

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

Board of Directors  
Minutes of the 1,753rd Meeting  
February 11, 2016

A regular meeting of the Board of Directors was held February 11, 2016, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Radulovich announced that the order of order of agenda items would be changed; that Items 5-A, Escalator Status Report, and 5-B, Station Maintenance Standards, would be continued to a future meeting; and that Item 2-F, Award of Invitation for Bid No. 8982, would be removed from Consent Calendar at the request of a member of the public.

Director Mallett requested that Approval of the Minutes of the Regular Meeting of January 14, 2016, be removed from Consent Calendar, as he was not present and would abstain from approval.

Mr. Jason Bezis addressed the Board on Item 2-F.

Item 2-F was replaced onto Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special).
2. Resolution Authorizing the Execution of a Project Application for the Fiscal Year 2015-16 Low Carbon Transit Operations Program.
3. Award of Contract No. 15NU-110, Station Access, Parking, Path, and Wayfinding Improvements North Concord and Pittsburg/Bay Point Stations.
4. Award of Invitation for Bid No. 8974, Truck, Track Crew.
5. Award of Invitation for Bid No. 8978, Lining, Brake, Bonded Assembly.
6. Award of Invitation for Bid No. 8982, Motor, Condenser Fan A2/B2.
7. Award of Invitation for Bid No. 8986, Truck, Weld, Heavy Duty.

8. Award of Invitation for Bid No. 8987, Regulators, Ballast, 66" Wide Gauge.
9. Award of Invitation for Bid No. 8988, Turnouts, Concrete, Tie, #10.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meetings of January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special), be approved.
2. Adoption of Resolution No. 5309, In the Matter of Authorizing the Execution of a Project Application for the Fiscal Year 2015-2016 Low Carbon Transit Operations Program Additional Rail Cars Project.
3. That the General Manager be authorized to award Contract No. 15NU-110, Station Access, Parking, Path and Wayfinding Improvements, North Concord and Pittsburg/Bay Point, to Sposeto Engineering, Inc., for the Bid price of \$1,331,500.00, 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.
4. That the General Manager be authorized to award Invitation for Bid No. 8974, for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, California, in the amount of \$1,267,682.90, including all applicable sales tax, pursuant to notification to be issued by the General Manager.
5. That the General Manager be authorized to award Invitation for Bid No. 8978, an estimated quantity contract, for Lining, Brake, Bonded Assembly, to Carisle Brake & Friction, for the bid price of \$882,667.20, including sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8982, for the procurement of Motor, Condenser Fan A2/B2, to Dahl-Beck Electric, for the bid price of \$542,850.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
7. That the General Manager be authorized to award Invitation for Bid No. 8986, for the procurement of Truck, Weld, Heavy Duty, to Golden Gate Truck Center, Oakland, California, in the amount of \$1,436,720.24, including applicable sales tax, pursuant to notification to be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8987, for the procurement of Regulators, Ballast 66" Wide Gauge,

two (2) each, to Knox Kershaw Inc., Montgomery, Alabama, in the amount of \$978,720.60, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

9. That the General Manager be authorized to award Invitation for Bid No. 8988, for the procurement of 5 turnouts, to Voestalpine Nortrak Inc., of Cheyenne, Wyoming, in the amount of \$873,508.87, including sales tax, pursuant to notification by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

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

President Radulovich brought the matter of Approval of the Minutes of January 14, 2016, before the Board. Director Blalock moved that the Minutes of the Meeting of January 14, 2016, be approved. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain - 1: Director Mallett.

President Radulovich called for Public Comment.  
Jason Bezis addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of BART Major Projects Stabilization Agreement before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

The following individuals addressed the Board.

Andrew Slivka  
Andreas Cluver  
Dante Johnson  
Jason Bezis  
Art Shanks

The item was discussed.

Director Saltzman brought the matter of Warm Springs/ South Fremont BART Station Parking Fees before the Board. Director Raburn moved adoption of Resolution No. 5310, In the Matter of Adopting Parking Fees for the BART Warm Springs/South Fremont Station. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Parking Control Fees at Coliseum Station during Events at O.Co Coliseum and Oracle Arena before the Board. Director Blalock moved adoption of Resolution No. 5311, In the Matter of Adopting Parking Control Fees for the Coliseum BART Station. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Modifications to Parking Citation Fines at BART District Parking Facilities before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item. Director Saltzman requested that increasing the daily fee parking violation fine be delayed until the new parking tracking system was implemented.

Director Mallett exited the Meeting.

Director Blalock moved adoption of Resolution No. 5312, In the Matter Amending Board Resolution No. 2495 (as amended by subsequent Resolutions of the Board of Directors) to Establish Citation Amounts Applicable to Vehicle Parking in District Parking Facilities and to Prohibit the Display of a Fraudulent or Falsified Parking Permit, and that increasing the daily fee parking violation fine be delayed until the new parking tracking system was implemented. President Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Mallett.

Director Keller exited the Meeting.

Director Mallett re-entered the Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2016 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, presented the report and noted the District’s performance during the recent National Football League SuperBowl 50 Events. The report was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Warm Springs/South Fremont BART Station West Side Access Bridge before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Mr. John Rennels, Principal Property Development Officer, presented the item. The item was discussed.

Ms. Jessica von Borck, Assistant City Manager, City of Fremont, addressed the Board.

Director Blalock moved that the General Manager or her designee be authorized to execute an Agreement with the City of Fremont in connection with the Design, Funding, Construction, Ownership, Operation and Maintenance of the Warm Springs/South Fremont BART West Side Access Bridge and Plaza Project. Discussion continued. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Keller.

Director Raburn brought the matter of 2016 State and Federal Legislative Goals before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, Mr. Paul Fadelli, Legislative Officer, and Mr. Tim Schott, Schott and Lites, presented the District’s 2016 State Legislative Advocacy Program. The item was discussed.

Jason Bezis addressed the Board.

Director Saltzman moved that the Board approve the 2016 state advocacy program as presented by staff. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Keller.

Mr. Lee, Mr. Fadelli, and Ms. Emily Bacque, CJ Lake, LLC, presented District’s 2016 Federal Legislative Advocacy Program. The item was discussed. Director Saltzman moved that the Board approve the 2016 federal advocacy program as presented by staff. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Keller.

Director Raburn brought the matter of Development Opportunities at Balboa Park Station before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. Tim Chan, Manager of Planning, presented the item. Ms. Teresa Yanga and Mr. Kevin Kitchingham, from the San Francisco Mayor’s Office of Housing & Community Development, addressed the Board.

Jason Bezis addressed the Board.

The item was discussed.

The Board Meeting recessed at 12:40 p.m.

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The Board Meeting reconvened in open session at 1:16 p.m.

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

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

Director Raburn brought the matter of 2016 Regional and Local Funding Opportunities and Efforts before the Board.

Directors Josefowitz and Mallett entered the Meeting.

Mr. Michael Tanner, Manager, Grant Development and Compliance, and Ms. Deidre Heitman, Manager, Special Projects, presented the item.

Director Keller entered the Meeting.

The item was discussed.

Jason Bezis addressed the Board.

Director Raburn brought the matter of Draft Bond Expenditure Program 2016 before the Board. General Manager Grace Crunican, Ms. Tamar Allen, Chief Maintenance and Engineering

Officer, Mr. Robert Mitroff, Chief Planning and Development Officer, and Ms. Rose Poblete, Interim Controller/Treasurer, presented the item. The item was discussed.

The following individuals addressed the Board.

Joel Ramos

Jason Bezis

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, reiterating the excellent performance by District employees and the system during SuperBowl week.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 17, 2016.

President Radulovich brought the matter of Policy Regarding Divestment from Investments in Thermal Coal before the Board. Director Saltzman requested the term "thermal coal" be replaced by "fossil fuels." Director Raburn moved adoption of the policy as presented. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich called for Board Member Reports.

Director McPartland reported he had gone to Washington, DC, to give a presentation on the District's earthquake early warning system at the White House, and that he attended regularly scheduled underground safety drills.

Director Blalock reported he had attended the San Joaquin Joint Powers Authority meeting in Modesto.

Director Raburn reported he had attended the League of Women Voters Bay Area Transportation Day event and BART's Lunar New Year celebration.

Jason Bezis addressed the Board.

President Radulovich called for Roll Call for Introductions and In Memoriam.

Director Saltzman requested consideration of implementation of a system like See-Click-Fix in the budget process. Director Josefowitz seconded the request, and Director Raburn was a third endorsement of the request.

Director McPartland requested that staff conduct a survey of rail transit agencies similar to BART to determine information on facilities they provide to public safety agencies for incident command post operations; and that once completed the information be shared with the Fire Liaison Committee, and if appropriate, solicit recommendations. Director Raburn seconded the request.

Jason Bezis addressed the Board.

Director Mallett requested a peer review how other rail transit systems provide and communicate connections to/from stations with an out of service platform elevator, vet ideas with BART Accessibility Task force, and summarize practices/options for BART. Director Keller seconded the request.

Jason Bezis addressed the Board.

President Radulovich announced that the Board would enter into closed session under Items 10-A, 10-B, 10-C (Conference with Legal Counsel – Existing Litigation), Item 10-D (Public Employee Employment/ Appointment), and Item 10-E (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 3:52 p.m.

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The Board Meeting reconvened in closed session at 3:58 p.m.

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

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

Director Josefowitz entered the Meeting.

The Board Meeting recessed at 5:16 p.m.

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The Board Meeting reconvened in open session at 5:17 p.m.

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

Absent: Director Blalock.

President Radulovich announced that the Board had concluded its closed session on Items 10-A through 10-E and that there were no announcements to be made on Items 10-A, 10-B, and 10-C.

President Radulovich announced that on the matter of Item 10-D, the Board had voted to appoint Russell Bloom as Interim Independent Police Auditor, effective Monday, February 15, 2016. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Blalock.

Mr. Bloom addressed the Board.

President Radulovich brought the matter of Compensation and Benefits for Interim Independent Police Auditor before the Board. Director Raburn moved that the base salary of Russell Bloom while serving as Interim Independent Police Auditor shall be at the annual rate of \$125,502.41; and that during this appointment, the Interim Independent Police Auditor's benefits will be those applicable to non-represented manager, generally. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director Blalock.

The Meeting was adjourned at 5:20 p.m.

Kenneth A. Duron  
District Secretary