

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

Board of Directors
Minutes of the 1,721st Meeting
December 4, 2014

A special meeting of the Board of Directors was held December 4, 2014, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California, and 809 Sacramento Street, San Francisco, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Directors present in San Francisco: None.

Absent: Director Saltzman. Directors Fang and Murray entered the Meeting later.

President Keller introduced and welcomed Ms. Mary Martinez, and thanked her for her service to the District on the occasion of her retirement.

Director Murray entered the Meeting.

Consent Calendar items brought before the Board were:

1. Award of Invitation for Bid No. 8932, Procurement of Fuse, Collector Shoe.
2. Award of Invitation for Bid No. 8939A, Procurement of Transit Rail Car Switcher, D&E Cars.

Director Mallett made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent – 2: Directors Fang and Saltzman.

1. That the General Manager be authorized to award Invitation for Bid No. 8932, for Procurement of Fuse, Collector Shoe, to Alameda Electric Distributors of Alameda, CA, for the price of \$754,789.25 (includes all taxes), pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.
2. That the General Manager be authorized to award Invitation for Bid No. 8939A, Procurement of Transit Rail Car Switcher, to Shuttlewagon, Inc., for the price of \$487,275.00, including all applicable taxes, subject to certification by the Controller/Treasurer that funding is available.

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

President Keller announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 9:09 a.m.

The Board reconvened in closed session at 9:12 a.m.

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

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman.

The Board Meeting was recessed at 9:55 a.m.

The Board reconvened in open session at 9:56 a.m.

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

Directors present in San Francisco: None.

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

President Keller announced that the Board had recessed its closed session and would return to it at the end of the Special Meeting agenda; and that there were no additional announcements to be made.

President Keller 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 Authorization of Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd., for Development at West Oakland Station, before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, presented the item.

Director Fang entered the Meeting in San Francisco.

The following individuals addressed the Board.

Mr. Jabari Herbert
Mr. Darrel Carey
Mr. Jim Levine
Mr. Zac Wald
Mr. Gerald Agee
Mr. Monse Nitoto
Mr. Darrell Ford
Mr. Ron Muhammad
Mr. Charlie Walker
Mr. Nadar Bey
Ms. Carole Ward Allen
Mr. Jun Ji
Mr. Robin Chiang
Mr. Michael Bernick
Ms. Adrienne Taylor
Mr. Lee Davis
Mr. Chris Finn

The item was discussed. Director Mallett moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement with China Harbour Engineering, Ltd., for development at the West Oakland BART Station, for a period of twelve months; and that a timeline be provided to the Board by the end of January 2015; and that at the end of twelve months the progress of the project be brought back to the Board for consideration of continuing to work with China Harbour Engineering, Ltd., for an additional twelve months. Director Radulovich seconded the motion, which carried by unanimous roll call vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 1: Director Saltzman.

Director Raburn brought the matter of Authorization of Exclusive Negotiating Agreement with SolarCity for Potential Development of Photovoltaic Systems before the Board. Mr. Ordway presented the item.

The following individuals addressed the Board.

Mr. Jesse Jones
Mr. Nadar Bey
Mr. Charlie Walker

The item was discussed.

Director Fang exited the Meeting.

Director Blalock moved that the General Manager or her designee be authorized to execute a 24-month Exclusive Negotiating Agreement with SolarCity for development of photovoltaic systems at the Warm Spring BART Station, the Antioch eBART Station, the Hayward Maintenance Complex and the rooftops for the MacArthur and future Walnut Creek parking structures. Director McPartland seconded the motion, which carried by unanimous electronic

vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 2: Directors Fang and Saltzman.

President Keller announced that Customer Communications during Major Service Disruptions and Improvement Initiatives would be continued to a future meeting.

President Keller announced that the Board would re-enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 12:31 p.m.

The Board reconvened in closed session at 12:34 p.m.

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

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman.

The Board Meeting was recessed at 1:32 p.m.

The Board reconvened in open session at 1:33 p.m.

Directors present in Oakland: Directors Blalock, Mallett, McPartland, Raburn, and Keller.

Directors present in San Francisco: None.

Absent: Directors Fang and Saltzman. Directors Murray and Radulovich entered the Meeting later.

President Keller announced that the Board had concluded its closed session and that there were no additional announcements to be made.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-120, Traction Power Substation Replacement – ASL/KTE Installation, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, and Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item.

Director Murray entered the Meeting.

Director Radulovich entered the Meeting.

The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15EK-120, Traction Power Substation Replacement ASL/KTE Installation, to Aldridge Electric, Inc., for the Bid amount of \$4,560,400.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration requirements related to protest procedures. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Absent - 2: Directors Fang and Saltzman.

Director Murray, Vice Chairperson of the Administration Committee, brought the matter of Amended and Restated Flexible Spending Plan before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was discussed. Director McPartland moved adoption of Resolution No. 5282, In the Matter of Approving the Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan. Director Blalock seconded the motion. Director Mallett stated he would abstain. The motion carried by acclamation. Ayes - 6: Directors Blalock, McPartland, Murray, Raburn, Radulovich, and Keller. Noes - 0. Abstain - 1: Director Mallett. Absent - 2: Directors Fang and Saltzman.

Director Blalock exited the Meeting.

President Keller 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, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Keller brought the matter of Roll Call for Introductions Procedure Review before the Board. Ms. Crunican presented the item. The item was discussed.

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

Director Murray reported she had observed many potholes at the Walnut Creek Station.

Director Mallett requested an evaluation of options and feasibility of instituting a routine employee satisfaction survey program relating to employees' satisfaction with their management team and as affiliates of BART. Director McPartland seconded the request.

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

The Board Meeting was adjourned at 1:59 p.m.

Kenneth A. Duron
District Secretary