

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

Board of Directors
Minutes of the 1,740th Meeting
September 10, 2015

A regular meeting of the Board of Directors was held September 10, 2015, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, Mallett, and Murray entered the Meeting later.

President Blalock welcomed Citizen Review Board Chairperson Cydia Garrett, Vice Chairperson Les Mensinger, and Past Chairperson Sharon Kidd as Special Guests.

Director Murray entered the Meeting.

President Blalock announced that Approval of Minutes of the Meeting of August 13, 2015, would be continued to a future Meeting.

Consent Calendar items brought before the Board were:

1. Relocation Expense Reimbursement for eBART General Superintendent Recruitment.
2. District Response to Contra Costa County Grand Jury Report.

Director Keller requested that District Response to Contra Costa County Grand Jury Report be removed from Consent Calendar.

Director Josefowitz entered the Meeting.

Director Radulovich moved that the General Manager or her designee be authorized to provide relocation expense reimbursement to the successful candidate for eBART General Superintendent in an amount not to exceed \$18,000.00, consistent with Management Procedure Number 70, New Employee Relocation Expense Reimbursement. Director Keller seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Mallett.

Director Mallett entered the Meeting.

President Blalock brought the matter of District Response to Contra Costa County Grand Jury Report before the Board. The item was discussed. Director Mallett requested that his

independent response to the Grand Jury be attached to the Minutes. Director Radulovich moved that the Board approve the attached response to the Contra Costa Civil Grand Jury Report 1504 “Averting Bay Area Rapid Transit District Strikes.” Director Murray seconded the motion, which carried by roll call vote. Ayes - 6: Directors Josefowitz, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 3: Directors Keller, Mallett, and McPartland. (The District’s response and Director Mallett’s letter are attached and hereby made a part of these Minutes.)

Director Keller, Chairperson of the Administration Committee, brought the matter of Side Letter AFSCME/SL-1-14, Regarding Calculations of Overtime and Retiree Medical Eligibility, to the American Federation of State, County, and Municipal Employees Collective Bargaining Agreement, before the Board. Ms. Ericka Mitchell, Assistant Chief, Employee Relations, Labor Relations, presented the item. Director Saltzman moved that the Board approve and authorize the General Manager to execute the Side Letter of Agreement with American Federation of State, County, and Municipal Employees Local 3993 SL 1-14 Regarding Calculations of Overtime and Retiree Medical Eligibility. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Amendment No. 2 to Agreement with Environmental Systems Research Institute, for Enterprise Geographic Information System Enterprise License Agreement, for Extension of Time (Amendment No. 2), before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. Director Raburn moved that the General Manager be authorized to execute Amendment No. 2 to extend the existing Environmental Systems Research Institute Enterprise License Agreement for an additional three years in an amount not to exceed \$450,000.00. Directors McPartland and Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation, before the Board. Mr. Hamed Tafaghodi, Project Manager, presented the item. The item was discussed. President Blalock moved that the General Manager be authorized to award Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation, to Thompson Builders Corporation for the Bid Price of \$2,979,000.00, 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 protest procedures. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Award of Contract No. 6M3289, Reconditioning of Transit Vehicle Nickel Cadmium Batteries, before the Board. Mr. Benjamin Holland, Manager of Vehicle Systems Engineering, presented the item. Director Mallett moved that the General Manager be authorized to award Contract No. 6M3289, an estimated quantities contract for Reconditioning Transit Vehicle Nickel-Cadmium Batteries, to Industrial Battery Services (IBS) for a total bid price of \$1,423,770.00 plus applicable taxes, pursuant to notification to be issued by the General Manager. President Blalock seconded the motion. The item was discussed. The

motion carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 04SF-150, Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork, with L.B. Foster Company, for Additional Quantities (C.O. No. 18), before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. The item was discussed. Director Murray moved that the General Manager be authorized to execute Change Order No. 18 to Contract No. 04SF-150, in an amount not to exceed \$700,000.00 and an eight-month extension, to L.B. Foster Company. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation, brought the matter of Award of Professional Services Agreements to Provide General Environmental and Planning Services for BART Projects before the Board.

Director Murray recused herself from the discussion due to a potential financial conflict of interest, and exited the Meeting.

Mr. Val Menotti, Department Manager, Planning, presented the item. The item was discussed. Director McPartland made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Murray.

1. That the General Manager be authorized to award Agreement No. 6M6091 to Arup North America, Ltd., San Francisco, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
2. That the General Manager be authorized to award Agreement No. 6M6092 to HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture, Oakland, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
3. That the General Manager be authorized to award Agreement No. 6M6093 to Nelson/Nygaard Consulting Associates, Inc., San Francisco, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the

District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Director Murray re-entered the Meeting.

Director Raburn brought the matter of Systemwide Bicycle Parking Program Update before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed.

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.

Ms. Priscilla Kalugdan, Program Manager, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of September 16, 2015.

Mr. Paul Oversier, Assistant General Manager – Operations, gave a brief report on the recent closure of the Transbay Tube. Ms. Crunican recognized the excellent work of District employees in making the closure and the temporary bus bridge run smoothly. The report was discussed.

Jerry Grace addressed the Board.

President Blalock brought the matter of Report of the Citizen Review Board before the Board. Ms. Kidd and Mr. Mensinger presented the item. The report was discussed.

President Blalock brought the matter of Proposed Revision to Rules of the Board of Directors before the Board. Mr. Duron presented the item. The item was discussed. Director Radulovich made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous voice vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

1. That Board Rule 3-1.4(c), Meeting Start Times, be revised to remove obsolete language.
2. That Board Rule 5-1.1, General Provisions, and Board Rule 5-1.2, Budget Submitted to Board, be revised to delete the requirement for presentation of the annual Budget to the Administration Committee.

Director Raburn moved that Board Rule 2-1.5, Rotation of Offices, be revised as noted in the attached language. The item was discussed. Director Radulovich seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. (The revised Board Rule is attached and hereby made a part of these Minutes.)

The Board discussed revision to Board Rule 3-6.1, Board Correspondence. The item was continued to a future meeting.

President Blalock exited the Meeting, and Vice President Radulovich assumed the gavel.

The Board discussed revision to Board Rule 5-4.1, Filing and Publication of Required Statements. Director Murray moved that the Rule be revised to add filing of copies of Campaign Contribution Statements concurrent with filing with the Registrar of Voters. Director Keller seconded the motion. Discussion continued. The motion carried by roll call vote. Ayes - 7: Directors Josefowitz, Keller, McPartland, Raburn, Radulovich, and Saltzman. Noes - 1: Director Mallett. Absent - 1: President Blalock.

The Board discussed revision to Board Rule 5-5.1, Contractor/Subcontractor Contributions. Director Saltzman moved revision of Board Rule 5-5.1, changing limits on amounts of and terms for contributions. Director Raburn seconded the motion. Director Josefowitz requested an amendment to exclude campaign contributions from contractors two years before and two years after bidding. Director Murray called the question. The motion failed by roll call vote. Ayes - 4: Directors Josefowitz, Raburn, Radulovich, and Saltzman. Noes - 4: Directors Keller, Mallett, McPartland, and Murray. Absent - 1: President Blalock.

Vice President Radulovich called for Board Member Reports.

Director Josefowitz reported he had met with District staff and the Governor's staff on electric vehicles.

Director McPartland invited the Board to attend a flag raising ceremony at the Castro Valley Station on September 16, 2015.

Director Raburn reported he had attended the Roseville Capitol Corridor extension review.

Director Mallett reported he had a Senate Transportation Committee meeting.

Vice President Radulovich called for Roll Call for Introductions. No items were introduced.

Vice President Radulovich called for In Memoriam. There were no requests.

Vice President Radulovich called for Public Comment. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 12:49 p.m.

Kenneth A. Duron
District Secretary