

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

Board of Directors
Minutes of the 1,766th Meeting
June 23, 2016

A regular meeting of the Board of Directors was held June 23, 2016, convening at 9:08 a.m. in the Board Room, 344 20th 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 called for Introduction of Special Guests. Director Blalock recognized the District's graduates from the Mineta Transportation Institute's Masters in Transportation Management program Alma Basurda, Rachel Russell, and Bernadette Lambert. Director Blalock introduced and welcomed Ms. Basurda and Ms. Lambert. Ms. Basurda and Ms. Lambert addressed the Board. Director Blalock welcomed former Director Carole Ward Allen.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of May 26, 2016, and June 9, 2016.
2. Appointment of BART Police Citizen Review Board Members.
3. Award of Contract No. 15NA-110, BART ADA Pilot Projects, Hearing Loop.
4. Agreement with Kyungmi Shin for Public Art at El Cerrito Del Norte Station (Agreement No. 05HA001-ARTIST.001).

Director Murray 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 Meetings of May 26, 2016, and June 9, 2016, be approved.
2. That the Board of Directors ratify the appointment of the following individuals to the BART Police Citizen Review Board for the term of 2 years that expires on June 30, 2018: Benjamin Douglas, District 1; William White, District 3; Sharon Kidd, District 7; George Perezvelez, District 9; and Cydia Garrett, Public-at-Large; and that the Board ratify the appointment of Cathryn Freitas to the BART Police Citizen Review Board

to fill the vacancy that exists in the seat representing BART District 2, with a term that expires on June 30, 2017.

3. That the General Manager be authorized to award Contract No. 15NA-110, BART ADA Pilot Projects, Hearing Loop, to Exaro Technologies Corporation, for the Bid price of \$219,999.00, 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 or the General Manager's designee be authorized to negotiate and execute Agreement No. 05HA001-ARTIST.001 with Kyungmi Shin (dba Shin-Gray Studio, Inc.) for the design, fabrication and supervision of the installation of a two-mosaic mural at El Cerrito del Norte station, in an amount not to exceed \$180,000.00.

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of West Oakland Station Development: Extension of Exclusive Negotiating Agreement, before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Construction, and Development; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; Mr. Paul Voix, Principal Property Development Officer; and Ms. Hannah Lindelof, Principal Planner, presented the item.

The following individuals addressed the Board.

Alan Dones

Jun Ji

Director Mallett moved that the General Manager or her designee be authorized to extend the Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station, for a period through June 30, 2017. The item was discussed. Director Josefowitz requested the motion be amended to include compliance with the District's Transit Oriented Development Policy and Transit Oriented Development guidelines. Discussion continued. Director Josefowitz made a substitute motion to include compliance with the District's Transit Oriented Development Policy, with discussion with the developer of compliance with the District's Transit Oriented Development future guidelines to occur at a later date. Director Saltzman seconded the substitute motion. Discussion continued. The substitute motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Raburn brought the matter of Systemwide Bicycle Program Update before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed.

Director Raburn brought the matter of Millbrae Station Transit Oriented Development before the Board. Ms. Ellen Smith, Planning Division Manager, and Mr. Brooks gave a presentation on the Project Status Report.

The following individuals addressed the Board.

Michael Van Every
James Ruigomez
Chris Neale
Mike Conklin

The item was discussed. Director Keller moved that after review and consideration of the Final Environmental Impact Report (EIR) certified by the City of Millbrae on February 9, 2016, the Board 1) Adopts the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Transit Oriented Development (TOD) #2 Project; 2) Finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment; 3) Finds that for the significant and unavoidable effects of the TOD #2 Project identified in the Final EIR, specific economic, legal, social, technological or other considerations make mitigation measures or alternatives identified in the EIR infeasible and specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment, as identified in the Final EIR and the Statement of Overriding Considerations; 4) Approves the TOD #2 Project; and 5) Delegates to the General Manager or her designee the decision to approve or disapprove any modifications to the TOD #2 Project as described in the Project Description contained in the Final EIR, based upon the General Manager or her designee's determination that appropriate environmental analysis of such modifications has been performed by the City of Millbrae as lead agency pursuant to the California Environmental Quality Act, and that such environmental analysis concludes that the modifications will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects. Directors Murray and McPartland seconded the motion. Discussion continued. The motion carried by electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes – 2: Directors Josefowitz and Radulovich.

President Radulovich announced that the Board would enter into closed session under Item 12-A (Conference with Real Property 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 12:17 p.m.

The Board Meeting reconvened in closed session at 12:26 p.m.

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

Absent: None.

The Board Meeting recessed at 1:34 p.m.

The Board Meeting reconvened in open session at 1:37 p.m.

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

Absent: None. Directors McPartland and Murray entered the Meeting later.

President Radulovich announced there were no announcements to be made on Item 12-A.

Director Blalock, Vice Chairperson of the Engineering and Operations Committee, brought the following Engineering and Operations Committee items before the Board.

1. Award of Invitation for Bid No. 8990, Trucks, Hirail, Non-Hirail, (Sewer) Vacuum
2. Award of Contract No. 15PJ-130A, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.
3. Change Order to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for Upgrades to the Electrical Distribution and Overcurrent Protection Systems (C.O. No. 5).
4. Change Order to Contract No. 15EK-120, Traction Power Substation Replacement, ASL/KTE Installation, with Aldridge Electric, Inc., for Early Termination of Contract (C.O. No. 2).

Director Murray entered the Meeting.

Director McPartland entered the Meeting and assumed the gavel.

Directors Raburn and McPartland requested that Item 5-B, Award of Contract No. 15PJ-130A, BART Earthquake Safety Program Fruitvale Station and Coliseum Station, be considered separately. Director Keller made the following motions as a unit.

1. That the General Manager be authorized to award Invitation for Bid No. 8990, for the procurement of Trucks, Hirail and Non-Hirail, (Sewer) Vacuum, four each, to Golden Gate Truck Center, Oakland, California, in the amount of \$2,351,974.06, 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.
2. That the General Manager be authorized to execute Change Order No. 5, Electrical and Overcurrent Protection Upgrades, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for an amount not to exceed \$1,300,000.00, with Clark Construction.
3. That the General Manager be authorized to execute Change Order No. 2, Early Termination of Contract, to Contract No. 15EK-120, Traction Power

Substation Replacement, ASL/KTE Installation, for an amount not to exceed \$855,051.00

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.

Director McPartland brought the matter of Award of Contract No. 15PJ-130A, BART Earthquake Safety Program Fruitvale Station and Coliseum Station, before the Board. The item was briefly discussed. Director McPartland moved that the General Manager be authorized to award Contract No. 15PJ-130A, Earthquake Safety Program Fruitvale Station and Coliseum Station, to Federal Solutions Group, Inc., for the Base Bid amount of \$13,446,650.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Highway Administration's requirements related to protests; and that the General Manager be authorized to exercise Option A, Bid Price of \$275,000.00 and Option B, Bid Price of \$375,000.00, subject to availability of funds. 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 McPartland brought the matter of Draft Policy for Enforcement of Ordinance No. 2016-1, Prohibiting Patrons from Utilizing More Than One Seat during Commute Hours, before the Board. Chief of Police Kenton Rainey presented the item. The item was discussed.

President Radulovich 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, and reminded the Board of upcoming events. Mr. Paul Oversier, Assistant General Manager, reported on the recent incident where a small plane crashed in the Hayward Yard. Mr. Oversier briefed the Board on upcoming system maintenance closures. Ms. Crunican reported BART's Maintenance team had performed well at the American Public Transportation Association Rail Rodeo.

President Radulovich called for the Quarterly Report of the Office of the Independent Police Auditor before the Board. Mr. Russell Bloom, Interim Independent Police Auditor, gave the report. The report was discussed.

President Radulovich called for the Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2016. Ms. Rose Poblete, Controller/Treasurer, presented the report.

President Radulovich brought the matter of Supplemental Funding for West Contra Costa High-Capacity Transit Study before the Board. Director Mallett presented the item. The item was discussed. Director Mallett moved that the General Manager or her designee be directed and authorized to coordinate with the West Contra Costa Transportation Advisory Committee (WCCTAC) to financially supplement the West Contra Costa High-Capacity Transit Study for the purpose of adding Alternative 7A, as defined by the study, to the second phase of the alternatives evaluation; and that these funds, which are not to exceed \$125,000.00, be limited in use to costs that are attributable to adding Alternative 7A to the second phase of the alternatives evaluation. Director Keller seconded the motion. Director Murray requested that the motion be amended to include that if WCCTAC does not accept the funding as intended, the funds will be retained by the District. Directors Mallett and Keller accepted the amendment. The amended

motion carried by electronic vote. Ayes – 5: Directors Blalock, Keller, Mallett, McPartland, and Murray. Noes – 4: Directors Josefowitz, Raburn, Saltzman, and Radulovich.

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

Director Raburn reported he had attended the Temescal Street Fest and the Island Jam Street Fest, and that the East Bay Paratransit Service Review Advisory Committee had appointed new members.

Director Saltzman requested a report to the Board on the number of attacks on frontline workers, the reporting process for attacks, and what the District is doing to address these attacks. Director Murray seconded the request.

Director Murray requested a response to the idea of encouraging building in the airspace over stations, as is done in several international transit systems, considering the opportunities, obstacles, and if the idea can be pursued as part of the District's TOD program. Director Saltzman seconded the request.

Director Blalock reported he had attended Diridon Station Area Joint Policy Advisory Board meeting, the graduation event at the Mineta Transportation Institute, and a ribbon-cutting event for Amtrak.

Director Keller reported he had attended the APTA Rail Conference.

Director Mallett reported he had attended the APTA Rail Conference.

President Radulovich called for In Memoriam, and requested that the Meeting be adjourned in honor of the 49 people who had been killed in the Pulse nightclub in Orlando, Florida.

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

The Meeting was adjourned at 3:32 p.m. in honor of the Pulse nightclub victims.

Kenneth A. Duron
District Secretary