

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

Board of Directors
Minutes of the 1,700th Meeting
February 13, 2014

A regular meeting of the Board of Directors was held February 13, 2014, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of December 19, 2013, and January 23, 2014.
2. Revision to 2014 Standing Committee and Special Appointments.
3. Resolution of Local Support for the Regional Transportation Improvement Program (RTIP) Funds for the Stations Modernization Improvements Program.
4. Resolution of Local Support for a Metropolitan Transportation Commission (MTC) Transit Performance Initiative Project Application for the BART Metro Priority Improvements Project.
5. Award of Contract No. 15EI-170, Power Transformer Replacement and Installation for SBS and SPS Auxiliary Substations.

Director McPartland made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

1. That the Minutes of the Meetings of December 19, 2013, and January 23, 2014, be approved.
2. That the revision to the 2014 Standing Committee and Special Appointments, Wayside Safety Ad Hoc Committee, be ratified as follows: Thomas M. Blalock (Chairperson), John McPartland, Tom Radulovich, and Rebecca Saltzman.
3. Adoption of Resolution No. 5251, In the Matter of the Approval of a Resolution of Local Support for a Regional Transportation Improvement

Program Project Application for the Stations Modernization Improvements Program.

4. Adoption of Resolution No. 5252, In the Matter of the Approval of a Resolution of Local Support for a Transit Performance Initiative-Incentive Project Application for Three Elements of the BART Metro Priority One Elements Project.
5. That the General Manager be authorized to award Contract No. 15EI-170, for Power Transformer Replacement and Installation at the San Bruno Auxiliary Substation (SBS) and the Santa Paula Auxiliary Substation (SPS) to Blocka Construction, Inc., for the Bid price of \$839,300.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2014 First Quarter Financial Report.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Resolution Authorizing Northern California Power Agency Renewable Power Purchase Agreement before the Board. Mr. Frank Schultz, Department Manager of the District's Energy Programs, presented the item. Director Mallett moved adoption of Resolution No. 5253, In the Matter of Approving and Authorizing the General Manager to Execute a Transaction Authorization and Confirmation for the Purchase of Electrical Power from the Northern California Power Agency Relating to the Output of the Lake Nacimiento Hydroelectric Unit of the Monterey County Water Resources Agency. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Saltzman brought the matter of Time Extension for Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, before the Board. Ms. Diane Iwata, Benefits and HRIS Manager, presented the item. The item was discussed. Director Blalock moved that the General Manager or her designee be authorized to execute a change order to Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, with Keenan & Associates, extending the term of the Agreement for an additional 18 months to September 30, 2015. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller announced that Items 9-C (Conference with Real Property Negotiators, 300 Lakeside Drive and 344 20th Street, Oakland) and 10-B (Expansion of District's Existing Leased Space at 300 Lakeside Drive and 344 20th Street, Oakland, CA, and Extension of Existing Lease Term) would be continued to a future meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures – C Line, with ProVen Management, Inc., for New Storefront Window Walls at Walnut Creek Station (C.O. No. 84), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Director Raburn moved that the General Manager be authorized to execute Change Order No. 84, New Storefront Window Walls at Walnut Creek Station, to Contract No. 15PP-110A, Earthquake Safety Program Station Structures – C Line, for an amount not to exceed \$356,833.00, with ProVen Management Co. Inc. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director McPartland brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2014 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, Mr. Jeffrey Lau, Chief Safety Officer, and Mr. Kenton Rainey, Chief of Police, presented the item. The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed Transit-Oriented Development at the Millbrae Station – Report, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, and Ms. Ellen Smith, Planning Division Manager, presented the item. The following individuals addressed the Board.

Mr. Lawrence Lui
Mr. John Lynn Smith
Honorable Wayne Lee
Mr. Williams Nack

The item was discussed.

President Keller called for the General Manager's report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in. Ms. Crunican noted upcoming activities for the Lunar New Year.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 19, 2014.

President Keller brought the matter of Labor Negotiations Review Ad Hoc Committee before the Board. Director Fang, Chairperson of the committee, gave a brief report on the initial meeting of the committee.

Mr. Chris Finn addressed the Board.

Director Fang introduced the committee's request for authority to select and recommend the services of an independent public sector labor relations negotiations consultant, scope of work, and budget. The item was discussed. Director Blalock moved that the Labor Negotiations Review Ad Hoc Committee be authorized to select and recommend the services of an independent public sector labor relations negotiations consultant, scope of work, and budget not

to exceed \$225,000.00, to the Board of Directors. Director Fang seconded the motion, which carried by roll call vote. Ayes – 5: Directors Blalock, Fang, Mallett, Raburn, and Keller. Noes – 4: Directors McPartland, Murray, Radulovich, and Saltzman.

President Keller brought the matter of Resolution Commending Detective Sergeant Thomas A. Smith before the Board, and moved adoption of Resolution No. 5254. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

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

Director Saltzman reported she had attended a BART Police Department staff meeting.

Director Murray requested the District investigate and report on initiatives to improve the smell and condition of elevators, including the system being deployed at MARTA for a urine detector for elevators.

Director Murray requested a report on the District's plan for rail grinding and the potential impacts of the drought.

President Keller called for In Memorium requests. Director Blalock requested the meeting be adjourned in honor of renowned architect Julia Morgan and the former Mayor of Pleasanton, Ken Mercer.

Director Fang exited the Meeting.

President Keller called for Public Comment. The following individuals addressed the Board.
Mr. Alan Smith
Mr. Jerry Grace

President Keller announced that the Board would enter into closed session in the adjacent conference room under Item 9-A (Conference with Legal Counsel) and Item 9-B (Conference with Real Property Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 12:06 p.m.

The Board reconvened in closed session at 12:17 p.m.

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

Absent: Director Fang.

The Board Meeting recessed at 1:42 p.m.

The Board reconvened in closed session at 1:45 p.m.

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

Absent: Director Fang.

The Board Meeting recessed at 1:46 p.m.

The Board reconvened in open session at 1:49 p.m.

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

Absent: Director Fang.

President Keller announced that the Board had met in closed session under Items 9-A and 9-B of the agenda, and that there were no announcements to be made from those closed sessions.

President Keller brought the matter of Prevailing Wage Policy for Transit-Oriented Development for the East Parcel of the Walnut Creek Transit Village Project before the Board. Director Murray moved that the Board reintroduce the District's 1987 prevailing wage requirement for development on the East Parcel at the Walnut Creek BART Station. Director McPartland seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, , McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Abstain - 1: Director Mallett. Absent - 1: Director Fang.

The Board Meeting was adjourned at 1:52 p.m. in honor of Julia Morgan and Ken Mercer.

Kenneth A. Duron
District Secretary