

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

Board of Directors
Minutes of the 1,773rd Meeting
October 13, 2016

A regular meeting of the Board of Directors was held October 13, 2016, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

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

Director Blalock entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 22, 2016.
2. Updates to Title VI Major Service Change Policy.
3. Audit of Directors' Use of District Property for Fiscal Year 2016.
4. Award of Contract No. 15TK-190, for Station Agent's Booth Dutch Doors and Hardened Polycarbonate and Laminated Security Glass, Phase II.
5. Award of Invitation for Bid No. 9013, Interlocking Track Components.
6. Lease of Warehouse Space at 31775 Hayman Street, Hayward.
7. Sale of Low Carbon Fuel Standard Credits.
8. Appointment of BART Police Citizen Review Board Member.

Director Saltzman requested that Item 2-C, Audit of Directors' Use of District Property for Fiscal Year 2016, and Item 2-H, Appointment of BART Police Citizen Review Board Member, be removed from Consent Calendar.

Director Mallett requested that Item 2-G, Sale of Low Carbon Fuel Standard Credits, be removed from Consent Calendar.

Clarence Fischer addressed the Board.

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

1. That the Minutes of the Meeting of September 22, 2016, be approved.
2. Adoption of the amended District Major Service Change Policy. (The Policy is attached and hereby made a part of these Minutes.)
3. That the General Manager be authorized to award Contract No. 15TK-190 to Bullet Guard Corporation, for the Bid Price of \$1,256,440.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 9013, for the procurement of Interlocking Track Components, to Voestalpine Nortrak, of Cheyenne, Wyoming, in the amount of \$153,397.20, including applicable sales 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.

(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.)

5. That the General Manager or her designee be authorized to execute a lease agreement, with L.A. Specialty Produce Co., for approximately 75,328 square feet of warehouse space at 31775 Hayman Street, Hayward, California, for a three year term, for a total lease amount not to exceed \$2,161,915.00.

President Radulovich brought the matter of Audit of Directors' Use of District Property for Fiscal Year 2016 before the Board. The item was briefly discussed. Director Saltzman moved that the Board accept the Audit report. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

President Radulovich brought the matter of Sale of Low Carbon Fuel Standard Credits before the Board. Director Mallett requested additional language be incorporated into the motion, and moved that the General Manager or her designee be authorized to sell Low Carbon Fuel Standard credits on behalf of the District, with no use of revenues from such sales to occur prior to allocation direction from the Board of Directors. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

President Radulovich brought the matter of Appointment of BART Police Citizen Review Board Member before the Board. The item was briefly discussed. Director McPartland moved that the

Board ratify the appointment of Robert Maginnis to the BART Police Citizen Review Board, to fill the vacancy that exists in the seat representing BART District 5, with a term that expires on June 30, 2018. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

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

Randall Glock
Clarence Fischer

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2016 Year-End Budget Revision before the Board. Mr. Robert Umbreit, Department Manager, Budget Department, presented the item. The item was discussed. Director Murray moved adoption of Resolution No. 5329, In the Matter of Amending Resolution No. 5296 regarding Fiscal Year 2016 Annual Budget. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

Director Saltzman brought the matter of Open Data Policy before the Board. Mr. Timothy Moore, Supervisor, Business Systems Operations, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., for Added Bolts at End Plate Splice (C.O. No. 39), before the Board.

Directors Raburn and Radulovich exited the Meeting.

Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. Director Blalock moved that the General Manager be authorized to execute Change Order No. 39, Added Bolts at End Plate Splice, in the not-to-exceed amount of \$512,000.00, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, and Saltzman. Noes - 0. Absent – 3: Directors Keller, Raburn, and Radulovich.

Director McPartland brought the matter of Change Order to Power Purchase Agreement at Warm Springs Station, with SolarCity, for Electric Vehicle Charging Stations (C.O. No. 1), before the Board.

Director Raburn re-entered the Meeting.

Ms. Holly Gordon, Sustainability Group Manager, presented the item.

President Radulovich re-entered the Meeting.

Director Blalock moved that the General Manager be authorized to execute Change Order No. 1, Electric Vehicle Charging Stations, in an amount not to exceed \$578,985.00, with SolarCity.

Director Murray seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Late Night Bus Core Service Agreement before the Board. Ms. Mariana Parreiras, Access Coordinator, Transit & Shuttles, presented the item. Clarence Fischer addressed the Board.

The item was discussed. Director Saltzman moved that the General Manager or her designee be authorized to execute an amendment to the Agreement between Alameda Contra Costa Transit District and the San Francisco Bay Area Rapid Transit District in Connection with the Late Night Bus Core Service Project. Director Blalock seconded the motion. Discussion continued. The motion carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett. Absent - 1: Director Keller.

Director Raburn brought the matter of 2016 Legislative Update before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Officer; Ms. Amanda Cruz, Senior Government & Community Relations Representative; Mr. Tim Schott, Schott & Lites Advocates Inc.; Mr. Jim Lites, Schott & Lites; and Mr. James Copeland, CJ Lake, LLC, presented the item. The item was discussed.

President Radulovich called for the General Manager’s Report. General Manager Grace Crunican reported on the District’s participation in the Rail~Volution conference earlier in the week, and she reported on steps she had taken and activities and meetings she had participated in, outstanding Roll Call for Introductions items, and reminded the Board of upcoming events.

Mr. Carter Mau, Assistant General Manager, Administration and Budgets, announced the U.S. Department of Transportation had awarded a Mobility on Demand grant to the Metropolitan Transportation Commission, the District, and Scoop to set up a real time carpooling program.

President Radulovich called for the Quarterly Report of the Office of the Independent Police Auditor. Mr. Russell Bloom, Independent Police Auditor, presented the report.

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

Director Raburn reported he had attended the Rail~Volution conference.

Director Raburn requested a report on the status and strategy to acquire the Union Pacific Railroad right of way. Director Josefowitz seconded the request.

Director Raburn requested a report on automatic fare collection modifications currently underway by Clipper®, including impacts on availability, re-boot time, and types of errors seen by Station Agents. Director Josefowitz seconded the request.

Director Saltzman reported she had attended the Rail~Volution conference and previewed an artwork entitled “Light Rail.”

Director Murray reported she had attended the Rail~Volution conference and an event at the Contra Costa Centre Transit Village.

President Radulovich reported he had attended the Rail~Volution conference.

Director Blalock reported he had attended a South Hayward BART Station Access Authority meeting, a Livermore extension update meeting, the Alameda County Mayors' Conference.

Director McPartland reported he had attended the Livermore extension update meeting and a press conference for the California Early Earthquake Warning System.

Director Mallett announced that he did not agree with the recruitment of an Assistant General Manager of Human Resources rather than a department manager, as had been authorized in a previous Board action.

President Radulovich called for In Memoriam, and noted that several Directors had requested the Meeting be adjourned in honor of Christine Apple, former District Secretary; Phillip O. Ormsbee, former District Secretary; and Teresa Murphy, former Assistant General Manager, Administration.

Director McPartland requested the Meeting be adjourned in memory of the two police officers who had been killed in Palm Springs.

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

President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Labor 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 12:20 p.m.

The Board Meeting reconvened in closed session at 12:31 p.m.

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

Absent: Director Keller.

The Board Meeting recessed at 2:11 p.m.

The Board Meeting reconvened in open session at 2:12 p.m.

Directors present: President Radulovich.

Absent: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that there were no announcements to be made.

The Meeting was adjourned at 2:13 p.m. in honor of Christine Apple, Phillip O. Ormsbee, Teresa Murphy, Jose Vega, and Lesley Zerebny.

Kenneth A. Duron
District Secretary