

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,750th Meeting  
January 28, 2016

A regular meeting of the Board of Directors was held January 28, 2016, convening at 9:02 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: None. Director McPartland entered the Meeting later.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on proposed parking fees for the new Warm Springs BART Station and for parking control fees at Coliseum BART during events at the O.co Coliseum and Oracle Arena, that staff would give a brief presentation on the items, and that the meeting would then be opened for comments from the public.

Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

Director McPartland entered the Meeting.

There being no public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 14, 2016.
2. Revisions to 2016 Standing Committee and Special Appointments.
3. District Base Pay Schedules.
4. Award of Contract No. 15TF-121A, Install Safety Barriers in Right-of-Way System Wide Phase II.
5. Award of Contract No. 17DA-110, Oakland Shop Inspection Pit Expansion.

Consent Calendar reports brought before the Board were:

1. Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2015.
2. Fiscal Year 2016 First Quarter Financial Report.

Director Mallett requested Item 2-A, Approval of Minutes of the Meeting of January 14, 2016, be removed from Consent Calendar and continued to a future meeting.

Director Keller requested Item 2-B, Revisions to 2016 Standing Committee and Special Appointments, be removed from Consent Calendar.

President Radulovich announced that Item 2-C, District Base Pay Schedules, would be removed from Consent Calendar.

Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the General Manager be authorized to award Contract No. 15TF-121A, Installation of Right-of-Way Safety Barriers System Wide, Phase II, to Golden Bay Fence Plus Iron Works, Inc., for the Bid price of \$1,039,416.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to award Contract No. 17DA-110, Oakland Shop Inspection Pit Expansion, to Valentine Corporation, for the Bid price of \$858,369.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

President Radulovich brought the matter of Revisions to 2016 Standing Committee and Special Appointments before the Board. The item was discussed and continued to a future meeting.

President Radulovich brought the matter of District Base Pay Schedules before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, gave a brief presentation on the item. Director Raburn moved that the base pay schedules in effect January 1, 2015, and January 1, 2016, be approved. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 1: Director Mallett.

President Radulovich announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Coliseum Transit Village Project - Phase I, before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item.

The following individuals addressed the Board.

Honorable Larry Reid

Michael Johnson

Peter Woller

Sylvester Galsby

Clint Bolden

The item was discussed.

Director Raburn brought the matter of Resolution Requesting Funding of Additional BART Rail Vehicles by County Congestion Management Agencies in Contra Costa, Alameda, and San Francisco before the Board. Ms. Deidre Heitman, Manager, Special Projects, presented the item. The item was discussed. Director Murray moved adoption of Resolution No. 5308, in the Matter of Support for the Funding of Additional BART Rail Vehicles by the County Congestion Management Agencies in Alameda, Contra Costa and San Francisco Counties, as amended. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Blalock.

Director Raburn brought the matter of Research on a Potential 2016 Funding Measure for District Infrastructure before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs, and Mr. David Metz, President of Fairbank, Maslin, Maullin, Metz & Associates, presented the item. The item was discussed.

President Radulovich brought the matter of Policy Requiring Inclusion of Affordable Housing in Proposed Development Projects at BART Stations before the Board. Director Mallett gave a brief presentation on the item.

The following individuals addressed the Board.

Lily Gray  
Joel Ramos  
Amie Fishman  
Jeff Levine  
Nur Kausar

The item was discussed. Director Mallett moved adoption of the Affordable Housing Policy, with amendments as proposed by the Board. Director Saltzman seconded the motion.

Discussion continued. Director Blalock made a substitute motion, to revise the second paragraph to read as follows:

Each Request for Qualifications (RFQ) or Request for Proposals (RFP) issued by the District relating to proposed residential development projects at BART stations shall include the current percentage of affordable housing constructed at that station along with the cumulative 20 percent goal of affordable housing units within one-quarter mile walking distance of that station.

Director Murray seconded the substitute motion, which failed. Ayes - 4: Directors Blalock, McPartland, Murray, and Raburn. Noes – 5: Directors Josefowitz, Keller, Mallett, Saltzman, and Radulovich.

The main motion carried by electronic vote. Ayes - 6: Directors Josefowitz, Keller, Mallett, McPartland, Saltzman, and Radulovich. Noes – 3: Directors Blalock, Murray, and Raburn. (The Affordable Housing Policy is attached and hereby made a part of these Minutes.)

Director Saltzman, Chairperson of the Administration Committee, brought the matters of Warm Springs Station Parking Fees and Parking Control Fees at Coliseum Station during Events at

O.Co Coliseum and Oracle Arena before the Board. Mr. Robert Franklin, Department Manager, Customer Access, presented the items. The items were discussed.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Sole Source Procurement with Cubic Transportation Systems, Inc., for Procurement of Ticket Vending Machine Transport Installation Kits with Software Modifications to Dispense Clipper® Cards, before the Board. Ms. Patricia Nelson, Project Manager, Clipper® Program, presented the item. The item was discussed. Director Josefowitz moved that the Board find, pursuant to Public Contract Code section 20227, that Cubic Transportation Systems, Inc., is the single source for procurement of ticket vending machine transport installation kits with software modifications to dispense Clipper® cards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations and execute a contract with Cubic Transportation Systems, Inc., for such procurement, in an amount not to exceed \$3,050,000.00, subject to certification by the Controller-Treasurer that funding is available. Director Murray seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

The Board Meeting recessed at 12:59 p.m.

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The Board Meeting reconvened in open session at 1:31 p.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman. Director Keller entered the Meeting later.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 59CT-120, Way Finding Improvements, Phase III, before the Board. Mr. Tian Feng, District Architect, presented the item. The item was discussed.

Director Keller entered the Meeting.

Director Blalock moved that the General Manager be authorized to award Contract No. 59CT-120, Wayfinding Improvements Phase III, to LC General Engineering & Construction, Inc., for the Bid price of \$7,040,757.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Murray seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent - 1: Director Saltzman.

President Radulovich called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, and

reported on open Roll Call for Introduction items. Mr. Paul Oversier, Assistant General Manager, Operations, reported on the service plan for SuperBowl week.

President Radulovich brought the matter of Policy Regarding Divestment from Investments in Thermal Coal before the Board. Director Josefowitz presented the item. The item was discussed.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Mallett reported he had attended the Transportation Research Board conference.

Director Keller requested an update on obtaining surveillance cameras for all train cars. Mr. Oversier gave a brief report on the status.

Director Keller requested the creation of a Parking and Connectivity Subcommittee, to consist of elected officials and staff from BART, Livermore-Amador Valley Transit Authority, Western Contra Costa Transit Authority, Central Contra Costa Transit Authority, and Tri-Delta Transit, to review the parking needs of riders from these areas and examine ways to provide alternatives to improve connectivity between these agencies; and if agreed upon by all parties, the meetings of the committee would be hosted on a rotational basis by each agency agreeing to participate; with Minutes of the meetings to be adopted and approved by the members of the committee. Director McPartland seconded the request.

Director Murray requested a report on the implementation of a plan for improved customer communications authorized by the Board on July 23, 2015. Director Josefowitz seconded the request.

Director Raburn reported he had attended the District's Martin Luther King Jr. "Living the Dream" event.

President Radulovich reported he had attended the District's Martin Luther King Jr. "Living the Dream" event.

President Radulovich called for In Memoriam, and requested that the Meeting be adjourned in memory of Espinola Jackson.

Director Raburn requested the Meeting be adjourned in memory of Sylvia McLaughlin.

President Radulovich called for Public Comment. The following individuals addressed the Board.

John Gallagher

Jerry Grace

Chris Finn

President Radulovich announced that the Board would enter into closed session under Item 9-A (Conference with Labor Negotiators) and Item 9-B (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 2:49 p.m.

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The Board Meeting reconvened in closed session at 2:56 p.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman.

The Board Meeting recessed at 4:02 p.m.

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The Board Meeting reconvened in open session at 4:03 p.m.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Directors Josefowitz and Saltzman.

President Radulovich announced that the Board had concluded its closed session on Item 9-A and that there were no announcements to be made.

The Board Meeting recessed at 4:04 p.m.

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The Board Meeting reconvened in open session at 4:35 p.m.

Directors present: Director Radulovich.

Absent: Director Saltzman. Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, and Raburn entered the Meeting later.

President Radulovich announced that the Board would enter into closed session under Item 9-B (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 4:36 p.m.

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The Board Meeting reconvened in closed session at 4:36 p.m.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman. Director Blalock entered the Meeting later.

Director Blalock entered the Meeting.

The Board Meeting recessed at 4:51 p.m.

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The Board Meeting reconvened in open session at 4:52 p.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman.

President Radulovich announced that the Board had concluded its closed session on Item 9-B.

Director Raburn moved that the Board, acting on behalf of BART as the responsible agency for California Environmental Quality Act (CEQA) purposes, having considered the City of Oakland's Findings, Conditions of Approval and Notice of Exemption as set forth in the City's Project Approval document dated January 5, 2014, in connection with the Coliseum Transit Village Project – Phase 1, find that the Project is exempt from CEQA as an in-fill development under Section 15332 of the CEQA Guidelines, and that no further environmental review is required. Director Blalock seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes – 1: Director Keller. Absent - 1: Director Saltzman.

Director Raburn moved that the General Manager or her designee be authorized to execute an Option Agreement with Oakland Economic Development Corporation and UrbanCore Development, LLC, for the 66-year ground lease of approximately 1.32 acres of BART land at 7001 Snell Street, Oakland, California, for the development of a 110-unit (50 percent affordable, 50 percent workforce) rental housing project, with the option expiring December 31, 2016; and that the General Manager be authorized to execute any and all actions in support of the aforementioned motions. Director McPartland seconded the motion, which carried by roll call vote. Ayes - 6: Directors Blalock, Keller, Mallett, McPartland, Murray, and Raburn. Noes – 2: Directors Josefowitz and Radulovich. Absent - 1: Director Saltzman.

Director McPartland moved that the General Manager or her designee be authorized to execute a Shared Parking Agreement with the City of Oakland for approximately 112 spaces on a portion of Snell Street and 71<sup>st</sup> Avenue in connection with the Coliseum Transit Village – Phase 1 Project. Director Blalock seconded the motion, which carried by roll call vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes – 0. Absent - 1: Director Saltzman.

The Meeting was adjourned at 4:59 p.m. in memory of Espinola Jackson and Sylvia McLaughlin.

Kenneth A. Duron  
District Secretary