

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

Board of Directors
Minutes of the 1,737th Meeting
June 25, 2015

A regular meeting of the Board of Directors was held June 25, 2015, convening at 5:04 p.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, McPartland, and Radulovich entered the Meeting later.

President Blalock 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 Fares for Warm Springs/South Fremont BART Station, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Directors Josefowitz and Radulovich entered the Meeting.

Ms. Pamela Herhold, Financial Planning, presented the item.

The following individuals addressed the Board:
Clarence Fischer
Jerry Grace

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of May 28, 2015, and June 11, 2015.
2. Extension of Labor Negotiations Review Ad Hoc Committee.
3. Appointment of Citizen Review Board Members.
4. Award of Contract No. 15NU-120A, Station Access, Parking, Path and Wayfinding Improvements, Dublin/Pleasanton.
5. Award of Contract No. 20LZ-120, Train Control Room Battery Replacements.
6. Award of Invitation for Bid No. 8949A, Procurement of Anode Array Assemblies.
7. Award of Invitation for Bid No. 8954, Restraining Rail.
8. Award of Invitation for Bid No. 8956, Transit Rail Car Switchers, A, B, and C Cars.

9. Award of Invitation for Bid No. 8966, Procurement of Medium Voltage Cables.
10. Award of Invitation for Bid No. 8968, Hi Rail Swing Crane 360 Degrees.
11. Award of Invitation for Bid No. 8969, Hi Rail Swing Crane 180 Degrees.
12. Reject All Bids for Contract No. 15TF-121, Install Safety Barriers in Right-of-Way Systemwide.
13. Reject All Bids for Contract No. 09EK-130, Oakland Emergency Generator System.
14. Reject All Bids for Contract No. 11OG-130, Balboa Park Station East Side Connection Improvements Phase 2.

Director Raburn requested that Item 3-D, Award of Contract No. 15NU-120A, Station Access, Parking, Path and Wayfinding Improvements, Dublin/Pleasanton, be removed from Consent Calendar.

Director Saltzman requested that Item 3-E, Award of Contract No. 20LZ-120, Train Control Room Battery Replacements, be removed from Consent Calendar.

Director Murray requested that Item 3-H, Award of Invitation for Bid No. 8956, Transit Rail Car Switchers, A, B, and C Cars, be removed from Consent Calendar.

Director Mallett made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meetings of May 28, 2015, and June 11, 2015, be approved.
2. That the Board of Directors ratify the extension of the Labor Negotiations Review Ad Hoc Committee through December 30, 2015.
3. That the Board of Directors ratify the appointment of the following individuals to the BART Citizen Review Board for the term of two years that expires on June 30, 2017: Sukari Beshears, District 2; Darren White, District 4; Les Mensigner, District 6; Richard Knowles, BART Police Managers' Association/BART Police Officers' Association.
4. That the General Manager be authorized to award Invitation for Bid No. 8949A, for the procurement of Anode Array Assemblies, to Corpro Companies, Inc., for an amount of \$444,478.00, pursuant to notification to be issued by the General Manager.
5. That the General Manager be authorized to award Invitation for Bid No. 8954, for the procurement of Restraining Rail, to Atlantic Track and Turnout Co., for the bid price of \$635,294.00, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance

with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

6. That the General Manager be authorized to award Invitation for Bid No. 8966, for the procurement of Medium Voltage 4160V cable, to DRAKA Cable Teq USA, Inc., for the bid price of \$599,726.60, pursuant to notification to be issued by the General Manager, subject to compliance with the District's and Federal Transit Administration's requirements related to protests.
7. That the General Manager be authorized to award Invitation for Bid No. 8968, for the procurement of a Hi Rail Swing Crane 360 Degrees, to SWNG, Inc., Franklin Park, IL, in the amount of \$514,540.50, including applicable sales tax, pursuant to notification be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8969, for the procurement of a Hi Rail Swing Crane 180 Degrees, to Swingmaster, Franklin Park, IL, in an amount of \$448,840.50, including applicable sales tax, pursuant to notification to be issued by the General Manager.

(The foregoing five motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

9. That all Bids for Contract No. 15TF-121, Install Safety Barriers in Right-of-Way Systemwide, be rejected, and that the General Manager be authorized to readvertise the work.
10. That the sole Bid tendered for Contract No. 09EK-130, Oakland Emergency Generator System, be rejected.
11. That all Bids for Contract No. 11OG-130, Balboa Park Station – Phase 2, be rejected, and that the General Manager be authorized to readvertise the Contract.

President Blalock brought the matter of Award of Contract No. 15NU-120A, Station Access, Parking, Path and Wayfinding Improvements, Dublin/Pleasanton, before the Board. Mr. Carl Orman, Principal Civil Engineer, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to Award Contract No. 15NU-120A, Station Access, Path and Wayfinding Improvements, Dublin/Pleasanton, to Bay Construction Co., for the Bid price of \$903,000.00, 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 unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

President Blalock brought the matter of Award of Contract No. 20LZ-120, Train Control Room Battery Replacements, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item. The item was discussed.

The following individuals addressed the Board.
Phil Estrada

John Arantes

Director McPartland entered the Meeting.

Discussion continued. Director Keller moved that the General Manager be authorized to award Contract No. 20LZ-120, Train Control Room Battery Replacements, to EXARO Technologies Corporation, for the Bid price of \$1,384,712.00, pursuant to notification issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Radulovich, and Blalock. Noes – 2: Directors Raburn and Saltzman.

President Blalock brought the matter of Award of Invitation for Bid No. 8956, Transit Rail Car Switchers, A, B, and C Cars, before the Board. Director Murray moved that the General Manager be authorized to award Invitation for Bid No. 8956, for the procurement of Transit Rail Car Switcher – A, B, and C Cars, three each, to Shuttlewagon Inc., Grandview, MO, in the amount of \$1,593,225.00, including applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Blalock called for Public Comment. The following individuals addressed the Board.
Clarence Fischer
Bill Simpich

Director Keller, Chairperson of the Administration Committee, brought the matter of Agreement with Macias Gini & O'Connell LLP for Independent Audit Services to Provide Independent Audit Services to the District, the Retiree Health Benefit Trust, the Other Post Employment Benefit Trust and the Capitol Corridor Joint Powers Authority (Agreement No. 6M2049), before the Board. Mr. Scott Schroeder, Controller/Treasurer, presented the item.

Director Murray exited the Meeting.

Director Saltzman moved that the Controller/Treasurer be authorized to award Agreement No. 6M2049 to Macias Gini & O'Connell LLP, to provide independent audit services to the District, the Retiree Health Benefit Trust, the Other Post Employment Benefit Trust, and the Capitol Corridor Joint Powers Authority, for audits covering a five-year period commencing with fiscal year 2015 through fiscal year 2019, for a total maximum compensation not to exceed \$1,098,580.00, subject to compliance with the District's protest procedures. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Murray.

Director Murray re-entered the Meeting.

Director Keller brought the matters of Warehouse Space at 2305 Chestnut Street in Oakland, Five Year Lease; Warehouse Space at 801 7th Avenue in Oakland, Five Year Lease; and M-Line Offices at 150 California Street in San Francisco, Seven Year Lease, before the Board. Ms. Susan Shaffer, Acting Department Manager, Real Estate and Property Development,

presented the items. The items were discussed. Director Murray made the following motions as a unit. President Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

1. That the General Manager or her designee be authorized to execute a lease agreement with West Grand Adeline, LLC, for 6,000 square feet of warehouse space at 2305 Chestnut Street, Oakland, for a five year term, for a first year rent amount of \$39,600.00, with an annual escalation based on the regional Urban Consumer Price Index for each subsequent year's rent amount.
2. That the General Manager or her designee be authorized to execute a lease agreement with Donald and Laura Landreth, for 7,394 square feet of warehouse space at 801 7th Avenue, Oakland, for a five year term, for a total lease amount (including operating expenses but excluding taxes, insurance, and related expenses) not to exceed \$360,000.00.
3. That the General Manager or her designee be authorized to execute a lease agreement with PPF OFF 150 California Street, LP, a Delaware Limited Partnership (Landlord), for 3,024 square feet of office space at 150 California Street, San Francisco, for a seven year and three month term, for a total rental amount, excluding operating expenses, not to exceed \$1,099,949.73, with an option to renew for an additional five years.

Director Keller brought the matter of Proposed Fares for Warm Springs/South Fremont BART Station before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, and Ms. Herhold presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15TD-250, Procurement of Track Geometry Car, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Gregory Shivy, Principal Track Engineer, presented the item. Director Saltzman moved that the General Manager be authorized to award Contract No. 15TD-250, for the procurement of a Track Geometry Car, to MERMEC Inc., West Columbia, SC, in the amount of \$13,695,195.80, including applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Award of Contract No. 6M3277, Procurement of Traction Motor Repair Services, before the Board. Mr. Henry Kolesar, Group Manager for Engineering, Rolling Stock and Shops, presented the item. The item was discussed. Director Murray moved that the General Manager be authorized to award Contract No. 6M3277, an estimated quantities contract, for the Procurement of AC and DC Traction Motor Repair Services, to Swiger Coil Systems LLC, for a five year term, for the bid amount of \$15,699,400.00, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. President Blalock seconded the

motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Escalator Renovation Canopy Program before the Board. Mr. Pfeiffer; Ms. Shirley Ng, Group Manager, Stations Engineering and Construction; and Mr. Tim Chan, Manager of Planning, presented the item. The item was discussed.

Director McPartland brought the matter of Underground Public Restroom Reopening Study before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development; Ms. Ng; and Chief of Police Kenton Rainey, presented the item.

The following individuals addressed the Board.

Jerry Grace
Chris Finn

The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Art in Transit Policy before the Board. Ms. Abigail Thorne-Lyman, Principal Planner; Mr. Powers; and Mr. Val Menotti, Department Manager, Planning, presented the item.

The following individuals addressed the Board.

Rachel Dinno Taylor
Jerry Grace

The item was discussed.

Director Raburn moved adoption of BART Art in Transit Policy as presented by staff, with the removal of the requirement for 2% of expansion projects' funding set aside for art, and clarification that the 2 percent of improvement projects' funding set aside for art would be 2 percent of construction costs only. Director Radulovich seconded the motion, which failed by electronic vote. Ayes – 4: Directors Josefowitz, Raburn, Radulovich, and Saltzman. Noes – 5: Directors Keller, Mallett, McPartland, Murray, and Blalock.

Director Josefowitz moved adoption of the staff recommendation, amended to allow one percent of funding for all projects to be set aside for art. The motion died for lack of a second. The item was continued to a future meeting.

Director Raburn brought the matter of 2015 State and Federal Legislative Recommendations before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Analyst; Ms. Emily Bacque, CJ Lake, LLC; and Mr. Tim Schott, Schott and Lites, presented the item.

Chris Finn addressed the Board.

Director Murray moved that the Board support and watch the state and federal legislation as recommended by staff with the exception of Assembly Bill 69 – Best practices for Police Camera Use, and Assembly Bill 744 – Minimum Parking/Affordable Housing. Director Saltzman seconded the motion. Director Josefowitz requested that State Constitutional Amendment 5 be added to the watch list. Directors Murray and Saltzman accepted the amendment to the motion. Discussion continued. The motion carried by unanimous electronic

vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Saltzman moved that the Board support Assembly Bill 744. Director Josefowitz seconded the motion, which carried by electronic vote. Ayes – 7: Directors Josefowitz, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes – 2: Directors Keller and Murray.

Director Saltzman moved that the Board support Assembly Bill 69. Director Murray seconded the motion, which carried by electronic vote. Ayes – 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Radulovich, Saltzman, and Blalock. Noes – 1: Director Raburn.

Director Raburn brought the matter of California Greenhouse Gas Cap and Trade Program Overview before the Board. Mr. Menotti, Mr. Schott, and Mr. Andrew Tang, Principal Planner, presented the item. The item was discussed.

President Blalock called for the General Manager’s Report. General Manager Grace Crunican reported the District’s employees had provided excellent assistance to the community during the Warriors’ victory parade, and that the train operator and maintenance worker teams had competed in the recent American Public Transportation Association (APTA) Rodeo.

President Blalock announced that the Quarterly Report of the Office of the Independent Police Auditor would be continued to a future meeting.

President Blalock called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Keller announced he had attended the APTA Rail Conference.

President Blalock called for Public Comment.

The following individuals addressed the Board.

Jerry Grace
Chris Finn

The Board Meeting was adjourned at 11:09 p.m.

Kenneth A. Duron
District Secretary