

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

Board of Directors  
Minutes of the 1,764th Meeting  
May 26, 2016

A regular meeting of the Board of Directors was held May 26, 2016, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Patricia K. Williams, Assistant, District Secretary.

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

Absent: None. Director Josefowitz entered the Meeting later.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on Fiscal Year 2017 Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Mr. Rob Umbreit, Department Manager, Budget Department, presented the item.

Director Josefowitz entered the Meeting

Mr. Joel Ramos addressed the Board.

There being no further public comment, the Public Hearing was closed.

President Radulovich announced that the following items would be continued to a future meeting: Millbrae Station Transit Oriented Development Update; Closed Session, Conference with Real Estate Negotiators; and Millbrae Station Transit Oriented Development action items.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 12, 2016.
2. Director Mallett's Proposed Travel to Attend the American Public Transportation Association (APTA) Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016.
3. Fiscal Year 2017 Proposition 4 Appropriations Limit.
4. Amendment No. 2 to the Property Exchange and Escrow Instructions Agreement with the City of Fremont for the Warm Springs Extension Project.
5. Award of Invitation for Bid No. 8997, Hanger, Hand Strap.
6. Electric Power Transmission and Distribution Contracts with PG&E.

Director Raburn requested that Item 3-B, Director Mallett's Proposed Travel to Attend the APTA Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016, be removed from Consent Calendar.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. 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. Adoption of Resolution No. 5319, In the Matter of the Establishment of the Fiscal Year 2017 Appropriations Limit.
3. That the General Manager or her designee be authorized to execute Amendment No. 2 to the Property Exchange Agreement and Escrow Instructions with the City of Fremont in connection with the Warm Springs Extension Project.
4. That the General Manager be authorized to award Invitation for Bid No. 8997, for the procurement of Hanger, Hand Strap, to Bentech, for the Bid price of \$311,850.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

(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.)

5. That the General Manager or her designee be authorized to execute bilateral transmission and distribution contracts for a period not to exceed ten (10) years, with the Pacific Gas & Electric Company (PG&E), for the delivery of BART's electric power.

President Radulovich brought the matter of Director Mallett's Proposed Travel to Attend the APTA Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016, before the Board. The item was discussed. Director Murray moved that Director Mallett's travel from June 18 to 22, 2016, to attend the APTA Rail Conference in Phoenix, Arizona, be approved. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Saltzman, and Radulovich. Noes - 1: Director Raburn.

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

Anita Butler  
Johnnie Carter  
LaVerda Allen

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2017 Annual Budget before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, presented the Annual Budget. Mr. Paul Oversier, Assistant General

Manager, Operations; Mr. Timothy Moore, Web Services Manager; and Mr. John Mazza, Assistant Chief, Reliability and Quality, presented the Customer Service Tracking Program. The item was discussed.

Chris Finn addressed the Board.

Discussion continued.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Agreement with Aon Consulting, Inc., for Broker and On-Call Consulting Services for Employee Benefits (Agreement No. 6M4425), before the Board. Ms. Diane Iwata, HR Manager, Employment & Classification, presented the item. Director Raburn moved that the General Manager be authorized to award Professional Service Agreement No. 6M4425 to Aon Consulting, Inc., to provide Broker and On-Call Consulting Services for Employee Benefits to the District, in an amount not to exceed \$2,492,100.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Murray 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 Resolution to Approve the Establishment of a Labor Compliance Program for the Lafayette Station Site Improvements Project before the Board. Mr. Ardis Graham, Office of Civil Rights, presented the item. Director Murray moved adoption of Resolution No. 5320, Resolution to Approve the Establishment of a Labor Compliance Program for the Lafayette Station Site Improvements Project. Director Raburn seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 7: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Josefowitz and Mallett.

Director Saltzman brought the matter of Proposed Title VI Process – BART Silicon Valley Phase I Berryessa Extension Project before the Board. Ms. Rachel Russell, Senior Analyst, and Mr. Thomas Tumola, Program Manager, presented the item. The item was discussed.

Jerry Grace addressed the Board.

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 12:13 p.m.

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The Board Meeting reconvened in open session at 12:43 p.m.

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

Absent: None. President Radulovich entered the Meeting later.

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of 2016 State and Federal Legislation before the Board.

President Radulovich entered the Meeting and assumed the gavel.

Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Analyst, and Mr. Tim Schott, Schott and Lites Advocates Inc., presented the state legislation items. The items were discussed.

Director Saltzman moved the Board support state legislation as recommended by staff, with the exception of AB 1886, and the addition of support for AB 2523, SB 1051, and SB 1107, with AB 1886 to be voted on separately. Director Raburn seconded the motion.

Discussion continued. Director Mallett requested that the motion be bifurcated to vote on AB 1640 separately. The maker and seconder of the motion agreed to the amendment.

Discussion continued. Director Raburn requested that the motion be further divided to vote on AB 1592 separately. The maker and seconder of the original motion agreed to the amendment.

Discussion continued.

Chris Finn addressed the Board.

The main motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Josefowitz moved that the Board support AB 1886. Director Raburn seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Raburn, and Radulovich. Noes – 2: Directors Murray and Saltzman.

Director Keller moved that the Board support AB 1592. Director Murray seconded the motion.

Director Saltzman exited the Meeting.

The motion carried by electronic vote. Ayes – 6: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, and Murray. Noes – 2: Directors Raburn and Radulovich. Absent – 1: Director Saltzman.

Mr. Lee, Mr. Fadelli, and Ms. Emily Bacques, CJ Lake, presented the federal legislative items. The items were discussed. Director Murray moved that the Board support the federal legislation as recommended by staff. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent – 1: Director Saltzman.

Director Raburn brought the matter of Potential 2016 Funding Measure for District Infrastructure Update before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs; and Ms. Lori Lovett, Assistant Chief Mechanical & Engineering Officer – Engineering, presented the

item, consisting of the System Renewal Program Plan 2016 and the BART Safety, Reliability, and Traffic Relief Engineers Report. The item was discussed.

Chris Finn addressed the Board.

Director Raburn brought the matter of Transit Oriented Development Policy Update before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development and Construction; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item.

The following individuals addressed the Board.

Elizabeth Wampler

Joel Ramos

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., for Additional Train Control Switch Machines (C.O. No. 5), before the Board. Mr. Raul Millena, Manager of Train Control Engineering, presented the item. Director Blalock moved that the General Manager be authorized to execute Change Order No. 5, Provision for Additional Train Control Switch Machines, including the Associated Switch Machine Layout Component Parts, Tools, and Hardware for the Switch Machine Equipment, to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., for the amount not to exceed \$1,949,074.20, plus applicable taxes. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent – 1: Director Saltzman.

The Quarterly Performance Report, Third Quarter Fiscal Year 2016 - Service Performance Review, was continued to a future meeting.

President Radulovich announced that the Board would enter into closed session under Item 11-B (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 4:02 p.m.

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The Board Meeting reconvened in closed session at 4:04 p.m.

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

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

Directors Josefowitz and McPartland entered the Meeting.

Director Blalock exited the Meeting.

The Board Meeting recessed at 4:43 p.m.

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The Board Meeting reconvened in open session at 4:45 p.m.

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

Absent: Director Saltzman.

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

President Radulovich called for the General Manager's Report. Ms. Marcia deVaughn, Deputy General Manager, advised the Board that the report would be submitted in a memo.

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

Director Blalock reported he had given a Better BART presentation.

Director Murray requested that staff return by June 9, 2016, with potential maintenance of effort language that might be included in the BART bond for Board discussion. Director Keller seconded the request.

Director Raburn reported he had attended the California Transportation Equity Summit in Sacramento, the California Transit Association legislative session in Sacramento, the Bay Area Council Outlook Conference, and the East Bay Economic Development Alliance meeting.

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

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

The Board Meeting was adjourned at 4:50 p.m.

Patricia K. Williams  
Assistant District Secretary