

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
SAN JOAQUIN REGIONAL TRANSIT DISTRICT  
TUESDAY, SEPTEMBER 18, 2012

The Board of Directors of the San Joaquin Regional Transit District (RTD) held a Regular Meeting at 3:00 p.m. on Tuesday, September 18, 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: Joni Bauer Absent: None  
Gary S. Giovanetti  
Duane Isetti  
Michael P. Restuccia  
Les J. Fong

Staff Present

Donna DeMartino, General Manager/CEO  
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  
Sharon Miller, Procurement Manager - Contracts  
Mark Fairbanks, Operations Superintendent  
Virginia Alcayde, Finance Manager  
George Lorente, Grants Manager  
Chris Durant, Materials and Fleet Manager  
Gurcharn Sidhu, Utility Worker  
Kellie Nickola, Coach Operator  
Johna Simon, Human Resources Senior Specialist  
Nate Knodt, Service Development Manager

Members of the Public Who Indicated They Were Present

James Young	Lenard Warshauer	Jesse Lopez
Tu Can Nguyen	Deborah Gurley	Cheryl Ross
Chuck Strothers		

5. SPECIAL PRESENTATION
  - A. EMPLOYEES OF THE MONTH

Special recognition was given to Utility Worker Gurcharn Sidhu, Maintenance Employee of the Month for August, and Coach Operator Kellie Nickola, Transportation Employee of the Month for August.

6. PUBLIC COMMENT

James Young noted that there was graffiti on a bus stop sign at Pershing and Brookside, and that there is graffiti and papers taped on the bus bench at Stagg High School.

Lenard Warshauer continued his comments on the Route 63 service restructure.

Jesse Lopez commended the coach operators on Metro Hopper 6 for doing a good job. The operators are polite and they always greet their passengers.

Tu Can Nguyen continued her complaints about organized crime and shared her political views.

Deborah Gurley commended the Route 40 coach operator for doing a great job on a full bus. The operator works with the passengers to make sure they have an enjoyable ride.

Cheryl Ross, Vice President of the Amalgamated Transit Union, Local 276 (Union) commented on the following: (a) negotiations between MV and the Union, noting that the Central Labor Council has authorized the Union to strike; and (b) the Union and RTD have been working collaboratively to resolve outstanding grievances.

Chuck Strothers commented on the Route 83 service.

Director Giovanetti asked for Route 63 ridership information before the service restructure. Service Development Manager Nate Knodt noted that before the service restructure, Route 63 had been one of the lowest performing routes and was in the bottom third of the whole system.

7. REPORTS

A. MV REPORT

MV Interim General Manager Joe Escobedo introduced himself to the Board, gave an update on new hires, and commented on the negotiations between MV and the Union.

Director Giovanetti asked MV Interim General Manager Joe Escobedo if he had any information on the Union's intent to strike and if he had prior experience in strike situations. MV Interim General Manager Joe Escobedo noted that the comment made at the public comments section was the first he had heard of the Union's intent to strike. He noted that he has experience in dealing with strike situations.

Chair Fong asked for clarification on the hiring of additional staff. MV Interim General Manager Joe Escobedo noted that due to RTD rehires and employee terminations, he is planning to hire at least 14 new coach operators.

B. GENERAL MANAGER/CEO REPORT

The General Manager/CEO provided the following comments:

- The General Manager/CEO noted that prior to the Board meeting, she had not heard of the Union's intent to strike.
- RTD continues to push for AB 492, a legislation that will give transit agencies the authority to enforce civil administrative penalties for fare evasion or passenger misconduct. AB 492 recently passed the Senate Transportation Committee and is currently on the governor's desk for approval.
- RTD has begun its 2013 United Way Campaign and RTD's goal has been lowered this year due to a reduction in staff. RTD's United Way Team has lined up several activities to raise funds for United Way.

C. STATE/FEDERAL LEGISLATIVE REPORT

The General Manager/CEO did not provide additional comments.

8. CONSENT CALENDAR

- A. RESOLUTION: MINUTES OF THE AUGUST 21, 2012, REGULAR BOARD MEETING  
Resolution No. 5408: Board approval of the August 21, 2012, Regular Board of Directors Meeting minutes
- B. RESOLUTION: FY 2012 LOCAL TRANSPORTATION FUND (LTF) CLAIM AMENDMENT  
Resolution No. 5409: Board approval to amend the FY 2012 LTF Claim
- C. RESOLUTION: APPROVE DISPOSITION OF VEHICLES AND REMOVAL OF RTD-OWNED EQUIPMENT  
Resolution No. 5410: Board approval to dispose vehicles and remove RTD-owned equipment

ACTION: MOTION: DIRECTOR GIOVANETTI SECOND: DIRECTOR BAUER

Roll Call:

AYES: Bauer, Giovanetti, Isetti, Fong, Restuccia

NAYES: None

ABSTAIN: None

ABSENT: None

Director Giovanetti asked for clarification on the LTF carryover of \$22,343. Grants Manager George Lorente clarified that the carryover are capital funds that were not spent in FY 2011. He also noted that there is a dollar difference in the final resolution because there was a rounding difference in the numbers with the San Joaquin Council of Governments.

9. ACTION ITEMS

- A. RESOLUTION: APPROVE FIRST AMENDMENT TO THE CONTRACT OF HANSON BRIDGETT, LLP FOR ON-CALL LEGAL SERVICES FOR \$32,000.00 IN A TOTAL

CONTRACT AMOUNT NOT TO EXCEED \$182,000.00

Resolution No. 5411: Board approval of First Amendment to the contract of Hanson Bridgett, LLP for on-call legal services for \$32,000.00 in a total contract amount not to exceed \$182,000.00

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

Director Restuccia asked for more information about why the contract exceeded the not-to-exceed amount. Procurement Manager Sharon Miller noted that RTD set all nine contracts for on-call legal services at \$150,000.00, as RTD did not anticipate that those contracts would exceed that amount. Hanson Bridgett exceeded the contract amount because it had been involved in arbitration proceedings.

In response to Director Giovanetti's question about reviewing the invoices from Hanson Bridgett, Procurement Manger Sharon Miller noted that RTD's Legal Counsel reviews all invoices for legal services for accuracy before they are paid.

#### 10. DISCUSSION ITEMS

A. ELECTRONIC BIDDING SYSTEM

Chair Fong announced that this item will be moved to the October meeting.

B. EQUAL EMPLOYMENT OPPORTUNITY (EEO) ANNUAL REPORT – SEPTEMBER 2012

Human Resources Senior Specialist Johna Simon provided a presentation on the EEO Annual Report.

Director Isetti noted that RTD has a workforce that reflects the community it serves.

C. FINANCIAL STATEMENTS

Finance Manager Virginia Alcayde provided the August Financial Reports to the Board.

Director Isetti asked if RTD still has a program with the Stockton Unified School District (SUSD). General Manager/CEO Donna DeMartino confirmed that RTD does have a program with SUSD and RTD staff continues to look for ways to expand the program.

#### 11. QUESTIONS AND COMMENTS FROM DIRECTORS

Director Giovanetti reported on his attendance at the American Public Transportation Association Board Members Seminar and discussed the following topics:

- Succession Planning

- Mobility Issues
- Economic Sustainability
- Environmental Sustainability
- Safe and Reliable Mobility

12. 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
2. Sale of Property: Parcels known as 1545 East Miner Avenue and 1544, 1602, and 1604 East Lindsay 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) San Joaquin Regional Transit District vs. DSS-2731 Myrtle LLC, et al., San Joaquin Superior Court Case No. 39-2010-00252684-CU-EI-STK
  - (j) San Joaquin Regional Transit District vs. Alan Wagner, etc., et al., San Joaquin Superior Court Case No. 39-2012-00285364-CU-CO-STK

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

13. ADJOURNMENT

Chair Fong adjourned the meeting at 4:30 p.m.