

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

Board of Directors  
Minutes of the 1,678th Meeting  
May 23, 2013

A regular meeting of the Board of Directors was held May 23, 2013, convening at 6:06 p.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, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced that the order of agenda items would be changed, and that the item of Exclusive Negotiating Agreement with West Oakland Development Group, LLC, for Development at West Oakland Station would be continued to a future meeting.

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 the Fiscal Year 2014 (FY14) Budget, that staff would give a brief presentation on the FY14 Budget, and that the meeting would then be opened for comments from the public. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Gregg Marrama, Department Manager of Capital Development; and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

The following individuals addressed the Board.

Ms. Barbara Shawcroft  
Mr. Stephen Reynolds  
Mr. Jerry Grace  
Ms. Christian Frock  
Mr. George Figueroa  
Ms. Antonette Bryant  
Ms. Claudia Hudson  
Mr. Chris Finn  
Ms. Connie Rainey

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Fiscal Year 2014 Proposition 4 Appropriations Limit.

2. Award of Contract No. 20HE-120, HVAC Upgrade for the Train Control Rooms at L14, L18, A58, C20 and C76.
3. Award of Contract No. 15QH-130, Site Improvements at Various Stations – Phase II.
4. Award of Invitation for Bid No. 8922, Cushion and Cover Assemblies.

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

1. Adoption of Resolution No. 5213, In the Matter of the Establishment of the Fiscal Year 2014 Appropriations Limit.
2. That the General Manager or her designee be authorized to award Contract No. 20HE-120, HVAC Upgrades at the Train Control Rooms at L14, L18, A58, C20, and C76, to American Air Conditioning, Plumbing & Heating Co., in the amount of \$564,600.00, including 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.
3. That the General Manager be authorized to award Contract No. 15QH-130, Site Improvements at Various Stations – Phase II, to L C Engineering & Construction, Inc., of San Francisco, for the Bid price of \$1,314,493.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 8922, Procurement of Cushion and Cover Assemblies, an estimated quantity contract, to Sedia Incorporated, for the Bid price of \$1,373,462.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, 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.)

Consent Calendar report brought before the Board was:

1. Fiscal Year 2013 Third Quarter Financial Report.

Director Murray, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2014 Preliminary Budget before the Board. Mr. Mau gave a brief presentation on the item.

The following individuals addressed the Board.

Ms. Elsie Tucker  
Mr. Victor Garnica  
Mr. Jonathan Bair  
Ms. Clarrissa Cabansagan  
Ms. Robin Ryan  
Mr. John Arantes

The item was discussed.

President Radulovich brought the matter of Proposed Modifications to the District Bicycle Rules before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item.

The following individuals addressed the Board.

Mr. Jerry Grace  
Mr. Fred Atkins  
Mr. Tom Willging  
Mr. Douglas Gary  
Ms. Robin Ryan  
Mr. Brian Toy  
Mr. Najari Smith  
Ms. Carol Levine  
Mr. Stewart Gooderman  
Ms. Midori Tabata  
Ms. Shirley Johnson  
Mr. Jerry Vail  
Mr. Marc Caswell  
Mr. David Favello  
Mr. Andy Thornley  
Ms. Catherine Orland  
Ms. Tereza Kramer  
Mr. Eric Steinhauer  
Mr. Nadir Jeevanjee  
Mr. Jon Spangler  
Mr. Dave Campbell  
Ms. Renee Rivera  
Mr. William Jones  
Ms. Antonette Bryant  
Mr. Sam Kimbrel  
Mr. Jason Bezis  
Ms. Doria Robinson  
Ms. Mo Devlin

The item was discussed. Director Raburn moved that the General Manager be authorized to modify the bike rules, effective July 1, 2013, to allow bikes on all trains, except for the first three cars, and in all stations during commute periods; and that the results of the modified program be reviewed by staff and brought back to the Board for further consideration in November 2013.

President Radulovich seconded the motion. Director Keller made a substitute motion, that the bike rules be modified as recommended for a trial period to end December 1, 2013, and the results of the modified program be reviewed by staff and brought back to the Board for further consideration at the second meeting in October 2013. Director Mallett seconded the substitute motion. Discussion continued. Director Blalock called the question. The substitute motion carried by electronic vote. Ayes - 6: Directors Blalock, Keller, Mallett, McPartland, Murray, and Saltzman. Noes – 3: Directors Fang, Raburn, and Radulovich. (The BART Bike Rule Modifications are attached and hereby made a part of these Minutes.)

Director Blalock brought the matter of Proposed Late Night Bus Service Update before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

The item was discussed.

The following individuals addressed the Board.

Mr. Eric Panzer

Mr. Jerry Grace

Ms. Jesse Stout

Ms. Caren Woodson

Ms. Pamela Stewart-Wagner

President Radulovich brought the matter of Resolution In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter Schuette vs. Coalition to Defend Affirmative Action before the Board. General Counsel Matthew Burrows presented the item. Director Fang moved adoption of Resolution No. 5214, In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter Schuette vs. Coalition to Defend Affirmative Action. Director McPartland seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Mallett and Murray.

Director Murray, Chairperson of the Administration Committee, brought the matter of Agreement No. 6M6062, Brokerage and Service Provider Services for East Bay Paratransit and Assignment of Lease, before the Board. Ms. Laura Timothy, Manager of Access and Accessible Services, presented the item. Director Murray moved that the General Manager be authorized to execute, jointly with AC Transit, Agreement No. 6M6062 (AC Transit Agreement 2013-1243) for Broker and Service Provider Services for the East Bay Paratransit Consortium, with Veolia, and to exercise the Options, for an amount not to exceed \$430,383,825.00 (including the Options); that BART's share of the cost of the Agreement for such services shall be 31% or not to exceed \$133,418,986.00; that the General Manager or her designee be authorized to request special services for BART under the Agreement in the amount of up to \$100,000.00 per year during the life of the Agreement, for a total additional not-to-exceed amount of \$1,000,000.00; and that the General Manager be authorized to agree to accept assignment of a space lease from Veolia in the event Veolia ceases to be the East Bay Paratransit Consortium broker for the purpose of re-assigning the lease to the then current East Bay Paratransit Consortium broker, provided that the costs required under such lease do not exceed \$400,000.00 per year and that the

lease term does not exceed 11 years. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Murray brought the matter of Concurrence in Exercise by Alameda Contra Costa Transit District of Two Year Option with CGR Management Consultants, LLC to Provide Program Coordinator Office Services for East Bay Paratransit Consortium (Agreement No. 2010-1139) before the Board. Ms. Timothy briefly presented the item. Director Murray moved that the General Manager be authorized to concur in AC Transit's exercise of an Option to extend Agreement No. 2010-1139, for Program Coordinator Office services for the East Bay Paratransit Consortium, with CGR Management Consultants LLC, for an additional two years for an amount not to exceed \$580,617.00, with BART's share of the cost of the Option to be 50%, not to exceed \$290,308.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Murray brought the matter of District Recruitment Sourcing Services before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. Director Mallett moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain District recruitment sourcing services, to identify qualified candidates for positions identified by the Human Resources Department, with the cost of the sourcing service not to exceed an aggregate amount of \$225,000.00. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Amendment No. 2 to the Memorandum of Understanding with the Metropolitan Transportation Commission; Alameda Contra Costa Transit District; Golden Gate Bridge, Highway and Transportation District; and San Francisco Municipal Transportation Agency Regarding Operations and Maintenance of Clipper Fare Collection System, before the Board. Mr. Larry Kozimor, Project Manager, present the item. Director Blalock moved that the General Manager be authorized to execute Amendment No. 2 to the Memorandum of Understanding regarding Operations and Maintenance of Clipper Fare Collection System. Director Mallett seconded the motion.

Mr. Jerry Grace addressed the Board.

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

President Radulovich called for the General Manager's report. General Manager Grace Crunican gave a brief overview of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 12, 2013.

President Radulovich called for Board Member Reports.

Director Mallett reported he had attended various city council meetings, met with San Francisco supervisors, and been a guest speaker at Richmond Chamber of Commerce events.

Director Murray reported she had cut the ribbon at the farmers market at Contra Costa Centre and given a State of Good Repair report to the Rossmoor Rotary Club.

Director McPartland reported he had attended an American Legion annual meeting.

Director Fang reported he had met in Shanghai on the Memorandum of Understanding for Sister Cities.

Director Raburn reported he had attended a presentation to the East Bay Housing organization at the Lake Merritt site, the California Transit Association legislation conference, and the American Public Transportation Association Career Day for Arise High School students.

President Radulovich called for Roll Call for Introductions.

Director Raburn requested that specifications for traction power substations include requirements for maximizing energy efficiency.

Director Mallett requested a schedule for ending the monthly parking program given demand based parking approach.

President Radulovich called for Public Comment.

The following individuals addressed the Board.

Ms. Katie Hickox

Mr. Shawn Keally

Mr. John Knox White

The Board Meeting was adjourned at 11:06 p.m. in memory of former General Manager William R. (Bill) Stokes.

Kenneth A. Duron  
District Secretary