

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

Board of Directors
Minutes of the 1,799th Meeting
October 12, 2017

A regular meeting of the Board of Directors was held October 12, 2017, convening at 9:02 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 called for Introduction of Special Guests. President Saltzman requested a moment of silence for the victims of the Las Vegas Shooting and the California Fire Disaster.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of September 14, 2017 (Regular), and September 28, 2017 (Special and Regular).
2. Adoption of a Resolution of Local Support for the One Bay Area Grant Cycle 2 Program for the Embarcadero Station New Platform Elevator and Faregates Project.
3. Audit of Directors' Use of District Property for Fiscal Year 2017.
4. Relocation Assistance for the Position of Deputy Managing Director, Capital Corridor.
5. Establishment of Non-Represented Professional/Management Pay Band 15.
6. Resolution Fixing the Employer's Contribution to the California Public Employees Retirement System Medical Premium for employees represented by Amalgamated Transit Union Local 1555, American Federation of State, County and Municipal Employees, Local 3993, Service Employees International Union Local 1021 and Non-Represented Employees under the Public Employees' Medical and Hospital Care Act.
7. Award of Invitation for Bid No. 9014A, Aerial Lift Trucks.
8. Award of Invitation for Bid No. 9038, Phenolic 6" Conduit.

9. Reject All Bids for Contract No. 01RQ-190, Construction of Hayward Maintenance Complex Project Turntable Relocation.
10. Reject All Bids for Invitation for Bid No. 9035, Fuel.
11. Purchase of Carpet for Joseph P. Bort Metro Center Building, 101 8th Street, Oakland.

Director Josefowitz requested that Item 2-H, Award of Invitation for Bid No. 9036, Armored Trucks, be voted on separately.

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

1. That the Minutes of the Meetings of September 14, 2017 (Regular) and September 28, 2017 (Special and Regular), be approved.
2. Adoption of Resolution No. 5350, In the Matter of Authorizing the Filing of an Application for Funding Assigned to MTC And Committing any Necessary Matching Funds and Stating Assurance to Complete the Project.
3. Audit of Directors' Use of District Property for Fiscal Year 2017.
4. That the General Manager or her designee is authorized to approve employee relocation assistance for the Deputy Managing Director, Capitol Corridor, in accordance with Management Procedure Number 70, "New Employee Relocation Expense Reimbursement", in an amount not to exceed \$18,000.
5. That the General Manager is authorized to establish Non-Represented Professional/Management Pay Band 15, with an annual salary minimum of \$188,013 and a maximum of \$291,424, effective July 1, 2017.
6. Adoption of Resolution No. 5351, In the Matter of Fixing The Employer Vesting Contribution Under Section 22902 Of The Public Employee' Medical And Hospital Care Act For Group 001 AFSCME LOCAL 3993.
7. Adoption of Resolution No. 5352, In the Matter of Fixing The Employer Vesting Contribution Under Section 22892 Of The Public Employee' Medical And Hospital Care Act For Group 001 AFSCME LOCAL 3993.
8. Adoption of Resolution No. 5353, In the Matter of Fixing The Employer Vesting Contribution Under Section 22902 Of The Public Employee' Medical And Hospital Care Act For Group 004 AMALGAMATED TRANSIT UNION.

9. Adoption of Resolution No. 5354, In the Matter of Fixing The Employer Vesting Contribution Under Section 22892 Of The Public Employee' Medical And Hospital Care Act For Group 004 AMALGAMATED TRANSIT UNION.
10. Adoption of Resolution No. 5355, In the Matter of Fixing The Employer Vesting Contribution Under Section 22902 Of The Public Employee' Medical And Hospital Care Act For Group 005 SEIU 1021.
11. Adoption of Resolution No. 5356, In the Matter of Fixing The Employer Vesting Contribution Under Section 22892 Of The Public Employee' Medical And Hospital Care Act For Group 005 SEIU 1021.
12. Adoption of Resolution No. 5357, In the Matter of Fixing The Employer Vesting Contribution Under Section 22892 Of The Public Employee' Medical And Hospital Care Act For Group 006 NON-REPRESENTED EMPLOYEES.
13. Adoption of Resolution No. 5358, In the Matter of Fixing The Employer Vesting Contribution Under Section 22902 Of The Public Employee' Medical And Hospital Care Act For Group 006 NON-REPRESENTED EMPLOYEES.
14. That the General Manager is authorized to Award Invitation For Bid No. 9014A, an estimated quantity contract, for the purchase of two (2) Aerial Lift Trucks to Altec Industries, Inc., Dixon, CA, in the amount of \$427,809.90, including taxes, pursuant to notification to be issued by the General Manager.
15. That the General Manager is authorized to Award Invitation For Bid No. 9038 for Phenolic 6" Conduit to All Industrial Electric Supply for an amount of \$1,592,475.27, pursuant to notification be issued by the General Manager, subject to compliance with the District's Protest Procedure.
16. That the General Manager is authorized to Reject All Bids for Contract 01RQ-190, Construction of Hayward Maintenance Complex Project, Turntable Relocation, and the General Manager is authorized to re-advertise the Contract.
17. That the General Manager is authorized to Reject All Bids for Invitation For Bid No. 9035, for the Procurement of Gasoline, Renewable Diesel Fuel, Red Dyed #2 Diesel Fuel and Diesel Exhaust Fluid (DEF) and the General Manager is authorized to re-advertise the solicitation.
18. That the General Manager is authorized to Award a Contract to Flooring Solutions, of Livermore, CA, in the amount of \$126,443 for the purchase of carpet for the second and third floors of the MET Building.

Invitation for Bid No. 9036, Armored Trucks, was brought before the Board. The item was discussed. Ms. Tamar Allen, Chief Maintenance & Engineering Officer addressed questions posed by Directors.

Director Dufty made the following motion, That the General Manager is authorized to Award Invitation For Bid No. 9036, an estimated quantity contract, for the purchase of six (6) Armored Trucks to Golden Gate Trucks, Oakland, CA, in the amount of \$1,280,715.90, including taxes. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 0:

President Saltzman called for Public Comment. Aleta Dupree and Joanne Shen addressed the Board.

Director Josefowitz, Chairperson of the Finance, Bond Oversight, and Administration Committee, brought the matter of Fiscal Year 2017 Year End Budget Revision before the Board. Ms. Pamela Herhold, Acting Assistant General Manager, Administration & Budgets, Ms. Kate Jordan, Acting Department Manager Financial Planning and Mr. Dennis Markham, Acting Department Manager, Budget, presented the item.

Director Dufty exited the Meeting.

The item was discussed.

Director Dufty re-entered the Meeting.

President Saltzman moved Amendment of Resolution No. 5324 regarding Fiscal Year 2017 Annual Budget and the Adoption of Resolution No. 5359. Directors Raburn and Dufty seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Keller, Chairperson of the Operations, Safety, and Workforce Committee, brought the matter of the Award of Contract No. 15CQ-100, M03 Interlocking Renewal before the Board. Director Dufty moved that the General Manager is authorized to Award Contract No. 15CQ-100, M03 Interlocking Renewal, to ProVen Management Inc. for the Bid Price of \$6,543,210.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. Director Josefowitz seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Keller, brought the matter of the Award of Agreement No. 15CQ-400 for Wheel/Rail Optimization Services before the Board. Mr. Greg Shivy, Principal Track Engineer and Mr. Charles Franz, Vehicle Systems Engineer presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Raburn moved to Award Agreement No. 15CQ-400 for Wheel/Rail Optimization Services to Advanced Rail Management Corporation of Indialantic, Florida for Wheel Rail Optimization Services, for an amount not to exceed \$2,415,041.00, pursuant to notification to be issued by the General Manager. Directors Dufty, Saltzman and Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Keller brought the matter of Change Orders to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction. Drain Connection to Axel Washer and Large Turn Table Parts Washers (C.O. No. 131), Wheel Spinning System Post for Back Shop Lifts (C.O. No. 193) and Lift Design Changes for Back Shop – 66” vs. 60” Maximum Height (C.O. No. 204) before the Board. Director Blalock made the following motions as a unit. Director McPartland 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 General Manager be authorized to execute Change Order No. 131, for Drain Connection to Axel Washer and Large Turn Table Parts Washers, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for an amount not to exceed \$277,000.00
2. That the General Manager be authorized to execute Change Order No. 193, for Wheel Spinning System Post for back shop lifts, to Contract 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for an amount not to exceed \$487,000.00
3. That the General Manager be authorized to execute Change Order No. 204, for lift design changes for back shop – 66” vs. 60” maximum height, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for an amount not to exceed \$262,000.

Director Keller brought the matter of the Revision of Proposed Ordinance to Require Persons inside the Paid Area of BART to Provide Proof of Payment (First Reading). Deputy Chief Lance Haight, BART Police, presented the item.

The item was discussed

Director Josefowitz exited the meeting

Deputy Chief Lance Haight, BART Police and Ms. Tamar Allen, Chief Maintenance & Engineering Officer addressed questions posed by Directors.

Aleta Dupree addressed the Board.

Director Keller brought the matter of Train Control Modernization Program Project before the Board. Mr. Thomas Dunscombe, Mr. Robert Mitroff, Chief Transit System Development Officer, Capital Projects and Ms. Tamar Allen Chief Maintenance & Engineering Officer, presented the item.

The item was discussed.

Director Raburn, Chairperson of the Planning and Legislation Committee, brought the matters of Station Profile Study: Overview of Station-Level Data, before the Board. Mr. Aaron Weinstein, Department Manager, Marketing and Research and Ms. Maureen Wetter, Principal Research Projects Analyst, presented the item.

The item was discussed.

Director Dufty exited the meeting.

Jerry Grace addressed the Board.

President Saltzman 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. She noted the District had successfully Marketing Campaign with the Exploratorium. Mr. Aaron Weinstein, Department Manager, Marketing and Research spoke on success of fieldtrips on BART the support of corporate funding. General Manager, Grace Crunican reported on the District's efforts to support the wildfires in Northern California.

President Saltzman called for the Controller/Treasurer's Report. Ms. Poblete presented the report. The report was discussed.

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

Director Simon requested the meeting be adjourned in memory of Susana Robles Desgarenes, a fatal victim of Domestic Violence.

Director Blalock reported that he had attended the Alameda County and San Joaquin Joint Powers Board, the LGBT Reception and the Alameda County Mayors Conference.

Director Keller reported witnessing the delivery of a New BART Vehicle on the highway in the State of Pennsylvania.

Vice President Raburn reported that he had attended the Greenbelt Alliance Gala and the Sierra Club Gala.

Director McPartland reported that he had attended various meetings to discuss the Draft Environmental Impact Report for BART to Livermore/Isabel.

Director Allen reported that she had attended the Annual APTA Conference and Triennial Expo.

President Saltzman reported that she had attended Rail-volution and noted the BART representation at the Conference in attendance and presenters for workshops.

President Saltzman called for Public Comment. Jerry Grace and Aleta Dupree addressed the Board.

President Saltzman 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 upon conclusion of the closed session.

The Board Meeting recessed at 12:45 p.m.

The Board Meeting reconvened in closed session at 12:55 p.m.

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

Absent: Directors Dufty and Josefowitz.

The Board Meeting recessed at 1:05 p.m.

The Board Meeting reconvened in open session at 1:06 p.m.

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

Absent: Directors Dufty and Josefowitz.

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

The Meeting was adjourned at 1:06 p.m. in memory of the victims of the Las Vegas Shooting, victims of the Northern California Wildfires, and Ms. Susana Robles Desgarenes.

Kenneth A. Duron
District Secretary