

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,699th Meeting
January 23, 2014

A regular meeting of the Board of Directors was held January 23, 2014, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice - President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Keller. Director McPartland entered the meeting later.

Vice-President Blalock asked for a moment of silence for fallen BART Police Sergeant Thomas "Tommy" Smith Jr.

Director Mallett stated he wanted the record to reflect that he intended to abstain on Item 3-B Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan at January 9, 2014 Board Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 2, 2014 (Special), and January 9, 2014 (Regular).
2. BART Accessibility Task Force New Member Appointment.
3. Award of Contract No. 15SV-110, Site Restoration at Various Locations.
4. Award of Invitation for Bid No. 8917, Dump Truck With Over the Cab Loader.
5. Reject all Bids for Contract No. 15EI-230, Procurement of 75KVA, 34.5KV/208Y-120C Control Transformer.

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

1. That the Minutes of the Meetings of January 2, 2014 (Special), and January 9, 2014 (Regular), be approved.
2. That the Board accepts the recommendation of the BATF and appoints the nominated candidate, Megan O'Brien, for membership to the BATF for a term effective January 23, 2014 to June 30, 2015, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

3. That the General Manager is authorized to award Contract No. 15SV-110, Earthquake Safety Program Site Restoration at Various Locations to California Restoration On-Call, Inc. dba Avalon Construction Co. for the bid amount of \$345,680.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.
4. That the General Manager is authorized to award IFB No. 8917, for the procurement of a dump truck with an over the cab loader, to Golden Gate Truck Center for the bid amount of \$179,588.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That all Bids for Contract No. 15EI-230 for Procurement of 75KVA, 34.5 KV/208Y-120V Control Transformers, be rejected.

Vice-President Blalock announced that the order of agenda items would be changed.

Vice-President Blalock called for the General Manager's report.

Ms. Grace Crunican, General Manager, asked BART Police Chief Rainey to give a report on the Officer involved shooting of January 21, 2014. Chief Rainey provided a report

BART Independent Police Auditor Mark Smith described his Office's role in monitoring the investigation.

Ms. Crunican, reported on her recent activities and meetings she had participated in. Ms. Crunican reported on the Oakland Airport Connector test train event on January 21, 2014. Ms. Crunican announced the Lunar Year Celebration will be held on February 5, 2014.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Sister Transit Agency: Shanghai Metro Memorandum of Understanding, before the Board. Mr. Robert Powers, Assistant General Manager of Planning & Development, presented the item. The item was discussed.

Director McPartland entered the meeting.

Director Fang moved that the General Manager or designee execute a Sister Transit Agency Memorandum of Understanding between BART and Shanghai Metro. Directors Murray and Blalock seconded the motion, which carried by unanimous acclimation. Ayes - 8: Directors Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Keller.

Director Raburn brought the matter of 2014 State & Federal Legislative Goals, before the Board. Ms. Kerry Hamill, Assistant General Manager of External Affairs and Mr. Paul Fadelli, Legislative Officer, presented the item. Mr. Tim Schott and Mr. Jim Lites, representing Schott & Lites, addressed the Board on State Legislative Goals.

Ms. Karey Christ-Janer addressed the Board.

Director Fang exited the meeting.

The item was discussed.

Ms. Emily Bacque and Ms. Lynn Jacquez, representing CJ Lakes, addressed the Board on Federal Legislative Goals. The item was discussed. Director Radulovich amended the motion to include District support for an oil and gas severance tax. Director McPartland moved that the Board approve the State and Federal advocacy programs, as amended. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2 Directors Fang and Keller.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Resolution Fixing the Employer's Contribution under the California Public Employees Retirement System for employees represented by Amalgamated Transit Union Local 1555 and Service Employees International Union Local 1021 under the Public Employees' Medical and Hospital Care Act., before the Board. Ms. Diane Iwata, Human Resources Program Manager HRIS & Benefits, presented the item. Director McPartland moved the adoption of resolutions 5243, 5244 and 5245 In the Matter of Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act for Employees Represented by American Transit Union Local 1555, Service Employees International Union Local 1021 and Non-Represented employees. Director Blalock seconded the motion. Ayes - 6: Directors McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain – 1 Director Mallett Absent – 2 Directors Fang and Keller.

Director Saltzman brought the matter of Resolution for Employer Paid Member Contribution under the California Public Employees Retirement System for employees represented by Amalgamated Transit Union Local 1555, American Federation of State, County and Municipal Employees, Local 3993, Service Employees International Union Local 1021 and Non-Represented Employees, before the Board. Ms. Iwata presented the item. Director McPartland moved adoption of resolutions No. 5246, 5247, 5248 and 5249 authorizing the Board President to sign the resolutions on behalf of the Board. Director Murray seconded the motion. Ayes - 6: Directors McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain – 1: Director Mallett Absent – 2: Directors Fang and Keller.

Director Saltzman brought the matter of Amendment to the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan for employees represented by Amalgamated Transit Union, Local 1555, American Federation of State, County and Municipal Employees, Local 3993, Service Employees International Union, Local 1021, and Non-Represented Employees, before the Board. Ms. Iwata presented the item. Director Blalock moved the authorization of the Board President to execute an amendment to the 2013 Restatement of the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (MPPP) that provides for: (1) a deduction of \$37 per month from the contribution of 1.627% of Payroll for members of ATU, SEIU and AFSCME enrolled in District medical plans; and (2) a deduction of 0.0888% of Payroll from the contribution of 1.627% of Payroll for members of ATU, SEIU, AFSCME and non-represented employees. Director McPartland seconded the motion. Ayes - 6: Directors McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain – 1: Director Mallett. Absent – 2: Directors Fang and Keller.

Director Saltzman brought the matter of On-Call Economic and Property Development Consultant Services: Agreement with Economic & Planning Systems Inc. (Agreement No. 6M4283A); Agreement with Keyser Marston Associates, Inc. (Agreement No. 6M4357); Agreement with Bard Consulting, Inc. (Agreement No. 6M4358); and Agreement with Savvy City/Charles A. Long (Joint Venture) (Agreement No. 6M4359), before the Board. Director Murray recused herself from the item noting she had a potential financial conflict of interest and exited the meeting. Ms. Susan Shaffer, Principal Right of Way Officer, presented the item. The item was discussed. Director Mallett moved that the General Manager or her designee is authorized to award the following Professional Services Agreements to provide On-Call Economic and Property Development Consultant Services for a five-year period (or to the completion date of any Work Directive issued with such five-year period, if later), each in an amount not to exceed \$250,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA requirements related to protests. Director Blalock seconded the motion. Ayes - 6: Directors Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 3 Directors Fang, Keller and Murray.

Director Murray entered the meeting.

Director Saltzman brought the matter of Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2013, before the Board. Mr. Scott Schroeder, Controller/Treasurer and Mr. Chris Gan Assistant Controller presented the item. The item was discussed. Director McPartland moved the acceptance of the Independent Auditor's reports for Fiscal Year Ended June 30, 2013. Director Blalock seconded the motion, which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2: Directors Fang and Keller.

Director Saltzman brought the matter of Title VI of the Civil Rights Act of 1964: District Civil Rights Program 2013 Triennial Update, before the Board. Mr. Wayne Wong, Department Manager, Civil Rights and Mr. Robert Mitroff, Manager, Fleet and Capacity Planning, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board

Director Raburn moved the Board of Directors approve the District's Title VI Civil Rights Program 2013 Triennial Update, including System-wide Service Monitoring Results. Director Mallett seconded the motion, which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2: Directors Fang and Keller.

Director McPartland Chairperson of the Engineering and Operations Committee, brought the matter of Change Order No. 8 to Contract No. 15EK-210, Procurement of Traction Power Substations, Phase 1, Addition of RRY substation, before the Board. Mr. Paul Oversier, Assistant General Manager of Operations presented the item. The item was discussed. Director Mallett moved that the General Manager is authorized to execute Change Order No. 8 to Contract No. 15EK-210 Procurement of Traction Power Substations, Phase 1, in the amount of \$1,612,168.00, plus applicable sales tax, to Powell Electrical Systems, Inc. Director Saltzman seconded the motion which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2: Directors Fang and Keller.

Vice-President Blalock called for Board Member Reports and Roll Call for Introductions.

Director McPartland reported on his providing retiree organization with an update pertaining to BART. He thanked the Customer Service Department for signing up 30 seniors with the Clipper Card.

Director Raburn reported on the delivery of the Oakland Airport Connector railcars.

Director Mallett requested the revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014.

Director Mallett requested that reserved parking pricing at stations be different for non-District residents.

Vice-President Blalock reported that he attended the South Bay Engineers Club.

Vice-President Blalock advised the Board that the Agenda would reflect an In Memorium section on an ongoing basis.

Vice-President Blalock brought the matter of Board Meeting Schedule before the Board. The item was discussed.

Vice-President Blalock brought the matter of Resolution In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter of the State of California, acting by and through Caltrans, et. al.. vs. United States Department of Labor, before the Board. Director Mallett presented the item. The item was discussed. Director Mallett moved that the Board approve Resolution 5250 In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter State of California vs. United States Department of Labor (Case No. 2:13-CV-02069). Director Radulovich seconded the motion which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2: Directors Fang and Keller.

Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 12:23 p.m. in memory of Sergeant Thomas “Tommy” Smith, Jr. and Dr. Martin Luther King Jr.

Kenneth A. Duron
District Secretary