

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

Board of Directors
Minutes of the 1,800th Meeting
October 26, 2017

A regular meeting of the Board of Directors was held October 26, 2017, convening at 5:00 p.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman.

Absent: None. Director Keller entered the Meeting later.

President Saltzman called for Introduction of Special Guests. President Saltzman requested the video “Agent of Connection” of Station Agent William Cromartie be shown.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 12, 2017.
2. District Base Pay Schedule.
3. Award of Contract No. 6M3378A, Procurement of Fasteners.
4. Easement Quitclaim and Grant of New Easement Pleasant Hill Transit Oriented Development at the Pleasant Hill/Contra Costa Centre BART Station.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Keller.

1. That the Minutes of the Meeting of October 14, 2017, be approved.
2. That the base pay schedule in effect July 1, 2017, be approved.
3. That the General Manager be authorized to award Contract No. 6M3378A, Procurement of Fasteners, an estimated quantities contract, to Fastenal Company, for the Bid Price of \$385,024.72, including all applicable sales taxes, pursuant to notification to be issued by the General Manager, and subject to compliance with the District’s protest procedures.
4. Adoption of Resolution No. 5360, In the Matter of Authorizing Acceptance of a Quitclaim Deed from the Contra Costa Water District, and the Execution of an Agreement and Easement Deed to the Contra

Costa Water District BART Parcels: O-C50W-E1 and O-C50-8950-06-E1
(Portions of APN 148-221-045-5).

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

Clarence Fischer
Aleta Dupree
JP Massar
Sangeet Lal
Pamela Michaud
Brian Biancardi
Ernest Mahr
Cathy Kora
Matt Woll

Director Keller entered the Meeting.

President Saltzman announced that agenda items would be taken out of order.

Director Raburn, Chairperson of the Planning and Legislation Committee, brought the matter of Fruitvale Transit Village: Agreements for Phase II, before the Board. Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item, including portions on Modify Construction Covenant, Developer Transit Benefit Fee Agreement and Unit Owner Transit Benefit Fee Agreement with City of Oakland for Fruitvale Transit Village Phase IIA (Casa Arabella); and New Easement Agreements with the City of Oakland, East Bay Asian Local Development Corporation and/or BRIDGE Housing to Create Limited Private Access Easement and/ or Emergency Vehicle Access Easement for Fruitvale Transit Village Phase IIA and a Reciprocal Vehicle Access Easement to Non-BART Property for Phase II.

The following individuals addressed the Board.

Noel Gallo
Chris Iglesias
Jerry Grace

The item was discussed.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

1. That the General Manager or her designee be authorized to modify the existing recorded agreements between BART and the City of Oakland for Fruitvale Transit Village Phase IIA (Casa Arabella) in order to waive the Delayed Transfer Fee requirement and acknowledge that the other major terms of the agreements do not apply to this development, so long as the development includes 92 units of rental affordable housing for households earning less than 80% area median income, and 2 units of rental market rate housing.

2. That the General Manager or her designee be authorized to enter into agreements as needed with the City of Oakland, Fruitvale Transit Village II-A, L.P., East Bay Asian Local Development Corporation, Unity Council, and BRIDGE Housing to provide a limited private access easement to allow for garbage pickup and tenant loading; an emergency vehicle access easement for Fruitvale Transit Village Phase IIA (Casa Arabella), reserving rights to allow pedestrian and bicycle facilities to occupy the same area; a reciprocal easement allowing BART maintenance and other vehicles to access non-BART property adjacent to Fruitvale Transit Village Phase II; and a storm drain easement.

Director Raburn brought the matter of Lease to Richmond Business Hub, LLC, at Richmond BART Station Parking Structure before the Board. Mr. Paul Voix, Principal Property Development Officer, presented the item. Director Simon moved that the General Manager or her designee be authorized to execute a Lease with Richmond Business Hub, LLC, for ten years, with three additional five-year options, for approximately 9,000 square feet of commercial space on the 1500 block of Macdonald Avenue, located on the ground floor of the Richmond BART Station parking structure. President Saltzman seconded the motion.

The following individuals addressed the Board.

Bill Lindsay
Ernst Valery
Andrea Bailey
Jim Becker
Amanda Elliott
Janet Johnson

The motion carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Josefowitz, Chairperson of the Finance, Bond Oversight, and Administration Committee, brought the matter of BART to Antioch Title VI Service and Fare Equity Analysis and Participation Report before the Board. Ms. Jennella Sambour-Wallace, Manager of Special Projects, and Mr. Thomas Tumola, Program Manager, presented the item. The item was discussed.

The following individuals addressed the Board.

Clarence Fischer
Jerry Grace

Director Keller moved that the Board approve the BART to Antioch Title VI Equity Analysis and Public Participation Report. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Josefowitz brought the matter of Maintenance and Reimbursement Agreement with the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the

item. President Saltzman moved that the General Manager or her designee be authorized to execute a Maintenance and Reimbursement Agreement with the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center. Directors Simon and Allen seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Keller, Chairperson of the Operations, Safety, and Workforce Committee, brought the matter of Revised Proposed Ordinance to Require Persons inside the Paid Area of BART to Provide Proof of Payment before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Chief of Police Carlos Rojas; and Deputy Chief of Police Lance Haight presented the item. The item was discussed.

The following individuals addressed the Board.

Clarence Fischer

Aleta Dupree

Director Keller moved adoption of Ordinance No. 2017-2, An Ordinance of the San Francisco Bay Area Rapid Transit District to Require Persons inside the Paid Area of BART to Provide Proof of Payment. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Keller brought the matter of Proposed Ordinance Prohibiting Fare Evasion by Minors before the Board. Deputy Chief Haight presented the item. The item was discussed. Director Keller moved adoption of Ordinance No. 2017-3, An Ordinance of the San Francisco Bay Area Rapid Transit District Prohibiting Fare Evasion by Minors. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Keller brought the following items before the Board.

1. Change Order to Contract No. 09AU-130, BART Earthquake Safety Program Oakland Shops Spur Tracks, with Shimmick Construction Company, Inc., for Weld Shop Improvements (C.O. No. 1, Part 2)..
2. Change Orders to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.
 - a. Engineering Costs (C.O. No. 74).
 - b. Impacts from Revised Bearing Pad Sizes (C.O. No. 93).

Director Raburn made the following motions as a unit. Director Simon seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

1. That the General Manager or her designee be authorized to execute Change Order No. 1, Part 2, Weld Shop, to Contract No. 09AU-130, BART Earthquake Safety Program Oakland Shops Spur Track, with

Shimmick Construction Company, Inc., in an amount not to exceed \$186,000.00.

2. That the General Manager be authorized to execute Change Order No. 74, COWI Engineering Costs, in an amount not to exceed \$350,000.00, for Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.
3. That the General Manager be authorized to execute Change Order No. 93, Impacts from Revised Bearing Pad Sizes, in an amount not to exceed \$272,555.00, for Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

Director Simon exited the Meeting.

Director Raburn brought the matter of Memorandum of Understanding with QIC Limited to Study Improved Connections to The Shops at Tanforan Mall at the San Bruno BART Station before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item. President Saltzman moved that the General Manager or her designee be authorized to execute a Memorandum of Understanding with QIC Limited in connection with the San Bruno Station and The Shops at Tanforan to pursue a Feasibility Analysis and Assessment to determine the commercial viability of integrating the San Bruno Station with the proposed initial phase of Tanforan redevelopment. Director Dufty seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director Raburn brought the matter of State and Federal Legislative Update before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, and Ms. Amanda Cruz, Program Manager of Government Relations and Legislative Affairs, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Saltzman 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, ridership, upcoming events, and outstanding Roll Call for Introductions items.

Mr. Oversier reported on the District's participation in the annual Great ShakeOut.

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

Director Josefowitz mentioned the plywood coverings at the Civic Center Station entrances.

Director McPartland requested the Police Department have a designated Public Information Officer. Director Keller seconded the request.

Director Raburn reported he had attended an Oakland African American Chamber of Commerce business event and an Asian American Architects and Engineers event.

Director Dufty reported he, Director Allen, Director Keller and staff members had attended a meeting with the Contra Costa County H3 Homeless services agency. Director Dufty noted he continued his weekly sweeping at the 16th Street/Mission Station. Director Dufty reported he had attended a planning association meeting for the San Francisco Richmond district. He requested a presentation on the LEAD SF program.

President Saltzman requested a presentation on the SCOOP parking program.

President Saltzman called for Public Comment. Jerry Grace addressed the Board.

The Meeting was adjourned at 9:15 p.m.

Kenneth A. Duron
District Secretary