

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

Board of Directors  
Minutes of the 1,760th Meeting  
April 14, 2016

A regular meeting of the Board of Directors was held April 14, 2016, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Murray entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 24, 2016 (Regular), and March 31, 2016 (Special).
2. Agreement with Aquitas Solutions, for Maximo Health, Safety and Environment Implementation Project (Agreement No. 6M4495).
3. Award of Contract No. 15QL-130, Maintenance Yards Surface Improvement - ODY.
4. Award of Invitation for Bid No. 8970A, Escalator Handrails.
5. Award of Invitation for Bid No. 8995, Yard Disconnect Switches.

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

1. That the Minutes of the Meetings of March 24, 2016 (Regular), and March 31, 2016 (Special), be approved.
2. That the General Manager be authorized to award Professional Services Agreement No. 6M4495, to Aquitas Solutions, of Roswell, Georgia, for implementation of the Maximo Health, Safety and Environment (HSE) System Project, for the proposed price of \$406,750.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 15QL-130, Maintenance Yards Surface Improvement – ODY, to Golden Bay Construction, Inc., of Hayward, California, for the Bid price of \$206,171.00, pursuant to notification to be issued by the General Manager.

4. That the General Manager be authorized to award Invitation for Bid No. 8970A, an estimated quantity contract, for Escalator Handrails, to EHC Canada, Inc., for an amount of \$171,449.62, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 8995, for the procurement of 2.5kA manual operated yard disconnect switches and junction boxes, to Filnor, Inc., of Alliance, Ohio, in the amount of \$275,275.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Radulovich called for Public Comment.

Director Murray entered the Meeting.

The following individuals addressed the Board.

Mike Conklin  
Mark Friedman  
Steven Jones  
Landon Williams  
Bob Uyeki  
Jeff Oxendine  
Carl Chan  
Sherry Hirota

Director Raburn introduced and welcomed special guests Cydia Garrett, Alan Smith, and Carl Chan.

Director Blalock introduced and welcomed special guest John Chiang.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2016-17 Preliminary Budget Overview. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Robert Umbreit, Department Manager, Budget Department; and Mr. Dennis Markham, Division Manager, Financial Planning, presented the item.

Chris Finn addressed the Board.

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 05EA-110, BART Downtown Berkeley Plaza Improvement Project, before the Board. Mr. Tian Feng, District Architect, presented the item. The item was

discussed. Director Saltzman moved that the General Manager be authorized to award Contract No. 05EA-110, to USS Cal Builders, for the Bid price of \$7,628,400.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests; and subject to certification from the Controller/Treasurer of the availability of funding, that the General Manager be authorized to exercise Options 1 through 7 for \$1,842,500.00, consistent with the requirements of the Contract. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Award of Contract No. 15LN-120, O & K Escalator Controller Replacement and Limited Renovation, before the Board. Ms. Cristiana Lippert, Manager of Electrical Engineering, presented the item. Director Raburn moved that the General Manager be authorized to award Contract No. 15LN-120, O&K Escalator Controller Replacement and Limited Renovation, to Excelsior Elevator Corporation, for the Bid amount of \$2,922,790.00, pursuant to notification to be issued by the General Manager. Director Blalock seconded the motion. The item was discussed.

Director McPartland exited the Meeting.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Blalock, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Dailey and Wells Communications, Inc., for Harris Radio Equipment, before the Board. Mr. Doug Ellis, Principal Engineer, presented the item. The item was discussed. Director Murray moved that the Board find, by a two-thirds member vote, that in accordance with Public Contract Code 20227, Dailey and Wells Communications, Inc., is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations with Dailey and Wells Communications, Inc., to provide approximately 300 units of model XG-75M mobile radios pursuant to the requirements of Project 79LT000, for a total price not to exceed \$1,450,000.00, including applicable taxes. Director Saltzman seconded the motion, which carried by unanimous electronic vote by the required two-thirds vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Millbrae Station Development before the Board.

Director McPartland re-entered the Meeting.

Ms. Ellen Smith, Planning Division Manager, and Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item, which consisted of a Millbrae Transit Oriented Development Project Update and an Extension of Exclusive Negotiating Agreement with Republic Millbrae, LLC, for Potential Development of Property Located at the BART Millbrae Station.

The following individuals addressed the Board.

Gina Papan  
Quentin Kopp  
Andrew Slivka  
Eric Tassio  
Matthew Davey  
Bob Planthold  
Carlos Martinez  
Austin Hunter  
Mike Conklin  
Bronwyn Proust  
Sonja Trauss  
Leora Tanjuatco  
Richard Ow  
Jerry Grace  
Chris Neale  
Evelyn Stivers  
Wayne Lee  
Carole Lew  
Michael Van Every

Director McPartland moved that the General Manager or her designee be authorized to extend the exclusive negotiating agreement with Republic Millbrae, LLC, for potential development of property located at the BART Millbrae Station for an additional twelve months; and that staff be directed to provide the Board with status reports on the project every three months. Director Blalock seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Josefowitz.

President Radulovich announced that the order of agenda items would be changed, and that the Board would enter into closed session under Item 10-A (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 12:54 p.m.

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The Board Meeting reconvened in closed session at 1:03 p.m.

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

Absent: None. Directors Josefowitz and Saltzman entered the meeting later.

The Board Meeting recessed at 1:34 p.m.

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The Board Meeting reconvened in open session at 1:37 p.m.

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

Absent: None.

President Radulovich announced there was no announcement to be made on Item 10-A.

President Radulovich 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. General Manager Crunican wanted to give accolades to BART Dispatcher Robert Lowell who was honored at the 31<sup>st</sup> Annual Dispatchers Recognition Banquet.

Assistant General Manager Paul Oversier gave a report on the progress of resolving power distribution problems on the Pittsburg/Bay Point Line.

President Radulovich brought the matter of Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat during Commute Hours before the Board. Director Keller presented the item, and moved that the Board adopt Ordinance 2016-1 regarding prohibiting patrons from utilizing more than one seat during commute hours, with such ordinance to not be effective until 180 calendar days following its passage; and that during the 180-day period the District shall educate the public about the upcoming rule change, develop an enforcement policy to be reviewed by the Board, and study the practicality of extending the ordinance to enforce senior and disabled priority seating. Director McPartland seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

Director Saltzman presented and moved a substitute motion to conduct Public Outreach for 180 days to complete a car and fun social media campaign asking riders to give up the seats that will catch on and get people interested. Bring back the ordinance with the enforcement policy for a vote after 180 days of outreach. Director Radulovich seconded the motion, which failed by electronic vote. Ayes – 4: Directors: Josefowitz, Raburn, Radulovich and Saltzman. Noes – 5 Directors: Blalock, Keller, Mallett, McPartland and Murray.

Discussion continued.

Director Mallett moved adoption of the original motion as amended, that the Board adopts Ordinance 2016-1 regarding, prohibiting patrons from utilizing more than one seat during commute hours. Prior to being in effect the District shall develop an enforcement policy to be reviewed by the Board and study the practicality of extending the ordinance to enforce senior and disabled priority seating. Director Keller and McPartland accepted the amendment, which passed by electronic vote. Ayes – 5 Directors: Blalock, Keller, Mallett, McPartland and Murray. Noes – 4: Directors: Josefowitz, Raburn, Radulovich and Saltzman.

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

Director Raburn requested an operating and financial plan for improved off-peak service frequency to be developed and shared with the Board. During the February 25, 2016 Workshop discussion of the Fleet Transition Plan he asked if off-peak service improvements from the 20 minute headways was being planned for when we have sufficient equipment. The “BART Rail Service Forecast” (Figure 4-3 in the Short Range Transit Plan and Capital Improvement Plan) omits mention of off-peak service. Thanks to a constituent’s comparative analysis of the evening service by 45 other rail transit lines in North America, we know that only four other services besides BART offer only 20 minute service frequency after 8 p.m. (Customer comment by Stephen Lowens, 3/19/2016). Director Saltzman seconded the request.

Director Raburn requested staff assess the operational viability and passenger support for quiet car designation during peak hours. Such designations have been well received by morning commuters on Capitol Corridor trains. Are there other examples? Implementation may have to wait until 10-car trains are uniformly available on Transbay trains so that passengers can anticipate the car position. Director Radulovich seconded the request.

Director Murray reported that she attended the 2016 California Passenger Rail Summit where she was a moderator of the Rail Integration Panel.

Director Murray requested staff explore development of a policy on free fares for customers who experience a major service disruption. Discuss the revenue loss and implementation issues that could result from such a policy. As an alternative, suggest other methods of addressing customers inconvenience caused by a major service disruption, for example, rewards through the BART Perks program. Director Raburn seconded the request.

Director Blalock reported Warm Springs Extension issued an emergency procurement to fix circuit problems. He also reported that he attended Alameda County Mayors Conference.

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

The Board Meeting was adjourned at 2:45 p.m.

Kenneth A. Duron  
District Secretary