

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

Board of Directors
Minutes of the 1,757th Meeting
March 10, 2016

A regular meeting of the Board of Directors was held March 10, 2016, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Murray presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Josefowitz. President Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of February 11, 2016 (Regular); February 11, 2016 (Special); and February 25, 2016.
2. Proposed Revisions to 2016 Standing Committee and Special Appointments.
3. Delegation of Authority to Make and Certify Determinations of Industrial Disability for Safety Members for CalPERS and Authority to Make Applications for Disability Retirement to CalPERS on Behalf of Disabled Miscellaneous or Safety Member Employees.
4. Award of Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building.
5. Award of Contract No. 15RY-110, Lake Merritt Station Customer Service Center.
6. Sole Source Procurement with Marvin Manufacturing for Purchase of Inspection Port Closure Assemblies for the Transbay Tube. (TWO-THIRDS VOTE REQUIRED.).
7. Award of Invitation for Bid No. 8984, Resistors, MA17-G02.
8. Award of Invitation for Bid No. 8994, Track Crew Trucks.
9. Reject All Bids for Invitation for Bid No. 8980, Generator, Standby Mobile Engine with Trailer.

Director McPartland made the following motions as a unit. Director Blalock requested the record reflect he would abstain from approval of the Minutes. Director Blalock seconded the motions, which carried by electronic vote. For item 2-A, Ayes - 6: Directors Keller, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes - 0. Abstain - 1: Director Blalock.

Absent - 2: Directors Josefowitz and Radulovich. For items 2-B through 2-I, Ayes – 7: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes - 0.
Absent – 2: Directors Josefowitz and Radulovich. Item 2-F carried by the required two-thirds vote.

1. That the Minutes of the Meetings of February 11, 2016 (Regular); February 11, 2016 (Special); and February 25, 2016, be approved.
2. That the Standing Committee and Special Appointments for 2016 be ratified to retire the Personnel Recruitment Ad Hoc Committee and the Emeryville-Berkeley-Oakland Transportation Study Policy Advisory Committee.
3. Adoption of Resolution No. 5313, In the Matter of Delegating to the General Manager and His/Her Designee Authority to Make and Certify Determinations of Industrial Disability for Safety Members and Authority to Make Applications for Disability Retirement to the Public Employees Retirement System on Behalf of Disabled Miscellaneous or Safety Members.
4. That the General Manager be authorized to award Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building, to Stronger Building Services of Hayward, California, for the Bid price of \$480,000.00, 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 Contract No. 15RY-110, construction of BART's Lake Merritt Station Customer Service Center, to T. Amaral's Done Right Construction, for the Bid price of \$298,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That pursuant to Public Contract Code section 20227, the Board find that Marvin Manufacturing is the single source for the purchase of inspection port closure assemblies for the Transbay Tube that would duplicate equipment currently in use by the District; and that the General Manager be authorized to negotiate and award a contract to Marvin Manufacturing for the purchase of inspection port closure assemblies, for an amount not to exceed \$203,500.00, plus applicable taxes.
7. That the General Manager be authorized to award Invitation for Bid No. 8984, an estimated quantities contract, for Resistors, MA17-G02, to Bombardier Transportation, of Pittsburgh, PA, for the Bid price of \$127,600.00, including all taxes, pursuant to notification to be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8994, for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, CA, in the amount of \$1,267,682.90,

including all applicable sales tax, pursuant to notification to be issued by the General Manager.

(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.)

9. That the single Bid for Invitation for Bid No. 8980, for the procurement of two (2) sets of Generators, Standby Mobile Engine with Trailer, be rejected, and the General Manager be authorized to re-advertise the acquisition.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2016 Second Quarter Financial Report.

Director Saltzman, Chairperson of the Administration Committee, announced that agenda items would be taken out of order, and brought the matter of BART Major Projects Stabilization Agreement before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

President Radulovich entered the Meeting and assumed the gavel.

The following individuals addressed the Board.

Sterlen Thomas
Andreas Cluver
Glenn Coats

Director Raburn moved that the Board authorize the General Manager to execute the BART Major Projects Stabilization Agreement. Director Murray seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

Director Saltzman brought the matter of Leases on BART-Owned Properties in the Cities of Daly City, Oakland, and San Leandro before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. Gary Sue, Real Estate Officer, presented the item. The item was discussed. Director Blalock moved that the General Manager or her designee be authorized to issue new leases to U.S. Postal Service – Oakland (Parcel Number O-K012); Bay Fair Center – San Leandro (Parcel Number A-603); West Oakland Environmental Indicators – Oakland (Parcel Number O-K211); La Placita Commercial Kitchen – Oakland (Parcel Number O-D35); and San Francisco Metropolitan Transportation Agency – Daly City (Parcel Number O-M135), for terms of up to five years, plus an option term for up to five years, at the annual rent set forth in Attachment A, to increase fees 3% for the remaining non-option years, and to increase rents 3% for each option year. (Attachment A is attached and hereby made a part of these Minutes.) Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

Director Saltzman brought the matter of Workforce Development and Human Resources Modernization Initiatives Update before the Board. Ms. Allison Picard, Assistant General

Manager, Employee Relations, and Ms. Patrice McElroy, Human Resources Program Manager, Workforce Development, presented the item. The item was discussed.

Director Saltzman brought the matter of Proposed San Francisco State University Fare Discount Program before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item. The item was discussed.

Director Saltzman brought the matter of Small Business Initiatives and Payment Information Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item. The item was discussed.

Director Keller exited the Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, before the Board. Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item. Director Blalock moved that the General Manager be authorized to award Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, to USS Cal Builders, Inc., for the Bid price of \$7,678,907.00, 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 seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Josefowitz and Keller. (See revised vote below.)

Director McPartland brought the matter of Award of Invitation for Bid No. 8922, Transit Rail Car Switchers - A, B & C Cars, before the Board. Mr. Gregory Shivy, Principal Track Engineer, presented the item.

Director Keller re-entered the Meeting and requested that an "Aye" vote be recorded for the Award of Contract No. 15IF-130. President Radulovich concurred. The revised vote is as follows. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

Director Raburn moved that the General Manager be authorized to award Invitation for Bid No. 8922, for the procurement of Transit Rail Car Switcher - A, B & C Cars, six (6) each, to Shuttlewagon Inc., Grandview, MO, in the amount of \$3,313,908.00, including applicable sales tax, pursuant to notification to be issued by the General Manager. Director Saltzman seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

(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 McPartland brought the matter of Authority to Enter into Agreements for Temporary Bus Bridge Services before the Board. Ms. Teresa Tapia, Senior Transportation Engineer, Operations Planning, presented the item. Director Blalock moved that the General Manager be authorized to enter into multiple agreements with various public agency and/or private bus operators in order to provide temporary bus transportation services in a total amount not to exceed \$250,000.00 per day per agreement for each day that the District is unable to provide

complete train service due to a track work project; with this authorization to expire on December 31, 2016. Director Murray seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

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

Director McPartland brought the matter of Station Maintenance and Cleaning Report before the Board. Ms. Tamar Allen, Chief Mechanical Officer; Mr. Roy Aguilera, Chief Transportation Officer; and Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Jerry Grace addressed the Board.

The Board Meeting recessed at 12:24 p.m.

The Board Meeting reconvened in open session at 1:01 p.m.

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

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

Director McPartland brought the matter of Elevator and Escalator Issues and Solutions Report before the Board. Ms. Allen and Mr. Mike Lemon, Superintendent, Power and Mechanical, presented the item.

Director Murray entered the Meeting.

The item was discussed.

Jerry Grace addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Radulovich called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, and outstanding Roll Call for Introductions items.

President Radulovich brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. Director Keller presented the item. The item was discussed.

President Radulovich brought the matter of Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat If to Do So Will Prevent Other Riders from Being Able to Be Seated within the Train Car (First Reading) before the Board. Director Keller presented the item. The item was discussed.

The following individuals addressed the Board.

Alan Smith

Jerry Grace

Discussion continued.

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

Director McPartland reported he had attended two Better BART presentations and a mayors' conference in Dublin.

Director Saltzman reported she had attended the BART – AC Transit Interagency Liaison Committee meeting.

Director Raburn reported he had attended the Planning and Conservation League's Annual Environmental Symposium and an event for the Skyline High School Green Academy.

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

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

President Radulovich announced that the Board would enter into closed session under Items 10-A (Public Employment) and 10-B (Conference with 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 2:59 p.m.

The Board Meeting reconvened in closed session at 3:07 p.m.

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

Absent: Directors Josefowitz and McPartland.

The Board Meeting recessed at 3:51 p.m.

The Board Meeting reconvened in open session at 3:52 p.m.

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

Absent: Directors Josefowitz and McPartland.

President Radulovich announced there was no announcement to be made on Item 10-A.

President Radulovich brought the matter of Compensation and Benefits for Controller/Treasurer before the Board. Director Murray moved that the Board approve the following terms of employment for Rosemarie V. Poblete, which shall be incorporated in a mutually satisfactory written employment agreement prepared by the General Counsel for execution by Ms. Poblete and the Board President: Service for an indefinite term at the pleasure of the Board; base salary of \$233,100.00 per year; 3.7214 percent increase to base salary effective July 1, 2016; twelve months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes; benefits afforded to non-represented management employees and retirees; and, upon retirement, option to participate in alternative retiree medical, dental, or vision plan if Ms. Poblete relocates to an area which is not within the service area of a District-sponsored plan, provided the alternative plan is comparable in both cost and coverage to the District-sponsored plan. Director Raburn seconded the motion, which carried by roll call vote. Ayes - 6: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett. Absent – 2: Directors Josefowitz and McPartland.

The Meeting was adjourned at 3:56 p.m.

Kenneth A. Duron
District Secretary