



Alameda County Transportation Commission Commission Meeting Minutes Thursday, November 19, 2020, 2 p.m.

6.1

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• PH: (510) 208-7400

• www.AlamedaCTC.org

1. Call to Order

2. Roll Call

A roll call was conducted. All members were present with the exception of Commissioners Haggerty, Miley, and Thao.

Commissioner Cox attended as an alternate for Commissioner Chan.

Commissioner McQuaid attended as an alternate for Commissioner Carson.

Commissioner Narum attended as an alternate for Commissioner Thorne.

Subsequent to the roll call:

Commissioner Haggerty arrived during item 4. Commissioner Miley arrived during item 6.1.

3. Public Comment

There were no public comments.

4. Chair and Vice Chair Report

Chair Cutter stated that Alameda CTC continues to deliver projects and implement programs during the pandemic and she noted that the Commission will continue to do its part in the economic recovery and supporting communities by delivering projects and programs and keeping a continued focus on project development and program delivery for on-going investments throughout the county. She provided details on the long-range County Transportation Plan as well as the COVID-19 Rapid Response Bicycle and Pedestrian Grant Program, and she stated that the Commission would also consider approval of the draft audited Comprehensive Annual Financial Report (CAFR). She concluded her report by congratulating Commissioner Haggerty on winning the Distinguished Service Award from the California Transit Association.

Vice Chair Bauters provided instructions to the Commission regarding technology procedures including instructions on administering public comments during the meeting.

5. Executive Director Report

Tess Lengyel noted that Alameda CTC has worked very closely with partner agencies to leverage funds over the past year. She reported that the California Transportation Commission (CTC) awarded Alameda CTC \$25M for the I-680 Gap Closure Project and she provided details on other projects that have been advertised for construction. Ms. Lengyel concluded her report by informing the Commission that she was the moderator on a statewide panel discussing "Transportation in a post COVID-19 world" held by the Self-Help Counties Coalition.

6. Consent Calendar

- 6.1.** Approve October 22, 2020 Commission Meeting Minutes
- 6.2.** FY2020-21 First Quarter Report of Claims Acted Upon Under the Government Claims Act
- 6.3.** Approve Alameda CTC FY2020-21 First Quarter Investment Report
- 6.4.** Approve Alameda CTC FY2020-21 First Quarter Consolidated Financial Report
- 6.5.** Annual Local Business Contract Equity Program Utilization Report for Payments Processed between July 1, 2019 and June 30, 2020
- 6.6.** Approve Alameda CTC Staff and Retiree Benefits for Calendar Year 2021 and Salary Ranges for FY2021-22
- 6.7.** Approve the FY2021-22 Professional Services Contracts Plan
- 6.8.** Approve Administrative Amendments to Various Agreements to Extend Agreement Expiration Dates
- 6.9.** Approve funding strategy for City of Emeryville's Senate Bill 1 funded Quiet Zone Safety Engineering Measures Project
- 6.10.** Approve the Professional Services Agreement with Acumen Building Enterprise, Inc. for Project Management / Project Controls Services
- 6.11.** Approve Oakland Alameda Access Project Actions to complete the Environmental Phase
- 6.12.** Approve actions necessary to facilitate project advancement and delivery of the Rail Safety Enhancement Program (RSEP)
- 6.13.** Approve COVID-19 Rapid Response Bicycle and Pedestrian Grant Program
- 6.14.** Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments
- 6.15.** Federal, state, regional and local legislative activities update

Vanessa Lee, Clerk of the Commission stated that a public comment was received pertaining to item 6.11. Ms. Lee stated that the public comment was sent to the Commission in advance of the meeting and is available for review on the Alameda CTC website. She read the comment into the record.

Commissioner Marchand moved to approve the Consent Calendar. Commissioner Ortiz seconded the motion. The motion passed with the following roll call votes:

Yes: Arreguin, Bauters, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Kaplan, Marchand, McBain, McQuaid, Mei, Narum, Ortiz, Pilch, Saltzman, Valle
No: None
Abstain: Miley
Absent: Thao

7. Community Advisory Committee Written Reports

7.1 Independent Watchdog Committee

Tess Lengyel stated that the minutes for the Independent Watchdog Committee were included in the packet.

8. Finance and Administration Committee

8.1 Approve the Alameda CTC Draft Audited Comprehensive Annual Financial Report for the Year Ended June 30, 2020

Patricia Reavey recommended that the Commission approve the Alameda CTC Draft Audited Comprehensive Annual Financial Report (CAFR) for the Year Ended June 30, 2020. Ms. Reavey stated that the auditors have reported what is considered to be an unmodified opinion or clean audit on the financial statements. She noted that the Alameda CTC Audit Committee met on October 22, 2020 to review the draft CAFR and discuss required communications regarding internal controls, significant audit findings, and other matters. She stated that there were no recommendations taken from that meeting and the auditors did not find any deficiencies in internal controls. Ms. Reavey noted that the auditing firm audited the calculation of the limitation ratios required by the 2000 and 2014 Transportation Expenditure Plans, and Alameda CTC is compliant with those requirements. Ms. Reavey stated that Maze & Associates also performed a single audit for the fiscal year ended June 30, 2020, which is required when a grantee spends \$750,000 or more in federal funds in the fiscal year. The auditors reported that Alameda CTC complied with compliance requirements that could have a direct and material effect on each of the Federal programs. She stated that Alameda CTC's CAFR has been drafted to meet all Government Finance Officers Association (GFOA) requirements for an award for excellence in financial reporting and will be submitted to the GFOA for consideration of this award. Ms. Reavey introduced David Alvey, a partner with Maze & Associates, who gave a detailed presentation on the CAFR.

Commissioner Mei moved to approve this item. Commissioner Dutra-Vernaci seconded the motion. The motion passed with the following roll call votes:

Yes: Arreguin, Bauters, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Kaplan, Marchand, McBain, McQuaid, Mei, Miley, Narum, Ortiz, Pilch, Saltzman, Valle
No: None
Abstain: None
Absent: Thao

9. Programs and Projects Committee Meeting

9.1 Approve I-880 to Mission Boulevard East-West Connector Project (PN 1177000) Commitment of 1986 Measure B Funding (Resolution No. 20-013)

Alameda CTC General Counsel Zack Wasserman provided details on an apparent Brown Act violation relating to Commissioner Dutra-Vernaci's contact with more than a quorum of the Alameda CTC Commissioners to discuss the I-880 to Mission Boulevard East-West Connector Project. Mr. Wasserman noted that based on his research and discussions with co-General Counsel Steve Mattas at Meyers Nave, the cure for this violation is to put the communications on the record by having Commissioner Dutra-Vernaci inform the Commission of the Commissioners she contacted and the substance of the conversations and by having the Commission commit to not having such serial meetings in the future. Those are the cures that would apply if there was a complaint after the Commission voted and they serve as the cure in this situation where the violation was discovered in advance of the vote.

Mr. Wasserman noted that at the next meeting of the Commission, there will be an item on the agenda to take this action to commit to not hold serial meetings in the future.

Commissioner Cutter asked if Commissioner Dutra-Vernaci is able to discuss and vote on this item. Mr. Wasserman stated that recusal is not required for this item.

Commissioner Dutra-Vernaci noted that she made a mistake and unintentionally violated the Brown Act. She detailed the Commissioners she contacted and stated that she contacted those Commissioners to discuss the comments made at the March 2018 meeting. She noted that according to her recollection, the conversations with the Commissioners were not different than the issues that had been discussed at their Commission Meetings. Commissioner Dutra-Vernaci noted that she discussed the following with the Commissioners: the importance of the project to Union City; complete Streets is incorporated in the project; class 1 and Class 4 bikeways with protected intersections are included in the project, and this is a local roadway; her commitment to working with bicycle, pedestrian and transit partners and advocates; the reasons it took so long to get to this point with the project. Commissioner Dutra-Vernaci stated that knowing that the bicycle component was of great interest, she invited Commissioners Bauters, Pilch and Saltzman to see the plans and diagrams for the Class 1 and 4 bikeways and the protected intersections. Commissioner Bauters attended a meeting with her in Union City and separately Commissioner Pilch visited the Union City TOD.

Tess Lengyel stated that the East-West Connector (EWC) Project is the last capital project remaining from the 1986 Measure B Transportation Expenditure Plan that was approved by voters. She noted that many questions were raised pertaining to whether the Commission's direction was followed by the City of Union City. Ms. Lengyel reiterated the Commission's direction stating that, the Commission directed the City, as the Project Sponsor, to evaluate whether an update, amendment or addendum to the current 2009 environmental document was required. To perform the evaluation, the Commission directed the City to update the traffic study, which means using an updated travel demand model that included the area from the Dumbarton Bridge to compare the project to determine if it's consistent with the state certified 2009 Environment Impact Report. Ms. Lengyel noted that many questions were raised about why the City did not look for new alternatives for the project or look at new transit or bicycle and pedestrian studies for the area. Ms. Lengyel clarified that while interest has been expressed are interested in these studies, it is not what the Commission directed the City to do. She noted that Attachment D in the Commission Packet included a detailed letter from the City of Union City answering the questions raised by the public. She introduced Vivek Bhat and Joan Malloy with the City of Union City who provided the presentation for this item.

Vivek Bhat recommended that the Commission approve the following actions solely for the 1986 Measure B Named Capital Project Funds:

- Adopt Resolution No. 20-013 (Attachment A) committing the remaining balance of 1986 Measure B funding for the I-880 to Mission Boulevard East-

West Connector Project to the Quarry Lakes Parkway Project sponsored by the City of Union City and acknowledging the commitment fulfills the entire commitment of 1986 Measure B funding from the 1986 Transportation Expenditure Plan to the project;

- Allocate \$4.2 million of 1986 Measure B funding for the design phases of Segments 1 and 2 of the Quarry Lakes Parkway Project (\$2 million and \$2.2 million, respectively);
- Allocate \$17.8 million of 1986 Measure B funding for the design phases of Segments 3 and 4 of the Quarry Lakes Parkway Project (\$9.2 million and \$8.6 million, respectively) with the condition that full funding for all phases of the segment will be identified in the funding agreement(s) for the Quarry Lakes Parkway Project before any reimbursements for eligible design phase costs for that segment will be approved; and
- Authorize the Executive Director, or designee of the Executive Director, to execute a project funding agreement, or agreements, with the City of Union City for the design phases of Segments 1 through 4 of the Quarry Lakes Parkway Project up to the amounts allocated for the design phase for each segment.

Joan Malloy, City of Union City Manager reviewed the City's Project Delivery approach and public engagement efforts and commitments. Ms. Malloy provided a status of conditions set by Alameda CTC Commission in March 2018.

The following public comments were heard during the meeting:

- Flavio Poehlmann suggested that the Commission not take action on the item and provided comments on the traffic study.
- Dave Campbell, Bike East Bay, suggested that the City of Union City perform a study on a two-lane roadway.
- Trustee Sarabjit Kaur Cheema, a school trustee for Union City raised concern over saving the farm and requested the City to not take away the land.
- Robert Czerwinski, Chairman of the Union City EWC Mitigation Monitoring Committee commented that a new EIR or a revision of the EIR is requested before the funds are released.
- David Schonbrunn, President of Transportation solution Fund, requested that Mayor Dutra-Vernaci apologize by recusing herself and he also pointed out that induced demand in the EIR is out of date.
- Liz Ames, BART Director, commented that many things have changed since the traffic study and therefore it should be reevaluated.
- Dan Leavitt representing the San Joaquin Regional Rail Commission commented that he supports the Quarry Lakes Project in Union City and Fremont.
- Willie McDonald, Alameda County Fire Chief commented that he supports the Quarry Lake Project.
- Krysten Laine commented that the traffic study needs to be updated and requested that the Commission hold off the vote.

- Michele Kim commented that she supports the Quarry Lakes Project.
- Andreas Kadavanich representing Bike Fremont commented a month ago that the Union City Bicycle and Pedestrian Committee had not reviewed the traffic study and requested the Commission to defer action to the next cycle of meetings.
- Faith Sen commented that she supports the Quarry Lakes Project.
- Gerald Cauthen representing the Bay Area Transportation working Group commented that his group met and they agreed that this project does not improve transportation of any kind. He opposes the Quarry Lakes Project.
- Mandeep Gill a member of the Union City BPAC commented that this project has been rushed and the people that walkable and bikeable communities are not being listened to enough. He suggested a two-lane roadway may be warranted.
- Maria Ramirez commented that she opposes the Quarry Lakes Project and requested the City to save the land and open space.
- Jared Rinetti, Union City Policy Chief, commented that he supports the Quarry Lakes Project. He noted that the project will help to alleviate congestion and assist emergency vehicle access.
- Uthra Srinivasan commented that the plan and project was drawn up in 1986 and the study is now irrelevant. She opposes the Quarry Lakes Project.
- Clint Johns stated that he is questioning removing a farm and replacing it with more houses and gridlock.
- Rangin Khattak commented that he opposes this project. He stated that 60% of the funding is not available and he asked why is this project being discussed at this time.
- Jesus Vargas stated that he is representing himself, not his firm. He commented that he was one of the original engineers of the project and noted that the updated studies are solid and consistent with current engineering requirements. He supports the Quarry Lakes Project.

Vanessa Lee, Clerk of the Commission stated that nine additional public comments were received for this item. The additional public comments were sent to the Commission in advance of the meeting and are available for review on the Alameda CTC website. Ms. Lee stated that the majority of the comments received were captured in the record by commenters at the meeting, however Ms. Lee read public comments that were not spoken at the meeting, into the record. She read the following comments:

- Alameda County Union City Water District – Supports the Quarry Lakes Project.
- Caliber, a local land owner – Supports the Quarry Lakes Project.
- Jennifer Schwartz – Opposes the Quarry Lakes Project.
- Manuel Fernandez – Supports the Quarry Lakes Project.
- Jewell Spalding, on behalf of the Sierra Club- Opposes the Quarry Lakes Project.
- Joann Lew on behalf of the Union City BPAC – Supports the Quarry Lakes Project.

The following comments were heard from Commissioners:

Commissioner Ortiz stated that for AC Transit this project will have an impact on designating Decoto Road as a transit corridor and she requested that the Union City agree to include transit priority lanes on Decoto road as part of the overall project area plan.

Commissioner Valle stated that there are two elementary schools as well as a high school in the area of Decoto Road and the safety of kids crossing the roadway is risky. He noted that diverting traffic away from Decoto Road to Quarry Lakes Parkway is the way to go and expressed his support for the project.

Commissioner Saltzman stated that the project is overbuilt and a four-lane road will induce traffic. She agrees that transit priority lanes are needed to accommodate buses however, she opposes the project as written at this time.

Commissioner Mei stated that she's spoken to many people in the community regarding their concerns with the expansion of the lanes; however, she noted that having transit priority lanes is a good idea.

Commissioner Dutra-Vernaci stated that Union City is paying attention to the comments and the community. She noted that it's important to get traffic off Decoto Road and stated that the project will create safety for the community.

Commissioner Pilch commented that he appreciates the comments about the priority transit lanes and the complete streets design about the project; however, the project does not have enough data regarding effects on traffic.

Commissioner Marchand commented that he supports the Quarry Lakes Project.

Commissioner Mei asked does the farm house have any historical significance that warrants preserving. Joan Malloy stated that the Quarry Lakes Project will not impact the farm house.

Commissioner Bauters commented that due to the challenging nature of the project, he proposed the following additional provisions be included in the Resolution as part of approval for this item:

NOW THEREFORE, BE IT RESOLVED, that this Commission does and it hereby finds and determines each of the following, based upon the conditions stated in paragraphs (f), (g), (h), and (i) below:

- (f) The project sponsor will employ the most current NACTO standards for all bicycle and pedestrian facilities, including, but not limited to, on-street and separated bicycle facilities, sidewalks, and intersections within the project scope.

- (g) The project sponsor agrees to employ design features that are the most compatible with the best and highest quality use for transit along the Quarry Lakes Parkway.
- (h) The project sponsor agrees to host a quarterly, publicly noticed design update meeting for the benefit of the public, bicycle, pedestrian, and transit advocates, with the project sponsor's design team and consultants present, to present updates to the public during the design process, and to receive feedback and answer questions from the public about design elements during design development.
- (i) The project sponsor agrees to convene meetings with the City of Fremont and AC Transit to evaluate the necessity and potential design of transit priority lanes along Decoto Road between Dumbarton Bridge and Mission Boulevard during the design phase of this project.

Commissioner Bauters moved to approve this item with the above provisions.

Commissioner Haggerty seconded the motion. The motion passed with the following roll call votes:

Yes: Arreguin, Bauters, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Marchand, McBain, McQuaid, Mei, Narum, Ortiz, Pilch, Saltzman, Valle

No: None

Abstain: None

Absent: Kaplan, Thao

10. Planning, Policy and Legislation Committee

10.1. Adoption of 2020 Countywide Transportation Plan and companion documents, Community-Based Transportation Plan and New Mobility Roadmap

Tess Lengyel stated that the CTP is a culmination of nearly two years of detailed work and public engagement, and she introduced Cathleen Sullivan and Kristen Villanueva to present the item. Ms. Sullivan recommended that the Commission adopt the 2020 Countywide Transportation Plan (CTP) and its companion documents, the Community-Based Transportation Plan and the New Mobility Roadmap. The presentation covered, outreach, core recommendations in the 10-year list, and the new mobility roadmap, which addresses rapid change in transportation sector to support safe, equitable, and widely beneficial innovations and outcome.

The following public comments were heard on this item:

- Denyse Trepanier, of Bike Walk Alameda, offering support of the Oakland Alameda Access Project.
- Mike Jacobs, thanked and supported staff's recommendations
- Jim Haussener, regarding bicycle and pedestrian projects included in the plan.
- Rochelle Wheeler with City of Alameda, thanked staff for moving the West End Bike/Ped Crossing from 30-year list to the 10-year list.
- Dave Campbell thanked staff and the Commission for moving the West End Bike/Ped Crossing project from 30-year list to the 10-year list.

Commissioner Ezzy Ashcraft thanked Tess Lengyel and her staff for attending Alameda's City Council meeting.

Commissioner Cutter asked if funding is need at this time regarding for the estuary project. Ms. Lengyel stated that the plan is not a funding document.

Commissioner Ortiz moved to approve this item. Commissioner Ezzy Ashcraft seconded the motion. The motion passed with the following roll call votes:

Yes: Arreguin, Bauters, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Marchand, McBain, McQuaid, Mei, Narum, Ortiz, Pilch, Saltzman, Valle

No: None

Abstain: None

Absent: Kaplan, Thao

11. Commission Member Reports

Commissioner Haggerty congratulated Commissioner Bauters on being elected as the Secretary of the Bay Area Air Quality Management District (BAAQMD).

Commissioner Cutter stated that the Waste Water District is sampling waste water for areas to determine the path of the water through communities. The goal is to locate hot spots to get the coronavirus under control.

12. Adjournment

The next meeting is Thursday, December 3, 2020 at 2:00 p.m.

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