

**SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS
BOARD MEETING
February 22, 2010**

ROLL CALL: Roll Call was taken at 6:07 p.m. **PRESENT:** Directors Cohn, Dickinson, Hume, MacGlashan, Morin, Nottoli, Pannell, Sander, Tretheway and Chair Miller. **ABSENT:** Director Hammond.

CONSENT CALENDAR

1. Motion: Action Summary - Board Meeting of January 25, 2010
2. Resolution: Awarding a Contract to Diede Construction for 12th & I Light Rail Station Improvements (Cain)
3. Resolution: Approving the First Amendment to the City of Rancho Cordova Transit Operations and Maintenance Agreement, and the Second Amendment to the Allocation Agreement with the City of Rancho Cordova for Fiscal Year 2008 Congestion Mitigation and Air Quality Funds (Vanderkar)
4. Resolution: Approving an Easement Agreement for Storm Drain Pipelines with the Sacramento-Placerville Transportation Corridor Joint Powers Authority, Sacramento Regional Transit District and the City of Sacramento at Redding Avenue and 65th Street (Arnold)
5. Resolution: Authorizing Solicitation of Bids for Grade Crossing Modifications at Bradshaw Road (Austin)

Director Nottoli requested that staff inform the Butterfield/ Riviera East Community Association about the grade crossing modifications at Bradshaw Road.

ACTION: APPROVED - Director Nottoli moved; Director Hume seconded approval of the consent calendar as written. Director Sander abstained from Item 3. Motion was carried by voice vote. ABSENT: Director Hammond.

GENERAL MANAGER'S REPORT

6. General Manager's Report
 - a. Federal Updates
 - b. State Update
 - c. Monthly Performance Report (January 2010)
 - d. RT Meeting Calendar

Mike Wiley noted no change in the Federal update and introduced Mark Watts of Smith Watts who provided the current State update.

Steve Cohn noted that earlier in the day the Senate voted out the Jobs Bill with 62 votes which included the extension of SAFETEA-LU through the end of the year. The next step would be to go to the Conference Committee. Mike Wiley noted that the House previously approved a Jobs Bill, and it would go to Conference and then come back for a final vote with the House and Senate. The House version of the Jobs Bill included a similar level of funding in Stimulus 2 (Jobs Bill) that RT received a year ago for transit services and through the same formula programs. The Senate version has been changed several times, and staff will report back on the final version.

Mark Watts provided the most current State update to the Board members. Mr. Watts noted that the Senate Democrats prepared a plan, which was voted on by the Assembly today (February 22). The equivalent of 13 cents per gallon will be replacing all but a nickel of the equivalent amount of sales tax that has been lost. That excise tax will be largely dedicated to Proposition 42 -- highway STIP money and Proposition 42 - local road money, and in two years it will also start to fund some Caltrans rehabilitation projects. For transit, the Senate democratic proposal restored the diesel sales tax, which is worth about \$313 million in the 2010/11 year. The Senate democratic proposal would also appropriate, from a current balance, \$400 million directly for the State Transit Assistance program. Upon signature of the bill, if approved, there will be a \$400 million appropriation to carry transit agencies through the next year and a quarter, and at the end of FY 2011, the sales tax on diesel will then be dedicated to transit operations. One additional twist, to the benefit of transit, reduced the diesel excise tax and increased the rate on diesel to be equivalent and, now that diesel will be the funding base for transit that put out another 100 million dollars. Beginning in FY 2011/12 transit agencies will receive about \$350 million per year going forward purely for operations and that will allow money to be available to completely fund intercity rail at the state level which was another concern that many had.

Director MacGlashan asked what the approximate benefit to RT would be. Mike Wiley noted that RT would receive 2.7%. This percentage has traditionally been allocated to RT from the State wide allocation. Applying the 2.7% would be about \$10 - \$11 million a year. In FY 2012, that amount would be just under \$10 million on a going forward basis annually.

Director Dickinson asked about the vote in terms of percentage of excise tax? Mark Watts noted that 6.75 was the new diesel sales tax rate that is in both versions of the bill.

Director Pannell asked how South Line Phase 2 would be affected. Mike Wiley noted that RT will update its 20-year financial forecast with updated assumptions to make sure we understand what it projects into the future and how that might affect our rating to enter into the next phase of the New Starts process into Final Design.

Mike Wiley verbalized the rest of his written report.

Speaker: Leoma Lee

INTRODUCTION OF SPECIAL GUESTS

UNFINISHED BUSINESS

PUBLIC HEARING

NEW BUSINESS

7. Information: Mobility Advisory Council End of Year Report (Ham)

ACTION: None - Oral Presentation by Jan Zolin, Chair of the Mobility Advisory Council.

8. Whether or Not to Enter Into a Memorandum of Understanding with the Central Valley Jurisdictions to Plan a Regional Rail Service in the Merced/Sacramento Corridor, and Make Appointments to Same (Wiley)
 - A. Resolution: Authorizing the Regional Transit Board Chair to Enter into a Memorandum of Understanding with Central Valley Jurisdictions; and
 - B. Motion: Appointment of One Board Member and One Board Member Alternate to Represent Regional Transit on the Central Valley Working Group; and
 - C. Motion: Appointment of One Staff Member to Represent Regional Transit on the Central Valley Working Group

Speaker: Mike Barnbaum

ACTION: APPROVED - Director Cohn moved; Director Pannell seconded approval of the memorandum of understanding. In addition, Director Cohn moved; Director Pannell seconded approval of the nomination and election of Director Cohn as member and Director Hume as alternate. Chair Miller moved; Director Pannell seconded approval of the appointment of Mike Wiley as staff to serve on the Central Valley Working Committee. All motions were carried by voice vote. ABSENT: Director Hammond.

9. Information: FY 2010 Mid-Year Status Report on Operating Revenues and Expenditures with Projections to Year-End; FY 2011 Revenue Outlook, and a Re-Balancing Plan for the FY 2010 and FY 2011 Budgets (Brookshire)

Director Hume requested that staff provide, at the March 8 Board meeting, a table showing expenditures since 2003 as well as service levels over this time.

Speakers: Kathleen Mello Leoma Lee
 Jeffery Tardaguila Richard Seyman

ACTION: NONE- Introduced by Mike Wiley; Oral Presentation by Dee Brookshire. Ms. Brookshire advised the Board that RT's financial situation was not good and that staff continues to look at cost savings measures.

10. Resolution: Scheduling a Public Hearing for March 8, 2010 to Consider Service Reductions in Light of a Fiscal Emergency (Covington)

Speakers: Greg Geach Barbara Stanton Mike Thornton
 Mike Barnbaum Linda O'Neal

ACTION: APPROVED - Director Morin moved; Director Hume seconded approval of setting the public hearing for March 8, with the meeting start time at 4:00 p.m. and a location to be determined. As part of the motion, the Board directed staff to bring back some fare increase information. Motion was carried by roll call vote. AYES: Directors Dickinson, Hume, MacGlashan, Morin, Nottoli, Pannell, Sander, Tretheway and Chair Miller. NOES: None. ABSENT: Directors Hammond and Cohn.

Director Sander noted that he will be out of state during the March 8th meeting but would be happy to telephone conference in, or send his alternate. Legal Counsel will look into whether RT has telephonic rules in their Board procedure.

Director Nottoli suggested that since we will be looking for larger rooms for March 8th, that we also do so for March 22.

REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS

11. Chair's Comments (Miller)

Chair Miller noted that he felt it important to communicate with the employees to realize the value of the work they do as well as communicate open and clearly to the employees.

12. Paratransit Board Meeting - January 28, 2010 (Hammond/Pannell)

There were no additional comments to the written report.

13. Capitol Corridor Joint Powers Authority Meeting - February 17, 2010

(Cohn/Dickinson)

There were no additional comments to the written report.

Speaker: Mike Barnbaum

PUBLIC ADDRESSES THE BOARD ON MATTERS NOT ON THE AGENDA

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 8:35 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	3/08/10	Open	Action	2/15/10

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>
Hall, Melanie	\$54,999.95	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when passenger fell deboarding bus.
Washington, Latrecia	\$86,200.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when passenger was struck by doors while deboarding bus.
Singh, Singh B.	\$180,000.00	<u>Rejection of Claim:</u> Claim is for injuries sustained while deboarding LRV, ramp fell on both legs.
McEntee, Pauline	\$305,000.00	<u>Rejection of Claim:</u> Claim is for injuries allegedly sustained when claimant fell onboard RT bus.
Byers, Carol	\$2,579,002.82	<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	03/08/10	Open	Action	02/15/10

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	3/08/10	Open	Action	02/01/10

Subject: Application for Leave to Present Late Claim

ISSUE

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

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>
ICBC Insurance		<u>Rejection of application for Leave to Present Late Claim:</u> Claimant requests relief from the late claim requirements due to the fact that they had no knowledge of the filing requirements. Claimant alleges that their insured was involved in a collision with a RT bus on 5/27/2009.

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 claim is currently under investigation to determine if RT has any liability. 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	03/08/10	Open	Action	02/19/10

Subject: Amending Personal Services Contract (William Harder)

ISSUE

Whether or not to approve the First Amendment to the Temporary Employment Contract with William Harder for video systems and fiber optics planning and installation services.

RECOMMENDED ACTION

Adopt Resolution No. 10-03-_____, Approving the First Amendment to the Temporary Employment Contract with William Harder for Video Systems and Fiber Optics Planning and Installation Services.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	189,000
Budget Source:	Capital	Next FY:	\$	100,000
Funding Source:	Federal FY 07 TSGP	Annualized:	\$	144,500
Cost Cntr/GL Acct(s) or Capital Project #:	H020.21GN-00-INST	Total Amount:	\$	289,000
Total Budget:	\$ 289,000			

DISCUSSION

RT entered into RT's contract with William Harder on October 5, 2009 with a not-to-exceed amount of \$50,000. The Contractor is providing construction management, project planning and installation services for RT's federally-funded video and fiber optics system implementation project. The scope of this project is focused on the installation of security cameras at light rail stations to enhance RT's video surveillance system. The project scope also includes installation of fiber optic "laterals" to connect light rail stations not yet served by RT's high-speed fiber optic communications backbone. These lateral connections are necessary to support the additional information (band-width requirements) from security cameras, plus the planned Passenger Information Signs and Public Address Systems. This amendment is necessary because the total consideration under the Contract will soon be exhausted.

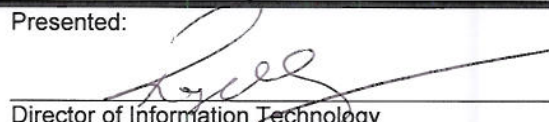
The California Emergency Management Agency, which administers Federal Transit Security Grant Program (TSGP) funds in California, has communicated to RT that TSGP funds may not be used to supplant existing RT personnel from RT's operating budget. These conditions are documented in the U.S. Department of Homeland Security's 2006 Financial Management Guide, pages 15-16. RT continues to explore the possible use of TSGP funds to supplant operating expenses. Staff recommends increasing the not-to-exceed amount of the Contract by \$75,000 to \$125,000.

Approved:



General Manager/CEO

Presented:



Director of Information Technology

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RESOLUTION NO. 10-03-_____

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

March 8, 2010

**APPROVING THE FIRST AMENDMENT TO THE TEMPORARY
EMPLOYMENT CONTRACT WITH WILLIAM HARDER FOR VIDEO SYSTEMS
AND FIBER OPTICS PLANNING AND INSTALLATION SERVICES**

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

THAT, the First Amendment to the Temporary Employment Contract between Sacramento Regional Transit District, therein referred to as "RT", and William Harder, therein referred to as "Contractor", whereby the Contract not-to-exceed amount is increased by \$75,000, to \$125,000, is hereby approved.

THAT, the Chair and General Manager 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	03/08/10	Open	Action	02/23/10

Subject: Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for properties located at: 4801 Cosumnes River Blvd, 3413 Jola Circle and 7719 Laurie Way

ISSUE

Setting a public hearing to consider adoption of resolutions of necessity for properties located at: 4801 Cosumnes River Blvd. (APN: 117-0011-016); 3413 Jola Circle (APN: 053-0053-007) and 7719 Laurie Way (APN: 053-0064-012) Sacramento County, CA 95832.

RECOMMENDED ACTION

- A. Adopt Resolution No. 10-03 - _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at: 4801 Cosumnes River Blvd, Further Identified as Sacramento County Assessor's Parcel Number 117-0011-016.
- B. Adopt Resolution No. 10-03 - _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at: 3413 Jola Circle, Further Identified as Sacramento County Assessor's Parcel Number 053-0053-007; and
- C. Adopt Resolution No. 10-03 - _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at: 7719 Laurie Way, Further Identified as Sacramento County Assessor's Parcel Number 053-0064-012.and

FISCAL IMPACT

None

DISCUSSION


The Properties located at 4801 Cosumnes River Blvd (Sacramento County Assessor's Parcel Number – "APN": 117-0011-016); 3413 Jola Circle (APN: 053-0053-007) and 7719 Laurie Way (APN: 053-0064-012), Sacramento County, CA 95832, "Subject Properties" are needed for construction of RT's South Sacramento Corridor Phase 2 Project (SSCP2).

In January 2010, pursuant to authority granted by the Board, RT made formal offers in the amounts identified in the approved appraisals to the owner(s) of record to purchase the Subject Properties pursuant to Government Code Section 7267.2. RT title records indicate that at the time RT made the formal offers two (2) of the three (3) subject properties (B and C referenced above) were in mortgage default and may be moving towards foreclosure. Because the legal vested record title holder is unclear, staff recommends commencement of eminent domain

Approved:


General Manager/CEO

Presented:


Director of Real Estate

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	03/08/10	Open	Action	02/23/10

Subject: Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for properties located at: 4801 Cosumnes River Blvd, 3413 Jola Circle and 7719 Laurie Way

proceeding to secure RT's vested interest in those portions of the subject properties required for construction of the SSCP2 Project. The remaining subject property (A referenced above) 4801 Cosumnes River Blvd (APN: 117-0011-016) has reached impasse with RT. Therefore staff recommends commencement of eminent domain proceedings to secure RT's interest in the subject property required for construction of the SSCP2 Project. RT staff will continue to negotiate with all subject property owners of record.

State law requires that RT hold a public hearing regarding its intent to adopt a resolution of necessity prior to filing an action in eminent domain, give notice to all persons listed on the last equalized County assessment roll, and allow at least 15 days for owners to respond to the notice. At the hearing, staff will present the need and necessity for the property. Owners and others with any interest in the property will be given an opportunity to be heard. Owners who wish to speak at the Hearing must provide RT notice of their intent prior to the hearing date. Adoption of the resolution of necessity requires a two-thirds vote of the Board.

The action Staff wishes the Board to consider today is setting the date and time for the public hearing, which will be held at the regularly scheduled Board meeting on March 22, 2010. Staff recommends approval of the attached resolutions setting a public hearing for adoption of a resolution of necessity for the properties located at: 4801 Cosumnes River Blvd (APN: 117-0011-016); 3413 Jola Circle (APN: 053-0053-007) and 7719 Laurie Way (APN: 053-0064-012), Sacramento County, CA 95832.

RESOLUTION NO. 10-03-_____

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

March 8, 2010

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 4801 COSUMNES RIVER BLVD.,
FURTHER IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 117-0011-016**

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

THAT, a public hearing is set for April 12, 2010 to hear public testimony regarding adoption of a resolution of necessity for the property located at 4801 Cosumnes River Blvd, Sacramento County CA, 95832, (further identified as Sacramento County Assessor's Parcel Number 117-0011-016) owned by IJAZ Corporation.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

RESOLUTION NO. 10-03-_____

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

March 8, 2010

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 3413 JOLA CIRCLE, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0053-007**

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

THAT, a public hearing is set for April 12, 2010 to hear public testimony regarding adoption of a resolution of necessity for the property located at 3413 Jola Circle Sacramento County CA, 95832, (further identified as Sacramento County Assessor's Parcel Number 053-0053-007) owned by Lekhika Prasad, et al.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

RESOLUTION NO. 10-03-_____

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

March 8, 2010

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 7719 LAURIE WAY, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0064-012**

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

THAT, a public hearing is set for April 12, 2010 to hear public testimony regarding adoption of a resolution of necessity for the property located at 7719 Laurie Way Sacramento County CA, 95832, (further identified as Sacramento County Assessor's Parcel Number 053-0064-012) owned by Wells Fargo Bank (Carrington Mortgage).

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary