

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

Board of Directors
Minutes of the 1,671st Meeting
February 14, 2013

A regular meeting of the Board of Directors was held February 14, 2013, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director McPartland.

President Radulovich brought Introduction of Special Guests before the Board. Director Keller introduced and welcomed the Honorable Greg Enholm, Contra Costa Community College District, Ward 5. Mr. Enholm addressed the Board.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set to hold a public hearing on extending BART's inflation-based fare increase program and modifying BART's paid parking programs, and that this was the venue for the public to comment, and that staff would give a brief presentation on extending BART's inflation-based fare increase program and modifying BART's paid parking programs, and that the meeting would then be opened for comments from the public.

Mr. Carter Mau, Executive Manager, Planning and Budgets, Ms. Pamela Herhold, Financial Planning, and Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

The following individuals addressed the Board.

Mr. Clarence Fischer
Ms. Ruth Miller
Ms. Antonette Bryant
Mr. Brian Geiser
Mr. Chris Finn
Mr. Jerry Grace

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 24, 2013.
2. Award of Contract No. 11KC-110, 24th and Mission Street Station Southwest Plaza Improvements.

3. Award of Invitation for Bid No. 8911, Low Speed Bull Gear.
4. Change Order to Contract No. 6M3146, Reconditioning Transit Vehicle Wheels, with Penn Machine Co., for Extension of Time.
5. BART Accessibility Task Force Membership Appointment.

Consent Calendar motions, as follow, were moved as a unit by Director Saltzman. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

1. That the Minutes of the Meeting of January 24, 2013, be approved.
2. That the General Manager be authorized to award Contract No. 11KC-110, 24th and Mission Street Station Southwest Plaza Improvements, to West Bay Builders Inc., for the Base Bid work in the amount of \$1,917,500.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be authorized to exercise the Option Bid price of \$35,000.00, subject to availability of funding.
3. That the General Manager be authorized to award Invitation for Bid No. 8911, an estimated quantity contract, for Low Speed Bull Gears, to Columbia Gear, for the price of \$281,350.80, including sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with 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.)

4. That the General Manager be authorized to execute a Change Order to Contract No. 6M3146, with Penn Machine Co., to extend the term of the Contract by 273 days, from July 1, 2013, to March 31, 2014.
5. That the recommendation of the BART Accessibility Task Force (BATF) be accepted, and the nominated candidate, Clarence Fischer, be appointed for membership to the BATF for a term effective February 28, 2013, to June 30, 2013, or until the Board makes new appointments, whichever occurs later.

Director Murray, Chairperson of the Administration Committee, brought the matter of Productivity-Adjusted Inflation-Based Fare Increase Program and Parking Fee Modification Program before the Board. Mr. Mau and Ms. Herhold presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Jeffrey Okseu

Ms. Jessica Zenk

Mr. Jerry Grace

Mr. Jon Spangler

Discussion continued.

Director Fang, Chairperson of the Engineering and Operations Committee, announced that the matter of Award of Contract No. 01VM-110A, Union City Intermodal Station Phase II – BART Station Improvements, would be continued to a future meeting.

Director Fang brought the matter of Award of Contract No. 15PJ-110B, Earthquake Safety Program Four Station Structures – A Line, before the Board. Mr. Robert Powers, Assistant General Manager, Transit System Development, presented the item. Director Murray moved that the General Manager be authorized to award Contract No. 15PJ-110B, Earthquake Safety Program Station Structures – A Line, to Robert A. Bothman, Inc., for the Bid amount of \$10,939,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Additional Authority to Execute Agreements with Public and Private Entities to Support the Earthquake Safety Program before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed. Director Murray moved that the General Manager or her designee be authorized to execute agreements as necessary and to implement Work Authorizations with public or private entities and utilities in an aggregate amount not to exceed \$5,000,000.00 to support and advance the District's Earthquake Safety Program, including right of entry permits and agreements and Work Authorizations for the relocation, rearrangement or replacement of facilities and utilities. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Contract Closeout (C.O. No. 25), before the Board. Mr. Powers presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to execute Change Order No. 25, Contract Closeout, to Contract 15ID-110, Pleasant Hill Station Modernization, with Taber Construction Inc., in an amount not to exceed \$337,976.00, for Contract Closeout. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Mr. Jerry Grace addressed the Board.

Director Fang brought the matter of BART Rail Vehicle Projects before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, gave a presentation on New Rail Car

Procurement Update. The presentation was discussed. Mr. Oversier presented the item entitled Agreements with CH2M Hill, Inc. (Agreement No. 6M3223) and LTK Engineering Services, Inc. (Agreement No. 6M3224) for Vehicle Engineering Consultant Services. The item was discussed. Director Blalock moved that the General Manager be authorized to award Agreement No. 6M3223, to CH2M Hill, Inc., and Agreement No. 6M3224, to LTK Engineering Services, Inc., both to provide Vehicle Engineering Services for BART Revenue Vehicle Projects, each in an amount not to exceed \$25,000,000.00 and pursuant to notification to be issued by the General Manager, and that the term of each Agreement will be ten years from the date of execution of the Agreement, or the completion date specified in any Work Plan corresponding to a Purchase Order issued by BART within such ten-year period, whichever is later; and that the awards are subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2013 - Service Performance Review, before the Board. Mr. Oversier and Chief of Police Kenton Rainey presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

President Radulovich announced that the Board Meeting would recess until 1:00 p.m.

The Board Meeting recessed at 12:51 p.m.

The Board reconvened at 1:13 p.m.

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

Absent: Director McPartland.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, announced that Item 5-A, 2013 State and Federal Advocacy Goals, would be continued to a future meeting.

Director Blalock brought the matter of BART Bicycle Access Plan: Update and Next Steps, before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Kit Hodge

Mr. Jon Spangler

Ms. Shirley Johnson

Mr. Nadir Jeevanjee

Ms. Renee Rivera
Mr. Jerry Grace

Discussion continued.

President Radulovich announced that the order of agenda items would be changed, and brought the matter of Citizen Review Board Appointment: Public-At-Large Member, before the Board.

Mr. Mark Smith, Independent Police Auditor, presented the item.

The following individuals addressed the Board.

Ms. Cora Oliver-Ward
Rev. Dr. Audrey Aurea Lewis
Ms. Cydia Garrett

The Board members completed weighted voting nomination forms to determine the Public-At-Large member appointee.

While the votes were being tallied, President Radulovich brought the matter of Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 20, 2013, before the Board. Mr. David Kutrosky, Managing Director, Capitol Corridor, presented the item. The item was discussed.

President Radulovich returned to the matter of Citizen Review Board Appointment. Mr. Duron announced that Ms. Cydia Garrett and Ms. Cora Ward each received 16 votes. Director Murray moved that Ms. Cydia Garrett be appointed to fill the vacant public-at-large seat for the remainder of its two-year term that expires on June 30, 2014. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

Director Blalock brought the matter of Potential Development of Property Located at BART Millbrae Station before the Board. The Board discussed Forums for Discussion of Potential Development of Property Located at BART Millbrae Station, and determined that the subject would be addressed in open session for discussion and action, if any. Mr. Mau and Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, presented the item.

The following individuals addressed the Board.

Ms. Jessica Zenk
Mr. Michael Van Every
Mr. Robin Chiang
Ms. Ophelia Wilkins
Hon. Norman Mineta
Ms. Marcia Raines
Mr. Sean Hebard
Mr. William Nack
Mr. Michael Bernick

Mr. Jerry Grace
Mr. Lawrence Lui

The item was discussed. Director Keller moved that the General Manager be authorized to enter into exclusive negotiations with Republic Urban Properties/Green Valley Corporation for potential development of property located at the BART Millbrae Station, with an initial term of eighteen (18) months; and that the negotiations include effort on behalf of the District to ensure inclusionary zoning in the project, consideration of relocating bus bays to the west side of the station, reconsideration of the policy of one-for-one parking replacement, that the developer be required to develop an access plan to demonstrate that the reduction of parking is justified, and that the intention be clear that the goal is to build the best transit-oriented development project in the Bay Area.

Director Blalock seconded the motion.

Discussion continued.

Director Fang offered a substitute motion, that the General Manager be authorized to enter into exclusive negotiations with Justin Development for potential development of property located at the BART Millbrae Station, with an initial term of eighteen (18) months; and that the negotiations include effort on behalf of the District to ensure inclusionary zoning in the project, consideration of relocating bus bays to the west side of the station, reconsideration of the policy of one-for-one parking replacement, that the developer be required to develop an access plan to demonstrate that the reduction of parking is justified, that the intention be clear that the goal is to build the best transit-oriented development project in the Bay Area, and that a transportation demand management package be required of the developer.

Director Raburn seconded the substitute motion.

The substitute motion failed by electronic vote. Ayes – 2: Directors Fang and Raburn. Noes - 5: Directors Blalock, Keller, Murray, Saltzman, and Radulovich. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

Discussion continued.

The Board returned to the main motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Keller, Murray, Saltzman, and Radulovich. Noes – 2: Directors Fang and Raburn. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

President Radulovich called for the General Manager's report. General Manager Grace Crunican advised the Board she would bring a discussion on the Roll Call for Introductions process to the Board at a future meeting.

President Radulovich called for Board Member Reports.

Director Raburn reported he had attended the Citizen Review Board meeting, noting commendations had been awarded to Station Agent Lee Williams for a Powell Street Station arrest and to Foreworker Richard Lazaro for an arrest of armed suspects at Pittsburg/Bay Point

Station. Director Raburn reported he had also attended the Oakland Economic Summit, the Hayward Shop tour, and an Oakland Black Board of Trade meeting.

Director Fang reported he been scheduled to attend a near field communications conference in Sweden.

Director Keller reported he had attended an event for the eBART and Highway 4 widening project.

Director Murray reported she had attended the eBART and Highway 4 widening event and had met with the Hispanic Chamber of Commerce.

Director Blalock reported he had attended a State of the State meeting and the reception for the Northern California Chapter of the Conference of Minority Transportation Officials, had met with the mayors of Fremont and Newark, and had gone to the San Jose State of the City address

President Radulovich called for Roll Call for Introductions.

Director Raburn requested an evaluation of service between the Millbrae and San Francisco International Airport Station, to include use of driverless vehicles, and other opportunities for reducing the costs of providing the service.

Director Mallett requested the Office of Planning and Budget provide the definitive shares of the BART sales tax generated within the boundaries of the AC Transit District and the City and County of San Francisco.

Director Mallett requested the Office of Planning and Budget provide the definitive populations and households within the boundaries of the AC Transit District and the City and County of San Francisco.

President Radulovich called for General Discussion and Public Comment.

Director Fang acknowledged staff for their work at the outreach meeting in the Sunset District, and thanked Wayne Wong and his staff, Alicia Trost, Molly Burke, Kerry Hamill, the General Manager for their great work.

The Board Meeting was adjourned at 5:15 p.m.

Kenneth A. Duron
District Secretary