

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

Board of Directors
Minutes of the 1,776th Meeting
December 1, 2016

A regular meeting of the Board of Directors was held December 1, 2016, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California; and 5 Atherstone Mews, Kensington, London, United Kingdom. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Directors present in London: Director Josefowitz.

Absent: Director Mallett.

President Radulovich announced that agenda items 8-A, Presentation to Outgoing President, and 8-B, Remarks by Director Murray, would be brought before the Board under Introduction of Special Guests.

Director Murray presented President Radulovich with a plaque in appreciation of his leadership during the past year of his presidency. President Radulovich shared remarks on the 20 years he had served on the Board.

Director Murray shared remarks on the 12 years she had served on the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 17, 2016.
2. Substitution of Special Counsel for Energy Matters.
3. Award of Contract No. 11TJ-170, Daly City and Civic Center, HVAC Upgrades.
4. Award of Invitation for Bid No. 9016, Coupling Assembly, Motor Half.
5. Award of Invitation for Bid No. 9017, Coupling Assembly, Gear Unit Half.
6. Reject All Bids for Contract No. 11KH-110, 24th and Mission Station Crossover Facility Improvements.
7. Reject Single Bid for Contract No.15QL-140, Maintenance Yards Surface Improvement - ORY Phase 2.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

1. That the Minutes of the Meeting of November 17, 2016, be approved.
2. That with the retirement of Mr. Gex, the existing designation of Special Counsel for energy matters be revised to substitute Winston & Strawn as the new counsel.
3. That the General Manager be authorized to award Contract No. 11TJ-170, Daly City Yard and Civic Center HVAC Upgrades, to Integra Construction Services Inc., for the Bid price of \$540,724.00, 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. 9016, for Motor Half Couplings, to Bombardier, for an amount of \$251,625.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 9017, for Gear Unit Half Couplings, to Bombardier, for the bid price of \$343,200.00, including all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

6. That all Bids for Contract No. 11KH-110, 24th and Mission Crossover Facility Improvements, are rejected, and that the General Manager be authorized to re-advertise the Contract.
7. That the single bid for Contract No. 15QL-140, Maintenance Yards Surface Improvement – ORY Phase 2, be rejected, and that the General Manager be authorized to re-advertise the Contract.

Consent Calendar report brought before the Board was:

1. Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2016.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Award of Agreement No. 6M4512, to Provide Rental of Digital Monochrome Copy Machines at Various District Offices/Facilities, before the Board. Mr. Richard Wieczorek, Department

Manager, Procurement, presented the item. Director Murray moved that the General Manager be authorized to award Agreement No. 6M4512, to Toshiba Business Solutions, for the proposed price of \$678,906.60, 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 authorized to exercise the option to rent fifteen additional copy machines for the proposed price of \$193,932.00, subject to availability of funds. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director Saltzman brought the matter of National Association of State Procurement Officials (NASPO) Value Point Computer Purchase before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. Director Blalock moved that the General Manager be authorized to utilize the National Association of State Procurement Official's (NASPO) ValuePoint Cooperative Purchasing Organization for selecting vendors for the procurement of computer equipment, computer software, and related installation services, until such time that the State of California ceases these or subsequent contracts, subject to the availability of funding. Director McPartland seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director Saltzman brought the matters of Side Letter Implementing New Classification Structure for BART Police Officers' Association (BPOA) and Side Letter Implementing New Classification Structure for BART Police Managers' Association (BPMA) before the Board. Ms. Carol Isen, Chief Labor Relations Officer, presented both items together. Director Raburn moved that the General Manager be authorized to execute the Side Letters of Agreement with BPOA and BPMA; and that the BPOA and BPMA Collective Bargaining Agreements be modified as specified therein. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director Saltzman brought the matter of Fiscal Year 2017 First Quarter Financial Report before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, and Mr. Robert Umbreit, Department Manager, Budget Department, presented the item. The item was discussed.

Director Saltzman brought the matter of 2016 Disparity Study Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, and Ms. Sherry Williams, Miller3 Consulting, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Robert Mitroff, Chief Planning and Development Officer; Mr. Thomas Horton, Group Manager, Earthquake Safety Program; and Mr. Thomas Tumola, Program Manager, presented the item. The item was discussed.

Director Saltzman moved that the General Manager be authorized to award Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, to Shimmick/CEC Joint Venture, for the Base Bid price of \$267,083,110.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager be authorized to exercise any or all of Options 1 through 5, subject to certification by the Controller/Treasurer that funds are available; and that staff be directed to refine, analyze, and conduct an inclusive outreach program on early morning service mitigation concepts; and that staff return to the Board in the summer of 2017 for approval of a recommended service mitigation plan. Director Murray seconded the motion. Discussion continued. Director Keller requested the addition of ridership experience as part of the analysis to the motion. Directors Saltzman and Murray accepted the addition. Discussion continued.

Director McPartland made a substitute motion that the matter be continued to a future meeting. The substitute motion died for lack of a second. Discussion continued. The main motion carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland brought the matter of Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for North Yard Trackwork Constructability Issues (C.O. No. 67) before the Board. Director Keller moved that the General Manager be authorized to execute Change Order No. 67, North Yard Trackwork Constructability Issues, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for an amount not to exceed \$900,000.00, with Clark Construction. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland brought the matter of Short-Term System Capacity Improvements: Next Steps, before the Board. Mr. Oversier; Mr. Aaron Weinstein, Department Manager, Marketing and Research; and Mr. David Hardt, Chief Mechanical Officer, Rolling Stock and Shops, presented the item. The item was discussed. Director Keller moved that the item be continued to a future meeting. Director Murray seconded the motion, which carried by roll call vote. Ayes – 6: Directors Blalock, Keller, McPartland, Murray, Raburn, and Saltzman. Noes – 2: Directors Josefowitz and Radulovich. Absent – 1: Director Mallett.

The Board Meeting recessed at 12:52 p.m.

The Board Meeting reconvened at 1:21 p.m.

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

Directors present in London: None.

Absent: Director Mallett.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Station Access Policy Performance Measures and Targets for 2025 before the Board.

Director Josefowitz entered the Meeting in London.

Ms. Hannah Lindelof presented the item. Director Saltzman moved that the Station Access Policy Performance Measures, which include 2025 Targets, be adopted. Director McPartland seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Mallett. (The Station Access Policy Performance Measures are attached and hereby made a part of these Minutes.)

Director Raburn brought the matter of Transit-Oriented Development Policy Performance Measures and Targets for 2040 before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item.

The following individuals addressed the Board.

Jeff Levin
Elizabeth Wampler
Craig Adelman
Joel Ramos
LaVerda Allen

Director Saltzman exited the Meeting.

The item was discussed. President Radulovich moved that the attached performance targets that will guide the activities and priorities of BART's Transit-Oriented Development Program from 2016 to 2040 be adopted. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent - 2: Directors Mallett and Saltzman. (The Transit-Oriented Development Policy Performance Measure and Targets are attached and hereby made a part of these Minutes.)

Director Raburn brought the matter of 2017 Federal and State Legislative Goals before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Analyst; and Mr. Tim Schott, Schott& Lites, presented the item. The item was discussed. Director Blalock moved that the Board approve the 2017 State and Federal Advocacy Programs, as presented by staff and amended by the Board. Director McPartland seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent - 2: Directors Mallett and Saltzman.

Director Raburn brought the matter of Strategic Plan Framework – Goal Indicators and Objectives, before the Board. Ms. Ellen Smith, Planning Division Manager, presented the item. The item was discussed.

Director Raburn brought the matter of Dublin/Pleasanton Parking Garage Expansion Project before the Board. Mr. Val Menotti, Chief Planning and Development Officer, presented the item. The item was discussed.

President Radulovich called for the General Manager's Report. Ms. Marcia deVaughn, Deputy General Manager, reported that Measure RR, the District's \$3.5 billion general obligation bond measure to reinvest in the system, had passed in the November 8, 2016, general election; that the open house events for the public to tour the Fleet of the Future test trains had concluded on October 30, 2016; and that there had been a new top ten ridership record on November 3, 2016, of 464,224 riders. She reported on steps taken by the General Manager and activities and meetings she had participated in, outstanding Roll Call for Introductions items, and reminded the Board of upcoming events.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Josefowitz requested an update on the status of the escalators at Civic Center/UN Plaza Station. Mr. Oversier provided a brief update.

Director Murray reported she had attended a ribbon-cutting ceremony for four electric trolleys in Walnut Creek.

President Radulovich called for In Memoriam. No requests were received.

President Radulovich called for Public Comment. Chris Finn addressed the Board.

The Meeting was adjourned at 3:36 p.m.

Kenneth A. Duron
District Secretary