

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

Board of Directors
Minutes of the 1,815th Meeting
June 14, 2018

A regular meeting of the Board of Directors was held June 14, 2018, convening at 9:01 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, Keller, McPartland, Saltzman, and Raburn.

Absent: Director Josefowitz. Director Simon entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 24, 2018.
2. Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools.
3. Agreements with the California Department of Transportation (Caltrans) for the Sustainable Access Strategy for BART's Transit-Oriented Development Program.
4. 2018 Organization of Committees and Special Appointments Revision.

Director Saltzman requested Item 2-B, Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools, be removed from Consent Calendar. Director Allen requested Item 2-C, Agreements with the California Department of Transportation (Caltrans) for the Sustainable Access Strategy for BART's Transit-Oriented Development Program, be removed from Consent Calendar.

Director Saltzman made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, and Raburn. Noes – 0. Absent – 2: Directors Josefowitz and Simon.

1. That the Minutes of the Meeting of May 24, 2018, be approved.
2. That the Board ratify the appointment of Director Robert Raburn as alternate to the South Hayward BART Station Access Authority.

Mr. Maceo Wiggins, Acting Department Manager, Office of Civil Rights; and Ms. Kerry Hamill, Assistant General Manager, External Affairs, presented Item 2-B, Title VI Fare Equity Analysis

for Discontinuing the BART Orange Ticket Program for Students at Participating Middle and High Schools. The item was discussed.

Director Simon entered the meeting.

Aleta Dupree addressed the Board.

President Raburn moved the Board approve the Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Mr. Val Menotti, Chief Planning and Development Officer, presented Item 2-C, Agreements with the California Department of Transportation (Caltrans) for the Sustainable Access Strategy for BART's Transit-Oriented Development Program. The item was discussed.

Director Saltzman moved adoption of Resolution No. 5372, In the Matter of Authorizing the General Manager to Execute Agreements with the California Department of Transportation for the Sustainable Access Strategy for BART's Transit-Oriented Development Program. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

President Raburn called for Public Comment.

The following individuals addressed the Board.

Aleta Dupree
Erick Arguello
Rodrigo Duran
Carlos Gonzalez
Marri Sorenson
John Mendoza
Jean Walsh

Director Allen, Chairperson of the Administration Committee, brought the matter of Update on Proof of Payment before the Board. General Manager Grace Crunican; Police Chief Carlos Rojas; Mr. Russell Bloom, Independent Police Auditor; Ms. Pamela Herhold, Acting Assistant General Manager, Performance and Budgets; and Ms. Tamar Allen, Chief Maintenance and Engineering Officer, presented the item. The item was discussed.

The following individuals addressed the Board.

Joshua Davis
Victoria Fierce
Sasha Perigo
Kaziah Platiner

Aaron Eckhouse
Aleta Dupree
Liar Zavodivker
Gena Alexander
Jerry Grace

Director Allen brought the matter of Resolution Approving the Fiscal Year 2019 Annual Budget before the Board. Ms. Crunican; Ms. Herhold; and Mr. Dennis Markham, Department Manager, Operating Budgets, presented the item. The item was discussed.

Director Saltzman moved adoption of Resolution No. 5373, Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2018, to June 30, 2019; and moved that staff be directed to delay the hiring of two Community Service Officer positions until after a six-month report on the Proof of Payment program was presented to the Board. Director Simon seconded the motion.

Director Allen requested the motion be amended to include direction to staff to prepare a report on station hardening by September.

Directors Saltzman and Simon accepted the amendment. The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Aleta Dupree addressed the Board.

Director Allen brought the matter of Pension Funding Strategies Update before the Board. Mr. Michael Jones, Assistant General Manager, Administration; Ms. Herhold; Ms. Diane Iwata, Human Resources, Division Manager; and Ms. Mary Beth Redding, Vice President, Bartel Associates, presented the item. The item was discussed.

Gena Alexander addressed the Board.

Discussion continued.

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

Director Simon brought the matter of Award of Professional Services Agreements to Provide Construction Management Services for BART Projects before the Board. Ms. Tamar Allen and Mr. Robert Mitroff, Chief Planning and Development Officer, presented the item.

The following individuals addressed the Board.

Raewyn Butcher
John Cockle
Chuck Tran

The item was discussed.

President Raburn moved that the General Manager be authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed Agreements to provide Construction Management Services for BART's Projects in an amount not to exceed \$25,000,000.00 each, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transit Administration (FTA) requirements related to protest procedures.

- a. Agreement No. 6M8132, with AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA
- b. Agreement No. 6M8133, with Ghirardelli Associates, Inc., Oakland, CA
- c. Agreement No. 6M8134, with HDR Construction Control Corporation, Walnut Creek, CA
- d. Agreement No. 6M8135, with Jacobs Project Management Company, Oakland, CA
- e. Agreement No. 6M8136, with Parsons Transportation Group, Inc., Oakland, CA
- f. Agreement No. 6M8137, with PGH Wong Engineering, Inc., San Francisco, CA
- g. Agreement No. 6M8150, with PreScience Corporation, Oakland, CA
- h. Agreement No. 6M8151, with Allen Group, LLC/Vali Cooper & Associates, Inc., a Joint Venture, San Francisco, CA

Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Simon brought the following items before the Board.

1. Award of Contract No. 09AF-111A, TBT Cross Passage Doors Replacement.
2. Change Order No. 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Extension of Time for Revised Cathodic Protection (C.O. 104).

Director Simon made the following motions:

1. That the General Manager be authorized to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, for the Base Bid Price of \$6,388,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be also authorized to exercise either Option A for the Bid Price of \$300,000.00 or Option B for the Bid Price of \$200,000.00 for upgrades to the door monitoring system.
2. That the General Manager be authorized to execute Change Order No. 104, Part 1, Time Extension for Revised Cathodic Protection, in an amount not to exceed \$400,000.00, and extend the Contract completion date by 196 calendar days, for Contract No. 79 HM-120, SFTS MB, with Manson Construction Company, Inc.

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

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

The Board meeting recessed at 12:30 p.m.

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

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

Absent: Director Josefowitz.

The Board Meeting recessed at 1:24 p.m.

Director Saltzman exited the meeting.

The Meeting reconvened in open session at 1:25 p.m.

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

Absent: Directors Josefowitz and Saltzman.

President Raburn announced that the Board had concluded its closed session, that Item 11-A (Conference with Labor Negotiators) was not discussed and would be continued to a future meeting, and that there were no announcements to be made.

Director Allen brought Agreements for Temporary Bus Bridge Services before the Board. Ms. Tamar Allen and Mr. Joel Soden, Senior Transportation Engineer, presented the item. The item was discussed.

Director Blalock moved that the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to the Alameda-Contra Costa Transit District, to provide temporary bus transportation services and related expenses in a total amount not to exceed \$200,000.00 per day for each day the District is unable to provide complete train service due to maintenance projects; and that these authorizations will expire on December 31, 2018. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes – 0. Absent – 2: Directors Josefowitz and Saltzman.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Scoop Carpool Matching Service Contract Amendment before the Board. Mr. Carl Holmes, Assistant General Manager, Planning, Development and

Construction; and Ms. Jumana Nabti, Manager of Access Programs, presented the item. The item was discussed. President Raburn moved that the General Manager be authorized to negotiate and enter into a contract amendment with Scoop Technologies for a not-to-exceed amount of \$230,000.00 to provide interim carpool services until a long-term carpool program can be implemented. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes – 0. Absent – 2: Directors Josefowitz and Saltzman.

Director Blalock brought the Resolution in Support of Advocating for BART’s Transit-Oriented Development and Station Access Policies in Santa Clara County BART Stations before the Board. Mr. Holmes and Mr. Menotti presented the item. The item was discussed. President Raburn moved adoption of Resolution No. 5374, In the Matter of Directing the General Manager to Advocate for BART’s Transit-Oriented Development and Station Access Policies at Santa Clara County BART Stations, with an amendment to the Resolution to include BART’s approved performance measures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes – 0. Absent – 2: Directors Josefowitz and Saltzman.

Director Blalock brought the matter of North Concord Transit-Oriented Development Update before the Board. Mr. Holmes; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Mr. Ian Griffiths, Senior Planner, presented the item. The item was discussed.

Director Blalock brought the Art Master Plan Update before the Board. Ms. Ellen Smith, Department Manager, Strategic Planning; and Ms. Jennifer Easton, Art Program Manager, presented the item. The item was discussed.

Director Simon exited the meeting.

Jerry Grace and Charlotta Wallace addressed the Board.

President Raburn 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 20, 2018.

Ms. 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. Tamar Allen gave a report on the ridership and activities during the Golden State Warriors Parade.

Ms. Crunican reported on the BART to Antioch (eBART) Grand Opening and the American Public Transportation Association (APTA) Rail Rodeo results, and gave an update on the Fleet of the Future.

President Raburn called for the Controller/ Treasurer’s Report.

Ms. Rose Poblete, Controller/Treasurer; and Mr. Christopher Gan, Assistant Controller, presented the Quarterly Report of the Controller/Treasurer for the period ending March 31, 2018. The report was discussed.

President Raburn brought the matter of Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights before the Board. The item was discussed and was continued to a future Board meeting.

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

Director Dufty thanked the Salvation Army for its participation at the 24th and Mission BART Station with the BART Police and District staff working on the homelessness and cleanliness issues.

Director Dufty exited the meeting.

Director Blalock reported he had given a presentation on Rebuilding BART at a senior housing facility in Union City.

Director Allen reported she had attended the Tri-Valley - San Joaquin Regional Rail Authority meeting, the BART Citizen Review Board Meeting, the Contra Costa Mayors Conference, and the eBART Grand Opening. Director Allen thanked Director Dufty for all his work with homelessness and cleanliness.

Director Keller reported he had attended the APTA Rail Conference, and thanked employees and rodeo participants. Director Keller thanked staff for the successful eBART Grand Opening.

Director McPartland reported he had attended the eBART Grand Opening and the Tri-Valley – San Joaquin Regional Rail Authority meeting.

President Raburn reported he had attended the eBART Grand Opening and a crane event at the Coliseum Station, ridden a safety train with Capitol Corridor, and attended the BART and AC Transit Coordinating Committee meeting.

Director Blalock requested the Meeting be adjourned in memory of James Van Houten.

President Raburn called for Public Comment. Jerry Grace and Aleta Dupree addressed the Board.

The Meeting was adjourned at 3:11 p.m. in honor of James F. Van Houten.

Patricia K. Williams
Interim District Secretary