

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
TUESDAY, MARCH 20, 2012

The Board of Directors of the San Joaquin Regional Transit District (RTD) held its regular meeting at 3:00 p.m. on Tuesday, March 20, 2012, **IN THE BOARDROOM OF RTD'S DOWNTOWN TRANSIT CENTER, 421 E. WEBER AVENUE, STOCKTON, CALIFORNIA**

1. CALL MEETING TO ORDER Chair Fong called the meeting to order at 3:00 p.m.
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL Present: Duane Isetti Absent: None
Les J. Fong
Gary S. Giovanetti
Joni Bauer
Michael P. Restuccia

Staff Present

Donna DeMartino, General Manager/CEO
Thomas Webb, Director of Human Resources
Gloria Salazar, Assistant General Manager/CFO
Al Hoslett, Legal Counsel
Shelly Valenton, Executive and Board Support Manager
Ericka Rocha, Senior Administrative Assistant
Lorena Herrera, Administrative Assistant
George Lorente, Grants Manager
Paul Rapp, Marketing and Communications Manager
Virginia Alcaide, Finance Manager
Sharon Miller, Procurement Manager - Contracts
Sandra Crivello, Mobility Analyst
Mark Fairbanks, Operations Superintendent
Norman Tuitavuki, Operations Superintendent
Wendell Krell, Facilities Superintendent
Luci Graffigna, Service Development Analyst
Pauline Mitchell, Coach Operator
Janette Hayes, Custodian
Joe Johnson, Coach Operator

Members of the Public Who Indicated They Were Present

David Arnold	Tu Can Nguyen	Jeremiah Stanley
Alan Wagner	Jesse Lopez	Sean Riley

5. SPECIAL PRESENTATION

A. EMPLOYEES OF THE MONTH

Special recognition was given to Service Development Analyst Luci Graffigna, Administration Employee of the Month for February; Coach Operator Pauline Mitchell, Transportation Employee of the Month for February; and Custodian Janette Hayes, Maintenance Employee of the Month for February.

B. CENTRAL CALIFORNIA SAFETY COUNCIL SAFETY EMPLOYEE OF THE YEAR

Special recognition was given to Coach Operator Joe Johnson as the Central California Safety Council Safety Employee of the Year.

6. PUBLIC COMMENT

David Arnold congratulated Coach Operator Joe Johnson for receiving the Safety Employee of the Year Award. He described an incident two weeks prior to the Board meeting when five Route 40 coach operators refused to pick up his wife who uses a wheelchair.

Tu Can Nguyen spoke about organized crime and commented that a Route 60 coach operator refused to let her ride the bus.

Jeremiah Stanley commented that he has observed an improvement on the issue of passengers, particularly on Route 55, using foul language. He suggested that FVMs be programmed to sell monthly passes. He noted that passengers should not be allowed to play music on their phones while riding the bus.

Alan Wagner, President of the Amalgamated Transit Union, Local 276 (Union) noted that MV Transportation (MV) and the Union have not reached an agreement. He commented that the Union unanimously rejected MV's offer. He noted that passengers do not pay for the Bus Rapid Transit (BRT) Route 40 on the weekend.

Jesse Lopez commended the Hopper 7 Route.

Sean Riley noted that Route 93 should go all the way into Delta College in the morning.

RTD Director of Human Resources Thomas Webb spoke about the inaccurate statements from Union leaders during public comments, particularly on operator absenteeism and salary adjustments for RTD's administrative employees. He noted that RTD and the Union should work together to get people to come to work and that some of the Union leaders have the worst attendance record. He also stated that contrary to what Union leaders claim, RTD's administrative employees have not received a salary adjustment in recent years and have even experienced a salary reduction equivalent to 3.5% because of unpaid holidays.

7. REPORTS

A. MV REPORT

Acting MV General Manager Reno Navarette reported that operations are running smoothly and he provided an update on MV and Union labor negotiations. He noted that MV hired Sid Plummer, a retired RTD employee, as its new Maintenance Manager and that it is moving in the right direction.

Director Giovanetti asked for details on the health insurance benefits currently offered to MV employees and whether there was anything prohibiting the employees from receiving health benefits. Acting MV General Manager Reno Navarette replied that he was not aware of anything that would prohibit the employees from receiving health benefits. He stated that he did not have the specific health insurance benefit information available at the moment but could provide it at a later date.

B. GENERAL MANAGER/CEO REPORT

The General Manager/CEO provided the following comments:

- There was an increase in fare evasion citations for February because RTD conducted a fare blitz. RTD will also be conducting a fare blitz in March.
- Director Giovanetti and the General Manager/CEO attended the American Public Transportation Association (APTA) Legislative Conference. There may be some changes to regulations concerning BRT. One of the recommendations is to change the definition of BRT to refer to bus services that operate on a dedicated right-of-way. This will have a negative impact on RTD.

C. STATE/FEDERAL LEGISLATIVE REPORT

The General Manager/CEO provided the following information:

- Funding for transportation continues to be a challenge. Despite this, RTD continues to operate on a balanced budget.

Director Giovanetti noted that having a dedicated right-of-way will be difficult to do in Stockton and that RTD should strongly oppose the recommended change in the definition of BRT.

Director Giovanetti asked for a monthly report of employees who have the worst attendance record.

Director Isetti noted that it is important that RTD talk to legislators about the success of BRT in Stockton.

8. CONSENT CALENDAR

- A. RESOLUTION: MINUTES OF THE FEBRUARY 12, 2012, SPECIAL BOARD MEETING Resolution No. 5372: Board approval of the February 12, 2012 Special Board of Directors Meeting minutes

- B. RESOLUTION: MINUTES OF THE FEBRUARY 21, 2012, REGULAR BOARD MEETING
Resolution No. 5373: Board approval of the February 21, 2012 Regular Board of Directors Meeting minutes

- C. RESOLUTION: AUTHORIZE THE GENERAL MANAGER/CEO OR DESIGNEE TO EXECUTE AND FILE GRANT APPLICATIONS AND GRANT AGREEMENTS UNDER THE FY 2013 TRANSPORTATION PLANNING GRANT PROGRAM
Resolution No. 5374: Board approval to authorize the General Manager/CEO or designee to execute and file grant applications and grant agreements under the FY 2013 Transportation Planning Grant Program

- D. RESOLUTION: AUTHORIZE THE GENERAL MANAGER/CEO OR DESIGNEE TO EXECUTE AND FILE MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, AND FUND TRANSFER AGREEMENTS FOR STATE-FUNDED TRANSIT PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)
Resolution No. 5375: Board approval to authorize the General Manager/CEO or designee to execute and file Master Agreements, Program Supplemental Agreements, and Fund Transfer Agreements for State-Funded Transit Projects with Caltrans

- E. RESOLUTION: AUTHORIZE THE GENERAL MANAGER/CEO OR DESIGNEE TO EXECUTE AND FILE GRANT APPLICATIONS AND GRANT AGREEMENTS UNDER THE FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5316 AND 5317 GRANT PROGRAMS
Resolution No. 5376: Board approval to authorize the General Manager/CEO or designee to execute and file grant applications and grant agreements under FTA Section 5316

Resolution No. 5377: Board approval to authorize the General Manager/CEO or designee to execute and file grant applications and grant agreements under FTA Section 5317 grant programs

ACTION: MOTION: DIRECTOR ISETTI SECOND: DIRECTOR RESTUCCIA
 Roll Call:
 AYES: Giovanetti, Isetti, Fong, Bauer, Restuccia
 NAYES: None
 ABSTAIN: None
 ABSENT: None

9. ACTION ITEMS

- A. RESOLUTION: APPROVE A FIRST AMENDMENT TO THE CONTRACT OF MAYALL, HURLEY, KNUITSEN, SMITH, AND GREEN
Board approval to award a First Amendment to the contract of Mayall, Hurley, Knutsen, Smith, and Green for On-Call Legal Services

Chair Fong noted that this is to be removed from the Agenda. There being no objection from the board, he moved on to the next item.

- B. RESOLUTION: APPROVE A CONTRACT PIGGY-BACK TO THE CONTRACT WITH CALIFORNIA MULTIPLE AWARD SCHEDULES (CMAS)/STERTIL-KONI FOR BUS LIFTS
Resolution No. 5378: Board approval to award a contract piggy-back to the contract with CMAS/Stertil-Koni for bus lifts

ACTION: MOTION: DIRECTOR RESTUCCIA SECOND: DIRECTOR ISETTI
Roll Call:
AYES: Giovanetti, Isetti, Fong, Bauer, Restuccia
NAYES: None
ABSTAIN: None
ABSENT: None

Director Giovanetti asked about the lifespan of the current bus lifts. Operations Superintendent Mark Fairbanks explained that the lifts have different life spans because they were purchased from different manufacturers.

10. INFORMATION ITEMS

- A. FINANCIAL STATEMENTS
Finance Manager Virginia Alcayde provided information on the February Financial Reports.

12. QUESTIONS AND COMMENTS FROM DIRECTORS

Director Restuccia noted that the City of Ripon was awarded funds to purchase a bus. He asked how this affects RTD. General Manager/CEO Donna DeMartino stated that she will gather more information.

Director Giovanetti provided a comprehensive report on the APTA Legislative Conference he attended. His report included the following information:

- The current Transportation Bill will expire at the end of the month
- APTA has been recognized by the National Journal for its presence at the Capitol Hill
- The Midsize Operations Committee meeting included an overview of transit benchmarking which RTD is a part of through the American Bus Benchmarking Group
- RTD's Hopper service is a nationally recognized service and a model for other transit operators

13. CLOSED SESSION

The Chairman announced that the Board would recess to Closed Session to discuss the following matters:

- A. LABOR NEGOTIATIONS, Conference with Labor Negotiator
Agency Negotiator: Donna DeMartino, General Manager/CEO
Employee Organization: Amalgamated Transit Union, Local 276

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code section 54956.8:
1. Sale of Property: Parcels known as 1533 East Lindsay Street and 1528 East Fremont Street, Stockton, CA
 Agency Negotiator: Donna DeMartino, General Manager/CEO
 Under Negotiation: Purchase Price and other related terms
- C. LITIGATION – CONFERENCE WITH LEGAL COUNSEL, Existing Litigation, pursuant to Government Code Section 54956.9, subdivision (a). Three cases:
- (i) Kuhn, et al., vs. San Joaquin Regional Transit District, et al., San Joaquin Superior Court Case No. 39-2008-00192086-CU-OE-STK
 - (ii) San Joaquin Regional Transit District vs. DSS-2731 Myrtle LLC, et al., San Joaquin Superior Court Case No. 39-2010-00252684-CU-EI-STK
 - (iii) Dominguez vs. San Joaquin Regional Transit District (SJSJSD-384634) – Settlement Authority Request.

Upon returning from Closed Session, the Chairman called the meeting back to order.

ROLL CALL: Present: Les J. Fong Absent: None
 Duane Isetti
 Gary S. Giovanetti
 Joni Bauer
 Michael Restuccia

Legal Counsel announced that no reportable action was taken in Closed Session.

Legal Counsel further announced that the following action was taken in Closed Session held during the Regular Meeting of the Board of Directors on Tuesday, January 17, 2012:

In connection with the case of Gomez vs. San Joaquin Regional Transit District, et al., San Joaquin Superior Court Case No. 39-2010-00245572-CU-PA-STK, the Board approved and authorized its attorney to settle the case in an amount not to exceed the sum of \$375,000.00.

ACTION: MOTION: DIRECTOR ISETTI SECOND: VICE CHAIR FONG

Roll Call:
 AYES: Giovanneti, Isetti, Bauer, Fong, Restuccia
 NOES: None
 ABSTAIN: None
 ABSENT: None

The General Manager/CEO asked the Board to add as an agenda item the proposed amendment to the agreement with the City of Stockton for Police Services.

RESOLUTION NO. 5379

RESOLUTION FINDING NEED TO TAKE ACTION ON
ITEM NOT ON AGENDA RE: Amendment to
Agreement with City of Stockton, re Police Services
Dated: MARCH 20, 2012

WHEREAS, the Board of Directors of San Joaquin Regional Transit District (RTD) needed to discuss an item not on its Agenda for its Regular Meeting scheduled on March 20, 2012; and

WHEREAS, there is a need to immediately discuss an amendment to the Agreement with the City of Stockton, re police services; and

WHEREAS, the need to discuss such matter came to the attention of the Board of Directors after the date and time of posting the Agenda for this meeting; and,

WHEREAS, it is in the best interests of RTD and the persons interested therein to bring this matter before the Board at this time.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of RTD that pursuant to Section 54954.2(b)(2) of the Government Code of the State of California, the Board of Directors of RTD find and determine that the need to take immediate action on the following matter came to the attention of RTD subsequent to the Agenda for this meeting being posted and therefore the following matter is hereby added to the Agenda: Discussion of Amendment to Agreement with City of Stockton, re Police Services.

ACTION: MOTION: DIRECTOR RESTUCCIA SECOND: DIRECTOR BAUER

Roll Call:

AYES: Giovanneti, Isetti, Bauer, Fong, Restuccia

NAYES: None

ABSTAIN: None

ABSENT: None

The General Manager/CEO advised the Board that as a result of negotiations between RTD and the City of Stockton (City), she and the Stockton Chief of Police have negotiated an amendment to the agreement for the City to provide RTD with police services which include the following changes: (a) the annual rate to be paid by RTD is reduced from \$140,000.00 to \$115,000.00; (b) that said rate is to be paid quarterly; (c) that said payment is a flat amount, with no reduction for time that no police officer is available to RTD; and (d) that the City would withdraw its request that RTD pay the amounts that are unpaid and in dispute during the last agreement. The General Manager/CEO advised the Board that she has an understanding with the Chief of Police that the City would attempt to have police officers at RTD at least 95% of the time. Following a discussion of this matter, the Directors expressed their approval to this amendment.

13. BOARD WORKSHOP

- A. Regional Transportation Service: The General Manager/CEO provided the Board of Directors with a report regarding the existing Regional Transportation Services being provided by RTD and the possibility of consolidating services provided by other jurisdictions in San Joaquin County, followed by a general discussion on possible changes thereto.

14. ADJOURNMENT

Chair Fong adjourned the meeting at 7:00 p.m.