

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

Board of Directors  
Minutes of the 1,727th Meeting  
February 12, 2015

A regular meeting of the Board of Directors was held February 12, 2015, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California; and Hotel Hume, 422 Vernon Street, Nelson, British Columbia, Canada. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Director present in Nelson: Director Josefowitz.

Absent: None. Directors Murray and Raburn entered the Meeting later.

President Blalock called for Introduction of Special Guests.

Director Murray entered the Meeting.

Chief of Police Kenton Rainey introduced BART Police Chaplains Rev. Rufus Watkins, Father Jayson Landeza, and Rev. Kenneth Parris. The three chaplains addressed the Board.

Director Raburn entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 22, 2015 (Regular), and January 29 and 30, 2015 (Special).
2. Award of Invitation for Bid No. 8944, Procurement of Quill, Bull Gear.
3. Execution of Agreement No. 6M3281, with the Regents of the University of California, Berkeley, for Membership in the Berkeley Seismological Lab Earthquake Research Affiliates Program.

Director Mallett made the following motions as a unit. Directors Murray and Radulovich seconded the motion was seconded and 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 Meetings of January 22, 2015 (Regular), and January 29 and 30, 2015 (Special), be approved.

2. That the General Manager be authorized to award Invitation for Bid No. 8944, an estimated quantities contract for Procurement of Quill, Bull Gear, to Qual-Tran Products, of Hatfield, Pennsylvania, for the Bid price of \$350,640.90 (including all taxes), pursuant to notification to be issued by the General Manager, subject to the District's 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.)

3. That the General Manager be authorized to execute Agreement No. 6M3281, with the Regents of the University of California, Berkeley, in an amount not to exceed \$300,000.00, for membership in the Berkeley Seismological Lab Earthquake Research Affiliates Program for a five year period.

President Blalock brought the matter of Consideration of Position on Prosecution of Protestors at West Oakland Station on November 28, 2014, before the Board.

The following individuals addressed the Board.

Sharon Fenneman  
Devonte Jackson  
Jean Howard Moses  
Marcy Rein  
Jennifer Davidson  
Jamie Lee Sprague-Ballo  
Marissa Evans  
Paige Kumm  
Beige Alisheva  
Britta Houser  
Feng Kung  
Pearl Morgan  
Tynan Krakoff  
Ellen Choy  
Danielle West  
Pam Tau Lee  
Megan Swoboda  
Kimberly Banford  
Josh Conner  
Edwin Lindo  
Beck Witt  
Michael Rothbaum  
Eddie Dillard  
Heather MacLeod  
Vanessa Moses  
Nigel Evans-Brim  
Regine Neptune  
Lucile Beatty

Kristin George  
Josh Healey  
Robert Allen  
Rheema Calloway  
Zoe Polk  
Frank Martin del Campo  
Marianne Maeckelbergh

Director Saltzman moved that the General Manager be directed to notify the Alameda County District Attorney that the San Francisco Bay Area Rapid Transit District urges her office to forgo the prosecution (including seeking restitution and/or community service) of the Black Friday 14 for their November 28<sup>th</sup> actions at the West Oakland BART Station. Director Radulovich seconded the motion. The motion was discussed.

Director Keller introduced a substitute motion: That the General Manager be directed to notify the Alameda County District Attorney that the San Francisco Bay Area Rapid Transit District (BART) withdraws the request for monetary restitution from the Black Friday 14 for their actions at the West Oakland BART station on November 28<sup>th</sup>, and that justice in this case must be fair, both to the protestors and the riders, proportional, with due consideration to the penalties applied to protestors in neighboring jurisdictions and the difference in disruption caused by interfering with different elements of transportation infrastructure, and equitable, balancing factors of mitigation and aggravation with the public interest. Director Josefowitz seconded the motion. Discussion on the item continued.

The Board Meeting recessed at 10:50 a.m.

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The Board Meeting reconvened at 11:03 a.m.

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

Director present in Nelson: Director Josefowitz.

Absent: None.

Discussion on the item continued. Director Murray requested that her written comments be included as a part of the Minutes. (Director Murray's comments are attached and hereby made a part of these Minutes.)

Director McPartland called the question. President Blalock called for the vote. The substitute motion carried by roll call vote. Ayes - 5: Directors Josefowitz, Keller, McPartland, Murray, and Raburn. Noes – 4: Directors Mallett, Radulovich, Saltzman, and Blalock.

President Blalock announced that the Board would enter into closed session under Items 10-A through 10-D (Conference with Legal Counsel – Existing Litigation) of the Regular Meeting

agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 11:06 a.m.

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The Board Meeting reconvened in closed session at 11:08 a.m.

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

Director present in Nelson: Director Josefowitz.

Absent: None.

The Board Meeting recessed at 12:14 p.m.

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The Board Meeting reconvened in open session at 12:37 p.m.

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

Director present in Nelson: None.

Absent: None. Director Josefowitz entered the Meeting later.

President Blalock announced that the Board had concluded its closed session under Items 10-A through 10-D of the Regular Meeting agenda, and that under Item 10-D, the Board voted 9 to 0 to authorize the continued use of Meyers Nave Riback Silver & Wilson, A Professional Law Corporation, to represent the District and Valley Transportation Authority in that case.

Director Keller, Chairperson of the Administration Committee, brought the matter of Resolution Enacting Ordinance of the San Francisco Bay Area Rapid Transit District to Prohibit the Use of Electronic Smoking (Vapor) Devices (Electronic Cigarettes) on BART Trains, BART Facilities, and BART Property Whenever They Are Found within the District, before the Board.

Mr. Benson Fairrow, Deputy Chief of Police, presented the item.

Director Josefowitz entered the Meeting in Nelson.

The following individuals addressed the Board.

Liz Williams

Serena Chen

Jerry Grace

Director Raburn moved adoption of Resolution No. 5287, In the Matter of the Adoption of an Ordinance of the San Francisco Bay Area Rapid Transit District to Prohibit the Use of Electronic Smoking (Vapor) Devices (Electronic Cigarettes) on BART Trains, BART Facilities, and BART Property whenever They Are Found within the District, Ordinance No. 2015-1, to take effect and be enforceable upon the expiration of 30 days following its adoption. President Blalock seconded the motion. The item was discussed. The motion 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 Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2014, before the Board. Mr. Scott Schroeder, Controller/Treasurer, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 79HM-120, SFTS MB (San Francisco Transition Structure), before the Board.

Director Radulovich exited the Meeting.

Mr. Thomas Horton, Group Manager, Seismic Retrofit Capital Program, presented the item. The item was discussed. Director Murray moved that the General Manager be authorized to award Contract No. 79HM-120, SFTS MB, to Manson Construction Company, Inc., for the Bid price of \$49,686,000.00, 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 protest procedures. Director Saltzman seconded the motion, which carried by roll call vote. Ayes - 6: Directors Josefowitz, Keller, McPartland, Murray, Saltzman, and Blalock. Noes - 1: Director Raburn. Abstain - 1: Director Mallett. Absent - 1: Director Radulovich.

Director McPartland brought the matter of Sole Source Procurement with Knorr Brake Corporation for Brake, Split Disc and Hub Assemblies, before the Board. Mr. Kirtland Smith, Assistant Shop Superintendent, presented the item. Director Mallett moved that the Board find, pursuant to Public Contract Code Section 20227, that Knorr Brake Corporation is the single source of procurement of brake, split disc and hub assemblies, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to execute a sole source estimated quantity contract for Brake, Split Disc and Hub Assemblies, with Knorr Brake Corporation, for a price not to exceed \$3,726,230.40, including all applicable taxes. President Blalock seconded the motion, which carried by the required two-thirds majority by unanimous roll call vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Radulovich.

Director McPartland brought the matter of Customer Communications during Major Service Disruptions and Improvement Initiatives before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Roy Aguilera, Chief Transportation Officer; Ms. Alicia Trost, Department Manager, Communications; and Mr. Tim Moore, BART Webmaster, presented the item.

Jerry Grace addressed the Board.

The item was discussed.

Director McPartland announced that Service Planning for Special Events would be continued to a future meeting.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of 2015 State and Federal Legislative Goals before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Analyst; Ms. Emily Bacque, CJ Lake, LLC; Ms. Lynn Jacquez, CJ Lake; Mr. Jim Lites, Schott and Lites Advocates; Mr. Val Menotti, Department Manager, Planning; and Mr. David Kutrosky, Managing Director, Capitol Corridor, presented the item.

Mr. Jerry Grace addressed the Board.

Director Saltzman exited the Meeting.

The item was discussed.

President Blalock moved that the Board approve the state and federal advocacy programs as presented by staff. Director McPartland seconded the motion. Director Mallett requested the motion be amended to include initiating discussion at the state level about impact fee and value-capture fee options and at the federal level initiating discussions about local hiring options. The maker and seconder of the motion accepted the amendment. The amended motion carried by unanimous roll call vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Blalock. Noes - 0. Absent - 2: Directors Radulovich and Saltzman.

President Blalock called for the General Manager's Report.

Mr. Kutrosky presented the Agreement between Capitol Corridor Joint Powers Authority and San Francisco Bay Area Rapid Transit District for Administrative Support. Director Murray moved that the Board authorize the Agreement and direct the President of the Board to execute the Agreement on behalf of the Board. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Blalock. Noes - 0. Absent - 2: Directors Radulovich and Saltzman.

Mr. Kutrosky gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 18, 2015. The presentation was discussed.

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

Director Murray reported Contra Costa Transportation Authority was hosting an autonomous vehicle summit at the Concord Naval Weapon Station.

Director Raburn reported he had attended the Alameda County Mayors' Conference.

President Blalock reported he and Director Josefowitz had attended a meeting with Congresswoman Jackie Speier and San Francisco Mayor Ed Lee regarding college student discounts, and that he had attended the Alameda County Mayors' Conference.

Director Josefowitz reported he had participated in a San Francisco capital planning meeting.

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

The Board Meeting was adjourned at 3:24 p.m.

Kenneth A. Duron  
District Secretary