

SAN JOAQUIN REGIONAL RAIL COMMISSION TELECONFERENCE BOARD MEETING

January 8, 2021 – 8:00 am

Call-In Information: [+1 \(872\) 240-3212](tel:+18722403212) Access Code: 223-482-925
GoToMeeting Link: <https://global.gotomeeting.com/join/223482925>

SPECIAL NOTICE Coronavirus COVID-19

In accordance with the Governor's Executive Order N-29-20, San Joaquin Regional Rail Commission Board Members will be attending this meeting via teleconference or videoconference. Members of the public may observe the meeting by dialing [+1 \(872\) 240-3212](tel:+18722403212) with access code: 223-482-925 or log-in using a computer, tablet or smartphone at [GoToMeeting.com](https://global.gotomeeting.com/join/223482925) using link: <https://global.gotomeeting.com/join/223482925>

Please note that all members of the public will be placed on mute until such times allow for public comments to be made. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting and will have the option to notify SJRRC staff by alerting them via the "Chat" function or they can 2) contact SJRRC staff via email at publiccommentssjrrc@acerail.com in which staff will read the comment aloud during the public comment period. Emailed public comments should be limited to approximately 240 words as comments will be limited to two (2) minutes per comment.

This Agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact San Joaquin Regional Rail Commission (SJRRC) staff, at (209) 944-6220, during regular business hours, at least twenty-four hours prior to the time of the meeting.

All proceedings before the Commission are conducted in English. Anyone wishing to address the SJRRC Board is advised to have an interpreter or to contact SJRRC during regular business hours at least 48 hours prior to the time of the meeting so that SJRRC can provide an interpreter. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available upon request in both English and Spanish for public inspection at the Office of the Executive Director located at 949 East Channel Street, Stockton, California, 95202 during normal business hours or by calling (209) 944-6220. The Agenda is available on the San Joaquin Regional Rail Commission website: www.acerail.com.

1. Call to Order, Pledge of Allegiance, Roll Call

Chair Fugazi

Roll Call: Kuehne, Miller, Nuno, Young, Zuber, Chair Fugazi

Ex- Officios: Nguyen, Salazar, Zoslocki, Agar

2. Public Comments

Persons wishing to address the Commission on any item of interest to the public regarding rail shall state their names and addresses and make their presentation. Please limit presentations to two minutes. The Commission cannot take action on matters not on the agenda unless the action is authorized by Section 54954.2 of the Government Code. Materials related to an item on the Agenda submitted to the Board of Directors after distribution of the agenda packet are available for the public inspection in the Commission Office at 949 E. Channel Street during normal business hours. These documents are also available on the San Joaquin Regional Rail Commission website at <https://acerail.com/board-of-directors/> subject to staff's ability to post the documents prior to the meeting.

3. Consent Calendar

3.1	Minutes of SJRRC Board Meeting December 4, 2020	ACTION
3.2	Rail Commission/ACE Monthly Expenditure	INFORMATION
3.3	ACE Monthly Fare Revenue	INFORMATION
3.4	ACE Ridership	INFORMATION
3.5	ACE On-Time Performance	INFORMATION
3.6	Update on Positive Train Control	INFORMATION
3.7	Washington Update	INFORMATION
3.8	Blue Ribbon Task Force Letter	INFORMATION

4. **Approve Two (2) Resolutions of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit Grant Applications to the Alameda County Transportation Commission and the California State Transportation Agency for the Newark-Albrae Siding Connection and Execute Any and All Documents Related to the Project** **ACTION**

Action 1. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit

and Execute Any and All Grant Applications, Agreements, and Any Other Documents Necessary to Obtain Alameda County Transportation Commission Funding in the Amount of \$2,000,000 for the Newark-Albrae Siding Connection and Authorizing the Executive Director to Execute Any and All Documents Related to the Project
(David Ripperda) (All Voting Members)

Action 2. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to the California State Transportation Agency to obtain State Rail Assistance (SRA) Funding in the Amount of \$7,800,000 for the Newark-Albrae Siding Connection Project and Authorizing the Executive Director to Execute Any and All Documents Related to the Project
(David Ripperda) (All Voting Members)

5. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Chair to Accept and Sign Waiver of Potential and Actual Conflicts of Interest Letters with SJRRC Counsel, Neumiller and Beardslee (N&B), Arising from Concurrent Representation of San Joaquin Joint Powers Authority and San Joaquin Regional Rail Commission Regarding 1) a Joint Use Agreement and 2) Rail Maintenance Facility (RMF) Use Agreement and Electing One of Following Options for Each Waiver Letter:** **ACTION**
1. **Waive the Conflict and allow N&B to prepare the Agreements for both SJJPA and SJRRC.**
 2. **Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Agreements, but not both.**
 3. **Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.**
- (Stacey Mortensen/Brian Schmidt) (Regular Voting Members)

6. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with O'Dell Engineering for the Ripon Station Platform Project to Increase the Total Compensation by an Amount of \$1,791,586 with the Total Contract Amount Not-To-Exceed \$3,093,868 and** **ACTION**

Authorizing the Executive Director to Execute Any and All Documents Related to the Project

(David Ripperda) (Regular Voting Members)

7. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving and Authorizing a Letter of Understanding with the City of Ripon For the Environmental and Engineering/Design Phases of the Ripon Multimodal Station and Authorizing the Executive Director to Execute Any and All Documents Related to the Project** **ACTION**
(David Ripperda) (Regular Voting Members)

8. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement AECOM Technical Services, Inc. for the Final EIR ACE Extension Ceres to Merced Project to Increase the Total Compensation by an Amount of \$160,000 with the Total Contract Amount Not-To-Exceed \$1,652,045 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project** **ACTION**
(David Ripperda) (Regular Voting Members)

9. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with Mark Thomas & Company, Inc. for the North Elk Grove Station Project to Increase the Total Compensation by an Amount of \$504,030 with the Total Contract Amount Not-To-Exceed \$905,690 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project** **ACTION**
(David Ripperda) (Regular Voting Members)

10. **Commissioner's Comments**

11. **Ex-Officio Comments**

12. **Executive Director's Report**
13. **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Teresa Flores and Luis Flores v. San Joaquin Regional Rail Commission, Superior Court of California, County of San Joaquin, Case No. STK-CV-UPI-2009-0007884

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One (1) case.

14.

Adjournment

The next regular meeting is scheduled for:
February 5, 2021 – 8:00 am

