

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

Board of Directors
Minutes of the 1,706th Meeting
April 10, 2014

A regular meeting of the Board of Directors was held April 10, 2014, convening at 9:02 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

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

President Keller called for Introduction of Special Guests. Director McPartland read a letter of appreciation to the Board from the family of Christopher Sheppard.

Director Blalock entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 27, 2014 (Regular), and March 28 and 29, 2014 (Special).
2. Procurement of Replacement Non-Revenue Service Vehicles.
3. Award of Contract No. 15QL-120, Maintenance Yards Surface Improvement – ORY.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 1: Director Murray.

1. That the Minutes of the Meetings of March 27, 2014 (Regular), and March 28 and 29, 2014 (Special), be approved.
2. That the General Manager be authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles through State of California Department of General Services contracts for an amount not to exceed \$990,000.00, including applicable taxes and State fees.
3. That the General Manager be authorized to award Contract No. 15QL-120, Maintenance Yards Surface Improvement – ORY, to ALB Inc., of Pittsburg, California, for the Bid price of \$306,089.00, pursuant to

notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2014 Second Quarter Financial Report.

President Keller announced that the Board would enter into closed session in the adjoining conference room under Item No. 3-A (Conference with Labor 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 9:05 a.m.

The Board reconvened in closed session at 9:07 a.m.

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

Absent: None.

The Meeting recessed at 9:55 a.m.

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

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

Absent: Directors Murray and Radulovich.

Director Blalock moved that the Board approve two increases to base salary – one increase of 1.8607 percent effective January 1, 2014, and another increase of 1.8607 percent effective July 1, 2014 – for each of the Board appointees – the General Manager, the General Counsel, the Controller-Treasurer, the District Secretary, and the Independent Police Auditor; and that the Board President be authorized to execute any amendments to the Officers' employment agreements to implement these changes that are recommended by the Associate General Counsel.

Directors Murray and Radulovich entered the Meeting.

Directors Fang and Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Blalock introduced and welcomed Mr. James Pierre. Mr. Pierre addressed the Board.

President Keller announced that the order of agenda items would be changed.

Director Fang, Chairperson of the Labor Negotiations Review Ad Hoc Committee, brought the matter of Agreement for Consulting Services for Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees before the Board. The item was discussed. Director Fang moved that the General Counsel be authorized to execute an agreement with Rhonda Hilyer, Agreement Dynamics, Inc., to provide consulting services for assistance in assessing the processes and procedures during the 2013 collective bargaining between the District and the unions representing District employees, in an amount not to exceed \$225,000.00. Director Mallett seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 1: Director Radulovich.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Small Business Opportunity Initiatives Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.

Mr. Bernard Ashcraft

Mr. Eddie Dillard

Ms. Edie Lopez

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 8929, Gasoline and Diesel Fuel, before the Board. Mr. Larry Fisher, Maintenance and Engineering, presented the item.

Director Radulovich exited the Meeting.

The item was discussed. Director Blalock moved that the General Manager be authorized to award Invitation for Bid No. 8929, an estimated quantity contract for gasoline and diesel fuel, to Valley Oil Co. of Mountain View, California, for the Bid price or \$3,569,519.80, including all applicable sales and other taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

(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.)

Director McPartland brought the matter of Sole Source Procurement with Dailey and Wells Communications for Interoperable Radio Network for the Warm Springs Extension Lake Elizabeth Tunnel before the Board. Mr. Thomas Herold, Manager of Telecommunications

Engineering, presented the item. Director Blalock moved that the Board find, in accordance with Public Contract Code Section 20227, that Dailey and Wells Communications, Inc., is the single source for procurement of equipment necessary to provide upgrades to certain trunked radio equipment, and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that the General Manager be authorized to enter into direct negotiations with Dailey and Wells Communications, Inc., and to execute a contract with Dailey and Wells Communications, Inc., to provide engineering, parts, software, equipment placement, and startup services necessary to design and furnish an Interoperable Radio Network for the Warm Springs Extension Fremont Central Park Subway, for a total price not to exceed \$725,000.00, plus applicable taxes. President Keller seconded the motion.

Mr. Jerry Grace addressed the Board.

The motion carried by unanimous electronic vote by the required two-thirds majority. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 1: Director Radulovich.

Director Fang recognized and welcomed Mr. Lee Davis. President Keller recognized and welcomed former Director Michael Bernick.

Director McPartland brought the matter of Agreements for General Engineering Services for BART Projects before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, presented the item. The item was discussed. Director Fang made the following motion:

That the General Manager be authorized to award the below listed Agreements to provide General Engineering Services for BART Projects in an amount not to exceed \$15,000,000.00 each, pursuant to notification to be issued by the General Manager; with the awards subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

1. Agreement No. 6M8067 to PGH Wong Engineering, Inc.
2. Agreement No. 6M8068 to Transit Modernization Partnership, a Joint Venture
3. Agreement No. 6M8069 to B&C-URS Joint Venture
4. Agreement No. 6M8070 to STV Incorporated (dba STV VBN)
5. Agreement No. (TBD) to Kal Krishnan Consulting Services, Inc.
6. Agreement No. (TBD) to Acumen/Parsons, a Joint Venture

The awards to Kal Krishnan Consulting Services, Inc. and Acumen/Parsons, a Joint Venture are subject to approval by staff of the firms' rates and markups in the same manner as applied to proposers numbered 1 through 4 above.

Director Blalock requested the addition of the following to the motion.

Staff is directed to provide annual reports, beginning with December 2014, on the progress of Agreements with all six firms.

Director Fang accepted Director Blalock's addition, and Director Blalock seconded the motion.

Director Murray recused herself from voting on Agreement No. 6M8069 on the grounds of a potential conflict of interest. The motion was bifurcated, and the motion to award agreements to PGH Wong Engineering, Inc.; Transit Modernization Partnership, a Joint Venture; STV Incorporated (dba STV VBN); Kal Krishnan Consulting Services, Inc., and Acumen/Parsons, a Joint Venture, carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director Murray exited the Meeting.

The motion to award an agreement to B&C-URS Joint Venture carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, McPartland, Raburn, Saltzman, and Keller. Noes – 0. Absent - 2: Directors Murray and Radulovich.

Director McPartland brought the matter of East Contra Costa County BART Extension (eBART Project): Approval of Cooperative Agreement between the East Contra Costa Regional Fee and Financing Authority and BART for Funding of the eBART Project, before the Board.

Directors Fang and McPartland exited the Meeting, and Vice President Blalock assumed the gavel.

Mr. Ric Rattray, eBART Project Manager, presented the item. The item was discussed.

Directors Fang, McPartland and Murray re-entered the Meeting, and Director McPartland assumed the gavel.

President Keller moved that the Board approve Cooperative Agreement No. 26-14 between the East Contra Costa Regional Fee and Financing Authority and the San Francisco Bay Area Rapid Transit District and authorize the General Manager to execute the agreement. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director McPartland brought the matter of eBART Project: Station Naming, before the Board. Mr. Rattray presented the item. The item was discussed. Director Keller moved that the Board find that the new Antioch Station and Pittsburg Civic Center Station provide riders with the information necessary to clearly identify each station and to distinguish them from other stations, and that the new station in the City of Antioch shall be called the Antioch Station, and the new station in the City of Pittsburg shall be called the Pittsburg Civic Center Station. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director McPartland brought the matter of eBART Project: Procurement of eBART Vehicles, before the Board. Mr. Rattray presented the item.

The following individuals addressed the Board.
Mr. Stephen Bonina

Mr. Jerry Grace

The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

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. She reminded the Board of upcoming events: unveiling the Fleet of the Future train car model, Oakland Chinatown Chamber Year of the Horse awards ceremony, and two Earth Day events.

Director Fang exited the Meeting.

President Keller brought the matter of Review of Roll Call for Introductions Report (Director Mallett's request) before the Board. Director Mallett noted that the General Manager had provided a proposed plan and made a commitment to the Board to resolve aged requests.

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

Director Murray reported she had attended the California Rail Summit in Los Angeles.

Director Blalock reported he had attended the Pete Snyder Plaza dedication ceremony and had given a talk at a Mission San Jose High School government class.

Director Saltzman reported she had attended the BART-AC Transit Interagency Liaison Committee meeting and gave a brief report on the committee discussion.

Director Saltzman requested the development of a technological solution to the charging of an excursion fare when a customer enters and exits a station in a short period of time due to a system delay. A near term interim solution could include making announcements at affected stations about the excursion fare when there are major delays. This could enable customers to avoid paying a large fare that most of them don't know about.

Director Raburn reported he had attended the BART-AC Transit Interagency Liaison Committee meeting and the BARTmobile tenth anniversary celebration. Director Raburn announced that he would throw out the first pitch at the Oakland Athletics baseball game on April 23, 2014.

Director Mallett reported he had attended a Bay Area Council event.

Director Mallett requested the evaluation of costs and feasibility of increasing the volume of contract awardees for on-call services.

Director Mallett requested the development of an engineering cost estimate for the implementation of automated service advisory announcements at stations that would be linked to the existing BART Service Advisory (BSA) information feed. Among other options, this system can announce an update every five minutes and instantaneously whenever a change is made to the BSA information.

Mr. Jerry Grace addressed the Board.

President Keller announced that the Board would enter into closed session in the adjoining conference room under Item No. 11-A (Conference with Legal Counsel) 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 12:32 p.m.

The Board reconvened in closed session at 12:41 p.m.

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

Absent: Directors Fang and Radulovich.

The Meeting recessed at 1:01 p.m.

The Board reconvened in open session at 1:02 p.m.

Directors present: Director Keller.

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

President Keller announced that the Board had met in closed session, and that the Board had authorized the General Counsel to continue to use the firm of Dillingham & Murphy to represent the District in that ongoing litigation by the following vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 2: Directors Fang and Radulovich.

The Board Meeting was adjourned at 1:03 p.m.

Kenneth A. Duron
District Secretary