

**West Contra Costa Transportation Advisory Committee
Meeting Minutes, 24 June 2011**

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

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

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

1. Call to Order. *Chair Swearingen* called the meeting to order at 8:04 a.m.

2. Public Comment. None

CONSENT CALENDAR

ACTION: *Vice Chair Abelson* moved to adopt the consent calendar; seconded by *Director Wallace*; and passed unanimously.

- 3. Approve Minutes and Receive Summary of May 27 Board Meeting, Receive Summary of May 12 TAC Meeting**
- 4. Receive Program and Projects Status Report**
- 5. Receive Monthly Financial Report**
- 6. Approve Payment of Invoice Over \$10,000**
- 7. Approve Redirection of STMP Funding for Pinole Bay Trail Gap Closure Project from Planning and Studies to Permitting and Design**
- 8. Approve Preparation and Submittal of Safe Routes to Transit Grant Application for Final Design, Procurement, and Installation of Transit Wayfinding Signs**
- 9. Measure J Program 20b, West County Additional Transportation for Seniors and People with Disabilities: a) Approve El Cerrito and San Pablo Claims for FY 2011 12, b) Approve deferral of consideration of East Bay Paratransit Consortium, Richmond, and WestCAT Claims for FY 2011-12, and c) Authorize a public hearing in July 2011 to consider amending Measure J Expenditure Plan to expand WCCTAC's authority to determine when funds may be used to maintain existing services**
- 10. Measure J Program 19b, West County Additional Bus Service Enhancements – Authorize a public hearing in July 2011 to consider amending Measure J Expenditure Plan to expand WCCTAC's authority to determine when funds may be used to maintain existing services**

DISCUSSION ITEMS

URGENCY ACTION: *Director Wallace* moved to add as item 15a to the agenda an urgency item to provide direction to staff for responding to a notice of the imminent departure of *Legal Counsel Mike Rodriquez* from Meyers Nave; seconded by *Director McNeil*; passed by majority. Ayes: Abelson, Boozé, Hansen, McNeil, Wallace, McNeil, Wilkins. Noes: Swearingen.

Ms. Atienza recommended that the Board add an urgency item to provide direction to staff on how to proceed upon receiving notice from Meyers Nave that *Legal Counsel Rodriquez* would be leaving the employment of Meyers Nave as of July 15. The notice was received after the agenda had already been posted, and action is recommended prior to the next Board meeting.

Chair Swearingen stated that there is no urgency because Meyers Nave is under contract to continue providing WCCTAC with legal services. *Ms. Atienza* explained that the agreement with Meyers Nave specifies Mike Rodriquez as the legal counsel. If Meyers Nave provides a replacement, the Board could have a discussion. WCCTAC's agreement is with the firm but similar to a consultant contract, if there is a change in the project manager and there is a stipulation that if there is a change, it is discussed with the client. *Vice Chair Abelson* asked if there is a back up person that is already part of the Meyers Nave team that would work with WCCTAC. *Ms. Atienza* stated that Meyers Nave and *Mr. Rodriquez* are bound ethically to cover WCCTAC. She also expressed concern about further discussing the item before it has been officially added to the agenda.

Director Wallace moved to add this as an item to the agenda. *Ms. Atienza* stated that this would be added to the agenda as Item 15a.

11. Consider Sufficiency of Hercules' Progress Towards Environmental Clearance and Land Acquisition for the Intermodal Transit Center to Determine Continuation of Funding Support for Subregional Transportation Mitigation Fee Program (STMP)

ACTION: *Director Boozé* moved to approve Hercules' request for funds; seconded by *Director Wallace*; and passed unanimously.

DISCUSSION: *Charlie Long*, Hercules Intermodal Transit Center (ITC) Executive Director, presented a progress report as requested by the Board in May, on the request for an advance of \$300,000 from the STMP funds. He stated that Hercules had received CTC approval of the STIP extension, allowing the City until May 2012 to spend the \$9.1 million allocation. He also referenced the memo sent to WCCTAC staff addressing the Right of Way (ROW) concerns and environmental analysis. *Mr. Long* noted that members of the Citizen's Task Force were in the audience.

Director Boozé asked *Mr. Long* if the new council members in Hercules are also on board 100% with the current plans for the ITC. *Mr. Long* responded that three of the council members are present and can address the Board themselves.

Vice Chair Abelson asked if the new council has met to discuss the ITC in open session. *Mr. Long* stated that the Council members were sworn in Tuesday and have not met on this issue specifically, but they did address the City budget on Tuesday and Thursday evenings, but discussion has not focused on the ITC itself. *Vice Chair Abelson* asked how WCCTAC would know their position on the ITC. *Mr. Long* stated that all three newly elected members are part of the Citizen Task Force developed to address the HITC. The task force itself is strongly supportive of the ITC. *Chair Swearingen* summarized that the other two council members elected last November are supportive of the ITC giving a 5-0 unanimous support. *Mr. Long* stated that his sense is that the current council has strong community support, is a well informed council and there is strong support for the ITC.

Chair Swearingen asked how much Redevelopment money is allocated for the ITC. *Mr. Long* stated none since there are no redevelopment funds in the City. *Chair Swearingen* followed up with a question regarding the project shortfall and asked how funds would be obtained to meet the shortfall. *Mr. Long* stated the City has roughly \$15-20 million worth of real estate to sell and those proceeds must be used for capital, that is, they cannot be used to backfill the General Fund. He referenced page 11-16 of the packet with his memo outlining the ROW purchase.

Chair Swearingen stated his concerns with the report from *Mr. Long* to WCCTAC last month addressing borrowing wastewater treatment plant funds which would affect Pinole as well and the funds are needed for improvements to the plant. *Mr. Long* responded by saying he encouraged city staff to look at all assets and liabilities and the process is not complete. This did not include the bond proceeds for the wastewater treatment plant and he is not recommending using bond money for the ITC but to use it as collateral. *Mr. Long* is not recommending using these funds. *Mr. Swearingen* stated he was not willing to allow any borrowing of these funds and stated that the funds might not be an asset in 2015. *Mr. Long* stated his commitment to making sure Pinole and Hercules continue a strong working relationship on the wastewater issue and overall the sharing of municipal services. *Mr. Swearingen* stated that this should also be reflected in the EIR study for traffic patterns and the impact on Pinole.

Director Boozé asked what the reserve in the City of Hercules CIP budget looked like and if it could it be used in the funding for the ITC. *Mr. Long* referenced the May staff report and reviewed the funds totaling \$37 million from the real estate (\$15 million), capital funds (\$10 million), and \$12 million in restricted bond funds. *Mr. Long* stated that the disposition of assets to local liabilities has not been finalized. He added that the city needs to put in some of their money. *Mr. Boozé* asked about the time sensitivity of the funds. *Mr. Long* stated that the STIP \$9.1 million needs to be tapped by May 2012 and the schedule for construction begin by April 2012. He emphasized that the funds requested today will make or break the ITC's ability to begin construction.

Vice Chair Abelson stated that if the WCCTAC Board allocated the funds to Hercules, they do not want to read in the newspaper that WCCTAC threw away that money. She asked *Mr. Long* if he will be returning to the WCCTAC Board in the future to ask for more money or is this the last request. *Ms. Atienza* stated that the project has \$6.5 million of STMP funds appropriated to

it, but there is nowhere near that amount of money in the STMP pot. *Vice Chair Abelson* said there may be an expectation that Hercules would ask for more money later. *Mr. Long* explained that this is the most important phase of the project. The money is needed in order to go forward. In September, the CEQA is due. In October, the federal documents are due. April 2012, construction must begin or else the \$9.1 million STIP is lost. If the STIP funds are lost, it will be almost impossible to line up funding again. Phase 1 is fully funded but Phase 2 and 3 will require grants. *Vice Chair Abelson* stated that the STMP is not fully funded under the current project list and no further funds would be allocated until the Board reviews the STMP list; also that it may be possible that the Board, as a result of the overall lack of funds due to the poor economy, may not be able to appropriate any more funds to the project beyond the \$300,000; and that she wanted to be clear that Hercules understood this. *Mr. Long* acknowledged his understanding. He also added that it's because of the poor state of the economy that the investment in the project is so important, because it would leverage public money for creating the opportunity to obtain almost \$500 million in private investments, which would create jobs and economic vitality for the entire region.

Director Wallace asked *Mr. Long* if the full Council can provide a resolution indicating their support or if it plans to meet to provide such an assurance, so that the Board does not have to rely on the members sitting in the audience. *Chair Swearingen* noted that there is not enough time, that the Board has already approved the request conditionally, that *Mr. Long* was at the meeting to fulfill the conditions, and that the council has made their support known.

Mr. Jerrold Parsons addressed the Board and asked for their support for this world class project and offered to volunteer to his time.

Director William Wilkins noted that the prior council voted to allocate \$410,000 and the current council supports the goal of completing the ITC.

Director Boozé asked if the work will be unionized. *Mr. Long* said yes, the public components will be prevailing wage. He noted some parts of the private investment will not be prevailing wage. *Director Boozé* said he does not like to see people work for less than prevailing wage. *Mr. Swearingen* stated that prevailing wage is good but project labor agreements can be restrictive. *Mr. Boozé* said local hire is critical. *Mr. Long* said Hercules is working hard with their stakeholders.

Director Boozé departed at 9:07 a.m.

12. Presentation on wBART from UC Berkeley Graduate Student Zakhary Mallet

ACTION: Item received.

DISCUSSION: *Ms. Atienza* explained the history of this item and referred to the memo on page 12-1. *Mr. Mallet* was invited by *Director Keller* to present his (Mr. Mallet's) concept to WCCTAC on wBART using the I-80 corridor. *Ms Atienza* asked the Board to hear the presentation and give staff direction on how the Board would like to move forward.

Director Wallace stated that he was concerned that BART extensions are put before transit funding like AC Transit and while AC Transit suffers from weak support, BART continues to expand and provide lousy service and dirty vehicles. *Ms Atienza* noted that it is hard to plan for the future when the current economic conditions are weak but the planning needs to happen as congestion will continue.

Vice Chair Abelson stated that the original wBART concept was studied and seen as not feasible at the time Measure J projects were being proposed. She asked the Board to be mindful of the dollars.

Mr. Zakhary Mallet introduced himself as a graduate student in City and Regional Planning at U.C. Berkeley and stated that the concept being presented is not part of his graduate studies but a personal interest. *Mr. Mallet* presented an overview of where the wBART ROW would be in comparison to the original study as well as mentioning the challenges of the steep grade at Hilltop and beyond. *Mr. Mallet* proposed an extension from Richmond BART to Marin County, but the focus of wBART would tie into the Del Norte BART Station.

Director Wallace noted that the proposal would cut off Richmond and North Richmond further displacing a community of concern.

Chair Swearingen asked if the Board would like to pursue this as a future agenda item. *Vice Chair Abelson* stated it needs to be demonstrated to be financially feasible before the Board pursues it further, adding that if we can't fund the ITC, why look at these types of projects. She stated the Board should remain focused on existing projects that are in the pipeline. *Chair Swearingen* thanked *Mr. Mallet* for a great presentation, noted that while the project is important, there are presently no funds for it. He also suggested to him to attend future WCCTAC meetings as an observer to learn more about the role of WCCTAC.

Vice Chair Abelson asked to move Item 14 on the WCCTAC budget ahead of Item 13.

14. Adopt Agency FY 2011-12 Work Program, Member Agency Dues, and Budget

ACTION: *Vice-Chair Abelson* moved to approve Resolution 11-02, adopting WCCTAC's work program, dues, and budget for FY 2011-12; seconded by *Director Wallace*; and passed unanimously.

DISCUSSION: *Ms. Atienza* provided a brief staff report. *Director McNeil* asked if the percent shares for the dues are based on the most recent census data. *Ms. Atienza* stated the data is from the JPA, and never was based just on census data totally; it was part of the consideration.

13. Receive Presentation on Amtrak's Proposed Plan for Future Operations of San Joaquin Corridor from Oakland and Sacramento to Bakersfield.

ACTION: None needed.

DISCUSSION: *Ms. Atienza* introduced *Mr. Tom Dodson* and *Mr. Lee Goldenberg* (Caltrans) and turned the presentation over to *Mr. Tom Dodson*, the consultant on behalf of Caltrans.

Mr. Dodson explained his role in presenting the San Joaquin Amtrak Corridor Environmental Impact Study which will entail a 25 year strategic plan to obtain federal funds. He outlined goals for the SJ corridor based on the strategic plan. He noted that recently this service had an annual ridership of one million passengers for the first time. This service includes both rail and bus service. The slide presentation outlined current service levels and the proposed increased service levels which require infrastructure improvements.

Chair Swearingen asked who is going to pay for the service enhancements being proposed. *Mr. Dodson* stated there would be funds from the State as well as grants. He noted a quarter of a million has already been secured. *Chair Swearingen* stated that this would not buy much. *Mr. Dodson* noted that this pays for about 30 miles of track, and added that it's a 25-year program.

Chair Swearingen asked how this fits into the High Speed Rail project. *Mr. Dodson* stated that HSR is a separate service and this is an intercity service serving local demand, so they do not envision it going away even if HSR comes in. *Mr. Lee Goldenberg* outlined the differences between the proposed HSR system and the current San Joaquin corridor service. He also noted that this project has positively impacted the Capitol Corridor.

Director Wallace asked who is responsible for staffing the Richmond rail station. *Mr. Goldenberg* responded by saying the State money is passed through the locals and it could be better utilized but the station is staying vacant.

Vice Chair Abelson asked about new equipment and the ADA standards and stated that the older equipment is not accessible for wheelchair users. She encouraged new equipment be suited for wheelchair users. She next asked about the alignment in West County and the impact it has on the Hercules ITC. *Mr. Goldenberg* said the San Joaquin service was never planning to stop at Hercules until ferry service goes in and then maybe it would add weekend service, but that may be for the Capitol Corridor. He mentioned that the Berkeley station will be operational again soon due to community support to re-open this location. *Vice Chair Abelson* asked about the Sacramento station and the popularity of the station location for access and how moving it would affect the users. *Mr. Dodson* stated the station is not being moved. The expansion proposal is to use a people mover to bring people to the platform.

Director McNeil asked how the growth along the rail lines in population will affect plans for development of rail service. *Mr. Dodson* stated that the addition of trains of 12 to 22 trains and the modeling of rail traffic on BNSF would help define where service can be added.

Chair Swearingen stated that he does not see the numbers coming together. *Ms. Atienza* noted that the intent of the presentation today was to provide a briefing on the upcoming programmatic EIR, and recommended that, based on the level of interest expressed by the Board, that staff stay involved in the process. She added that she is also aware of other issues that are particularly important to Richmond, which have not been raised today, including noise,

air quality, safety, and the impacts of increased train traffic. *Director Wallace* echoed the issue of the train noise in the early morning in Richmond and North Richmond. He then asked if staff's involvement would be cost-neutral. *Ms. Atienza* responded that yes, it would be done as part of normal business, and that she did not anticipate having to hire a consultant for that purpose.

Jerrold Parsons stated that it is important to list the Hercules rail line on the presentation.

Howard Abelson spoke as the representative Contra Costa County Citizen Rail Committee for the San Joaquin corridor. He noted the amazing growth on this line since his involvement in 1974. He mentioned that HSR is an unknown but this service is well established and service from here to Los Angeles is preferred to Greyhound. It is also cheaper than HSR. And the fare box return is growing each year with 70% fare box return. It is a cost effective service.

15. Approve Administration and Compensation Study; Appoint Ad Hoc Subcommittee to Provide Guidance and Direction for Scope and Conduct of the Study

ACTION: *Director Wallace* made a motion to align WCCTAC's work rules and benefits with changes adopted by the City of San Pablo on an interim basis; seconded by *Vice Chair Abelson*; approved unanimously.

DISCUSSION: *Ms. Atienza* reviewed the recent changes in the agency that require Board guidance. She outlined the immediate changes in the City of San Pablo work rules resulting in the closure of city hall every Friday. The retirement contribution is also increasing. She proposed WCCTAC align with San Pablo for now, while embarking on a more comprehensive administration and compensation study over the next few months. The ad hoc subcommittee could be selected at the next meeting.

Director Wallace asked if the action required a resolution. *Ms. Atienza* sought legal counsel direction. *Mr. Rodriguez* stated that no resolution was required, and that it could be approved as a minute motion. *Vice Chair Abelson* noted that the bigger world of pension reform is occurring and this JPA would need to acknowledge this with any study.

15a. Urgency Item Added: Direct Staff on How to Proceed with Departure of Legal Counsel Mike Rodriguez from Meyers Nave

ACTION: *Director Wallace* moved to accept staff's recommendation to solicit bids for legal counsel services; seconded by *Vice Chair Abelson*; passed by majority. Ayes: Abelson, Boozé, Hansen, McNeil, Wallace, Wilkins. Noes: Swearingen.

DISCUSSION: *Ms. Atienza* passed as a handout a letter received from Meyers Nave notifying WCCTAC of the departure of Mr. Rodriguez, and read the options available to WCCTAC as listed in the letter. She recommended that staff solicit proposals from both the agencies and bring back to the Board the recommended firm at the July Board meeting. *Vice Chair Abelson* asked to expand the invitation list to more than just the two firms. *Ms. Atienza* noted that she did not take issue with opening the invitation to more firms.

Chair Swearingen stated his concern with ethics regarding the ability of a firm to take clients with them when they leave one firm to go to another. He noted that he would prefer we stay with Meyers Nave. *Ms. Atienza* noted that she did not believe the attorneys would be openly stating this as an option if it were unethical, and noted that the recommendation was for an open competition. *Mr. Rodriquez* stated the letter is in line when there is desire to continue representing a client; he also assured the Board that they would provide legal representation to the Agency until such time as it has made a decision. *Vice Chair Abelson* gave the history of WCCTAC's legal counsel. She noted that the current contract was created after the City of Richmond no longer provided legal counsel to WCCTAC. She stated it is a good idea to go out and bid periodically to see if the agency.

STANDING ITEMS

16. Correspondence/Other Information

a. Incoming

- May 23, from Richmond Equitable Development Initiative, General Comments to WCCTAC and Richmond's Proposed General Plan Update
- June 3, from San Pablo, Notice of Potential Reduction to Four-Day Workweeks – *provided under item 8*
- June 15, from Hercules, Hercules Intermodal Transit Center STMP Programming Update – *provided under item 11*
- June 17, from CCTA, Items approved by the Authority on June 15, 2011

b. Outgoing

- June 3, to Member Agencies, Draft FY 2011-12 Agency Budget

c. Workshops/Conferences/Events: none

17. Board and Staff Comments

- ##### **a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements**

Director Wallace commended *Ms. Atienza* for her recent testimony to the AC Transit Board on the Richmond Parkway Transit Center, and underscored AC Transit's commitment to working with WCCTAC to ensure the best possible outcome for the project. *Director Swearingen* noted that he has received similar feedback from others as well, and congratulated *Ms. Atienza*.

- ##### **b. Report of CCTA Representatives: none**

- ##### **c. Executive Director's Report: none**

18 Other Business: none

19. Adjourn. The meeting adjourned at 10:40 a.m. Next meeting is Friday, July 22, 2011 at 8:00 a.m.