

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

Board of Directors  
Minutes of the 1,746th Meeting  
December 3, 2015

A regular meeting of the Board of Directors was held December 3, 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, McPartland, Murray, Raburn, Saltzman, and Blalock.

Absent: None. Director Radulovich entered the Meeting later.

President Blalock called for a moment of silence to remember the victims of the recent mass shooting in San Bernardino.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 19, 2015.
2. Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee.
3. Resolution Authorizing Statement of Continued Interest for Funding from the Affordable Housing and Sustainable Communities Program.

Director Saltzman requested that Item 2-B, Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee, be removed from Consent Calendar.

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

1. That the Minutes of the Meeting of November 19, 2015, be approved.
2. Adoption of Resolution No. 5305, In the Matter of Authorizing Statement of Continued Interest for Funding from the Affordable Housing and Sustainable Communities Program.

President Blalock brought the matter of Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee before the Board. The item was discussed. Director Saltzman moved that the Board ratify the removal of the term limit for the Reserve Fund/Risk Management Ad Hoc Committee. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Radulovich.

President Blalock announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators; Public Employee Performance Evaluation) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 9:08 a.m.

---

---

The Board Meeting reconvened in closed session at 9:10 a.m.

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

Absent: None. Director Radulovich entered the Meeting later.

Director Radulovich entered the Meeting.

The Board Meeting recessed at 10:46 a.m.

---

---

The Board Meeting reconvened in open session at 10:50 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, and that there were no announcements to be made at this time.

President Blalock announced that Item 4-A, Compensation and Benefits for General Manager, General Counsel, District Secretary, and Independent Police Auditor, would be continued to a future meeting.

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

President Blalock brought the matter of Policy Requiring Inclusion of Affordable Housing in Proposed Development Projects at BART Stations before the Board. Director Mallett presented the item. Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Ms. Abigail Thorne-Lyman, Principal Planner, provided a review of staff activities.

The following individuals addressed the Board.

Joel Ramos  
David Crabbe  
Nick Dubroff  
Gladwyn d'Souza

Jeff Levine  
Janet Stone  
Lily Gray  
Evelyn Stivers  
Michael Lane  
Ali Gaylord  
Monica Van Luven  
Gita Dev

The item was discussed. Director Mallett moved adoption of an Inclusionary Housing Policy, and that staff be requested to return to the Board with a programmatic approach by June 2016. Director Keller seconded the motion. Discussion continued. Director Saltzman made a substitute motion that the item be continued to a future Meeting. Director Raburn seconded the substitute motion, which carried by electronic vote. Ayes - 5: Directors Josefowitz, Murray, Raburn, Saltzman, and Blalock. Noes – 4: Directors Keller, Mallett, McPartland, and Radulovich.

Director Keller, Chairperson of the Administration Committee, brought the matter of Professional Services Agreement with the Mineta Transportation Institute for Workforce Development, Education, Research and Other Services, before the Board. Director Murray recused herself due to a potential financial conflict of interest and exited the Meeting. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. Director Saltzman moved that the General Manager be authorized to enter into a professional services agreement with the Mineta Transportation Institute, for a three-year period, at a cost not to exceed \$300,000.00. President Blalock seconded the motion. The item was briefly discussed. The motion carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Murray.

Director Murray re-entered the Meeting.

Director Keller brought the matter of Title VI Assessment for Discontinuing the BART Plus Ticket Program before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item. Director Raburn moved that the Title VI Assessment for Discontinuing the BART Plus Ticket Program as Jointly Offered by BART, County Connection, Tri Delta Transit, Union City Transit, WestCAT, and Wheels, be approved. 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 Keller brought the matter of Change Order to Agreement No. 6M4135, Short and Long Term Disability, and Life and Accidental Death and Dismemberment Insurance Services, with Standard Insurance Company, for Time Extension and Increase of Contract Value, before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was briefly discussed. Director Murray moved that the General Manager be authorized to execute a change order to Agreement No. 6M4135 to extend the term of the Agreement to February 28, 2017, and to increase the total compensation to an amount not to exceed \$18,764,560.00. 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.

The Board Meeting recessed at 12:26 p.m.

---

---

The Board Meeting reconvened in open session at 12:49 p.m.

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

Absent: None.

President Blalock called for Public Comment. The following individuals addressed the Board.

Gita Dev

David Crabbe

Gladwyn d'Souza

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 11OG-130A, Balboa Park Station – Phase 2, before the Board. Mr. Tim Chan, Manager of Planning, and Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item. The item was discussed.

Alan Smith addressed the Board.

Director Radulovich moved that the General Manager be authorized to award Contract No. 11OG-130A, construction of BART Balboa Park Station east side connection improvements Phase 2, to Proven Management, Inc., for the Bid price of \$8,762,000.00, 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 the four Options for a combined total of \$3,890,000.00, subject to funding availability. 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 McPartland brought the matter of Agreements for Detailed Station Cleaning Services before the Board. Ms. Ng presented the item. The item was discussed. Director Josefowitz moved that the General Manager be authorized to award the following technical services agreements to provide detailed cleaning services as follows: Agreement No. 6M8098A, to Aim to Please Janitorial Services, Inc.; Agreement No. 6M8099, to Zero Waste Solutions; and Agreement No. 6M8100, to Bay Area Green Solutions, in an amount not to exceed \$700,000.00 for each agreement, for a term not to exceed three years (or to completion date of any work plan issued within such three-year period, if later), pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. 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 McPartland brought the matter of Train Control Modernization Program for the Design, Supply and Installation of a Communications Based Train Control (CBTC) System (Project) and Implementation Actions, including Solicitation Documents for a CBTC System Using Design-Build Procurement Method before the Board. Mr. Thomas Dunscombe, Group Manager, presented the item. The item was discussed.

Chris Finn addressed the Board.

Discussion continued.

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

Director Saltzman moved that the Board approve the Train Control Modernization Program for the design, supply, and installation of a Communication Based Train Control (CBTC) System (Project) and authorize the General Manager to proceed with implementation actions, including the issuance of solicitation documents for the design, supply and installation of a CBTC system using the design-build method of procurement, pursuant to Public Contract Code Section 22160 et seq.; and that staff provide a timeline and a plan to engage employees to the Board and the unions. Vice President Radulovich seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes - 0. Absent – 1: President Blalock.

Vice President Radulovich called for the General Manager's Report. Deputy General Manager Marcia deVaughn reported on steps the General Manager had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and reported on open Roll Call for Introduction items.

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

Director Keller requested development of an ordinance to require that BART riders only occupy one seat. Director Murray seconded the request, and Director Mallett was a third supporter of the request.

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

Vice President Radulovich called for Public Comment. No comments were received.

Vice President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Legal Counsel), Item 11-B (Conference with Legal Counsel), and 11-C (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 2:21 p.m.

---

The Board Meeting reconvened in closed session at 2:34 p.m.

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

Absent: Director Blalock. Directors Josefowitz and Saltzman entered the Meeting later.

Director Josefowitz entered the Meeting.

Director Saltzman entered the Meeting.

The Board Meeting recessed at 4:09 p.m.

---

---

The Board Meeting reconvened in open session at 4:10 p.m.

Directors present: Director Radulovich.

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

Vice President Radulovich announced that the Board had concluded its closed session under Items 11-A, 11-B, and 11-C and that there were no announcements to be made.

The Meeting was adjourned at 4:10 p.m.

Kenneth A. Duron  
District Secretary