

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

Board of Directors
Minutes of the 1,736th Meeting
June 11, 2015

A regular meeting of the Board of Directors was held June 11, 2015, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, Raburn and Radulovich entered the Meeting later.

President Blalock called for Introduction of Special Guests.

Director Josefowitz entered the Meeting.

President Blalock introduced and presented Ms. Tess Lengyel, Deputy Director of Planning and Policy, Alameda County Transportation Commission with a letter of commendation for her selection as 2015 Women of the Year, Women's Transportation Seminar, San Francisco Bay Area Chapter.

Director Raburn entered the Meeting.

Ms. Lengyel addressed the Board.

President Blalock called for comment on Item 3 Only.

The following individuals addressed the Board.

Ms. Donna Gerber

Mr. Jeffrey Peckham

Director Radulovich entered the Meeting.

Mr. Michael Dieden

Mr. Peter Katz

Mr. Mark Farrar

Mr. Nathan Hong

Mr. Jason Crapo

Ms. Maureen Toms

Mr. Aram Hodess

President Blalock announced that the Board would enter into closed session under Item 3-A (Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 9:42 a.m.

The Board Meeting reconvened in closed session at 9:44a.m.

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

Absent: None.

The Board Meeting recessed at 10:34 a.m.

The Board Meeting reconvened in open session at 10:38 a.m.

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

Absent: None.

President Blalock announced that the Board had concluded its closed session under Item 3-A of the Regular Meeting agenda.

President Blalock brought the matter of Extension of the Exclusive Negotiating Agreement with Pleasant Hill Transit Village Associates, LLC for Development at Pleasant Hill/Contra Costa Centre BART Station before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development and Mr. John Rennels, Project Manager Real Estate, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Peter Katz

Mr. Michael Dieden

Ms. Donna Gerber

Mr. Jerry Grace

Mr. Mark Farrar

Director Murray moved that the Board of Directors representatives to the Pleasant Hill BART Station Leasing Authority are authorized to vote in the affirmative to authorize a one year extension of the Exclusive Negotiating Agreement with Pleasant Hill Transit Village Associates, LLC, for development of Block C, commencing June 1, 2015, with a right to extend for up to two additional ninety-day periods. The Board encourages staff to work with the developer to develop a condominium overlay map in association with Block C and to ensure the additional unit count is consistent with the current development proposal of 200 units. Director Keller seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Consent Calendar items brought before the Board were:

1. Award of Invitation for Bid No. 8951, Procurement of Ribbon Rail Train System.
2. Extension of Term of the Reserve Fund/Risk Management Ad Hoc Committee.

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

1. That the General Manager is authorized to award Invitation for Bid No. 8951 for the procurement of a Ribbon Rail Train System, to Modern Track Machinery, Elgin, IL, for the bid price of \$1,567,500, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA requirements related to protests.
2. That the Board approve the Extension of Term of the Reserve Fund/Risk Management Ad Hoc Committee.

President Blalock brought the matter of Roll Call For Introduction Items Deemed Not Complete by Directors. The item was discussed.

Director Keller moved that staff is directed to do no further work on items 1, 2, 3 and 6 of the memorandum from the General Manager dated June 5, 2015, Board Matters Agenda Item # 6A. Director Blalock seconded the motion.

Director Mallett moved a substitute motion that the item be continued to a future meeting concurrent with a Board Rules discussion. Director Radulovich seconded the motion. The motion passed by electronic vote. Ayes - 5: Josefowitz, Mallett, Mc Partland, Radulovich and Saltzman. Noes – 4: Keller, Murray, Raburn and Blalock.

Director Keller, Chairperson of the Administration Committee, brought the matter of Agreement with Mary Rowlands Paratransit Consulting for Program Coordinator Office Services for the East Bay Paratransit Consortium (Agreement No. 2015-1325), before the Board. Ms. Laura Timothy, Paratransit Program Manager, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute Agreement No. 2015-1325 for Program Coordinator Office services for the East Bay Paratransit Consortium with Mary Rowlands Paratransit Consulting for a five-year term for an amount not to exceed \$843,180, with BART's share of the cost to be 50%, not to exceed \$421,590. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Resolution Approving the Fiscal Year 2016 Annual Budget. Mr. Carter Mau, Assistant General Manager, Administration and Budget and Mr. Rob Umbreit, Department Manager, Operating Budget presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Alan Smith
Mr. Chris Finn
Mr. Jerry Grace

Director Josefowitz moved the adoption of Resolution No. 5296 as amended in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizing expenditures for the fiscal year July 1, 2015 to June 30, 2016. Director Saltzman seconded the motion. Director Saltzman offered an amendment to the motion directing staff to proceed with recruitment and filling of the new position supporting the Art In Transit Program with the start of Fiscal Year 2016. Director Keller offered an amendment to the motion directing staff to report within 90 days of the start of Fiscal Year 2016 on progress with Union representatives regarding potential C-Car window retrofit. Directors Josefowitz and Saltzman (maker and seconder of the main motion) accepted the amendments. The motion, as amended carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

The Board Meeting recessed at 11:50 a.m.

The Board Meeting reconvened at 11:59 a.m.

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

Absent: None.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement of Alstom Signaling Vital Processor Interlocking Circuit Boards, Sole Source Procurement of Bombardier Transportation Gealoc Track Signaling Circuit Boards and Sole Source Procurement of General Electric Transportation Signaling Vital Harmon Logic Controller Circuit Boards, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented all three (3) items. The items were discussed.

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

1. Pursuant to the Contract Code Section 20227, the Board finds that Alstom Signaling, Inc. is the single source of the procurement of VPI circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with Alstom Signaling, Inc., for the procurement of VPI circuit boards, in the amount not to exceed \$2,382,444.40, plus applicable taxes.

2. Pursuant to the Contract Code Section 20227, the Board finds that Bombardier Transportation, is the single source for the procurement of Gealoc Track Signaling circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with Bombardier Transportation, for the procurement of Gealoc Track Signaling circuit boards, in the amount not to exceed \$578,464.00, plus applicable taxes.
3. Pursuant to the Contract Code Section 20227, the Board finds that General Electric Transportation Signaling is the single source for the procurement of VHLC circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with General Electric Transportation Signaling for the procurement of VHLC circuit boards, in the amount not to exceed \$367,147.64, plus applicable taxes.

Director McPartland brought the matter of Fleet of the Future: Semi-Annual Update, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations and Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Strategic Plan Update, before the Board. Ms. Ellen Smith, Planning Division Manager, Mr. Val Menotti, Chief Planning and Development Officer – Systems and Mr. Robert Powers, Assistant General Manager, Planning and Development presented the item. The item was discussed.

President Blalock called for the General Manager's Report.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of June 17, 2015.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a report on weekend track maintenance and future track closures.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Blalock called for the Controller/Treasurer's Report. Ms. Rose Poblete, Assistant Treasurer, gave a presentation on the Quarterly Report of the Controller/Treasurer. The item was discussed.

Director Radulovich exited the meeting.

Mr. Chris Finn addressed the Board.

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

Director Murray requested that instructions on how to obtain a Clipper Card be placed in BART Stations. Director Josefowitz seconded the request.

President Blalock called for Public Comment.

The following individuals addressed the Board.

Chris Finn

Jerry Grace

President Blalock announced that the Board would enter into closed session under Item 14 (Public Employee Employment/Appointment and Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 2:18 p.m.

The Board Meeting reconvened in closed session at 2:25 p.m.

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

Absent: Director Radulovich.

Director Saltzman exited the meeting.

The Board Meeting recessed at 2:59 p.m.

The Board Meeting reconvened in open session at 3:01 p.m.

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

Absent: Directors Radulovich, Saltzman.

President Blalock announced that the Board had concluded item 14 of the Regular Meeting Agenda. The Board of Directors voted in Closed Session to appoint Rose Poblete, Assistant Treasurer as Interim Controller/Treasurer effective upon the last day of service by the Controller/Treasurer and until the Board in its discretion takes action. The vote was 7-0 with Directors Radulovich and Saltzman absent.

President Blalock brought the matter of Compensation and Benefits for Interim Controller/Treasurer before the Board. Director Josefowitz moved that the base salary of Rose

Poblete while serving as Interim Controller/Treasurer shall be at the annual rate of \$187,496. During this appointment her benefits will continue to be those applicable to non-represented managers generally. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn and Blalock. Noes - 0. Absent – 2: Directors Radulovich and Saltzman.

President Blalock brought the matter of Engagement of an Executive Search Firm for Recruitment of Controller/Treasurer, before the Board. Ms. Alison Picard, Assistant General Manager, Employee Relations, presented the item. Director Mallett moved that the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to assist the Board in identifying qualified candidates within and outside of California for the position of Controller/Treasurer. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn and Blalock. Noes - 0. Absent – 2: Directors Radulovich and Saltzman.

The Board Meeting was adjourned at 3:04 p.m.

Kenneth A. Duron
District Secretary