

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

Board of Directors
Minutes of the 1,811th Meeting
April 12, 2018

A regular meeting of the Board of Directors was held April 12, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn.

Absent: Director McPartland.

President Raburn acknowledged Wayne Wong, Manager, Office Civil Rights.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 22, 2018.
2. Resolution Consolidating 2018 District Elections.
3. OIR Recommendations for Improvement to the BART Police Oversight Structure.
4. Appointment of BART Police Citizen Review Board Member.
5. Award of Invitation for Bid No. 9043, Train Control Cables.

Director Allen requested that Item 2-C, OIR Recommendations for Improvement to the BART Police Oversight Structure, be removed and voted on separately.

Director Saltzman made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meeting of March 22, 2018, be approved.
2. Adoption of Resolution No. 5368, In the Matter of the San Francisco Bay Area Rapid Transit District requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of a District election, electing members of the Board of Directors, with the State of California general election, to be held on November 6, 2018.

3. That the Board of Directors ratify the BART Police Citizen Review Board appointment of Wade Harper to the BART Police Citizen Review Board to fill the vacancy that exists in the seat representing BART District 2, with a term that expires on June 30, 2019.
4. That the General Manager be authorized to award Invitation For Bid No. 9043 for the Procurement of Switch & Lock Movement Power Control Cables & Train Control MUX Cables, to All Industrial Electric Supply, for the not to exceed price of \$226,440.00, plus applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to 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.)

President Raburn brought the matter of Item 2-C, OIR Recommendations for Improvement to the BART Police Oversight Structure, before the Board. Mr. Russell Bloom, Independent Police Auditor, and Mr. Carlos Rojas, Chief of Police, presented the item. The item was discussed. Director Saltzman moved that the Board of Directors ratify the acceptance, adoption, and implementation as practical by the BART Office of the Independent Police Auditor of the 11 recommendations (4, 14, 15, 16, 21, 25, 27, 31, 32, 38, 39) submitted by the OIR Group in its Independent Review of the BART Police Oversight Structure dated June 2017 with an Addendum dated July 2017.

Director Allen requested staff provide a report in six months from the Office of the Independent Police Auditor, in conjunction with the General Manager and Chief of Police, to review the implementation and financial impact of the recommendations. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

President Raburn called for Public Comment. The following individuals addressed the Board:

Sean Mulligan
Robert S. Allen
Afiyah Chambers
Asale Haquikah
Nicole Sardella
Darrel Carey
Terry Johnson
Yuri Hollie
Rev. Dr. Aurea Lewis
Blair Beekman
Joceyln Combs
John Arantes

Director Keller exited the meeting.

Director Allen, Chairperson of the Administration Committee, brought the matter of Extension of Time for Agreement No. 6M2066, Insurance Brokerage Services, before the Board. Director Saltzman moved that the Controller/Treasurer be authorized to extend the time of performance under Agreement No. 6M2066, with AON Risk Services, Inc. for an additional four months to, August 31, 2018 with additional funds not to exceed \$38,750. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Keller re-entered the meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 9044, 35kV Cables for Traction Power, before the Board. Mr. Paul Oversier, Assistant General Manager-Operations and Mr. Myat San, Manager, Traction Power Engineering, presented the item. The item was discussed. President Raburn moved that the General Manager be authorized to award Invitation For Bid No. 9044 for 35kV Cable, 1/C, to The Okonite Company, in the amount of \$7,624,771.50 (including all applicable taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director McPartland.

(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 Simon brought the matter of Valley Transportation Authority/Bay Area Rapid Transit Silicon Valley Phase II Extension Project; Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report, before the Board. Mr. Oversier; Mr. Robert Mitroff, Chief Transit System Development Officer; and Ms. Susan Poliwka, Senior Planner, Systems Development, presented the item. The item was discussed.

Director Simon introduced Valley Transportation Authority staff present: Ms. Jill Gibson, Transportation Planner; Ms. Samantha Swan, Senior Environmental Planner; and Mr. Manolo Gonzalez-Estay, Policy Analyst

Discussion continued.

The following individuals addressed the Board:

Sean Mulligan
Blair Beekman
Jerry Grace

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development, and Construction; Mr. Roddrick Lee, Department Manager of Government and Community Relations; Mr. Michael Jones, Assistant General Manager, Administration; and Mr. Martin Gran, Chief Labor Relations Officer, presented the item. The item was discussed.

The following individuals addressed the Board:

Sal Cruz
Michael Saville
Patricia Schuchardt
Latika Malkani
Jerry Grace
Sal Cruz

Director Allen moved that the Board of Directors oppose Assembly Bill 3034 – Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District. Director Saltzman seconded the motion, with amendments to include a letter and testimony stating that the District is interested in working collaboratively with American Federation of State, County, and Municipal Employees (AFSCME) and the author of the bill on a solution, and that the reason for the opposition is the timeframe given to the District. Director Keller requested language be added indicating that the Board would continue to discuss AFSCME contract concerns in closed session. The motion carried by electronic vote. Ayes – 6: Directors Allen, Blalock, Josefowitz, Saltzman, Simon, and Raburn. Noes - 0. Abstain – 2: Directors Dufty and Simon. Absent – 1: Director McPartland.

Director Blalock brought the matter of City of Livermore: Isabel Neighborhood Plan Update, before the Board. Mr. Holmes; Ms. Ellen Smith, Group Manager of Planning, Systems Development; Mayor of Livermore John Marchand; Ms. Lori Parks; Steve Reilly; and Mr. Bob Vinn presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Raburn called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

Ms. Crunican thanked Director Simon for preventing protestors from impeding BART revenue service at the 12th Street/Oakland City Center Station.

President Raburn called for the Quarterly Report of the Controller/Treasurer for the Period Ending December 31, 2017. Ms. Rose Poblete, Controller/Treasurer, presented the Report.

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

Director Allen reported she had the San Joaquin Tri Valley Regional Rail Authority meeting and a meeting with Senator Glazer, Assemblywoman Baker, Director Keller and BART staff to discuss the Livermore Extension.

Director Josefowitz reported he had attended the Metropolitan Transportation Commission- Planning Allocation Committee meeting on Means – Based Fares.

Director Raburn reported he had attended the Women's Empowerment Forum – 20th Annual Madam CJ Walker Recognition & Empowerment Forum.

Director Dufty requested on behalf of himself and Director Simon that the Meeting be adjourned in honor of Manuel Leno and Floyd Jones.

President Raburn announced that the Board would enter into closed session under Item 11-B (Public Employee Employment) and Item 11-C (Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:49 p.m.

The Board Meeting reconvened in closed session at 2:00 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn.

Absent: Director McPartland.

Director Simon exited the meeting.

The Board Meeting recessed at 2:40 p.m.

The Board Meeting reconvened in open session at 2:44 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, and Raburn.

Absent: Directors McPartland and Simon.

President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made.

The Meeting was adjourned at 2:44 p.m. in memory of Floyd Jones and Manuel Leno.

Patricia K. Williams
Interim District Secretary