

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

Board of Directors
Minutes of the 1,738th Meeting
July 23, 2015

A regular meeting of the Board of Directors was held July 23, 2015, convening at 5:02 p.m. in the Board Room, 344 20th Street, Oakland, California; and Washington Court Hotel, 525 New Jersey Avenue NW, Washington, DC. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Director present in Washington: Director Saltzman.

Absent: None. Director McPartland entered the Meeting later.

President Blalock introduced and welcomed Ms. Olivia Rocha, Computer Support Coordinator, and congratulated her on receiving her Masters of Science in Transportation Management from the Mineta Transportation Institute at San Jose State University.

Director McPartland entered the Meeting.

Ms. Rocha addressed the Board.

President Blalock announced that the Meeting would be adjourned in memory of Sergeant Scott Lunger.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 25, 2015.
2. Appointment of District 8 Representative to the Citizen Review Board.

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

1. That the Minutes of the Meeting of June 25, 2015, be approved.
2. That the appointment of David W. Rizk to the BART Citizen Review Board to fill the vacancy that exists in the seat representing BART District 8, with a term that expires on June 30, 2017, be ratified.

President Blalock called for Public Comment. No comments were received.

Director Keller, Chairperson of the Administration Committee, brought the matter of Fares for Warm Springs/South Fremont BART Station before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item.

Clarence Fischer addressed the Board.

Director Raburn moved adoption of Resolution No. 5297, In the Matter of Adopting Fare Rates and Charges for the BART Warm Springs/South Fremont Station. Director McPartland seconded the motion, which carried by the required two-thirds vote by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Title VI Equity Analysis for January 1, 2016, Fare Increase before the Board. Ms. Herhold presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Murray moved approval of the Title VI Assessment for the Proposed Productivity-Adjusted Inflation-Based Fare Increase effective January 1, 2016, as contemplated in Resolution No. 5208, which authorizes implementation on January 1, 2016, of the second in the extended series of biennial Productivity-Adjusted Inflation-Based Fare Increases. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Agreements with Public and Private Transportation Providers for Temporary Bus Services and to Pay for Related Bus Bridge Expenses before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Blalock moved that the General Manager be authorized to enter into multiple agreements with various public agency and/or private bus operators in order to provide temporary bus transportation services in a total amount not to exceed \$500,000.00 per day per agreement for each day that the District is unable to provide complete train service due to a maintenance project; and that the General Manager be authorized to reimburse the Metropolitan Transportation Commission (MTC) a total amount not to exceed \$1,000,000.00 for each project for which BART implements a bus bridge for agreed-upon expenses that MTC incurs related to the bus bridge; and that the General Manager be authorized to pay for other additional bus bridge related expenses in a total amount not to exceed \$200,000.00 for each project for which BART implements a bus bridge; and that these other additional expenses may include, but are not limited to, permit fees and/or costs for traffic controls and police services; and that these authorizations will expire on June 30, 2016. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Research on a Potential 2016 Funding Measure for District Infrastructure before the Board. Mr. Curt Below, Fairbank, Maslin, Maulin, Metz & Associates, presented the item. The item was discussed.

Director Keller brought the matter of Human Resources Modernization Initiative Update before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, before the Board. Mr. Thomas Horton, Group Manager, Hayward Maintenance Complex, presented the item.

The following individuals addressed the Board.

Janette Leonidou

Osama Martell

Brian Ahern

Marwic Bamba

The item was discussed. President Blalock moved that the General Manager be authorized to award Contract No. 01RQ-110, for Construction of Hayward Maintenance Complex Project Maintenance Facilities, to Clark Construction Group – California, LP, for the total Bid price of \$98,390,000.00, pursuant to notification to be issued by the General Manager, 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 roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Award of Professional Services Agreements for General Environmental Services to Support BART's Hazardous Materials Program before the Board. Mr. Gary Jensen, Principal Engineer, System Safety, presented the item. President Blalock moved that the General Manager or her designee be authorized to award Agreement No. 6M5087 to Environmental Resources Management, and Agreement No. 6M5088 to CDM Smith Inc., both for general environmental services and each in an amount not to exceed \$2,000,000.00, 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 protests. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 02EE-120, Design-Build of Line, Track, Station, and Systems for the Warm Springs Extension, with Warm Springs Constructors, for Additional Warm Springs/South Fremont Station Storm Water Mitigation (C.O. No. 62, Part 2), before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. President Blalock moved that the General Manager be authorized to execute Change Order No. 62, Part 2, Additional Warm Springs/South Fremont Station Storm Water Mitigation, to Contract No. 02EE-120, Warm Springs Extension Design-Build Line, Track, Station and Systems, for a total not-to-exceed amount of \$462,500.00.

Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Exercise Options for Two One-Year Extensions of Contract No. 6M7220, Emergency Restoration Work of the Commercial Fiber Optic and Wireless Network, with Phase 3 Communications, Inc., before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. President Blalock moved that the General Manager be authorized to exercise Options 1 and 2 for two one-year extensions of Contract No. 6M7220, for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks, for a total amount not to exceed \$1,708,420.00. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Support Position for California Senate Bill 9 (Beall) Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program, before the Board. Mr. Paul Fadelli, Legislative Analyst, presented the item. The item was discussed. Director Murray moved that the Board change its position on Senate Bill 9 from watch to support. President Blalock seconded the motion, which carried by roll call vote. Ayes – 6: Directors Josefowitz, Keller, Mallett, McPartland, Murray, and Blalock. Noes – 3: Directors Raburn, Radulovich, and Saltzman.

President Blalock called for the General Manager’s Report.

Mr. Fadelli gave a brief report on recent federal legislative actions.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a brief report on the upcoming closure of the Transbay Tube.

President Blalock called for the Independent Police Auditor’s Report. Mr. Mark Smith, Independent Police Auditor, reported on the activities of the Office over the past quarter. The report was discussed.

President Blalock brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. Director Mallett presented the item. Director Murray moved adoption of revisions to the following Board Rules:

- 1-1.2 Rules
- 3-1.1 Definition of Meeting
- 3-1.2 Notice of Regular Meeting
- 3-2.2 Evening Meetings
- 4-1.3 Holidays
- 5-3.3(e) Expense Reports

- 5-5.2 Contractor/Subcontractor Certification of Compliance
- 5-5.3 Contractor/Subcontractor Information Submitted to Board
- 5-5.4 Definitions

Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Saltzman moved adoption of revision to Appendix C to the Board Rules: Directors' Code of Conduct. Director Keller seconded the motion. The item was discussed. The motion carried by roll call vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman and Blalock. Noes - 1: Director McPartland.

Director Mallett moved adoption of revisions to the following Board Rules:

- 3-2.3 Closed Sessions
- 3-2.7 Acts of the Board
- 3-3.1 Number
- 5-1.6 Faithful Performance Bonds
- 5-2.2 Authorization
- 5-3.5(a) and (c) Use of District Property Other than Automobiles
- 5-5.1 Contractor/Subcontractor Contributions

Director Radulovich seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

President Blalock brought the matter of revision to Board Rule 3-2.1, Regular Meetings, before the Board. The item was discussed. Director Saltzman moved adoption of revision to Board Rule 3-2.1. Director Mallett seconded the motion.

Discussion continued.

Jerry Grace addressed the Board.

Director Josefowitz requested the revision be amended to include a "hard stop" at 9:00 p.m. Directors Saltzman and Mallett accepted the amendment.

The motion failed by roll call vote. Ayes - 4: Directors Josefowitz, Mallett, Radulovich, and Saltzman. Noes - 5: Directors Keller, McPartland, Murray, Raburn, and Blalock.

The remainder of the proposed revisions to Board Rules was continued to a future meeting.

President Blalock brought the matter of Development of Plan for Improved Customer Communications before the Board. Director Murray presented the item. Director Murray moved that the General Manager shall prepare a work plan to improve the clarity, quantity, reliability, consistency and timeliness of BART's rider communications for delays, emergencies and other incidents; with the work plan to include the timeframes and budgets to implement a range of technologies and costs; and that the General Manager report to the Board in a timely manner such that the Board may consider whether to fund this work plan in the supplementary operating budget allocations for Fiscal Year 2015, the Fiscal Year 2016 operating budget, or the

potential revenue measure under consideration for the November 2016 ballot. President Blalock seconded the motion. The item was discussed. Director Raburn requested the motion be amended to include review of proposed changes by the Limited English Proficiency Committee. Directors Murray and Blalock accepted the amendment.

The motion carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0.

President Blalock announced that the matter of Roll Call for Introduction Items Deemed Not Complete by Directors would be continued to a future meeting.

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

Director McPartland reported he had attended the Alameda County Mayors' Conference, a State of the Tri-Valley event, the Alameda County Transportation Commission retreat, and he had been honored at the State Capitol as Veteran of the Year.

President Blalock reported he had attended the Mineta Institute graduation ceremony, the Alameda County Transportation Commission retreat, the Women's Transportation seminars, and the welcome ceremony for the District's Summer Youth program.

President Blalock requested the Meeting be adjourned in memory of Sergeant Scott Lunger.

The Board Meeting was adjourned at 9:28 p.m. in memory of Sergeant Lunger.

Kenneth A. Duron
District Secretary