

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

Board of Directors
Minutes of the 1,793rd Meeting
July 27, 2017

A regular meeting of the Board of Directors was held July 27, 2017, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Saltzman brought Board Matters before the Board.

General Manager Grace Crunican introduced and welcomed the 2017 American Public Transportation Association International Rail Rodeo Champions: BART Maintenance Team (Michael Gross, James Moon, Gary Crandell) and Train Operator Team (Tenikia Jackson, John O'Connor Jr.), and described the teams' accomplishments at the Rodeo. Ms. Paula Fraser, Assistant Chief Transportation Officer, M-Line, and Mr. Scott Fitzgerald, Assistant Shop Superintendent, Richmond, addressed the Board.

Director Blalock introduced and welcomed the 2017 Mineta Transportation Institute Graduates: Elizabeth Aigbekaen, Rachel Lockett, Shrenik Shah, Marielle Cuison, Kimberly Mahoney, and Rowena Ona.

President Saltzman 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 June 22, 2017, and July 13, 2017.
2. Relocation for the Position of Human Resources Division Manager, Absence Management Programs.
3. Federal Highway Administration Title VI Policy.
4. Award of Contract No. 11KH-110A, 24th and Mission Street Station Crossover Facilities Improvements.
5. Award of Contract No. 11OG-121, Balboa Park Station Wayfinding Improvements.
6. Reject the Single Bid for Invitation for Bid No. 9014, Aerial Lift Trucks.

Director McPartland made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

1. That the Minutes of the Meetings of June 22, and July 13, 2017, be approved.
2. That the General Manager or her designee be authorized, in conformance with established District procedures, to enter into a relocation agreement, in an amount not to exceed \$18,000.00, for the Human Resources Division Manager, Absence Management Programs, in accordance with Management Procedure Number 70, “New Employee Relocation Expense Reimbursement.”
3. That the Federal Highway Administration Title VI Policy be adopted.
4. That the General Manager be authorized to award Contract No. 11KH-110A, Construction of BART’s 24th and Mission Station Crossover Facility Improvements, to Barrera’s Builders, for the Bid Price of \$547,700.00, 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.
5. That the General Manager be authorized to award Contract No. 11OG-121, Balboa Park Station Wayfinding Improvements Project, to LC General Engineering & Construction, Inc., for the Bid price of \$1,334,449.00, pursuant to notification to be issued by the General Manager, and subject to the District’s protest procedures.
6. That the Bid for Invitation for Bid No. 9014, for the procurement of two (2) aerial lift trucks, be rejected, and that the General Manager be authorized to re-advertise the solicitation.

Director Raburn, Chairperson of the Planning and Legislation Committee, brought the matter of West Oakland Transit Oriented Development Exclusive Negotiating Agreement (ENA) before the Board. Mr. Val Menotti, Acting Assistant General Manager, Planning, Development, and Construction; Mr. Paul Voix, Principal Property Development Officer; and Ms. Hannah Lindelof, Principal Planner, presented the item.

The following individuals addressed the Board.

Carole Ward Allen
Alan Dones
Jun Ji
Bruce Beasley
Jabari Herbert
Vernite Naylor
Julia Ma Powers
Ray Kidd

Robyn Hodges
Darrell Ford
Rita Look
Regina Davis

Director Simon moved that the General Manager or her designee be authorized to enter into an amendment to the Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station extending the ENA's term through June 30, 2018, and if necessary, enter into a subsequent amendment to the ENA extending its term through June 30, 2019. Director Dufty seconded the motion. The item was discussed.

Director McPartland made a substitute motion, that the General Manager or her designee be authorized to enter into an amendment to the ENA with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station extending the ENA's term through June 30, 2019. Director Raburn seconded the substitute motion. Discussion continued.

Director Josefowitz requested an amendment to the substitute motion to include a requirement that milestones be met by June 30, 2018, before extending the ENA to June 30, 2019. Discussion continued. Directors McPartland and Raburn withdrew the substitute motion. The original motion carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Raburn brought the matter of Dublin/Pleasanton and West Dublin/Pleasanton Stations Parking Strategy, Advance Environmental Activities, and Planning for Multimodal Access Projects before the Board. Mr. Menotti and Ms. Rachel Factor, Senior Planner, presented the item.

The following individuals addressed the Board.

Tim Sbranti
Cindy Chin
Marianne Payne
Andrew Slivka
Robert Allen
Douglas Boxer
Dave Campbell
Kristi Marleau

The item was discussed. Director McPartland moved that the Board adopt the Phase 2 garage expansion.

Director Allen seconded the motion.

President Saltzman made a substitute motion: that the Board direct staff 1) to advance BART's Hybrid Parking Strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations; 2) to complete planning and environmental work to deliver the hybrid parking strategy at the Dublin/Pleasanton and West Dublin/Pleasanton stations; 3) to work with funding partners and prepare a funding plan; 4) to return to the Board within six months to seek approval of the hybrid parking strategy, the environmental review document and funding plan; 5) to advance planning

for multimodal access projects at the Dublin/Pleasanton station; 6) continue outreach for shared parking opportunities; and 7) provide an update in six months on the progress of access improvements. Director Dufty seconded the substitute motion. Discussion continued. The substitute motion carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Keller, Raburn, and Saltzman. Noes – 4: Directors Allen, Blalock, McPartland, and Simon.

Director Keller, Chairperson of the Operations, Safety, and Workforce Committee, brought the matter of Agreements for General Engineering Services for BART Projects before the Board. Mr. Robert Mitroff, Acting Assistant General Manager, Planning, Development, and Construction, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to award the following Agreements to provide General Engineering Services for BART Projects, in an amount not to exceed \$25,000,000.00 each, 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 protests: Agreement No. 6M8119, with AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture; Agreement No. 6M8120, with HNTB Corporation/FMG Architects, Joint Venture; Agreement No. 6M8121, with Parsons Transportation Group, Inc.; Agreement No. 6M8122, with PGH Wong Engineering, Inc.; Agreement No. 6M8123, with STV Inc.; and Agreement No. 6M8124, with WSP USA Inc. Director Dufty seconded the motion. Discussion continued.

Sylvia Kwan addressed the Board.

The motion carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Keller brought the following Operations, Safety, and Workforce items before the Board as a unit.

1. Award of Contract No. 01RQ-190, Construction of Hayward Maintenance Complex Project Turntable Relocation.
2. Award of Contract No. 15PJ-130B, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.
3. Change Order to Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with Proven Management, Inc. for Time Impact Costs (C.O. No. 92).
4. Change Order to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, for Through-Bolt Connections (C.O. No. 13.1 Part 1).
5. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., for Time Impact Costs and Extension of Time (C.O. No. 90).

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

1. That the General Manager be authorized to award Contract No. 01RQ-190, Construction of the Hayward Maintenance Complex Project Turntable Relocation, to Shimmick Construction Company, Inc., for the total Bid price of \$4,138,000.00, 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 protest procedures.
2. That the General Manager be authorized to award Contract No. 15PJ-130B, Earthquake Safety Program Fruitvale Station and Coliseum Station, to Brosamer and Wall, Inc., for the Bid amount of \$14,115,500.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Highway Administration's requirements related to protests.
3. That the General Manager be authorized to execute Change Order No. 92, Time Impacts from Change Order No. 24 and No. 49, and non-work weather days, in an amount not to exceed \$1,331,000.00, and extend the Contract completion date 147 calendar days, for Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with Proven Management, Inc.
4. That the General Manager be authorized to execute Change Order No. 13.1 Part 1, Through-Bolt Connection – J Hangers, in an amount not to exceed \$1,500,000.00, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture.
5. That the General Manager be authorized to execute Change Order No. 90, Time Impacts from Change Order No. 41 and No. 67, in an amount not to exceed \$1,143,056.00, and extend the Contract completion date by 273 calendar days for Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

President Saltzman announced that the Board would enter into closed session under Item 11-A (Conference with Legal Counsel) and 11-B (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 12:50 p.m.

The Board Meeting reconvened in closed session at 1:03 p.m.

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

Absent: None. Director Raburn entered the Meeting later.

Director Raburn entered the Meeting.

President Saltzman exited the Meeting.

Director Simon exited the Meeting.

The Board Meeting recessed at 2:28 p.m.

The Board Meeting reconvened in open session at 2:29 p.m.

Directors present: Directors Blalock, Dufty, Josefowitz, McPartland, and Raburn.

Absent: Directors Simon and Saltzman. Directors Allen and Keller entered the Meeting later.

Vice President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made.

Vice President Raburn brought the matter of Policy for California Low Carbon Fuel Standard Program Funds before the Board. Ms. Holly Gordon, Sustainability Group Manager, presented the item.

Director Allen entered the Meeting.

The item was discussed. Director Blalock moved adoption of the Low Carbon Fuel Standard Policy and adoption of Resolution No. 5347, In the Matter of Amending Resolution No. 5345 regarding the Fiscal Year 2018 Annual Budget. The motion was seconded, and carried by electronic vote. Ayes – 5: Directors Blalock, Dufty, Josefowitz, McPartland, and Raburn. Noes – 1: Director Allen. Absent – 3: Directors Keller, Simon, and Saltzman.

Director Allen exited the Meeting.

Director Keller entered the Meeting.

Director Josefowitz brought the matter of Fiscal Year 2017 Short Range Transit Plan/Capital Improvement Program before the Board. The item was discussed.

Director Blalock exited the Meeting.

Director Dufty moved that the District's Final Fiscal Year 2017 Short Range Transit Plan/Capital Improvement Program be adopted and transmitted to the Metropolitan Transportation

Commission and Federal Transit Administration as required. Director Josefowitz seconded the motion, which carried by unanimous electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Keller, McPartland, and Raburn. Noes – 0. Absent – 4: Directors Allen, Blalock, Simon, and Saltzman.

Vice President Raburn called for the General Manager’s Report.

Ms. 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.

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

Director Dufty requested that staff report to the Board on establishing a public education campaign at the downtown San Francisco and 16th/Mission Street Stations outlining several initiatives to address rider and public concerns about the impact of homelessness on BART. Director Josefowitz seconded the request.

Director Dufty requested that staff develop recommendations on a transit citizenship educational campaign. Director Josefowitz seconded the request.

Director Dufty requested the Meeting be adjourned in memory of J. Dietrich Stroeh, President of the Golden Gate Bridge Transportation District.

Vice President Raburn called for Public Comment. Jerry Grace addressed the Board.

The Meeting was adjourned at 2:51 p.m. in memory of J. Dietrich Stroeh.

Kenneth A. Duron
District Secretary