

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

Board of Directors
Minutes of the 1,809th Meeting
March 8, 2018

A regular meeting of the Board of Directors was held March 8, 2018, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn.

Absent: None. Director Josefowitz entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 22, 2018.
2. District Base Pay Schedule.
3. Recruitment and Relocation for the Positions of Chief Procurement Officer, Chief Performance and Audit Officer, and Assistant General Manager, Performance and Budget.
4. 2018 Organization of Committees and Special Appointments Revision.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2018 Second Quarter Financial Report.

Director Saltzman made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director Josefowitz.

1. That the Minutes of the Meeting of February 22, 2018, be approved.
2. That the Board approve the base pay schedule in effect January 1, 2018.
3. That the General Manager or her designee be authorized, in conformance with established District procedures governing the use of executive search services, to identify suitable candidates both inside and outside of California for the positions of Chief Procurement Officer, Chief Performance and Audit Officer, and Assistant General Manager, Performance and Budget; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed

\$18,000 for each position, in accordance with Management Procedure No. 70, New Employee Relocation Expense Reimbursement.

4. That the Board ratify the appointment of Director Bevan Dufty to the Oversight Board to Successor Agency of San Francisco Redevelopment Agency.

President Raburn called for Public Comment.

Clarence Fischer addressed the Board.

Director Josefowitz entered the meeting.

The following individuals addressed the Board.

Deana Abello
James Burch
Antonette Bryant
Afiyah Chambers
Yolanda Banks Reed
Cat Brooks
Nailah Watkins
Cephus Johnson
Rashida Reed
Lonnie Monroe
Jayvon Muhammad
Roland Lebrun
Beatrice Muhammed
Asale Chandler
K. LeMon
Abayomi Jones
Karim Mayfield

Director Simon requested the following as an item under Roll Call for Introductions: That staff prepare a comprehensive report on the status of the investigation of the officer-involved shooting of Mr. Tindle, to include a synopsis of what has occurred in the investigation so far and what is anticipated to occur, process wise, in the future, what parties are involved in the investigation and what role does each involved party play. We know that timelines are hard to predict, but it would be helpful to be given an idea on how long each phase may take. Maybe the involved agencies can help you with timelines. Also, please provide a description of the process San Francisco uses to connect with the community after an officer-involved shooting.

Director Dufty seconded the request adding that the item should be agendaized at the next meeting.

President Raburn announced that the order of agenda items would be changed, and that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel), and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 10:33 a.m.

The Board Meeting reconvened in closed session at 10:38 a.m.

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

Absent: None. Directors Allen and Dufty entered the Meeting later.

Director Allen entered the Meeting.

Director Dufty entered the Meeting.

The Board Meeting recessed at 10:54 a.m.

The Board Meeting reconvened in open session at 10:56 a.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn.

Absent: None.

President Raburn announced that the Board had concluded its discussion of Item 10A of the Regular Meeting Agenda and that there was nothing to report.

Director Allen, Chairperson of the Administration Committee, had no report.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01RQ-150, Construction of Hayward Maintenance Complex Central Warehouse, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Thomas Horton, Group Manager, Hayward Maintenance Complex, presented the item. The item was discussed. Director McPartland moved that the General Manager be authorized to award Contract No. 01RQ-150, for construction of the Hayward Maintenance Complex Project, Central Warehouse, to Clark Construction Group – California, LP, for the total Bid price of \$49,838,100.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protests. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0.

Director Simon brought the matter of Agreement with BlackBox Network Services for Telecommunications Systems Maintenance before the Board. Mr. Randall Radford, Superintendent, Systems Maintenance, presented the item. The item was discussed. Director

Blalock moved that the General Manager be authorized to execute a 3-year agreement with BlackBox Network Services to provide Telecommunications Systems Maintenance services and equipment, and at her discretion, to exercise the option to renew for two additional one-year terms, for a total not to exceed price of \$1,100,000.00. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0.

Director Simon brought the matter of Santa Clara County BART Extension: Update on Phase I and Phase II, before the Board. Mr. Robert Mitroff, Chief Planning and Development Officer; Ms. Tamar Allen, Chief Maintenance and Engineering Officer; Mr. Oversier; and Mr. Barney Smits, Project Manager, Maintenance and Engineering, presented the item. The item was discussed.

Roland LeBrun addressed the Board.

President Raburn announced that the Board will recess until 1:10 p.m.

The Board Meeting recessed at 12:41 p.m.

The Board Meeting reconvened at 1:10 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn.

Absent: None.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State and Federal Legislative Update before the Board.

John Marchand addressed the Board.

Mr. Carl Holmes, Assistant General Manager, Planning, Development, and Construction; Ms. Kerry Hamill, Assistant General Manager, External Affairs; Ms. Amanda Cruz, Program Manager of Government Relations and Legislative Affairs; and Mr. Tim Schott and Mr. Jim Lites, Schott and Associates, presented the item. The item was discussed.

The following individuals addressed the Board.

Joshua Davis
Rob Stoker
David Zisser
Peter Mui
Bob Vinn
Garrett Christensen
Joel Ramos

Discussion continued. Director Saltzman moved that the Board of Directors support Proposition 69 - Motor vehicle fees and taxes; restriction of expenditures: appropriations limit; Assembly Bill (AB) 2304 (Holden) - Transit pass programs: status report; Senate Bill (SB) 1185 (Hill) – Firearms: law enforcement agencies: firearm accounting; and SB 831 (Wieckowski) - Land use: accessory dwelling units. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

Director Josefowitz moved that the Board of Directors adopt a position of neutral on AB 2923 (Chiu and Grayson) – San Francisco Bay Area Rapid Transit District: transit-oriented development, and work closely with the authors to express the concerns of the Board. Director Simon seconded the motion. Discussion continued.

Director Dufty made a substitute motion to support both SB 827 (Wiener) – Planning and zoning; transit – rich housing bonus, and AB 2923. Director Raburn seconded the motion.

Director Dufty amended the substitute motion to vote on Bills SB 827 and AB 2923 separately. Director Raburn accepted the amendment.

Director Dufty moved the Board adopt a support position on SB 827 if amended by working with the authors to address the concerns of the Board related to tenant protections, affordability, labor provisions, incentives for developers, and prevailing wages. Director Raburn seconded the motion. The motion carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Saltzman, Simon, and Raburn. Noes – 4: Directors Allen, Blalock, Keller and McPartland.

Director Josefowitz moved that the Board adopt a position of neutral on AB 2923 and directed staff to work with the authors to understand the requirements that would be placed on the District and what the bill would deliver.

President Raburn made a substitute motion that the Board adopt a position of support on AB 2923. The substitute motion died for lack of a second.

Returning to the original motion, Director Keller requested the motion be amended to include direction to staff to work with the legislators to identify possible funding sources for subsidies to build housing in areas where the market does not currently support market rate housing. Director Josefowitz accepted the amendment. Directors Simon and Saltzman seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 2: Directors Allen and McPartland.

Director Blalock brought the matter of Change Orders to State and Federal Legislative Advocacy Agreements for Extension of Time before the Board. Director Saltzman moved that the General Manager or her designee be authorized to execute the following change orders: a two-year extension to Agreement No. 6M7152, with Schott & Associates, for State legislative advocacy services, to April 1, 2020, for a total cost not to exceed \$287,498.25; and a two-year extension of Agreement No. 6M7153, with CJ Lake, LLC, for Federal legislative advocacy services, to April 1, 2020, for a total cost not to exceed \$504,000.00. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

Director Blalock brought the matter of Proposed BART Extension to Livermore Update before the Board. Mr. Holmes; Mr. Val Menotti, Chief Planning and Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item. The item was discussed.

The following individuals addressed the Board:

Robert S. Allen
Van Rainey
Marianne Payne
Joel Ramos

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of the Quarterly Performance Report before the Board. Mr. Oversier and Chief of Police Carlos Rojas presented the item. The item was discussed.

President Raburn announced that the closed sessions for Item 10-B (Conference with Labor Negotiators), Item 10-C (Public Employee Employment), and Item 10-D (Conference with Negotiators) would be continued to a future meeting.

President Raburn 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, ridership, upcoming events, and outstanding Roll Call for Introductions items.

President Raburn brought the matter of Ratification of 39 Recommendations for Improvement to the BART Police Oversight Structure before the Board. Mr. Russell Bloom, Independent Police Auditor; Chief Rojas, and Ms. Crunican presented the item. The item was discussed. Director Keller moved that the Board of Directors ratify the acceptance, and implementation as practical by the BART Office of the Independent Police Auditor of the 39 recommendations listed that were submitted by the OIR Group in its Independent Review of the BART Police Oversight Structure dated June 2017 with an Addendum dated July 2017. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. (The numbers of the 39 recommendations are attached and hereby made a part of these Minutes.)

President Raburn called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

President Raburn reported he had attended the groundbreaking of Casa Arabella at the Fruitvale Station.

Director Blalock reported he had attended the Southbay Engineers Club meeting.

Director Dufty thanked Molly Burke for facilitating a meeting he and Director Josefowitz had attended with the Hotel Council of San Francisco.

Director Dufty requested on behalf of himself and Director Simon that the Meeting be adjourned in honor of Elliana Marie Newlin.

President Raburn called for Public Comment. No comments were received.

The Meeting was adjourned at 4:49 p.m. in memory of Elliana Marie Newlin.

Patricia K. Williams
Interim District Secretary