



STAFF REPORT

DATE: February 10, 2020
TO: Sacramento Regional Transit Board of Directors
FROM: Cindy Brooks, Clerk to the Board
SUBJ: APPROVAL OF THE ACTION SUMMARY OF JANUARY 13, 2020

RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS
BOARD MEETING
January 13, 2020**

ROLL CALL: Roll Call was taken at 5:30 p.m. PRESENT: Directors Budge, Hansen, Harris, Howell, Hume, Jennings, Miller, Nottoli, Schenirer, Serna and Chair Kennedy.

1. PLEDGE OF ALLEGIANCE

2. CONSENT CALENDAR

- 2.1 Motion: Approval of the Action Summary of December 9, 2019
- 2.2 Conditionally Approving Easements for Sacramento County to Acquire Easements for the County Project “DOT – Folsom Boulevard Complete Streets Phase I Project” (T. Canfield/B. Bernegger)
 - A. Resolution: Conditionally Approving an Easement Agreement with Sacramento County for the DOT-Folsom Blvd. Complete Streets Phase I Project; and
 - B. Resolution: Conditionally Granting Concurrence to an Easement Agreement Between the Sacramento-Placerville Transportation Corridor Joint Powers Authority and Sacramento County for the DOT-Folsom Blvd Complete Streets Phase I Project
- 2.3 Resolution: Adopting a Mitigated Negative Declaration Under the California Environmental Quality Act for the Folsom Light Rail Modernization Double Track Project (L. Ham)
- 2.4 Resolution: Repealing Resolution No. 19-10-0112 and Modifying the Termination Effective Date of the ADA Paratransit Service Agreement with Paratransit, Inc. to On or About June 30, 2020 (L. Ham)

Speaker: Item 2.4 – Jeffery Tardaguila

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

3. INTRODUCTION OF SPECIAL GUESTS

4. UNFINISHED BUSINESS

5. PUBLIC HEARING

6. PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA

Speakers:

Mike Barnbaum – Mr. Barnbaum mentioned that SacRT and the Yolo County Transit District’s holiday schedule for two dates (Martin Luther King Day and President’s Day) are different and he hopes that the two entities can come to a mutual agreement on the holiday service schedule relative to the Causeway Connection so that there is no confusion to passengers.

Rosalie Rashid – Ms. Rashid challenged the Board to ride public transit and post their pictures on social media. SacTRU will be monitoring and updating the results.

Jeffery Tardaguila – Mr. Tardaguila noted that he saw a Route 38 driver try to pick up and drop off passengers on the street where there were no stops. Mr. Tardaguila encouraged the Board to ride transit. Mr. Tardaguila believes the Board members should know about signage and pilot projects, and encouraged the members to ask for an evaluation of the projects. Mr. Tardaguila noted a problem with SmART Ride because it only allows the use of one side of Broadway because of the way the boundaries were created. Mr. Tardaguila wants to know if the messaging signs have a second time clock in them, and noted that the SacRT website needs to be updated.

Director Serna noted that it is exceptionally important that SacRT makes real time adjustments to the website and all its information platforms.

Sarah Kerber – Ms. Kerber expressed the concerns of SacTRU regarding the removal and impact to bus stops and shelters as a result of construction in the region. Ms. Kerber indicated that due to the City’s Street project, SacRT has lost several bus stops on J Street without any notice to riders, and this has caused confusion to riders. Relocated bus stops/shelters are being placed in less than ideal areas, and may cause significant bus bunching. SacTRU is asking the individual Board members to go back to their jurisdictions and direct staff to update their existing processes so that any time a project impacts a public transit stop, the jurisdiction is required to notify SacRT so that riders can be informed.

Felix Huerta, Jr.* - Mr. Huerta is the OE3 Representative assigned to represent the Administrative Employees Association (AEA) employees negotiating their contract with SacRT. Mr. Huerta submitted a letter last year to request a meet and confer meeting with SacRT for the wages, benefits and conditions of employment to remain in status quo during their negotiations. Mr. Huerta indicated that conditions of employment were changed that eliminated the existing policies and procedures, aka Personnel Rules of Procedure (PRP)” and a new set of policies and procedures were created as the “Personnel Policy Manual (PPM).” Mr. Huerta indicated that OE3 has filed a lawsuit

because the PRP were changed and that the case is currently before the court. Mr. Huerta indicated that SacRT staff submitted their last, best and final offer (LBFO) on October 17th. Mr. Huerta believes that OE3 continues to make concessions and that there is no impasse as yet. Mr. Huerta noted that staff has advised him that if the LBFO is not accepted, then Staff is prepared to bring an item to the Board for approval on January 27, even though staff is not currently bargaining with OE3.

Deep Grewal – Mr. Grewal explained the composition of the Administrative Employees Association (AEA). Mr. Grewal indicated that the AEA has been challenged by the District soon after they declined additional financial sacrifices. As a self-represented group, they felt they needed to unionize; now being represented by Operating Engineers, Local 3. Mr. Grewal indicated that negotiations have come to a halt over a handful of outstanding articles which are financial in nature. Mr. Grewal believes the proposals deter and prevent the District from attracting, hiring and retaining respectable professionals. Mr. Grewal indicated that in business it is know that every penny counts, and that every relationship counts as well.

Linda Minder* - Ms. Minder is unable to get from Sunrise and Sunset to the Sunrise Light Rail Station. She indicated that she has to take a Route 21 through the community to get to Mather, and her connection is sometimes missed. She spoke to an operator who told her that the Route 91 previously provided her requested service, and she would like to see that service reinstated.

David Solomon – Mr. Solomon noted that he was previously employed by SacRT, and was the Vice Chair of the AEA until he was laid off. Mr. Solomon noted that SacRT is fortunate to be able to operate with a small administrative staff and large operations staff. Mr. Solomon noted that SacRT needs to do what they can to retain the individuals who are sole individuals in their respective positions or areas of expertise, or lose the institutional knowledge they hold on behalf of SacRT. Mr. Solomon encouraged the Board to do what is right for these professional employees in OE3 and for the rest of the employees in the organization.

7. NEW BUSINESS

- 7.1 Motion: Chair and Vice Chair of the SacRT Board of Directors for 2020
(C. Brooks/S. Valenton)

ACTION: APPROVED - Director Jennings moved; Director Budge seconded approval of the nomination and election of Steve Hansen as Chair and Steve Miller as Vice Chair of the SacRT Board for 2020. Motion was carried by voice vote.

- 7.2 Board and Commission Appointments (S. Valenton)

- A. Motion: Appointing Two SacRT Board Members and Two SacRT Board Member Alternates to the Capitol Corridor Joint Powers Authority; and

- B. Motion: Appointing One SacRT Board Member and One SacRT Board Member Alternate to the Sacramento Placerville Transportation Corridor Joint Powers Authority; and
- C. Motion: Appointing One SacRT Board Member and One SacRT Board Member Alternate to the Downtown-Riverfront Streetcar Project Policy Steering Committee; and
- D. Motion: Appointing One SacRT Board Member, One SacRT Board Member Alternate to the San Joaquin Joint Powers Authority; and
- E. Motion: Appointing One SacRT Board Member to the San Joaquin Regional Rail Commission Stations/Development Committee; and
- F. Chair Appointment of Two Board or Management Staff Members to Retirement Board; and
 1. ATU, IBEW, OE3, MCEG and AFSCME
- G. Motion: Appointing Two Representatives to the Paratransit Board of Directors

- A. **ACTION: APPROVED – Chair Kennedy moved; Director Budge seconded approval of the appointment of Directors Howell and Miller to the Capitol Corridor Joint Powers Authority with Directors Hansen and Chair Kennedy as alternates. Motion was carried by voice vote.**
- B. **ACTION: APPROVED – Chair Kennedy moved; Director Harris seconded approval of the appointment of Director Budge as representative and Director Nottoli as alternate to the Sacramento Placerville Transportation Corridor Joint Powers Authority. Motion was carried by voice vote.**
- C. **ACTION: APPROVED – Director Hansen moved; Chair Kennedy seconded approval of the appointment of Director Harris as representative and Director Budge as alternate to the Downtown-Riverfront Street Car Policy Steering Committee. Motion was carried by voice vote.**
- D. **ACTION: APPROVED – Chair Kennedy moved; Director Miller seconded approval of the appointment of Director Hume as representative and Director Nottoli as alternate to the San Joaquin Joint Powers Authority. Motion was carried by voice vote.**
- E. **ACTION: APPROVED – Director Hume moved; Director Serna seconded approval of the appointment of Director Hansen to the San Joaquin Regional Rail Commission Stations/Development Committee. Motion was carried by**

voice vote.

- F. ACTION:** Chair Kennedy moved to appoint General Manager Li as Representative and Director Jennings as alternate to renew their terms on the SacRT Retirement Board for ATU, IBEW, AEA/OE3, MCEG, and AFSCME. Director Howell seconded the appointment. Motion was carried by voice vote. Note: Chair Kennedy will continue to serve his term until December 31, 2021.
- G.** Director Hansen noted that he intends to continue to be engaged in the paratransit issues given his role on the Paratransit Inc. (PI) Board and hopes that Director Hume does as well, and congratulated Director Hume on the completion of his position as President of the PI Board. Director Hansen also noted that the appointment of members to the PI Board is for approximately 6 months, since the 4 party agreement ends July 1, 2020.

ACTION: NONE - Director Hansen moved; Director Serna seconded the nomination of Charles Johnson of the Mobility Advisory Council and Lisa Hinz, VP of Safety, Security and Customer Satisfaction to the PI Board of Directors.

Director Hume provided a substitute motion (below) and explained that at the last PI Board meeting there was some concern from Paratransit Counsel that having SacRT employees as representatives on the PI Board overseeing the transition might be potential conflict of interest. Additionally, Director Hume noted that other members of the PI Board had expressed interest in him continuing to serve. Chair Kennedy seconded the substitute motion.

Olga Sanchez-Ochoa, SacRT Legal Counsel, explained that under the statutory rules that govern non-profits, a Board of Director would have a conflict if they were to materially financially gain from an action. Ms. Sanchez-Ochoa does not see any circumstance in which a SacRT employee would materially financially gain from any action. The statute does not say they cannot serve on the Board, it states that they would have to recuse themselves if there is a material financial conflict.

Chair Kennedy, as seconder of Director Hume's substitute motion, noted that he believes that continuity is best at this time and that Director Hume brings that continuity, and is very pleased to have MAC representation on the PI Board.

Director Hansen noted that he has spent time with CEO Tiffani Fink and General Manager Henry Li to come to an agreement on the terminate date of the PI contract, and that both Boards have ratified that arrangement. He indicated that having a SacRT Board member on the PI Board, who may be lobbied by individuals with resources, is not appropriate at this time. Director

Hansen believes it is time to allow the staff to work through matters without the Board getting involved, and encouraged the Board members to reject the substitute motion and approve the original motion.

ACTION: APPROVED – Director Hume provided a substitute motion; Chair Kennedy seconded the substitute motion of the appointment of Director Hume and Charles Johnson of the Mobility Advisory Council to the Paratransit Board of Directors. Motion was carried by roll call vote. Ayes: Directors Budge, Howell, Hume, Miller, Nottoli and Chair Kennedy. Noes: Directors Hansen, Harris, Jennings and Schenirer. Abstain: Director Serna. Absent: None.

Speaker: Mike Barnbaum

8. GENERAL MANAGER’S REPORT

- 8.1 General Manager’s Report
 - a. State Legislative Report – Mark Watts, Smith, Watts & Hartmann
 - b. Federal Legislative Report – Jeff Boothe & Julie Minerva, Carpi & Clay, Inc.
 - c. SacRT Meeting Calendar

Mr. Li noted that in December Staff and the Holiday Bus participated in the 37th annual Santa Parade and offered free rides to parade attendees; donated one of the cut-away buses to the non-profit, Asian Resources, Inc. (ARI) who uses the bus to coordinate adult transportation services; and partnered with Visit Sacramento on New Year’s Eve to offer free rides to celebrate. SacRT provided a tour of the Railyards and Railroad District to staff of the California State Transportation Agency (CalSTA) to showcase SacRT’s zero emission buses. Mr. Li indicated that this week SacRT will be submitting a \$130 million grant request to the CalSTA’s Transit and Intercity Rail Capital Program. Mr. Li also shared photos of the press conference for the launch of the Airport Express bus, as well as noting the launch of the SmART Ride service to six new zones.

Mr. Li noted that Director Schenirer testified in front of the Assembly Transportation Committee regarding SacRT’s Free Ryde Program for Students. Assemblywoman Gonzalez is bringing a bill forward at the State level that would make all California rides on transit free for those under 18.

Julie Minerva of Carpi & Clay, Inc. noted that the Federal budget is fully funded. Congress passed, and the President signed, an omnibus appropriations bill for fiscal year 2020 just before the Christmas break.

Jeff Boothe of Infrastrategies focused on the Capital Investment Grants (CIG) program which is where rail projects and bus rapid transit projects are located. The CIG program competes with a number of other general funded activities in the bill. The

program was reduced by \$500 million from last year and some \$300 million below the authorization bill. Mr. Boothe noted that the discretionary grant program will be programmed at \$1 billion, and the fuels tax credit was being rolled back to January 1, 2018, so that substantial amount of money will be effective through the conclusion of this calendar year.

Ms. Minerva noted that the President is due to release his fiscal year 2021 budget proposal on February 10 which is earlier than usual. Ms. Minerva and Mr. Boothe will be working with SacRT's congressional delegation on programmatic requests, and will also work on the Fast Act reauthorization, which expires at the end of September 2020.

Mark Watts of Smith, Watts & Hartmann noted that the Governor has issued his State budget, and he expects the Governor's State of the State address to be coming soon. The released State budget stayed true to the promises in SB1 and that the Public Transportation Account had a \$50 million increase year to year which was attributed to the amount of sales of diesel fuels. The Governor appointed CalSTA Secretary Kim and SacRT has developed a very good relationship with Secretary Kim. Mr. Watts noted that the two keys things have happened – the Executive Order directing the Department of Finance at Caltrans to try to bring transportation funding in line with State goals on climate in the environment, and the Governor issued a homelessness and housing Executive Order to identify unused facilities that could be used for rent or other means of providing housing and shelter. Mr. Watts indicated that looking forward there are two items he will be working on – bus on shoulder language and Public Employees Reform Act (PEPRA) exemption language.

Director Schenirer asked Mr. Watts to keep track of Assembly Bill 1350 (Gonzalez), and to check in with the City of Sacramento Lobbyist.

Olga Sanchez-Ochoa provided an overview of the Legislation that SacRT has drafted regarding PEPRA. The language deals with a problem that SacRT has with retention and recruitment with particularly mid-career employees. SacRT became subject to PEPRA on December 30, 2014 and under PEPRA there are two types of public employees for pension purposes (classic and new employees). Classic employees are individuals who were hired before January 1, 2013 by the agency they work for and were participants in their pension plan before that date. New employees are subject to all of the terms of PEPRA. One of the problems that PEPRA has created for SacRT is a compensation cap that is different from the IRS compensation cap. Under the IRA compensation cap, for purposes of determining someone's pensionable compensation, the cap is set at \$230,000, but under PEPRA it is set at \$126,000. As a result new employees coming to SacRT have their pensionable compensation capped at \$126,000. Because SacRT does not have reciprocity, and is not in CALPERS, then SacRT has trouble retaining and recruiting employees. Included in the draft language is the exemption from the prohibition on air time so that an employee who came to SacRT from another agency would be eligible, if not vested at their previous employer, to purchase air time up to 5 years. That is why SacRT wants to pursue this exemption in PEPRA.

Director Nottoli asked Ms. Sanchez-Ochoa to clarify the proposed air time language. Ms. Sanchez-Ochoa stated that this language would exempt only SacRT, and no other jurisdictions.

Speaker: Jeffery Tardaguila

9. REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS

9.1 Paratransit Inc. Special Board Meeting – December 18, 2019
(Hansen/Hume)

There were no additional comments.

10. CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)

11. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Speaker Item 13B: Felix Huerta

12. RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:45 p.m.

13. CLOSED SESSION

13A. Conference with Legal Counsel
Pursuant to Section 54956.9
Existing Litigation

1) Gautier v. RT (Case No. 34-2018-00234834)

13B. Conference with Labor Negotiator
Pursuant to Section 54957.6
District Negotiator: Hilda Herrera, Manager, Labor Relations

1) Employee Organization: OE3

14. RECONVENE IN OPEN SESSION

15. CLOSED SESSION REPORT

There was no Closed Session Report.

16. ADJOURN

*Handout

As there was no further business to be conducted, the meeting was adjourned at 7:28 p.m.

STEVE HANSEN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary