

STAFF REPORT

DATE: May 9, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Tabetha Smith, Clerk to the Board
SUBJ: APPROVAL OF THE ACTION SUMMARY OF APRIL 11, 2022

RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS
BOARD MEETING
April 11, 2022**

ROLL CALL: Roll Call was taken at 5:31 p.m. via Zoom. PRESENT: Directors Budge, Harris, Howell, Hume, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller. Absent: Director Kennedy. Director Jennings joined the meeting at 5:36p.m.

1. PLEDGE OF ALLEGIANCE

2. CONSENT CALENDAR

- 2.1 Motion: Approval of the Action Summary of March 28, 2022
- 2.2 Resolution 2022-04-034: Authorizing the General Manager/CEO to Release the Sacramento Regional Transit District Preliminary Fiscal Year 2023 Operating and Capital Budget, and Set a Notice of a Public Hearing for May 9, 2022 (J. Adelman)
- 2.3 Resolution 2022-04-035: Approving the First Amendment to the Contract for Breath Alcohol Testing and Urine Specimen Collection Services (S.Valenton)
- 2.4 Resolution 2022-04-036: Repeal Resolution 05-02-0020 and Authorize Cash Management and Banking Procedures (J. Adelman)
- 2.5 Resolution 2022-04-037: Approve the First Amendment to Whiting Corporation Contract for Car Hoist System Modification (E. Stanley)
- 2.6 Resolution 2022-04-038: Repeal Resolution 02-06-0158 and Adopt Workers Compensation Claim Settlement Authority (J. Adelman)
- 2.7 Resolution 2022-04-039: Delegating Authority to the General Manager/CEO to Approve and Execute Information Technology Procurement Contracts over \$150,000 for the Q Street Administrative Building Project (S. Valenton / L. Ham)
- 2.8 Resolution 2022-04-040: Approving a Sole Source Procurement and the Second Amendment to Contract for Transit Watch Mobile Application with Elerts Corporation (D. Selenis)

Director Howell moved; Director Harris seconded approval of the Consent Calendar as written. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Jennings, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller. Noes: None; Abstain: None; Absent: Director Kennedy.

3. INTRODUCTION OF SPECIAL GUESTS

4. UNFINISHED BUSINESS

4.1 Motion: Roseville Road Light Rail Station Safe Parking Proposal Update (C. Flores / L. Hinz / O. Sanchez-Ochoa)

Item 4.1 was on the Agenda as a Motion item but was changed to an Information Item.

Chris Flores referenced the October board meeting when the Board delegated authority to the SacRT General Manager/CEO to negotiate a three-party lease agreement between Caltrans, the City of Sacramento and SacRT for a temporary safe parking program at the Roseville Road light rail station. Mr. Flores explained that SacRT has had many meetings to finalize the details and staff would like to update the Board on progress as well as share additional new information received last Friday regarding the project. Mr. Flores gave a brief description of the Roseville Road Station and shared a slide which showed anticipated utilization of the location. He also stated that SacRT currently utilizes the area via an encroachment permit from Caltrans. Mr. Flores highlighted a few of the program operational guidelines which were agreed to by the City and SacRT in October.

Lisa Hinz stated that when the Board delegated authority to the General Manager to finalize a lease agreement, staff was directed to seek a Public Safety Zone that was as large as possible, but also legally defensible. Ms. Hinz shared a draft map of the Public Safety Zone that the City provided to SacRT. She explained it was also understood that any camping or storing of public property within the Public Safety Zone would be prohibited and strict enforcement would occur. City staff has since changed the language in the lease pertaining to enforcement and the City now only intends to enforce within the Public Safety Zone if an individual is urinating, defecating, or blocking the public right of way.

Ms. Hinz provided information regarding the X Street Navigation Center that has an established Public Safety Zone. She then shared a slide of an unhoused encampment and stated that despite the Public Safety Zone boundaries, the City has not enforced this non-sanctioned encampment. Currently, SacRT Police Services is not allowed to enforce the City of Sacramento's Critical Infrastructure Ordinance and that SacRT has a major safety concern that there will be an increase in encampments near the tracks, bridges and stations that may result in severe damage to the property or to themselves.

Ms. Hinz referenced the Critical Infrastructure Ordinance List that was passed by the City of Sacramento in July which includes SacRT's light rail stops, parking lots, bridges, and tracks. The City can remove encampments established within 25 feet of these locations but, SacRT has not seen enforcement and is hoping to better collaborate on protecting shared assets.

Olga Sanchez-Ochoa reiterated Mr. Flores and Ms. Hinz statements of concern regarding the issue of removing homeless encampments that crop up outside the Safe Parking site.

The City has said that because of *Martin v. Boise*, they cannot remove encampments, unless they are within 25 feet of critical infrastructure, which includes SacRT tracks and bridges, but does not cover the entirety of SacRT's station, including the park n ride lot and immediately surrounding areas. The City has advised that they have had to deal with many lawsuits related to relocation of unhoused individuals and they have concerns if encampment are removed it will trigger more lawsuits. The City made clear that the only thing they can do in those areas is cite trespassers for unlawful behavior.

Ms. Sanchez-Ochoa stated that the City has asked SacRT to take on the liability associated with the removal of homeless encampments by asking the SacRT Board to direct SacRT Police Services Officers to remove encampments from SacRT property that fall outside the critical infrastructure zone. This shifting of liability will result in SacRT incurring unexpected costs and undermines the stated desire among some Board members to ensure that the City fully indemnify SacRT under this project. It also diverts critical funds away from providing transit service, to cleaning up homeless encampments, which is not SacRT's core business. If SacRT takes on this responsibility, in addition to exposing SacRT to lawsuits, it will overburden SacRT's police force.

Mr. Flores concluded by asking the Board for guidance as SacRT works to finalize the lease agreement. He highlighted several additional unresolved issues that are of concern and included that the City of Sacramento staff recently has told SacRT staff they do not have funds to launch additional safe parking operations including a Franklin Light Rail safe parking program.

Director Harris understands SacRT's position and stated the concerns are well founded. He shared a situation at the 5th and W. Street safe ground site where campers started camping in the immediate vicinity and it caused problems. He doesn't think SacRT should move forward with the project unless the City is willing to test *Martin v. Boise* in terms of keeping a defensible perimeter.

Director Hume echoes all that Director Harris has said and asked if SacRT has looked at what the limitations of *Martin v. Boise* are relative to alternative enforcements, such as camping, being permitted but during certain hours which is something that has been done by the City of Sacramento in areas surrounding City Hall.

Ms. Sanchez-Ochoa replied that it has been looked at internally, but SacRT has not talked to the City about it. *Martin v. Boise* does not apply to SacRT because SacRT is not a municipality. She then explained that if SacRT had their own law enforcement, they could move everybody at any time, but it is a challenge because SacRT relies on the City's police force to enforce the laws at SacRT stations. The other issue is that operation hours would complicate allowing camping during certain hours.

Director Hume asked if there would be greater legal analysis going forward.

Ms. Sanchez-Ochoa replied yes.

Director Valenzuela provided details on current safe ground sites and then had some follow up questions. She asked if somebody were to start camping in a SacRT parking lot or on the station who would ask them to leave.

Ms. Hinz replied if in a SacRT parking lot, there are rules and ordinances and it could be SacRT Police Services, a security guard, a transit ambassador or a SacRT employee.

Director Valenzuela clarified that SacRT is asking the City to take over the enforcement of the parking lot and station area and this is what the City is saying no to.

Ms. Hinz stated that the City established a safety priority zone, and that zone is where SacRT is asking the City to enforce no encampments and she believes SacRT staff received this direction from the Board.

Director Valenzuela asked if there was a map to the zone and stated she does not understand why the City would not enforce no encampments on property that is not SacRT's.

Ms. Hinz responded that she believes it is the safety priority zone which is not SacRT property rather it is Caltrans property and the City of Sacramento's property and something that was promised to SacRT at the onset of this project.

Director Valenzuela stated the City is unable to enforce on Caltrans property without an agreement from Caltrans. Then for clarification purposes, to move forward, Director Valenzuela asked if what is needed is an agreement from Caltrans for enforcement of that area, specifying who will be enforcing no encampments as well as confirmation of who will be enforcing no encampments on the City property that is within the legally defined safety zone around the perimeter. She thanked Ms. Hinz for nodding her head in agreement and is happy to follow up so this can move forward.

Director Schenirer was unaware of the challenges and negotiations and wished there had been some conversations and knowledge about the situation in advance. He would like to continue working on this project and feels this is still an opportunity site for the unhoused. He is willing to sit down with whomever to work towards solutions to the challenges.

Ms. Sanchez-Ochoa stated this information item will be brought back to the Board. Staff wanted to start raising the issues and challenges to ensure that SacRT is a good partner. SacRT does not want to end up in a position where all resources go to managing the problems that could potentially spring from the individuals coming in outside of the safe parking zone that the City has told SacRT they cannot move.

Director Serna appreciates the work that SacRT staff has put into this project and said this should be looked at two ways. There is an opportunity for what is an obvious crisis when it comes to unsheltered constituents and then how best to simultaneously apply a compassionate continuum of care but also respect the impacts that come with trying to do

that. Director Serna is thankful that Director Valenzuela has outlined a to-do list so that by the time this comes back there can be thoughtful discussion about the pros and cons.

Chair Miller stated the desire to help is genuine and understands the concerns regarding the safety zone and enforcement around it. He understands jurisdictional issues but, if it was not for putting unhoused individuals there, SacRT would not need the extra security which makes it worth discussing.

Public comment was taken by phone from Jeffery Tardaguila and Glenn Mandelkern.

Mr. Tardaguila is concerned about the growing number of encampments in Sacramento. He thinks it will be a problem for Roseville Road Safe Parking to only allow 100 individuals into the site with three times that amount currently camping in that area. He suggested having a SacRT representative get involved in what is happening with the unhoused so they are informed and can begin to address the problem.

Mr. Mandelkern shared a story and recalled a SacRT program from approximately five years ago which appeared to be a community service program. He then proposed an idea with the basic philosophy that the very people who are creating the problem can be part of the solution by cleaning up the area.

5. PUBLIC HEARING

6. PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA

Public comment was taken by phone from Ronnie Miranda and Jeffery Tardaguila.

Mr. Miranda was concerned with his Smart ride issues not being addressed.

Chair Miller offered to have customer service reach out to Mr. Miranda, but he declined.

Mr. Tardaguila appreciated that the bus routes 88 and 86 are now acknowledged as starting at 11th and J Street. He requested corrections be made to the SacRT library for several non-operational and operational routes. He then asked for an update on electronic bulletin boards and mentioned that the connect cards have not worked in many locations.

7. NEW BUSINESS

8. GENERAL MANAGER'S REPORT

- 8.1 General Manager's Report
 - a. Major Project Updates
 - b. Capitol Corridor JPA Special Meeting Summary – March 23, 2022 (Miller)
 - c. SacRT Meeting Calendar

Mr. Li began his report addressing the national workforce shortage and shared SacRT has been working hard to streamline hiring practices, making it easier to apply, including hosting several in person hiring events. The last event had 162 attendees, 86 applied for positions and currently there are 69 in various phases of the hiring process which is a tremendous step towards filling vacant positions and eliminating trip cancellations.

Mr. Li acknowledged that April services adjustments have been implemented and to ensure the best service possible for customers, SacRT will be partnering with UZURV to provide additional support for SacRT GO. SacRT is planning to restore service back to 100% by September and Mr. Li asked for the community to help by providing public comment on the service adjustments proposed for September 2022.

Mr. Li announced that at the end of March, SacRT received the first delivery of 30 new Gillig low-floor buses which will improve the customer riding experience.

Mr. Li provided an update on the progress of several SacRT surplus properties and how SacRT has been progressing transit-oriented development (TOD) throughout the region.

On the legislative front, Mr. Li announced that last week the California Assembly Local Government Committee held a hearing on SacRT's enabling clean-up legislation, AB2015 and the legislation passed the committee 8 to 0. AB2015 has now been referred to the Assembly Committee on Public Employees and Retirement.

Mr. Li shared that the FTA released their FY22 apportionments for formula funding and the Sacramento region is set to receive approximately \$58.5 million in funding this fiscal year which is about a 36% increase of funding. He accredited the Bipartisan Infrastructure Law for the infusion on new federal funds. There is additional discretionary grant funding available that SacRT has been applying for which will be 67% more than before.

Mr. Li announced the Metro Chamber's 50th Annual Cap to Cap trip is next month, which represents an opportunity for the region to advocate in front of key law and policymakers especially for transit. A handful of SacRT Board members will be attending as well as Chris Flores and Devra Selenis.

Mr. Li concluded his remarks highlighting that last week, SacRT, in partnership with SACOG and the City of Sacramento received a \$500,000 Sustainable Transportation Planning grant from Caltrans. The funding will be used to further plan for an American River Crossing and this grant award will help position SacRT to be more competitive for hundreds of millions more funding in the future.

Director Harris thanked Mr. Li and complimented his high value of transit-oriented development. Director Harris stated it has been a pleasure working with Mr. Li and he is delighted that all the units will be open this year for students at Sacramento State University which will enhance ridership on SacRT and TOD developments are going to make SacRT more fully utilized and more efficient which is a testament to Mr. Li's mindset about bolstering the SacRT agency and ridership.

Public comment was taken from Jeffery Tardaguila.

Mr. Tardaguila questioned if John Garamendi is the representative for the Bureau of Transportation at the federal government.

9. **REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS**
10. **CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)**
11. **ANNOUNCEMENT OF CLOSED SESSION ITEMS**
12. **RECESS TO CLOSED SESSION**
13. **CLOSED SESSION**
14. **RECONVENE IN OPEN SESSION**
15. **CLOSED SESSION REPORT**
16. **ADJOURN**

As there was no further business to be conducted, the meeting was adjourned at 6:33 p.m.

STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary