

**West Contra Costa Advisory Committee  
Meeting Minutes, 27, January, 2012**

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**Members Present:** Roy Swearingen, Chair (Pinole); Janet Abelson, Vice-Chair (El Cerrito); Aleida Chavez (WestCAT); Genoveva Calloway (San Pablo); Courtland Boozé (Richmond); William Wilkins(Hercules), Jeff Ritterman (Richmond); Absent: John Gioia (County); Joe Wallace (AC Transit).

**Staff Present:** Christina Atienza, Valerie Jenkins, Joanna Pallock, John Rudolph, Linda Young; Jennifer Faught, Legal Counsel; Hisham Noeimi, CCTA

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

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1. **Call to Order and Self-Introductions.** *Chair Roy V. Swearingen* called the meeting to order at 8:12 a.m.
2. **Public Comment.** There was no public comment.
3. **Election of CCTA Even-Year Representative.** *Director Ritterman* nominated *Vice Chair Abelson* to serve another term as the WCCTAC representative to CCTA. Seconded by *Director Calloway*. *Director Boozé* nominated *Chair Swearingen*. *Chair Swearingen* respectfully declined the nomination. Nomination for *Vice-Chair Abelson* passed unanimously.  
  
*Director Ritterman* asked if he could step down as the CCTA alternate representative and nominate *Director Wilkins*. *Chair Swearingen* noted that this was not an agenda item. Staff will agenda this request for the February agenda.
4. **2012 Board and TAC Meeting Schedule.** The Board meetings will be on the fourth Friday from 8-10 am and the TAC meetings on the second Thursday from 9-11 am, with exceptions as shown in the attachment. The meetings will be held in the San Pablo City Council Chambers.

**CONSENT CALENDAR**

**ACTION:** *Vice-Chair Abelson* moved to adopt Items 5, 6, 7, 9, 10, 11 and 12.  
Seconded by *Director Ritterman*; and passed unanimously

5. **Minutes and Summary of Dec. 9 Board Meeting, Summary of Nov. 17 TAC Meeting**
6. **Monthly Program and Projects Status Report**
7. **Financial Report for Dec. 2011.**

8. **Notice of CalPERS Finding of Ineligibility of WCCTAC Employees.**
9. **Rollback of Employee Benefits to FY 2010-11 Levels.**
10. **Proposed Board Retreat.**
11. **Mid-Year Budget Review & Amendment.**

**DISCUSSION**

**Item #8 Pulled from Consent: Appointments & Nominations to the Countywide Bicycle-Pedestrian Advisory Committee (CBPAC).**

**ACTION:** The Board voted unanimously to continue this item after staff provides a report.

**DISCUSSION:** Item 8 was pulled from the consent calendar due to a possible Brown Act violation. Under legal counsel, it was recommended that the Board continue this item until further notice.

**12. Support Hercules Request to CCTA for Allocation of Measure J Funds for the Intermodal Transit Center.**

**ACTION:** *Director Calloway* moved to adopt Hercules' request to CCTA for allocation of Measure J funds for the Intermodal Transit Center; seconded by *Vice-Chair Abelson*; and passed unanimously.

**DISCUSSION:** *Mr. Steve Duran*, City Manager of Hercules, introduced the members in the audience who appeared for this item. *Mr. William Silva*, the Project Manager for the ITC presented an overview of the current fiscal conditions and funding plan of the ITC as well as Hercules's desire to advance funds to assure the project continues. He explained that this is the funding plan which was updated since the packet was sent out. This is the framework for the request being brought to WCCTAC today and ultimately being brought to CCTA.

*Chair Swearingen* asked *Mr. Silva* to point out what has changed between the old spreadsheet and the one in front of WCCTAC members today. *Mr. Silva* explained the changes including the clean-up of costs for ROW acquisition and removed from the spreadsheet. These funds will come from City land sale proceeds. It may be part of debt credits. The clear area on the spreadsheet (no color) is possible funds that have not been secured but look promising.

*Chair Swearingen* asked about dollars from the sewer enterprise fund for replacing sewer lines. *Mr. Silva* referred to this source as part of a bond issuance completed in 2010. *Chair Swearingen* noted that these bond monies are dedicated to this use. *Mr. Silva* explained the location of the area of the sewer project.

*Chair Swearingen* stated that the Wastewater JPA will have their own questions.

*Director Boozé* asked if building a sewage waste treatment plant is part of the plan. *Mr. Silva* said the capacity issues are separate from the 2010 bond issuance and not related to planning improvements. *Director Boozé* asked *Mr. Silva* to get the data and figures to *Ms. Atienza*.

*Director Ritterman* asked about the TIGER IV grant. *Mr. Silva* stated that they identified possible sources for funds and this is a potential source of funds. Hercules received positive feedback from Washington D.C. and encouragement to apply for TIGER funds because the project follows along with the TIGER goals.

*Director Calloway* asked if Hercules had already asked for future STIP funds. *Mr. Silva* stated that they were told they would compete well for those future funds.

*Director Boozé* said he was concerned about the take-over due to the problems at the city and concerns with changes and State involvement in taking over until they get their house in order. He is not comfortable with the Hercules state of affairs.

*Mr. Steve Duran* stated that the previous funding plan was dependant on uncertain sources. This plan considers only definitive sources of funds. He acknowledged the City's challenges. *Director Boozé* said he read in the paper that all the books are being audited in Hercules. *Mr. Duran* responded that the audits will not find anything that the staff does not already know. He said the key is that if the money is not moved forward, the project is delayed by two to three years. If WCCTAC wants to see the project go forward, they will support it and reminded the Board that projects of this size take a long time to line up and secure funding.

*Mr. Silva* stated that the funds have been programmed and the request is to move the funds up. He is confident that the commitments are secure and the project can be delivered.

*Chair Swearingen* stated that this is a request for moving the \$5.5 million up.

*Director Wilkins* stated that the Redevelopment Agency elimination by the State in December will result in many local governments seeking a new funding mechanism. He stated that this is a worthy commitment.

*Ms. Myrna DeVera*, councilwoman from Hercules, asked for the Board's support to endorse the request and explained why this project is important to the community.

*Mr. Dan Romero*, mayor of Hercules, asked for Board support and noted that the new Council is supportive as well as the old Council and a valuable part of the community

*Ms. Christine Kelly*, Hercules resident asked for Board support.

*Director Calloway* motioned to support the Hercules request for \$5.5 million. Seconded by *Vice-Chair Abelson*.

*Director Ritterman* thanked the City Manager and community for bringing this item and gave his support for the project and wished Hercules luck.

*Director Chavez* noted that this is an important project at the local as well as regional level and gave WestCAT's support. *Vice-Chair Abelson* added that she agrees with *Director Chavez* and commented that the chart is helpful and reassuring. She also noted that the Bay Trail benefits from this project.

*Director Boozé* stated his concern is about the money and not to kill a project. He appreciates Hercules's effort. He changed his position to one of support.

*Chair Swearingen* asked for clarification on the amount \$3.2 million amount. He asked if this already in the bank. *Mr. Silva* explained that the \$3 million shortfall is part of the grant applications currently submitted but not awarded. *Chair Swearingen* asked if Bio-Rad has been asked to be a contributor. *Mr. Silva* noted that Bio-Rad donated a piece of their property as a contribution.

*Chair Swearingen* called for a vote; and it passed unanimously.

### **13. Payment of San Pablo Avenue Smart Corridor Program Operations & Maintenance (O&M) Dues.**

**ACTION:** *Director Boozé* moved to accept staff's recommendation to pay the remaining invoice for the O&M piece of the Smart Corridors program out of the West County Subregional Measure J funds in the amount issued in the final billing from Alameda CTC. Seconded by *Director Wilkins*; and approved unanimously.

**DISCUSSION:** *Mr. John Rudolph* presented the history and circumstances leading to the unpaid invoice for O&M under the Smart Corridors program. He explained how the west County cities, the County, and WestCAT entered into an agreement with the Alameda County Transportation Commission (ACTC, formerly ACCMA) for O&M of the traffic monitoring elements of the Smart Corridor in west County. From 2007 to 2009, WCCTAC paid for the west County agencies' O&M dues out of STMP, per an agreement that ACTC would exchange the funds for STMP-eligible uses in west County, given that O&M is not an eligible use for STMP funds. In 2010, ACTC had run out of STMP-eligible uses with which to exchange the funds and charges totaling \$187,000 have accrued but not been paid. The TAC investigated several payment options, and recommends payment out of Measure J Program 28b funds that are intended for Subregional Transportation Needs.

*Director Boozé* asked *Mr. Rudolph* to explain the debt forgiveness and how A and D differ and to explain D. *Mr. Rudolph* explained D. *Chair Swearingen* asked where the money would come from. *Mr. Rudolph* explained that this would come from STMP which assuming Richmond's letter of no prejudice. *Director Boozé* followed up with a concern over this payment method on Richmond's possible STMP allocation. *Mr.*

*Rudolph* noted that Richmond applications have initially scored well on this cycle of PBTF and TLC funds, thus implying that the need for STMP funds may not be as critical in to Richmond's key projects.

*Director Boozé* asked about the maintenance on the light signals and how the options come into play. *Mr. Rudolph* explained that the light signalization is part of local cities and the suspension is of the use of the microwave systems doing the traffic counts. *Director Boozé* explained that Richmond is concerned about the maintenance of the computer system.

*Chair Swearingen* asked what the O&M for each city? *Mr. Rudolph* explained an array of devices will be maintained through ACTC until the I-80 ICM comes on board. *Ms. Atienza* clarified that this invoice is for past maintenance on said devices. She clarified that going forward the I-80 ICM is a separate financial arrangement. She referred the Board to page 14-4 to show the exact costs for maintenance since 2010. She noted that in 2003 ACTC was paying for these costs until 2010. And until then, STMP funds were used, but there are many steps needed in order to continue using STMP funds.

*Director Boozé* asked if Richmond had these devices. *Ms. Atienza* said they do.

*Vice Chair Abelson* asked if there were no funds to operate these devices going forward, so this is the end of any payments. This would end the city obligation for the next 12 years. This is an outstanding bill and we have no choice. *Ms. Atienza* stated that the action made today will stop the bleeding. *Vice Chair Abelson* wanted to know what *Director Boozé* was referring to. She understood that choice number 2 would affect Richmond.

*Director Wilkins* asked how firm is the \$187,000 amount. *Mr. Rudolph* introduced *Mr. Raj Murthy* from ACTC and he stated that they are pretty confident of the estimate because it is based on the previous year's total costs and pro-rates it based on those costs. *Director Boozé* asked if the loops are connected and if one fails, all fail. *Mr. Murthy* stated that this was not the case.

*Director Wilkins* asked how this affects the West County Investment Study. *Mr. Rudolph* explained that there is money remaining in the fund after the \$140,000 is allocated to the study. He explained that this fund accrues at about \$150,000 per year. *Mr. Hisham Noemi*, staff to CCTA, explained the annual accrual rate under Measure J and the collection process.

*Director Ritterman* asked if we had to pay interest or a penalty for the debt. Staff said no.

*Chair Swearingen* asked for a motion. The Board approved unanimously.

***Chair Swearingen* introduced *Mr. Bill Pinkham* and then the decision was made to postpone his presentation in light of Item 8 being continued to the following Board meeting.**

**14. I-80 ICM MOU: Update, Preliminary Staff Recommendations, and Schedule for Local Approvals.**

**ACTION:** Board received staff report. *Director Boozé* moved to accept the suggestion to hold a public information workshop. Seconded by *Director Ritterman*; approved unanimously.

**DISCUSSION:** *Ms. Atienza* gave a power point presentation focusing on the upcoming MOU for the I-80 ICM project. She presented an overview of the project, highlights of the MOU, preliminary recommendations and the draft schedule for west County agency approvals. The presentation is informational only.

*Director Ritterman* stated that he had to leave at 10:00. *Ms Atienza* asked the Board if they could hold on and decide if they wanted to hold a public information workshop to get public input prior to any local approval. All of west County would be invited as well as Alameda County.

*Director Boozé* moved to accept the suggestion to hold a public information workshop. Seconded by *Director Ritterman*; approved unanimously.

*Chair Swearingen* asked if the project is time sensitive. *Ms. Atienza* stated that it is due to the State bond funds that could put these funds in jeopardy. And if the monies were not spent, and returned to the State, there could be repercussions.

*Chair Swearingen* stated the elected people in each community need to vote at their cities. *Ms. Atienza* stated that WCCTAC staff is committed to working with each council member and go over the project.

*Vice-Chair Abelson* stated that the person representing WCCTAC on the policy committee should be from west County.

*Chair Swearingen* asked to complete the motion by voting to approve the workshop. *Director Ritterman* asked how the representative would be selected. VC Abelson gave staff direction to ensure the representative was from west County.

Quorum lost. *Ms. Atienza* proceeded with her presentation.

*Vice Chair Abelson* asked a question about the Emergency Vehicle Preemption device and who pays for the purchase and maintenance of the equipment on the buses. *Ms. Atienza* stated that the purchase would be through the I-80 ICM project and the maintenance would be paid for by the transit agencies. *Vice Chair Abelson* asked if other buses will have these devices and will Del Norte benefit with flushing the buses in this area. *Ms. Atienza* stated that this would reduce the congestion at Del Norte BART Station.

*Director Boozé* asked if it would be possible for Caltrans to hire two people from the community to get jobs under this project. *Ms. Atienza* said she would ask that the contract include local preference.

*Vice Chair Abelson* described how she became a disabled person. She is a victim of a collision on I-80 as a passenger and hit in a secondary collision by a semi. She stated that this type of project could eliminate the secondary incident. She stated that this costs money, jobs and has a huge impact to their families. The delays also affect communities of concern who depend on transit. This project would affect the non-drivers.

### **STANDING ITEMS**

#### **15. Correspondence/Other Information**

- a. Incoming**
  - Jan. 17, from Hercules, request for WCCTAC endorsement of request to CCTA to advance Measure J (*see item 13*)
- b. Outgoing**
  - Dec. 21, to MTC, Title VI Report impact on Clipper for students
- c. Workshops/Conferences/Events**
  - Feb. 2-4, San Diego, 11<sup>th</sup> Annual New Partners for Smart Growth Conference (<http://www.newpartners.org>)

#### **16. Board and Staff Comments**

- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements - none
- b. Report of CCTA Representatives - none
- c. Executive Director's Report - none

#### **17. Other Business**

#### **18. Adjourn in memory of Mr. Marvin Dyson and Mr. George Livingston.**