

**SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS
BOARD MEETING
January 11, 2010**

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

CONSENT CALENDAR

1. Motion: Action Summary - Board Meeting of December 14, 2009
2. Resolution: Authorizing Release of an Invitation to Bid for Roll Off and Front Load Waste Containers Rental and Service (Cain)
3. Resolution: Amending and Restating Title III of the Sacramento Regional Transit District Administrative Code Relating to Rules of Procedure (Behrens)

ACTION: APPROVED - Director Pannell moved; Director Hume seconded approval of the consent calendar as written. Motion was carried by voice vote.

GENERAL MANAGER'S REPORT

4. General Manager's Report
 - a. Season of Civil Rights - MLK365 Update
 - b. Pay Park and Ride Program Update
 - c. Federal Updates
 - d. State Updates
 - e. Monthly Performance Report (November 2009)
 - f. RT Meeting Calendar

Mike Wiley introduced Sam Starks, Tom Burrus, Aliane Hasan and May Lee, from the MLK365 Project, who provided additional information on the March*.

After the update on MLK365, Mr. Wiley verbalized his written report.

INTRODUCTION OF SPECIAL GUESTS

UNFINISHED BUSINESS

PUBLIC HEARING

5. Resolution of Necessity to Acquire Certain Real Property Interests in Eminent Domain for the South Sacramento Corridor Phase 2 Light Rail Extension Project - Welch Property* (Behrens/Abansado/Arnold) - See Item # 6 Below

Speaker: Gaye Welch-Brown

NEW BUSINESS

6. Resolution: Resolution of Necessity to Acquire Certain Real Property Interests in Eminent Domain for the South Sacramento Corridor Phase 2 Light Rail Extension Project - Welch Property (Abansado/Arnold) - {Requires 2/3rds vote}

Speakers: William Harold Welch Gaye Welch-Brown

ACTION: APPROVED - Director Pannell moved; Director Tretheway seconded approval of the item as written. Motion was carried by roll call vote. Ayes: Directors Dickinson, Hammond, Hume, MacGlashan, Miller, Morin, Pannell, Sander, Tretheway and Chair Cohn. Noes: None. Abstain: None. Absent: Director Nottoli.

7. Motion: Nominating a Chair and Vice Chair for the RT Board of Directors Effective January 12, 2010 (Brooks)

ACTION: APPROVED - Chair Cohn moved; Director Pannell seconded approval of election of Director Miller as Chair, and Director Nottoli as Vice-Chair of the RT Board of Directors for 2010. Motion was carried by voice vote. Absent: Director Nottoli.

REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS

8. Chair's Report (Cohn)

Chair Cohn noted that the High Speed Rail Group now has a Merced working group that the City of Elk Grove is participating in.

PUBLIC ADDRESSES THE BOARD ON MATTERS NOT ON THE AGENDA

Jeffery Tardaguila - Mr. Tardaguila believes that all business should communicate with each other better, and make sure that the public is aware of every project they are doing.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

RECESS TO CLOSED SESSION

CLOSED SESSION

RECONVENE IN OPEN SESSION

CLOSED SESSION REPORT

ADJOURN

*Handout

As there was no further business to be conducted, the meeting was adjourned at 7:35 p.m.

STEVE MILLER, 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	1/25/10	Open	Action	1/04/10

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>
Perez, Manuela	\$337,660.50	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when a pedestrian had a seizure and fell in an RT station.
Parker-Baldwin, Thelma	\$50,000.00	<u>Rejection of Claim:</u> Claim is for Injuries allegedly sustained when passenger's arm was allegedly closed in the bus door while boarding.
Parker-Baldwin, Thelma	\$50,000.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when bus pulled away from stop before passenger was seated.
Parrott, Earnestine	\$200,000.00	<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.
Santana, Betty	\$103,821.74	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when claimant was deboarding a light rail vehicle and arm was caught in door.

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	01/25/10	Open	Action	01/4/10

Subject: Rejection of Claims

Tran, Sot	\$100,000.00	<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
Blackshire, Patrick	\$1,000,000.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained while being ticketed for fare evasion.
Blackshire, Patrick	\$1,000,000.00	<u>Rejection of Claim:</u> Claim is for injuries sustained when claimant alleges being assaulted by an RT guard.

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	01/25/10	Open	Action	11/19/10

Subject: Approving the Revised Project Agreement for the Green Line to the River District Project with the City of Sacramento

ISSUE

Whether or not to approve a revised Project Agreement for the Green Line to the River District Project with the City of Sacramento.

RECOMMENDED ACTION

Adopt Resolution No. 10-01-____, Repealing Resolution No. 09-11- 0183 and Approving a Project Agreement for the Green Line to the River District with the City of Sacramento.

FISCAL IMPACT

None

DISCUSSION

On September 14, 2009, the RT Board approved the Project Agreement for the Green Line to the River District Project and, on November 9, 2009, the RT Board approved a revision to the Project Agreement to add provisions relating to Track Warrants and future development.

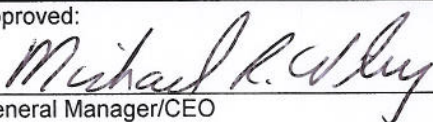
When the revised agreement was sent to the City for execution, the City asked that RT eliminate language giving RT the right to audit, at RT's sole cost, City costs billed to RT for project-related work if the City exhausted RT's initial deposit for design review and inspection.

As a compromise, RT and the City have agreed that if the City has exhausted the deposits made by RT, the City can request an additional deposit, but must provide supporting documentation of its costs upon request by RT. In addition, RT will have the right to dispute any costs shown in the supporting documentation and will be entitled to a credit if it is determined that the costs are improper or excessive.

Staff recommends the approval of the revised agreement.

Approved:

General Manager/CEO



Presented:

Director, Civil and Track Design



RESOLUTION NO. 10-01-_____

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

January 25, 2010

REPEALING RESOLUTION NO. 09-11- 0183 AND APPROVING A PROJECT AGREEMENT FOR THE GREEN LINE TO THE RIVER DISTRICT WITH THE CITY OF SACRAMENTO

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

THAT, Resolution No. 09-11-0183 is hereby repealed.

THAT, the Project Agreement between the Sacramento Regional Transit District, therein referred to as "RT," and the City of Sacramento, therein referred to as "City," authorizing RT to construct the Green Line to the River District Project within the City right of way under the conditions set forth therein, is hereby approved.

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

STEVE MILLER, 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
4	01/25/10	Open	Action	01/08/10

Subject: Approving the First Amendment to the Agreement for Preliminary Engineering Reimbursement (Gas Line) with Pacific Gas and Electric Company (PG&E) for the South Sacramento Corridor Phase 2 Project

ISSUE

Whether or not to approve the First Amendment to the Agreement for Preliminary Engineering Reimbursement (Gas Line) with Pacific Gas and Electric Company (PG&E) for the South Sacramento Corridor Phase 2 Project

RECOMMENDED ACTION

Adopt Resolution No. 10-01-_____, Approving the First Amendment to the Agreement for Preliminary Engineering Reimbursement (Gas Line) with Pacific Gas and Electric Company (PG&E) for the South Sacramento Corridor Phase 2 Project.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	61,000
Budget Source:	Capital	Next FY:	\$	N/A
Funding Source:	CMAQ/TCRP/Measure A/STA	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or	910800	Total Amount:	\$	61,000
Capital Project #:	410.03.04.01.01 - SSCP2			
Total Budget:	\$ 186,000			

DISCUSSION

On April 13, 2009, the RT Board approved the Agreement for Preliminary Engineering Reimbursement (Gas Line) with PG&E for the SSCP2 Project.

RT is proceeding with the advanced preliminary engineering of the South Sacramento Corridor Phase 2 (SSCP2) Project. The existing PG&E gas line within the Union Pacific Railroad right of way that will be occupied by the Project must be relocated to accommodate Project construction.

The existing PG&E gas line extends through the Union Pacific Railroad Corridor for approximately three-quarters of a mile directly under the proposed 40-foot light rail corridor. To expedite the relocation of the PG&E gas line and to prevent potential delays of the SSCP2 Project, RT requested that PG&E commence preliminary engineering for its relocation, and the Agreement was entered into to compensate PG&E for its preliminary engineering costs.

The cost for PG&E's preliminary engineering for the relocation of its 20" gas line was estimated to be approximately \$125,000. The Agreement committed RT to pay PG&E's actual costs (as

Approved:


General Manager/CEO

Presented:


Director, Civil and Track Design

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	01/25/10	Open	Action	01/08/10

Subject: Approving the First Amendment to the Agreement for Preliminary Engineering Reimbursement (Gas Line) with Pacific Gas and Electric Company (PG&E) for the South Sacramento Corridor Phase 2 Project

presented by PG&E, with limited audit rights for RT) for preliminary engineering work, up to \$125,000.

In accordance with the Project Agreement, PG&E provided notice to RT that its costs have exceeded \$100,000 and will reach the \$125,000 cap prior to completion of preliminary design.

PG&E requests an additional amount of \$61,000, for a total cost of \$186,000, due to prolonged negotiations with RT regarding the most cost-effective Gas Line alternative for both RT and PG&E.

The Agreement is limited to the preliminary engineering work. Neither party is committed to carrying out the design developed under the Agreement.

Staff recommends approval of the First Amendment to the Agreement for Preliminary Engineering Reimbursement with Pacific Gas and Electric Company for the SSCP2 Project to add \$61,000 to the total consideration that may be paid to PG&E for preliminary engineering work.

RESOLUTION NO. 10-01-_____

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

January 25, 2010

**APPROVING THE FIRST AMENDMENT TO THE AGREEMENT FOR PRELIMINARY
ENGINEERING REIMBURSEMENT (GAS LINE) WITH PACIFIC GAS AND ELECTRIC
COMPANY (PG&E) FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2
PROJECT**

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

THAT, the First Amendment to the Agreement for Preliminary Engineering Reimbursement (Gas Line) between Pacific Gas and Electric Company, therein referred to as "PG&E," and the Sacramento Regional Transit District, therein referred to as "RT," whereby PG&E agrees to continue preliminary engineering work for relocation of its 20" gas pipeline as required for construction of the South Sacramento Corridor Phase 2 Project and RT agrees to increase the amount it will reimburse PG&E for PG&E's actual costs for such work by \$61,000, from \$125,000 to \$186,000, as further set forth therein, is hereby approved.

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

STEVE MILLER, 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	01/25/10	Open	Action	01/12/10

Subject: Authorizing the Release of the Request for Proposals for Workers' Compensation Third Party Administrator Services

ISSUE

Whether to authorize the release of the request for proposals for Workers' Compensation Third Party Administrator Services.

RECOMMENDED ACTION

Adopt Resolution No. 10-01-____, Authorizing the Release of the Request for Proposals for Workers' Compensation Third Party Administrator Services.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$NA
Budget Source:	Operating	Next FY:	\$NA
Funding Source:	Local	Annualized:	\$NA

This action does not involve the expenditure of funds. The contract award, which will involve the expenditure of funds, will be presented to the Board as a future action.

DISCUSSION

RT is self-insured for Workers' Compensation and, pursuant to the California Labor Code, must have a Certified Claims Administrator to administer its Workers' Compensation claims program. While RT's current contract with Gregory B. Bragg & Associates, Inc. does not expire until June 30, 2010, it is necessary to commence the procurement process for a Third Party Administrator (TPA) far in advance of the expiration of the current contract to ensure that, if a different administrator is selected, there is sufficient time to transfer the program over by the June 30, 2010 deadline. Changing TPA's is an arduous and time-consuming task. If RT selects a different TPA, notifications have to be sent to the State, medical providers, employees, the Workers' Compensation Court, and attorneys. Bank accounts have to be changed, new trust funds set up, computer changes made, and files transferred.

The Request for Proposals will ask proposers to bid on a 5-year contract.

Staff recommends that the Board authorize the release of the request for proposals for Workers' Compensation Third Party Administrator.

Approved:


General Manager/CEO

Presented:


Director of Human Resources

RESOLUTION NO. 10-01-_____

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

January 25, 2010

AUTHORIZING THE RELEASE OF THE REQUEST FOR PROPOSALS FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES

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

THAT, the release of the Request for Proposals for Workers' Compensation Third Party Administrator Services is hereby approved.

THAT, the Request for Proposals be advertised pursuant to the provisions of the RT Procurement Ordinance.

STEVE MILLER, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary