

**West Contra Costa Transportation Advisory Committee
Meeting Minutes, 25 March 2011**

Members Present: Roy Swearingen, Chair (Pinole); Janet Abelson, Vice-Chair (El Cerrito); Courtland Boozé (Richmond); Genoveva Calloway (San Pablo); Tom Hansen (WestCAT); Don Kuehne (Hercules); Jeff Ritterman (Richmond); Joe Wallace (AC Transit). Absent: Joel Keller (BART), John Gioia (County).

Staff Present: Christina Atienza, Valerie Jenkins, Joanna Pallock, John Rudolph, Linda Young; Michael Rodriguez, Legal Counsel; Jack Hall, CCTA.

Location: San Pablo Council Chambers, 13831 San Pablo Avenue, San Pablo, CA 94806

1. **Call to Order and Self-Introductions.** *Chair Roy Swearingen* called the meeting to order at 8:01 a.m.
2. **Public Comment.** *Christina Atienza* introduced *Ross Chittenden*, CCTA's Deputy Executive Director for Projects. *Mr. Chittenden* spoke about his work at CCTA on I-80 ICM and HOT lanes, invited members of WCCTAC to participate in a field trip to learn more about express lane operations, and said he would attend WCCTAC meetings at least once per quarter. *Ms. Atienza* mentioned that including *Frank Furger*, Executive Director of the I-680 Express Lane Joint Powers Authority, in the HOT lanes tour would be productive. In recognition of *Ms. Atienza's* birthday, *Chair Swearingen* led the room in singing Happy Birthday.

CONSENT CALENDAR

ACTION: *Director Abelson* moved to approve all items; seconded by *Director Calloway*; and passed unanimously.

3. **Approve Minutes of Feb. 25 Board Meeting, and Receive Summaries of Feb. 25 Board and Mar. 10 TAC Meetings.**
4. **Program and Projects Status Report for Mar. 2011.**
5. **Financial Report for Feb. 2011.**
6. **Notice of Payment of Invoice Over \$10,000.**
7. **Approve Comment Letter to AC Transit's Proposed Comprehensive Fare Policy.**
8. **Approve Coordinated Programming of West County Additional Measure J Funds for Transportation for Livable Communities (TLC) and Pedestrian, Bicycle, and Trail Facilities (PBTF) with Countywide Counterpart Programs.**
9. **Richmond Parkway Transit Center (RPTC): a) Receive Update on Recent Activity, b) Support Feasibility Study to Flesh Out Uses, Operations and Maintenance (O&M) Responsibilities, and O&M Fund Sources, and c) Support Deprogramming of FY 2010-11 STIP Funding.**

10. Appointments to CCTA's Technical Coordinating Committee.

DISCUSSION ITEMS

11. Regional Transportation Plan (RTP) Call for Projects: Approve West County's Preliminary Program and Project Submittals to CCTA.

ACTION: *Director Abelson* moved to forward the three RTP lists to CCTA to begin entering the projects and programs into the database before forwarding to MTC, with a friendly amendment by *Director Ritterman* to add both the CyberTran project in Richmond and operations funding for West County paratransit to the lists; seconded by *Director Hansen*; and passed with six ayes (*Abelson, Calloway, Hansen, Kuenhe, Ritterman, Wallace*), two nays (*Boozé, Swearingen*), and no abstentions.

DISCUSSION: *Jack Hall*, CCTA, stated that the Board's discussion today follows last month's presentation and two meetings of the TAC. The regional plan for the next 25 years is under development. MTC will perform an air quality analysis on the projects that are listed in the financially constrained list. *Ms. Atienza* noted that CCTA had originally requested a prioritized financially constrained list, and that this list might need to be brought back to the Board on April 22 if there is a need for prioritization.

Ms. Atienza described the three RTP lists – committed, financially constrained, and vision. At some point the Board may have to decide what makes the financially constrained list, and what does not. Even if a project does not make it into the financially constrained list, the Board should place it in committed or vision, so that it can compete for federal or state funding. There is a possibility that some projects included in the list will not be delivered. The TAC will help with this analysis. AC Transit's projects were provided as a handout; some are in West County, some are not.

Nathan Landau, AC Transit, said the handout represents projects that were approved on Wednesday. AC Transit will try to break out costs by county, as some are place-specific, and some are system-wide. AC Transit is submitting lists directly to MTC as a multi-county agency and also through the Contra Costa process, which includes CCTA and WCCTAC.

Chair Swearingen requested clarification on the costs associated with AC Transit's projects and programs. *Mr. Landau* said that the RTP requests include operations funding for new and existing services for 25 years, and that the new RTP includes a Sustainable Communities Strategy, which is an effort to change development patterns, and that AC Transit is trying to support the new development pattern and give these new services their best estimate. On the other hand, some projects, such as the BRT, are specific to Alameda County, and probably do not belong on Contra Costa's list.

Director Boozé asked about the need for Automatic Passenger Counters (APCs). *Director Wallace* stated that the fareboxes count the money not the people, and that APCs provide AC Transit with passenger information not available through its multiple modes and fare

instruments. *Mr. Landau* said the information from APCs is valuable in planning service. *Director Wallace* said there are many areas in which AC Transit is scraping the barrel for resources, including security. *Mr. Landau* said that the RTP requests are renewed regularly, and that AC Transit is a large agency reliant on many streams of funding not all of which flow through MTC.

Ms. Atienza stated that the RTP contains a variety of projects, some of which are on the road to getting built, such as the Richmond Parkway Transit Center, and some of which are not on the way to getting built, such as wBART. *Mr. Hall* said that while large transit properties such as BART and AC Transit may submit directly to MTC, their Title VI requirements for public outreach are met through public meetings such as WCCTAC.

Director Hansen inquired about express buses on I-580. *Ms. Atienza* stated that some projects on the RTP list were carried over from previous lists, and she has questions about them, to be discussed at the next TAC meeting. In the meantime, *Ms. Atienza* noted, there is a lot of work associated with inputting these projects into the database, and she is seeking Board action to forward these lists to CCTA so that staff can begin their preliminary work of entering items into the database. *Director Wallace* said that if necessary he can ask additional AC Transit senior staff to attend WCCTAC meetings and explain AC Transit's requests.

Ms. Atienza noted that the process is potentially even more complicated because the lists do not include input from Non-Governmental Organizations (NGOs) and Communities of Concern. *Ms. Atienza* stated that WCCTAC will assist CCTA in conducting outreach to these groups in West County on April 13 at 6:30 p.m. in Maple Hall, and again on April 22 at 8:00 a.m. at the next Board meeting. Several Board members volunteered to attend the Maple Hall event.

12. Provide Direction for Richmond's Consideration of Point Molate Casino Resort.

ACTION: At *Directors Ritterman* and *Boozé's* suggestion, the Board directed staff to wait until after April 5 to determine what action to take next with respect to the Point Molate Casino Resort project.

DISCUSSION: *Ms. Atienza* stated that at the last Board meeting, staff was directed to work with legal counsel and *Director Butt* to craft and send a letter to Richmond before the City Council's deliberation on March 8 to certify the EIR. Staff followed Board's direction, and the letter was sent. In certifying the EIR, Richmond included errata to address the issues the Board had noted. Staff is asking for direction at this time because the Richmond City Council will meet on April 5 to determine whether to move forward with the casino project at Point Molate.

Ms. Atienza explained that the casino might trigger an array of expensive improvements, but the casino's fair share contribution might cover only a fraction of the costs of these improvements. Either the agency would have to find the rest of the money elsewhere to

build the mitigations, or collect fees from the casino and not build mitigations but suffer the congestion and other impacts. *Director Abelson* observed that some years ago on Central Ave, El Cerrito's neighbor built a project that was expected to pay for mitigations over time, but the impacts have been huge, and nothing has been done.

Director Ritterman stated that the discussion was academic at this point, because the EIR did pass, and two members of the council have benefitted from WCCTAC's discussion today. *Director Boozé* recommended for the Board to remain neutral for now. *Chair Swearingen* summarized -- the Board would hold this item in abeyance until after April 5.

13. FY 2011-12 WCCTAC Dues Determination.

ACTION: The item was closed due to no action.

DISCUSSION: *Ms. Atienza* said that at the last meeting the Board directed staff to look at ways of reducing the dues by identifying other funding sources to offset the dues that agencies are paying now. *Ms. Atienza* provided a presentation to show what the dues are paying for now, and to suggest possible alternatives.

Ms. Atienza reviewed the dues structure per the joint powers agreement, and noted that the dues structure has been the same for four years. *Ms. Atienza* noted that portions of her time are paid for from grants, as are other staff positions. With respect to a vacant staff position, for instance, only ten percent of that position is charged to dues, the other ninety percent is covered by grants. *Director Boozé* noted that freezing such a position, which could relieve the Executive Director of clerical tasks, would be like saving a penny to lose a dollar.

Ms. Atienza reviewed the functions of the RTPC, which pertain to Measure J, and the JPA, which includes many other activities, such as monitoring HOT lanes and the I-80 ICM. *Ms. Atienza* stated that she tries to minimize risk to the agency; the budget for the audit is bare bones; legal counsel is on an hourly rate and is utilized only when necessary. Further, consultant budgets have been considerably reduced, as more work is done in-house.

Ms. Atienza reviewed three scenarios for reducing dues by 10%, 15%, and 25%. *Director Wallace* expressed concern about diluting the quality of WCCTAC if dues were reduced. *Ms. Atienza* stated that her idea was to find money elsewhere to prevent dilution in quality. However, if administrative fees were allocated to WCCTAC staff from Measure J programs such as the Student Bus Pass Program or transportation for seniors and people with disabilities, those programs would decline because they would have less service. The dues pay for administration of these programs, though the West Contra Costa Unified School District receives approximately \$40,000 per year for administering the SBPP.

Director Abelson inquired about CCTA's arrangement in taking an administrative fee off the top of Measure J. *Ms. Atienza* said that she checked with the other RTPCs and they do

not receive an administrative fee from CCTA but rely on staff time donated by participating agencies. *Ms. Abelson* also noted that WCCTAC has an unfunded liability so that what is shown as a reserve is not in fact available.

Ms. Atienza stated that if cities are experiencing a cash-flow issue, there is a Measure J category that could be used for WCCTAC dues, namely return-to-source (RTS) funding for local roads, though that would mean fewer pothole repairs in the city that uses its RTS for dues. *Ms. Atienza* stated that agencies are required to participate in WCCTAC if they are to continue receiving RTS funds. *Ms. Atienza* also noted that WCCTAC staff haven't had a raise in three years, and are compensated on average \$24,000 less than CCTA staff, who are comparable in their job descriptions and qualifications.

Director Ritterman said that the dues do not justify decreasing Measure J services.

Director Abelson said her city considers WCCTAC a valuable service and is not looking for a reduction in dues.

Director Hansen expressed concurrence with *Directors Ritterman* and *Abelson* and said WCCTAC does important work, and puts people on the buses.

Director Kuenhe said he agreed with *Director Abelson* that each representative can discuss this with their respective councils.

Director Wallace said the last thing he wants to see is children and the disabled take a hit because of dues; we need to stay as we are.

Director Calloway stated she agreed with others, that the agency needs to stay as it is.

Chair Swearingen said that while no one at WCCTAC has had a raise in three years, at least everyone has had a job. Pinole is doing cutbacks, and one of the reasons for the cutbacks is that the city added to its retirement and health care costs, and the pension funds are breaking the city. The purpose of this exercise is to tighten things up.

Director Calloway said that specifically her inclination is not to reduce dues.

Director Ritterman asked if cities have autonomy with respect to their return-to-source funding; *Ms. Atienza* said yes.

Chair Swearingen said that there was no indication from the Board to reduce the dues, and therefore the item is closed due to no action.

STANDING ITEMS

14. Correspondence/Other Information

a. Incoming

- Mar. 3, from MTC, Re: Richmond Parkway Transit Center Funding
- Mar. 17, from CCTA, Items Approved by the Authority on March 16

- b. **Outgoing**
 - Feb. 28, to MTC, Support for Cutting Blvd/Del Norte BART Station Area Planning Grant
 - Feb. 28, to Hercules, Comment on Bayfront Project Draft Environmental Impact Report
 - Mar. 7, to Richmond, Notice of Intent to Request Additional Transportation-Related Monitoring and Mitigation Measures for Point Molate Casino Resort Beyond Those Identified in the Final Environmental Impact Report
 - Mar. 16, to West Contra Costa Legislative Representatives, Transportation-Related Impacts of the Governor’s Proposal to Eliminate Redevelopment Agencies
- c. **Workshops/Conferences/Events**
 - None

15. **Board and Staff Comments.** *Director Abelson* stated that she attended the Local Government Commission conference last week, where she spoke about using volunteers in municipal government to enhance quality of life and reduce costs, and where she heard Michael Freeman speak about innovation and smart growth. *Director Wallace* thanked Richmond for hosting its recent AC Transit Board meeting.

16. **Other Business** – none.

CLOSED SESSION

17. The Board recessed to closed session to consider personnel matters pursuant to Government Code Section 54957 – Performance Evaluation – Executive Director.

RECONVENE OPEN SESSION

18. **Closed Session Report.** No reportable action.

19. **Employment Contract.** No changes were made to the Executive Director’s contract.

20. **Adjourn.** Next meeting is Friday, May 27, 2011 at 8:00 a.m.