

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

Board of Directors
Minutes of the 1,763rd Meeting
May 12, 2016

A regular meeting of the Board of Directors was held May 12, 2016, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Murray presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Saltzman and Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 28, 2016.
2. Use of PayPal Holdings Inc. as Payment Service Provider for BART Perks Pilot Program.
3. Award of Invitation for Bid No. 9003, Scissor Lift.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2016 Third Quarter Financial Report.

Director Saltzman entered the Meeting.

Director Mallett requested that Item 2-B, Use of PayPal Holdings Inc. as Payment Service Provider for BART Perks Pilot Program, be removed from Consent Calendar.

President Radulovich entered the Meeting.

Director Mallett made the following motions as a unit. Director Blalock 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 Meeting of April 28, 2016, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 9003, for the procurement of two scissor lift trucks, to Golden Gate Truck Center, Oakland, California, in the amount of \$592,472.63, including all applicable sales tax, pursuant to notification to be issued by the General Manager.

(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 Saltzman moved that the General Manager be authorized to enter into an agreement with PayPal Holdings, Inc., to serve as the payment service provider to process award incentive payments to participants under the BART Perks Pilot Program through electronic payments that will not exceed \$400,000.00, cumulatively. Director Blalock 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 assumed the gavel and called for Public Comment. No comments were received.

President Radulovich brought the matter of Closed Session – Conference with Labor Negotiators, before the Board. The following individuals addressed the Board.

John Arantes
Sal Cruz
Olivia Rocha

President Radulovich announced that the Board would enter into closed session under Item 4-A (Conference with Labor 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 9:07 a.m.

The Board Meeting reconvened in closed session at 9:09 a.m.

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

Absent: None.

The Board Meeting recessed at 10:11 a.m.

The Board Meeting reconvened in open session at 10:13 a.m.

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

Absent: None.

President Radulovich announced there was no announcement to be made on Item 4-A.

Director Saltzman, Chairperson of the Administration Committee, brought the matters of Resolutions Ratifying Collective Bargaining Agreements with the Amalgamated Transit Union, Division 1555; the American Federation of State, County and Municipal Employees, Local 3993; and the Service Employees International Union, Local 1021, including the BART Professional Chapter, before the Board.

Chris Finn addressed the Board.

Director Murray moved adoption of the following three resolutions as a unit:

Resolution No. 5316, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the Amalgamated Transit Union Division 1555

Resolution No. 5317, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the American Federation of State, County and Municipal Employees, Local 3993

Resolution No. 5318, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the Service Employees' International Union, Local 1021

Director Blalock seconded the motion. The item was discussed.

Starchild addressed the Board.

The motion carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Keller and Mallett.

President Radulovich exited the Meeting.

Director Saltzman brought the matter of Fiscal Year 2017 Preliminary Budget Sources, Uses and Service Plan before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Robert Umbreit, Department Manager, Budget Department; Mr. Dennis Markham, Division Manager, Financial Planning; Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Mr. Paul Oversier, Assistant General Manager, Operations; presented the item.

President Radulovich re-entered the Meeting.

The item was discussed.

The following individuals addressed the Board.

Jerry Grace
Chris Finn

Director Saltzman brought the matter of Independent Auditor's Report on Audit of Federal Awards under the Single Audit Act and OMB Circular A-133 for the Fiscal Year Ended June 20, 2015, before the Board. Ms. Rose Poblete, Controller/Treasurer, presented the item.

President Radulovich announced the Board would recess for 20 minutes, and that the Board would reconvene in open session at the conclusion of that recess.

The Board Meeting recessed at 11:59 a.m.

The Board Meeting reconvened in open session at 12:23 p.m.

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

Absent: None. Directors Josefowitz and Raburn entered the Meeting later.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Kampa International for Rail Damper Assemblies before the Board. Ms. Tamar Allen, Chief Maintenance and Engineering Officer; Mr. Dave Scherer, Principal Track Engineer; and Mr. Oversier presented the item.

Directors Josefowitz and Raburn entered the Meeting.

The item was discussed. Director Saltzman moved that the Board find, pursuant to Public Contract Code section 20227, that Kampa International is the single source for the purchase of rail damper assemblies for the BART system that would duplicate equipment currently in use by the District, and that the General Manager be authorized to negotiate and award a contract to Kampa International for the purchase of rail damper assemblies for an amount not to exceed \$617,844.00, plus applicable taxes. Director Raburn seconded the motion. Discussion continued. Director McPartland requested that the motion be amended to include verification by a seismologist that installation of the rail damper assemblies would not negatively impact rail structures in the event of an earthquake. Directors Saltzman and Raburn accepted the amendment. The motion carried by unanimous electronic vote by the required two-thirds majority. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Agreement with The Allen Group, LLC/Cooper Puggeda Management, Inc., for Districtwide Small Business Supportive Services (Agreement No. 6M5099), before the Board. Ms. Alma Basurto, Principal Analyst, and Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.

Anita Butler

Johnnie Cantor

The item was discussed. The item was continued to a future meeting.

Director Keller exited the Meeting.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Transit Oriented Development Policy Update: Program Evaluation and Discussion of Goals, before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Abigail Thorne-Lyman, Principal Planner, presented the item.

Joel Ramos addressed the Board.

The item was discussed.

LaVerda Allen addressed the Board.

President Radulovich called for the General Manager's Report. Ms. Marcia deVaughn, Deputy General Manager, reported on steps taken by the General Manager and activities and meetings she had participated in and reminded the Board of upcoming events, mentioning in particular BART's participation in Bike to Work Day, and General Manager Grace Crunican's attendance at the American Public Transportation Association's Board of Directors Meeting. Ms. deVaughn congratulated the winners in the 2016 BART Rodeo.

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

Director Raburn reported he had attended two neighborhood meetings regarding the McArthur Station area development.

Director Blalock reported he had attended a WTS conference, a South Bay Engineers Club meeting, a meeting of the South Hayward BART Station Access Authority, and the Alameda County Mayors Conference.

Director McPartland reported he had given a Better BART presentation and attended a meeting of the Altamont Regional Rail working group, and that he would participate on the State's early earthquake warning steering committee.

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Legal Counsel) 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 2:39 p.m.

The Board Meeting reconvened in closed session at 2:42 p.m.

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

Absent: Director Keller.

The Board Meeting recessed at 3:01 p.m.

The Board Meeting reconvened in open session at 3:02 p.m.

Directors present: President Radulovich.

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

President Radulovich announced there was no announcement to be made on Item 11-A.

The Board Meeting was adjourned at 3:02 p.m.

Kenneth A. Duron
District Secretary