

MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
TUESDAY, APRIL 24, 2012

The Board of Directors of the San Joaquin Regional Transit District (RTD) held a Special Meeting at 3:00 p.m. on Tuesday, April 24, 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
Michael P. Restuccia
Gary S. Giovanetti
Joni Bauer

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
Virginia Alcayde, Finance Manager
Sharon Miller, Procurement Manager - Contracts
Nathaniel Atherstone, Planning Manager
Nate Knodt, Service Development Manager

Members of the Public Who Indicated They Were Present

Christina Torres-Peters	Reno Navarette	Tu Can Nguyen
Bruce Moffett	Deborah Gurley	Jeremiah Stanley
Paula Stamper	Tami Jordan	Alan Wagner
David Arnold	Justin Mendoza	Gloria Hackett
Dale Crump	Ron Palmquist	Tom Keeling

5. SPECIAL PRESENTATION
 - A. EMPLOYEES OF THE MONTH

The Maintenance employee of the month for March was not available to receive his award.

6. PUBLIC COMMENT

RTD Director of Human Resources Thomas Webb spoke about former Human Resources Manager Christina Torres-Peters' tenure at RTD and thanked her for her contributions.

Tu Can Nguyen spoke about organized crime, expressed concern about chemical odors coming from the custodian room, and commented about the cleanliness of RTD buses.

Bruce Moffet noted that he helped the Route 71 operator navigate the route.

Deborah Gurley noted that operators do not get close enough to the curb and it is hard for her to get off the bus. She asked that coach operators treat passengers fairly. She also commented that she can't wait for the Route 43 to be in service.

Jeremiah Stanley commented that the Hopper 7 operator passed him up at a bus stop. He noted that there is still an issue with passengers cursing on the Route 55.

Paula Stamper commented on MV Transportation's (MV) medical plan.

Tami Jordan commented that MV operators are worried that they will be replaced by new hires.

Alan Wagner, President of the Amalgamated Transit Union, Local 276 (Union) gave his best wishes to former Human Resources Manager Christina Torres-Peters. He commented on the arbitration on the Collective Bargaining Agreement between RTD and the Union. He also commented on the negotiations between MV and the Union.

David Arnold commented that he is excited about the new Route 43. He requested that the Hopper 5 stop at California and Flora. He noted that the Hopper 5 operator passed him up at a bus stop.

Justin Mendoza spoke about funding for public transportation and asked passengers to encourage legislators to ensure that funding is available for RTD. He commented on the arbitration on the Collective Bargaining Agreement between RTD and the Union.

7. PUBLIC HEARING

A. PUBLIC HEARING ON PROPOSED JULY 2012 SERVICE RESTRUCTURE

Chair Fong opened the public hearing on the Proposed July 2012 Service Restructure.

Comments made by the public will be incorporated in the July 2012 Service Restructure Report. (Item 9A)

Chair Fong closed the public hearing on the Proposed July 2012 Service Restructure.

8. REPORTS

A. MV REPORT

Acting MV General Manager Reno Navarette recognized MV Coach Operator Dale Crump for receiving the MV Katherine McClary Safety Award. He also commented on the mediation process for the contract between MV and the Union.

B. GENERAL MANAGER/CEO REPORT

The General Manager/CEO provided the following comments:

- Chair Fong and the General Manager/CEO attended the San Joaquin Council of Governments (SJCOG) One Voice trip and met with the Federal Transit Administration Administrator, the Federal Rail Administration Administrator, staff from the Office of Management and Budget, and federal legislators. This year, RTD's Regional Transportation Center was one of the two regional priority projects. Chair Fong and the General Manager/CEO also had an opportunity to meet with legislators to lobby against the inclusion of dedicated bus lanes in the definition of the Bus Rapid Transit (BRT) and share a video that illustrated the success of BRT in Stockton.

C. STATE/FEDERAL LEGISLATIVE REPORT

The General Manager/CEO provided the following information:

- Planning RTD's budget under continuing bill extensions has been a challenge. However, with the current extension, the bill will go to conference. RTD supports the Senate version of the bill, which maintains public transportation funding.

Director Isetti asked about the reaction from legislators on the issue of dedicated lanes for BRT. General Manager/CEO Donna DeMartino stated that the legislators understand the issue and RTD made a positive impression with the ridership numbers.

Director Isetti asked if language on dedicated lanes is included in the transportation bill. General Manager/CEO Donna DeMartino stated that it is included in the Senate version of the bill.

Director Isetti suggested that there should be a coalition to advocate against dedicated bus lanes for BRT. General Manager/CEO Donna DeMartino agreed that forming a coalition is a good idea. She noted that the American Public Transportation Association has been lobbying against dedicated lanes for BRT. Chair Fong noted that they spoke to legislators about the dedicated lanes issue at every possible opportunity.

Director Restuccia left the meeting at this point.

9. CONSENT CALENDAR

- A. RESOLUTION: MINUTES OF THE MARCH 20, 2012, REGULAR BOARD MEETING
Resolution No. 5380: Board approval of the March 20, 2012, Regular Board of Directors Meeting minutes
- B. RESOLUTION: MINUTES OF THE APRIL 17, 2012, SPECIAL BOARD MEETING
Resolution No. 5381: Board approval of the April 17, 2012, Special Board of Directors Meeting minutes

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

10. ACTION ITEMS

- A. RESOLUTION: APPROVE A FIRST AMENDMENT TO THE CONTRACT OF MAYALL HURLEY
Resolution No. 5381: Board approval to award a First Amendment to the contract with Mayall Hurley for On-Call Legal Services

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

Chair Fong commented on the contract's not to exceed amount and asked for the actual expenses incurred in the last fiscal year.

General Manager/CEO Donna DeMartino stated that the actual expense for all legal fees the last fiscal year was under \$218,000.00. At that time, there were nine contracts for on-call legal services each with a "not to exceed" amount of \$150,000.00. Although RTD has several contracts, only the actual expenses are charged as needed.

- B. RESOLUTION: APPROVE MODIFICATION TO THE TAKE OF PROPERTY FOR RTD'S REGIONAL TRANSPORTATION CENTER
Resolution No. 5383: Board approval to proceed with the modification to the take of property needed for RTD's Regional Transportation Center (RTC)

ACTION: MOTION: DIRECTOR ISETTI SECOND: DIRECTOR GIOVANETTI
Roll Call:
AYES: Giovanetti, Isetti, Fong, Bauer
NAYES: None

ABSTAIN: None
ABSENT: Restuccia

Legal Counsel Al Hoslett commented that a paragraph was inadvertently removed in the copy of the resolution provided to the Board. That paragraph states: "Whereas, during the time period since the Resolution of Necessity, Resolution No. 5276, was adopted in September 2010 changes in the short term and midterm financial projections for RTD have prompted RTD to reevaluate several of its operations and projects including this project." This language will be added to the resolution.

Legal Counsel Ron Palmquist and Legal Counsel Tom Keeling provided a presentation to the Board.

Director Isetti noted that passing this resolution will save RTD money on this project.

11. DISCUSSION ITEMS

- A. CONTRACTS QUARTERLY UPDATE – JANUARY – MARCH 2012
Procurement Manager Sharon Miller provided an update on the contracts awarded during the period January through March 2012.

Director Isetti is pleased that Diede Construction, a local business, was awarded the contract for the BRT project.

Procurement Manager Sharon Miller noted that the subcontractors on this project are also local businesses.

12. INFORMATION ITEMS

- B. FINANCIAL STATEMENTS
Finance Manager Virginia Alcayde provided information on the March Financial Reports.

Director Isetti and Director Giovanetti congratulated RTD staff for continuing to balance RTD's budget.

13. QUESTIONS AND COMMENTS FROM DIRECTORS

Chair Fong provided a report on the SJCOG One Voice trip he attended. His report included the following information:

- Officials from San Joaquin County represented RTD by speaking to legislators about the Regional Transportation Center (RTC). They educated themselves about RTD's projects such as the RTC and BRT. This will help RTD promote these projects to the community.
- These trips promote RTD's programs and help RTD receive grant funding.

14. CLOSED SESSION

Chair Fong announced that the Board would recess to Closed Session to discuss the following matters:

A. LABOR NEGOTIATIONS

1. 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

1. Existing Litigation, pursuant to Government Code Section 54956.9, subdivision (a). Two 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

Upon returning from Closed Session, the Chair Fong announced that no reportable action had been taken.

15. ADJOURNMENT

Chair Fong adjourned the meeting at 5:30 p.m.