depending on whether funding is available.

Approved:



General Manager/CEO

Presented:



Darryl Abansado - Director, Civil and Track Design



# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	06/08/09	Open	Action	05/20/09

Subject: Awarding Contract for Construction of the 13th & 16th Street Station Improvement Project

On May 19, 2009, the following bids were received:

<u>Contractor</u>	<u>Base Bid Amount</u>	<u>Bid Amount (Base plus all Additive Items)</u>
C&C Construction, Inc	\$565,400	\$ 811,890
R.E. Smith Contractor	\$583,339	\$ 786,490
Roebbelen Contracting, Inc.	\$736,000	\$ 955,000
L.M. Combs Construction ,Inc.	\$903,396	\$1,187,011

The Engineer's estimate for the Base Bid project was \$560,837. The Engineer's estimate for the Base Bid project plus all of the Additive Items was \$900,590. Following the methodology set forth in the Solicitation, because the Additive Items exceeded RT's budget, only the Base Bid amount was considered as the basis for award.

This project is subject to Caltrans Local Program requirements for DBE, and there was a 6.7% Underutilized Disadvantaged Business Enterprise (UDBE) goal set for the project. RT outreach included advertising the project in minority-focused newspapers and sending direct notice of the project to DBE firms. There was no UDBE participation in any of the four bids received. The apparent low bidder submitted documentation of Good Faith Effort which was reviewed by the Manager of Contracts and DBE and found to be sufficient, and the apparent low bidder is therefore eligible for award of contract.

Staff recommends the Board award the contract to C&C Construction, Inc. for the 13<sup>th</sup> and 16<sup>th</sup> Street Station Improvement Project in the amount of \$565,400 for the Base Bid.



RESOLUTION NO. 09-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 8, 2009

**AWARDING CONTRACT TO C&C CONSTRUCTION, INC. FOR  
THE 13<sup>TH</sup> AND 16<sup>TH</sup> STREET STATION IMPROVEMENT PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Contract between the Sacramento Regional Transit District, therein referred to as "RT," and C&C Construction, Inc., therein referred to as "Contractor," whereby Contractor agrees to construct the 13<sup>th</sup> and 16<sup>th</sup> Street Station Improvement Project, as specified, for an amount not to exceed \$565,400.00, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said contract.

\_\_\_\_\_  
STEVE COHN, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	06/08/09	Open	Action	04/29/09

Subject: Delegating Authority to the General Manager/CEO to Bind Regional Transit to an Agreement with the State of California and Verizon for Wireless Services and Products

## ISSUE

Whether to delegate authority to the General Manager/CEO to bind the Sacramento Regional Transit District to an agreement with Verizon Wireless to purchase wireless services and products under a Master Agreement between Verizon and the State of California.

## RECOMMENDED ACTION

Adopt Resolution No. 09-06 \_\_\_\_\_, Delegating Authority to the General Manager/CEO to Bind the Sacramento Regional Transit District to an Agreement with Verizon Wireless to Purchase Wireless Services and Products under a Master Agreement between Verizon and the State of California.

## FISCAL IMPACT

The fiscal impact will depend on the services purchased although some level of savings is expected. The annualized cost estimate for telecommunication services (land line, wireless and data lines) and products for the District is \$510,000, which is included in the Facilities Management Department's (cost center 37, GL account# 650006) current budget. The estimated annual budget for wireless services and products is \$220,000.

## DISCUSSION

In 2005, the State of California released an RFP for Wireless Equipment and Services. Verizon Wireless was the successful proposer and was awarded a Master Contract (IS-05-58-02) to provide wireless equipment and services to the State. The Master Contract (which is currently in effect until October 31, 2009), allows local agencies to take advantage of the pricing Verizon offered to the State for a broad range of wireless services and equipment.

At the present time, the State contract is the most cost-effective means for RT to obtain wireless services and equipment. The current State contract will offer a discount with a range between 18% and 25% off the commercially available Verizon rates. Section 1.407 of the RT Procurement Ordinance (09-05-01) permits the use of cooperative purchase agreements for supplies and services through the contract of another public entity if the bidding procedures followed by the public entity satisfy the bidding requirements set out in the Procurement Ordinance and the contract does not violate any applicable federal or state requirements applicable to RT.

Approved:



General Manager/CEO

Presented:



Director of Facilities

J:\FBSS Div (FM)\Issue Papers\2009\IP State Contract Telecommunication Services and Productsrev2.5.20.09.doc.doc

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	06/08/09	Open	Action	04/29/09

Subject: Delegating Authority to the General Manager/CEO to Bind Regional Transit to an Agreement with the State of California for Telecommunications Services and Products

Because RT's need for wireless services changes over time, and because the state may enter into a new agreement with Verizon when the current agreement expires, Staff is recommending that the Board delegate authority to the General Manager/CEO to bind RT to agreements to purchase wireless services and products under a state contract with Verizon Wireless, Inc. for a period of 10 years. The delegation of authority will be contingent upon a finding by the General Manager/CEO that the State of California contract was awarded through a competitive bidding process and that all applicable federal and state requirements are met.



RESOLUTION NO. 09-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 8, 2009

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO BIND THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT TO AN AGREEMENT WITH  
VERIZON WIRELESS TO PURCHASE WIRELESS SERVICES AND PRODUCTS  
UNDER A MASTER AGREEMENT BETWEEN VERIZON AND THE STATE OF  
CALIFORNIA**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, contingent upon satisfaction of the condition set forth below, the General Manager/CEO is hereby authorized to bind Sacramento Regional Transit District (therein "Local Entity") to an agreement or agreements with Verizon Wireless, Inc. (therein "Verizon Wireless"), whereby Verizon Wireless agrees to provide, and RT agrees to purchase, wireless products and services in accordance with the terms and conditions, and for the prices, set forth in an agreement with the State of California.

THAT, prior to exercising the authority set forth herein, the General Manager/CEO must determine that the State of California contract was awarded through a competitive bidding process consistent with RT's Procurement Ordinance and that all applicable federal and state requirements are met.

THAT, the delegation of authority set forth herein will expire June 10, 2019.

\_\_\_\_\_  
STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	06/08/09	Open	Action	05/14/09

Subject: Approving a Memorandum of Understanding for Planning the Downtown/Riverfront Streetcar Project

## ISSUE

Whether or not to approve a Memorandum of Understanding continuing the partnership for the planning of the Downtown/Riverfront Streetcar Project.

## RECOMMENDED ACTION

Adopt Resolution No. 09-06-\_\_\_\_\_, Approving a Memorandum of Understanding for Planning the Downtown/Riverfront Streetcar Project.

## FISCAL IMPACT

There is no fiscal impact associated with this item.

## DISCUSSION

This action would approve a Memorandum of Understanding (MOU) for the continued planning of a Downtown/Riverfront streetcar system. The MOU is between the Cities of Sacramento and West Sacramento as well as Regional Transit and the Yolo County Transportation District. The original MOU expired in June, 2008. This action provides for the continuation of the project through the approval of a new MOU.

The new MOU is essentially the same as the previous MOU except that the Policy Steering Committee has been expanded to provide for up to six representatives from the local community or business development interests appointed, three each, by the Sacramento and West Sacramento City Councils.

To date, the project has progressed to the point of defining an alignment, completing a significant level of preliminary engineering work on that alignment and completing a CEQA compliant EIR. The project has also identified options with respect to the governance and funding of the project.

The City of Sacramento and local business groups have expressed concerns over the alignment on the Sacramento side of the river and the funding options presented to date. The City of Sacramento is proceeding with a project to study routing alternatives to address these concerns. Both the Cities of Sacramento and West Sacramento have applied for grant funding through Caltrans to progress the project. Continued progress on this project is dependent upon completion of the City of Sacramento's study concerning routing alternatives, and for additional funding to be identified to continue to move this project forward.

Approved:



General Manager/CEO

Presented:



Chief Operating Officer

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	06/08/09	Open	Action	05/14/09

Subject: Approving a Memorandum of Understanding for Streetcar

The new MOU provides for the partnership to remain in place and for work to continue on the project under the provisions of the new MOU. It does not require any new financial contributions or commit to any future funding action without prior Board approval. Staff recommends approval of the MOU.



RESOLUTION NO. 09-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 8, 2009

**APPROVING A MEMORANDUM OF UNDERSTANDING FOR PLANNING THE  
DOWNTOWN/RIVERFRONT STREETCAR PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Memorandum of Understanding for Planning the Downtown/Riverfront Streetcar Project between the City of Sacramento, City of West Sacramento, the Yolo County Transportation District and Sacramento Regional Transit District is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to sign said agreement.

\_\_\_\_\_  
STEVE COHN, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

# REGIONAL TRANSIT ISSUE PAPER

Page 1 of 1

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
7	06/08/09	Open	Action	05/19/09

Subject: Second Amendment to the RT - ATU 256 Retirement Plan

## ISSUE

Whether to approve the Second Amendment to the Retirement Plan for Employees Who Are Members of the Amalgamated Transit Union, Local 256 (ATU 256).

## RECOMMENDED ACTION

Adopt Resolution No. 09-06-\_\_\_, Approving the Second Amendment to the Retirement Plan for RT Employees who are Members of ATU 256.

## FISCAL IMPACT

There is no fiscal impact as the result of approving this action.

## DISCUSSION

The Retirement Plan covering RT employees who are members of ATU 256 provides for the use of income averaging for covered employees who have any unpaid absence during the 48 month period elected to determine his or her final average monthly compensation. However, the Plan does not provide a methodology to be used when income averaging is applied. In researching the history of this provision, staff discovered that at least 3 approaches have been used which has created confusion, a lack of administrative understanding and a lack of consistency.

RT contacted the Union and opened discussions over the issue with the intent of reaching an agreement as to how this provision would be administered in the future. Following a couple of meetings, the parties agreed that an employee seeking a disability retirement, who has any absences greater than 22 consecutive work days, that is due to the qualifying disability during the 48 month period elected by the employee, RT will employ an income averaging methodology to determine the employee's income for the duration of the qualifying absence. The methodology agreed upon requires that RT determine the compensation received by the RT employee immediately above in seniority to the retiring employee and the compensation received by the RT employee immediately below in seniority to the retiree, for the period(s) of absence; add the amounts together and divide by 2. The resulting average income will be applied to the corresponding gap in earnings sustained by the retiring employee.

The agreement has been memorialized in the Second Amendment to the Retirement Plan and attached hereto as Exhibit 1. Staff recommends approval of the amendment to the Retirement Plan.

Approved:

  
General Manager/CEO

Presented:

  
Chief Administrative Officer / EEO Officer

C:\Temp\XPgrwise\2nd Amendment to the ATU Ret Plan 6-09.doc

RESOLUTION NO. 09-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 8, 2009

**APPROVING THE SECOND AMENDMENT TO THE RETIREMENT PLAN  
FOR RT EMPLOYEES WHO ARE MEMBERS OF ATU 256**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Second Amendment to the Retirement Plan for RT Employees Who Are Members of ATU, Local 256, which provides for a methodology to employ income averaging during qualifying absences sustained by an employee seeking to retire for reasons related to a disability, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute the Second Amendment to the Retirement Plan, attached hereto as Exhibit 1.

\_\_\_\_\_  
STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary



**SECOND AMENDMENT TO RETIREMENT PLAN AGREEMENT  
BETWEEN AMALGAMATED TRANSIT UNION LOCAL DIVISION 256/AFL-CIO AND  
SACRAMENTO REGIONAL TRANSIT DISTRICT**

**THIS SECOND AMENDMENT** to the Retirement Plan for RT Employees who are Members of ATU Local 256 (the "Plan") made and entered into on March 1, 2000, by and between the **SACRAMENTO REGIONAL TRANSIT DISTRICT ("RT")**, and **Local Division 256 of the AMALGAMATED TRANSIT UNION, AFL-CIO ("ATU")** on this \_\_\_\_\_ day of \_\_\_\_\_, 2009. RT and ATU are referred to herein individually and collectively as the "Parties."

**RECITALS**

**WHEREAS**, the Plan document provides for the use of income averaging for ATU employees who have absences during the 48-month period elected to determine the employee's final average monthly compensation at retirement; and

**WHEREAS**, the Plan does not contain a methodology to be applied when calculating the final average monthly compensation using income averaging for retirement purposes; and

**WHEREAS**, the Parties desire to modify the Plan document to reflect the agreed upon methodology that must be used when calculating the final average monthly compensation for any Member who retires for disability and has a qualifying absence during the 48 month period selected.

**NOW THEREFORE, THE PARTIES DO AGREE AS FOLLOWS:**

**Section 1: DEFINITIONS**

Section 1, subsection d. is hereby deleted in its entirety and replaced with the following provision:

"d. Final Monthly Compensation means the average monthly compensation received by a Member during any consecutive 48 month period elected by a Member at or before the time he or she files an application for retirement or, if he or she fails to elect, during the last 48 consecutive months immediately preceding his or her retirement. The computation for any absence will be based on the Compensation of the position held by the Member at the beginning of the absence.

"Notwithstanding the foregoing, if a Member retires for disability and the Member has any absences that are greater than 22 consecutive days in duration that are due to the qualifying disability during the 48 month period elected ("Qualifying Absence"), RT will employ income averaging to determine the Member's average income for duration of any Qualifying Absence as follows:

- i. The sum of the actual compensation received by the employee immediately above the Member in seniority during the Qualifying Absence and the actual compensation received by the employee immediately below the Member in seniority during the Qualifying Absence is divided by 2 and the resulting average income will be applied to the corresponding gap in earnings suffered by the absent Member during the Qualifying Absence.

"If there is no employee above the Member in seniority, the averaging described above will be achieved by using the earnings of the two employees immediately below the Member in seniority."

**Section 2: EFFECT**

The effect of this Second Amendment to the Plan document is to clarify the methodology to be employed when a Member of the Plan retires for disability and has a qualifying absence during the final 48 month period elected for purposes of determining the Member's final average monthly compensation.

**Section 3: AMBIGUITIES**

The parties have each carefully reviewed this Amendment and have agreed to each term of this Amendment. No ambiguity will be presumed to be construed against either party.

**Section 4: FULL FORCE AND EFFECT**

To the extent not inconsistent herewith, all other terms and provisions of the Principal Agreement will remain the same and in full force and effect.

**Section 5: AUTHORITY TO BIND**

Each of the signatories to this amendment represent that they are authorized to sign this Agreement on behalf of such party and that all approvals, resolutions and consents that must be obtained to bind such party have been obtained and that no further approvals, acts or consents are required to bind such party to this Agreement.

///

///

///

IN WITNESS WHEREOF, the parties have entered into this Second Amendment to the Principal Agreement on the day and year set out in the last line of the first paragraph hereinabove appearing.

AMALGAMATED TRANSIT UNION  
LOCAL 256, AFL-CIO

SACRAMENTO REGIONAL TRANSIT  
DISTRICT

By: Victor M. Guerra  
VICTOR GUERRA  
President

By: \_\_\_\_\_  
STEVE COHN, Chair

By: Ralph Niz  
RALPH NIZ  
Vice President

By: \_\_\_\_\_  
MICHAEL R. WILEY  
General Manager/CEO

By: Glyde Beckham  
GLYDE BECKHAM  
Financial Secretary

APPROVED AS TO CONTENT:

By: \_\_\_\_\_

By: \_\_\_\_\_  
DAN BAILEY  
Chief Administrative Officer

By: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
RT ATTORNEY



# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
8	06/08/09	Open	Action	05/13/09

Subject: Approving the Sixth Amendment to the Contract with County of Sacramento for Sheriff's Work Project

## ISSUE

Whether or not to Approve a Sixth Amendment to the Contract with the County of Sacramento for Sheriff's Work Project.

## RECOMMENDED ACTION

Adopt Resolution No. 09-06-\_\_\_\_\_, Approving the Sixth Amendment to the Contract with the County of Sacramento for Sheriff's Work Project.

## FISCAL IMPACT

		<u>Additional Amounts Needed</u>	
			May/June
Budgeted:	Yes	This FY:	\$ 57,000
Budget Source:	Operating	Next FY:	\$ 53,000
Funding Source:	Local	Total Additional Amount:	110,000 \$
Cost Cntr/GL Acct(s) or Capital Project #:	GL# 630040 Work Program Cost Center 37	Total Requested Amount:	\$ 2,942,000
Total Current Contract	\$ 2,832,000		

## DISCUSSION

RT has been using the services of the Sacramento County Sheriff's Work Project crew for landscape maintenance, station cleaning and right of way cleaning. Through this program, RT receives free inmate labor with minimal compensation for deputy supervision. Inmates participating in this project provide the majority of the labor necessary to maintain RT's landscaping and right of way.

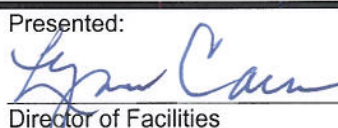
The funding calculations for the sixth amendment include payment for the remainder of fiscal year 2009 (May and June 2009) due to an oversight in calculating FY 2009 costs.

Since 1994, RT's Sheriff's Work Project has grown from one crew with 40 inmates to five crews with over 100 inmates weekly. The Sheriff's Work Project has provided RT needed assistance maintaining light rail station park and ride lots, abandoned right of way, future properties, graffiti removal and augment quarterly weed abatement along operating right of way. RT currently pays \$80.06 per hour or \$640.50 per day, which, given our current fiscal situation is getting to be cost-

Approved:

  
General Manager/CEO

Presented:

  
Director of Facilities

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
8	06/08/09	Open	Action	05/13/09

Subject: Approving the Sixth Amendment to the Contract with County of Sacramento for Sheriff's Work Project

prohibitive. RT approached the Sheriff about a rate modification. In lieu of terminating this service, RT staff and the County of Sacramento 's Sheriff's Work Release Division have agreed to use a blended rate for fiscal year 2009-2010 based on hours worked by all Sheriff's Work Program deputy sheriff's program-wide (on-call and regular deputies). This blended rate charged for any deputy sheriff assigned to RT discounts the cost to \$68.70 per hour, or \$549.57 per day for both weekday and weekend shifts (includes employee costs, vehicle and utility trailer costs). The existing rate for this detail is (\$80.06 hourly or \$640.50 per day). Currently over 90% of this detail (weekdays and weekends) is staffed by tenured full-time deputy sheriffs. RT will realize further savings by reducing the current five weekday shifts and four weekend shifts to two weekday shifts and four weekend shifts in fiscal year 2010.

Staff recommends that the Board approve the sixth amendment to the Contract with the County of Sacramento Sheriff's Work Project.

RESOLUTION NO. 09-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 8, 2009

**APPROVING THE SIXTH AMENDMENT TO THE CONTRACT WITH THE COUNTY  
OF SACRAMENTO FOR SHERIFF'S WORK PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Sixth Amendment to the Contract between the Sacramento Regional Transit District, therein referred to as "RT," and the County of Sacramento, therein referred to as "Contractor," whereby the expiration date is extended to June 30, 2010, the hourly rate is changed from \$80.06 or \$640.50 to \$68.70 per hour or \$549.57 per day, and the total consideration is increased by \$110,000 from \$2,832,000 to \$2,942,000 rate, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said Sixth Amendment.

\_\_\_\_\_  
STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary