

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

Board of Directors  
Minutes of the 1,739th Meeting  
August 13, 2015

A regular meeting of the Board of Directors was held August 13, 2015, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors McPartland, Radulovich, and Saltzman entered the Meeting later.

President Blalock introduced and welcomed Berkeley City Councilmember Laurie Capitelli. President Blalock announced that the Special Guests from the BART American Public Transportation Association International Rail Rodeo Team would be introduced later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 23, 2015.
2. Fixed Property Tax Rates Fiscal Year 2015–2016 – General Obligation Bonds.
3. Award of Invitation for Bid No. 8967, Cable, Traction Power, 34.5kV.

Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 6: Directors Josefowitz, Keller, Mallett, Murray, Raburn, and Blalock. Noes - 0. Absent – 3: Directors McPartland, Radulovich, and Saltzman.

1. That the Minutes of the Meeting of July 23, 2015, be approved.
2. Adoption of Resolution No. 5298, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2015/2016.
3. That the General Manager be authorized to award Invitation for Bid No. 8967, an estimated quantity contract for 34.5kV traction power cables, to The Okonite Company, Inc., for the bid price of \$654,429.60, including all taxes, for the purchase of traction power cable, 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.

(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 Saltzman entered the Meeting.

Director Keller, Chairperson of the Administration Committee, brought the matter of Issuance and Sale of General Obligation Bonds, 2015 Refunding Series D, and Sale of the District's Sales Tax Revenue Bonds, 2015 Refunding Series A, before the Board. Ms. Rose Poblete, Interim Controller/Treasurer, presented the item. The item was discussed.

Director Radulovich entered the Meeting.

Director Raburn moved adoption of the following resolutions.

1. Resolution No. 5299, Authorizing and Approving the Issuance and Sale of Not to Exceed \$400 Million Aggregate Principal Amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2015 Refunding Series D; Authorizing the Execution and Delivery of a Third Supplemental Paying Agent Agreement Pursuant to Which Such Bonds Are to Be Issued, a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold by Negotiated Sale; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of the Official Statement and Certain Documents in Connection with the Issuance and Sale of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Interim Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and Complete Said Documents and Authorizing Certain Other Matters Relating Thereto.
2. Resolution No. 5300, Resolution of the San Francisco Bay Area Rapid Transit District Authorizing and Approving the Issuance and Sale of Not to Exceed \$250 Million San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds; Authorizing the Execution and Delivery of a Second Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Interim Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and to Complete Said Documents; and Authorizing Certain Other Matters Relating Thereto.

Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Keller brought the matter of Photovoltaic Installation at the Warm Springs/South Fremont BART Station and Power Purchase Agreement with SolarCity Corporation before the Board. Mr. Paul Voix, Principal Property Development Officer, presented the item.

Jesse Jones addressed the Board.

The item was discussed. Director Mallett moved that the General Manager be authorized to execute a power purchase agreement for twenty years as well as options to renew for two additional five-year terms with SolarCity Corporation for its design, installation, operation, and maintenance of a solar photovoltaic (PV) system at the Warm Springs/South Fremont Station and for the District's purchase from SolarCity of all solar power generated by that PV system. Director Saltzman seconded the motion. Discussion continued. The motion carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Keller brought the matter of Labor Relations Initiatives Update before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

Chris Finn addressed the Board.

Director Saltzman, Chairperson of the Labor Negotiations Review Ad Hoc Committee, brought the matter of Report of the Labor Negotiations Review Ad Hoc Committee and the committee's Vision Statement before the Board. Director Murray moved that the Board approve the Labor-Management Relations Vision Statement. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

President Blalock called for Introduction of Special Guests. General Manager Grace Crunican welcomed, introduced, and congratulated the District's 2015 American Public Transportation Association International Rail Rodeo Teams: Edward (Ted) Christian, Gary Crandell, Dan Parris, R. Scott Fitzgerald, Michael Perez, Curt Robinson, Paula Fraser, and Randy Roderick. Ms. Crunican noted that the Maintenance Team had placed first, and that the teams placed fifth overall in the competitions.

Director Murray, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Professional Services Agreements to Provide Construction Management Services for BART Projects before the Board. Mr. Robert Mitroff, Chief Planning and Development Officer, presented the item. The item was discussed. Director Mallett moved that the General Manager be authorized to award the below-listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$15,000,000.00 each, pursuant to notification to be issued by the General Manager; with the awards subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures: Agreement No. 6M8104, with UCM, a Joint Venture; Agreement No. 6M8105, with Jacobs Project Management Co.; Agreement No. 6M8106, with PGH Wong Engineering, Inc.; Agreement No. 6M8107, with PreScience Corporation; Agreement No. 6M8110, with Ghirardelli Associates, Inc.; and Agreement No. 6M8111, with The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 8:

Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Murray brought the matter Downtown Berkeley BART Station Plaza and Transit Area Improvement Project before the Board. Mr. Tian Feng, District Architect, presented the item.

The following individuals addressed the Board.

Honorable Laurie Capitelli

John Caner

The item was discussed.

Director Saltzman moved that based on the findings presented in the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Proposed Downtown Berkeley BART Plaza and Transit Area Improvement Project, together with the comments received during the public review process, the Board:

1. Finds on the basis of the whole record before it, there is no substantial evidence that the Proposed Downtown Berkeley BART Plaza and Transit Improvement Project will have a significant effect on the environment.
2. Finds that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis.
3. Adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Plan.
4. Adopts the Downtown Berkeley BART Plaza and Transit Improvement Project as proposed.

Director Radulovich seconded the motion

Farid Javandel addressed the Board.

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

Director Murray brought the matter of Award of Invitation for Bid No. 8964, Procurement of AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design before the Board. Mr. Ben Holland, Manager of Vehicle Systems Engineering, presented the item. Director Keller moved that the General Manager be authorized to award Invitation for Bid No. 8964, an estimated quantity contract, for AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design, to ITP Rail Associates, Inc., for the bid price of \$3,595,878.00, pursuant to notification to be issued by the General Manager. President Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. 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 Murray brought the matter of Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex and Speed Encoding System Equipment, with Alstom Signaling, Inc., to Execute Options and Extension of Time (C.O. No. 2), before the Board. Mr. Raul Millena, Manager of Train Control Engineering, presented the item. President Blalock moved that the General Manager be authorized to execute Change Order No. 002 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc., to add the work described in former Options A, B, and C, for a not to exceed amount of \$9,384,637.00, plus applicable taxes, and to extend the Contract Completion date by a total of 2185 days. The item was discussed. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Murray brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2015 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; and Deputy Chief of Police Benson Fairrow presented the item.

Director McPartland entered the Meeting.

The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Art in Transit Policy before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development and Construction; Mr. Val Menotti, Department Manager, Planning; and Ms. Abigail Thorne-Lyman, Principal Planner, presented the item.

The following individuals addressed the Board.

Edward Marks  
Donald Lowrey  
Nicholas Arzio  
Rachel Dinno Taylor  
Stacey Bristow  
Fletcher Oakes  
LaVerda Allen  
Michele Seville

President Blalock moved approval of the Art in Transit Policy. Director Radulovich seconded the motion. (The Art in Transit Policy is attached and hereby made a part of these Minutes.)

The item was discussed. The motions carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

President Blalock 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, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

Mr. Oversier gave a brief report on the recent closure of the Transbay Tube.

President Blalock called for the Report of the Environmental/Sustainability Ad Hoc Committee. Director Raburn, Chairperson of the committee, gave a brief report on the activities of the committee.

President Blalock brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. The item was discussed. The Board took no action on rules related to the elimination of Standing Committees.

Director Mallett brought the matter of revision to Board Rule 3-4.1, Agendas, before the Board. The item was discussed. Director Radulovich moved that Board Rule 3-4.1 be revised to insert new language for Roll Call for Introductions items for resolution of concerns with an item. Director Saltzman seconded the motion. Discussion continued. Director Raburn called the question. The motion carried by electronic vote. Ayes - 7: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes – 2: Directors Mallett and Blalock.

Director Mallett brought the matter of revision to Board Rules 2-1.1, Officers, and 2-1.5, Rotation of Offices, before the Board. The item was discussed and continued to a future meeting.

Director Keller brought the matter of revision to Board Rule 3-2.1, Regular Meetings, before the Board, and moved that two Regular Meetings each year be held at locations within the District other than the Board Room, with the remote meeting locations to be accessible by BART and rotated amongst southern/eastern Alameda, Contra Costa, and San Francisco counties, with a sunset at the end of calendar year 2017. Director Saltzman requested the motion be amended to provide that the two remote meetings be held at a time other than weekday mornings, and the removal of “southern/eastern.” Director Keller accepted the amendments and further amended the motion to schedule the remote meetings once per year, with a sunset of calendar year 2018. Director Saltzman seconded the amended motion. The item was discussed.

Laverne Howard addressed the Board.

Discussion on the motion continued. The motion failed by electronic vote. Ayes - 3: Directors Keller, Murray, and Saltzman. Noes – 6: Directors Josefowitz, Mallett, McPartland, Raburn, Radulovich, and Blalock.

The Board Meeting recessed at 1:13 p.m.

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The Board Meeting reconvened at 1:40 p.m.

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

Absent: None.

The remainder of the proposed revisions to Board Rules was continued to a future meeting.

President Blalock brought the matter of Roll Call for Introduction Items Deemed Not Complete by Directors before the Board. Director Mallett presented the item. The item was discussed. (A description of the RCI items that were discussed is attached.)

Director Radulovich moved that Roll Call for Introduction (RCI) items 12-683 and 15-762 not be brought back to the Board for discussion. Director Keller seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 1: Director Mallett.

Discussion continued. Director Keller moved that RCI item 14-760 not be brought back to the Board for discussion. Director Radulovich seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 1: Director Mallett.

Discussion continued. Director Keller moved that RCI item 12-684 not be brought back to the Board for discussion. Director Radulovich seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 1: Director Mallett.

Discussion continued. Director McPartland moved that RCI item 13-711 not be brought back to the Board for discussion. Director Raburn seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0. Abstain - 1: Director Mallett.

Discussion continued. RCI item 14-734 was withdrawn.

Discussion continued. Director Raburn moved that RCI item 15-766 not be brought back to the Board for discussion. The motion died for lack of a second. Director Mallett moved that RCI item 15-766 be brought back to the Board for future discussion. 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.

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

Director Josefowitz reported he had been to Portland and met with transportation staff and officials.

Director Murray reported she had attended a meeting with Congressman Eric Swalwell and Assemblywoman Catharine Baker on transportation issues, a BART Summer Youth Tour at the

Bedford Gallery, and she requested that District employee William Cromartie be commended for his exceptional customer service.

Director McPartland reported he had attended the meeting with Congressman Eric Swalwell and Assemblywoman Catharine Baker on transportation issues.

Director Mallett reported he had attended the Contra Costa Mayors' Conference, and that the BART Bicycle Advisory Task Force was supportive of the idea of trying bungee cords as fasteners for bikes on trains.

President Blalock reported he had attended National Night Out at Fremont Station, Fremont Festival, and the San Joaquin Joint Powers Authority meeting.

President Blalock requested that the Meeting be adjourned in honor of Allen E. Sprague.

The Board Meeting was adjourned at 2:37 p.m. in memory of Mr. Sprague.

Kenneth A. Duron  
District Secretary