

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

BOARD MEETING AGENDA

August 10, 2017

5:00 p.m.

A regular meeting of the Board of Directors will be held at **5:00 p.m.** on Thursday, August 10, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
 - i. Janice Armigo Brown. (Director Raburn's request.)

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of July 27, 2017.* Board requested to authorize.
- B. Fixed Property Tax Rates Fiscal Year 2017-2018 General Obligation Bonds.* Board requested to authorize.
- C. Award of Invitation for Bid No. 9033, M03 Material for Interlocking Track.* Board requested to authorize.
- D. Award Procurement of Gauntlet Track Materials to Voestalpine Nortrak Inc.* Board requested to authorize.
- E. Reject the Single Bid for Contract No. 09AF-111, TBT Cross Passage Doors.* Board requested to reject.
- F. Reject All Bids for Contract No. 15TH-120, Water Intrusion Repair at Train Control Rooms.* Board requested to reject.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. FINANCE, BOND OVERSIGHT AND ADMINISTRATION ITEMS

Director Josefowitz, Chairperson
NO ITEMS.

5. OPERATIONS, SAFETY AND WORKFORCE ITEMS

Director Keller, Chairperson

- A. Local Hazard Mitigation Plan 2017.* Board requested to authorize.
- B. BART Citizen Oversight Model Evaluation Report.* For discussion.

6. PLANNING AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. Memorandum of Understanding with the City of Concord for the Inclusion of the North Concord/Martinez BART Station Property within the Concord Specific Plan to Enable Future Transit Oriented Development.* Board requested to authorize.
- B. Proposed BART Extension to Livermore Update.* For information.
- C. Metropolitan Transportation Commission Proposed Regional Measure 3 Update.* For information. (President Saltzman's request.)

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Office of the Independent Police Auditor. For information.

9. BOARD MATTERS

- A. Removal and Appointment of BART Police Citizen Review Board Members.* (Director Allen's and Director Simon's requests.)
- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

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



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert W. Power</i> 2 Aug 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/11/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Michaela Morales Dept: Controller Treasurer's Office <i>Stephania Morales</i> Signature/Date: 7/24/17	General Counsel <i>[Signature]</i> 7/27/17	Controller/Treasurer <i>Chris Gen</i> 7/31/17	District Secretary []	BARC <i>[Signature]</i> 8-2-17

FIXED PROPERTY TAX RATES FY 2017-18 - GENERAL OBLIGATION BONDS

PURPOSE:

Fixing the rate of property taxes for BART in San Francisco, Alameda and Contra Costa Counties for Fiscal Year 2018 as required by Public Utilities Code Section 29126 to pay for the debt service on the District's General Obligation Bonds.

DISCUSSION:

The net debt service required on the District's General Obligation Bonds for levying the property tax rate during Fiscal Year 2018 is \$51,898,693.49 as determined by BART's financial staff. The District's General Obligation Bonds are composed of two separate measures, Measure AA (Election of 2004) and Measure RR (Election of 2016). The net debt service required on the District's Measure AA (Election of 2004) General Obligation Bonds for Fiscal Year 2018 is \$39,227,343.80 as determined by BART's financial staff. The net debt service required on the District's Measure RR (Election of 2016) General Obligation Bonds for Fiscal Year 2018 is \$12,671,349.69 as determined by BART's financial staff.

The net debt service tax rate required by the District for Fiscal Year 2018 is .0084 percent which equates to \$8.40 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices. The net debt service tax rate required by the District for Fiscal Year 2018 for the Measure AA (Election of 2004) General Obligation Bonds is .0063 percent which equates to \$6.30 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices. The net debt service tax rate required by the District for Fiscal Year 2018 for the Measure RR (Election of 2016) General Obligation

Bonds is .0021 percent which equates to \$2.10 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices.

Last year's tax rate of \$8.00 per one hundred thousand dollars in assessed valuation reflects the Measure AA (Election of 2004) General Obligation Bonds only. This year's tax rate reflects the District's robust assessed valuation growth and the relatively low cost of capital for the new Measure RR (Election of 2016) General Obligation Bonds and the Measure AA (Election of 2004) refunding.

FISCAL IMPACT:

Revenues collected on the basis of the above tax rate will be sufficient for the debt service requirements for the General Obligation Bonds for Fiscal Year 2018.

ALTERNATIVES:

None.

RECOMMENDATION:

It is recommended that the tax rate fixed for Fiscal Year 2018 be approved.

MOTION:

Adopt attached Resolution.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In The Matter of Fixing The Rate of Taxes
For San Francisco Bay Area Rapid Transit
District for Fiscal Year 2017/18

Resolution No. _____

WHEREAS, this Board desires to fix the rate of taxes for the District, for the fiscal year July 1, 2017 to June 30, 2018, and make valid assessments of property and valid levies of taxes in accordance with Public Utilities Code Section 29126; and

WHEREAS, Section 93(c) of the Revenue and Taxation Code authorizes the District to levy an ad valorem property tax in order to produce revenues in an amount equal to the amount needed to make annual payments of principal and interest on the General Obligation Bonds which were approved by over two-thirds vote of the District's voters on November 2, 2004 and November 8, 2016; and

WHEREAS, this Board has determined the tax rate for the District taxes for the counties in the District for the fiscal year 2017/18 from the budget of the District for the fiscal year 2017/18 and from the values of property transmitted to this Board by County Auditors;

NOW, THEREFORE, BE IT RESOLVED that the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2017 to June 30, 2018, is hereby fixed at .0084 percent, which equates to \$8.40 per one hundred thousand dollars of assessed value of property. Per Measure AA, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2017 to June 30, 2018, is hereby fixed at .0063 percent, which equates to \$6.30 per one hundred thousand dollars of assessed value of property. Per Measure RR, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2017 to June 30, 2018, is hereby fixed at .0021 percent, which equates to \$2.10 per one hundred thousand dollars of assessed value of property. AND BE IT FURTHER RESOLVED that the Secretary shall immediately after the effective date of this resolution transmit to the County Auditor of the Counties in which the District is situated a statement of such tax rate. The effective date of this resolution is August 10, 2017.

Adopted: _____

Kenneth A. Duron, District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powner</i> 2 Aug 2017		GENERAL MANAGER ACTION REQ'D:	
DATE: 7/20/2017		BOARD INITIATED ITEM: No	
Originator/Prepared by: David Scherer Dept: Maintenance and Engineering <i>David Scherer</i> Signature/Date: 8/1/17	General Counsel <i>Jim Bagley</i> 8/1/17 []	Controller/Treasurer <i>Chris Gaud</i> 8/1/17 []	District Secretary BARC <i>Paul Crossen</i> 8/2/17 []

M03 Interlocking Track Materials

PURPOSE:

To request Board authorization for the General Manager to award Invitation For Bid No. 9033 to Voestalpine Nortrak, Cheyenne, WY. in the amount of \$1,280,380.50 (includes all taxes) for the purchase of M03 Special Trackwork.

DISCUSSION:

This contract will provide the special trackwork required for the District's replacement of the M03 interlocking including concrete ties, plating, fabrication of switch points and frogs and guard rails, crossties, crossing panels for Maintenance of Way access points No. 5 and 6 and all other components required to rebuild the existing interlocking. The M03 Interlocking is located between MP 0.49 and MP 0.67 on the M Line, between the West Oakland, 12th Street and Lake Merritt Stations. These turnouts will be manufactured using concrete railroad ties which will extend the life of the turnouts; reduce maintenance requirements; and increase reliability and ride quality for patrons.

The District currently has 14 interlockings consisting of 58 turnouts that were installed during the original system construction that need replacement. The interlockings have been prioritized for replacement and the M03 interlocking is the second at-grade ballast interlocking to be replaced.

This is a one (1) year Estimated Quantity Contract. Pursuant to the terms of the District's standard Estimated Quantity Contract, during the term of the contract the District is required

to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to the availability of funding.

A notice requesting bids was published on June 20, 2017. At the same time, this solicitation was also posted on the Vendor Portal. Correspondence was sent four (4) prospective bidders inviting them to view and bid via the portal. Bids were opened on July 11, 2017 and one (1) bid was received.

Bidder

Voestalpine Nortrak

	Description	Unit Price	Qty:	Grand Total including 9.25% Sales Tax
1	Crossover Switch	\$312,315.00	1 EA	\$ 341,204.14
2	Turnout Switch	\$152,563.00	1 EA	\$ 166,675.08
3	Crossing Panels	\$311.00	240 EA	\$ 81,544.20
4	Standard Ties	\$272.00	2000 EA	\$ 594,320.00
5	Switch Machines	\$29,485.00	3 EA	\$ 96,637.08
Grand Total				\$ 1,280,380.50

Independent cost estimate by BART staff: \$ 1,316,200.00.

Pursuant to the Special Provisions, bids were evaluated based on the total bid price. Staff determined that the apparent low bidder, Voestalpine Nortrak, submitted a responsive bid and based on the comparison to the independent cost estimate the bid pricing was fair and reasonable.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this IFB.

FISCAL IMPACT:

Funding of \$1,280,381, including 9.25 % sales tax, for contract award in response to IFB No. 9033 submitted by voestalpine Nortrak is included in the total budget for FMS project #15CQ002- Replace Rails, Ties, Fasteners Ph3 from Bond Measure RR. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this commitment will be expended from a combination of these sources as listed.

As of July 14, 2017, \$617,146,525 is the total budget for this project from the following sources:

Fund Group	Source	Total
Measure RR General Obligation Bonds	BART	616,949,279
BART Operating to Capital Allocation	BART	197,246
Grand Total		617,146,525

BART has expended \$6,221,424, committed \$3,878,678, and reserved \$24,001,544 to date for other project actions. This action will commit \$1,280,381 leaving an available fund balance of \$581,764,498.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject the bid and re-advertise the contract. This is not likely to lead to increased competition or lower prices and would result in delay to the replacement of the existing interlocking which is nearing the end of its useful life.

RECOMMENDATION:

Based on the analysis by staff and certified by Controller-Treasurer that the funds are available for this purpose; it is recommended that the board adopt the following motion.

MOTION:

The General Manager is authorized to award Invitation For Bid No. 9033 for the procurement of Special Track Work to Voestalpine Nortrak for the bid price of \$1,280,380.50 including all taxes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pownall</i> 2 Aug 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/9/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Scherer Dept: Maintenance and Engineering <i>David Scherer</i> Signature/Date: 8/1/17	General Counsel <i>[Signature]</i> 8/1/17 []	Controller/Treasurer <i>Chris Gal</i> 8/1/17 []	District Secretary	BARC <i>Paul Scherer</i> 8/2/17 []

Gauntlet Track Materials

PURPOSE:

To request Board Authorization to authorize a purchase order to Voestalpine Nortrak Inc., of Seattle WA in the amount of \$138,807.41 (includes all taxes) for the purchase of Gauntlet Track Materials

DISCUSSION:

This Contract will provide the special trackwork required for the District's Maintenance & Engineering Department to receive and accept new 800-foot rail deliveries. Dual gage (Gauntlet) track is required to accept Union Pacific standard gage track train deliveries and allow for BART-gage rail vehicles to operate on the standard gage track. This Contract will provide for all the switch components necessary for a dual gage turnout including #10 119RE Rigid Bolted Gauntlet Frog, Frog Plate Package, Switch Plate Package and a Submersible Switch Machine with framework for use in the Hayward Storage Yard.

BART Track Maintenance has constructed the spur track necessary to accommodate the rail train. With the purchase of these track components, Track Maintenance will complete construction of the switch serving this track in preparation for new rail procurement deliveries supporting Measure RR track rehabilitation work.

Three vendors were identified as possible suppliers and each was sent a request for quote on January 20, 2017. Only one (1) valid quote was received, while the two other vendors were unable to provide a quotation due to the requested Gauntlet Track's unique design and current capacities.

<u>SUPPLIER</u>	<u>Unit Price 1 each</u>	<u>Grand Total including Sales Tax</u>
Vostalpine Nortrak Inc.	\$126,476.00	\$138,807.41

Independent cost estimate by BART staff: \$118,700.00

Staff determined that the apparent low quote from, Voestalpine Nortrak Inc. submitted a responsive quotation, based on the comparison to the Independent Cost Estimate.

FISCAL IMPACT:

Funding in the amount of \$138,807, including 9.75% sales tax, for the procurement of Gauntlet Track Materials is included in the total project budget for FMS project #15CQ002 - Rails, Ties, Fasteners. The office of the Controller / Treasurer certifies that funds are currently available to meet this obligation. The following depicts funds assigned to the referenced project and tracks funding history against spending authority. Funds needed to meet this commitment will be expended from a combination of these sources as listed.

As of June 30, 2017, \$617,146,525 is the total budget for this project from the following sources:

<u>FUND GROUP</u>	<u>SOURCE</u>	<u>TOTAL</u>
Measure RR General Obligation Bonds	BART	\$616,949,279
BART Operating to Capitol Allocation	BART	\$197,246
Grand Total		\$617,146,525

BART has expended \$6,222,174, committed \$3,877,928, and reserved \$25,317,744 to date for other actions. This action will commit \$138,807.41 leaving an available fund balance of \$581,589,872.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject the one valid quote and assign staff to research different suppliers that can manufacture and supply this product. Rejection, however, is not likely to lead to increased competition or lower pricing. This will result in delay to the installation of the track.

RECOMMENDATION:

On the basis of analysis by staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award the procurement of Gauntlet Track Materials to Voestalpine Nortrak Inc for the quoted price of \$138,807.41 including all taxes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pearce</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the August 10, 2017 Board Meeting		
DATE: 7/18/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 7/28/17	General Counsel <i>[Signature]</i> 7/30/17 []	Controller/Treasurer <i>Chris G...</i> 7/31/17 []	District Secretary []	BARC <i>[Signature]</i> 7/31/17

Reject the Single Bid for Contract 09AF-111, TBT Cross Passage Doors Replacement

PURPOSE: To request that the Board reject the single Bid for Contract No. 09AF-111, TBT Cross Passage Doors Replacement.

DISCUSSION: The Work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing the cross passage doors that provide emergency egress in the Transbay-Tube (TBT) and the two transition structures including door monitoring sensors, as indicated in the Contract Documents.

This is a Security Sensitive Information Contract. On March 2, 2017, the Advance Notice to Bidders and Invitation to Bid was emailed to 97 prospective Bidders and Invitation to Bid documents were sent to 24 plan rooms. The Contract was advertised on March 2, 2017 in local publications. A total of 3 firms received security clearance and a total of 3 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on May 17, 2017 with 3 prospective Bidders attending. There were three Addenda issued for this Contract.

A single Bid was received and publicly opened on June 27, 2017 as follows:

BIDDER	LOCATION	TOTAL BID
Rodan Builders, Inc.	Burlingame, CA	\$9,089,900.00
Engineer's Estimate		\$5,100,347.00

The construction cost of this Contract is funded with Measure RR bond funds. After an

analysis of the single Bid received, Staff determined that the Bid price is unreasonable.

Staff believes that if the Contract is re-packaged and re-advertised, the District can receive multiple, competitive Bids at prices which are reasonable, more in line with the Engineer's Estimate. For this reason, it would be more prudent use of District's funds if the Bid for this Contract is rejected and the Contract is re-advertised.

FISCAL IMPACT: There is no fiscal impact resulting from rejection of the Bid.

ALTERNATIVES: The alternative is to award this Contract to this single Bidder, at a cost of \$9,089,900. This will result in a substantial increase in the project cost that cannot be justified.

RECOMMENDATION: Adoption of the following motion

MOTION: The Single Bid for Contract No. 09AF-111, TBT Cross Passage Doors Replacement is rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rita M. Poon</i> 4 Aug 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/7/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: District Architect <i>Isaac Lim</i> Signature/Date: 8/03/17	General Counsel <i>Vincent</i> 8/3/17 []	Controller/Treasurer <i>Chun</i> 8/2/17 []	District Secretary	BARC <i>Paul</i> 8/3/17 []

Reject All Bids for Contract No. 15TH-120 Water Intrusion Repair at Train Control Rooms

PURPOSE: To obtain Board authorization to reject all Bids for Contract No. 15TH-120, Water Intrusion Repair at Train Control Rooms

DISCUSSION: This Contract is for the furnishing of equipment, materials and services required to remove and replace roofing at Daly City, Fruitvale, and San Leandro Station train control rooms and to install a waterproofing membrane in the trackway over the Daly City train control room.

The District provided advanced notice to 175 prospective Bidders on May 5, 2017, and Contract Documents were provided to 22 plan rooms and minority assistance organizations on May 5, 2017. The Contract was advertised on May 5, 2017. A total of 14 firms downloaded copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on May 16, 2017, with one prospective Bidder attending the meeting and site tour. On June 27, 2017, two Bids were received:

Bidder	Location	Total Bid
Prime Tech Construction LLC	Auburn, CA	\$500,000.00
Rockridge Builders	Oakland, CA	\$1,298,760.00
Engineer's Estimate		\$843,000.00

The low bid is \$343,000.00 or 40.7% below the Engineer's Estimate and the second low bid is \$455,760.00 or 54.1% higher than the Engineer's Estimate. A detailed evaluation found a large disparity between the bid prices submitted by the bidders and the Engineer's Estimate for the fluid applied waterproofing membrane work in the trackway at Daly

City. The low bidder submitted a bid price of \$37,000 for this item of work and the second low bidder submitted a price of \$529,670, whereas the Engineer's Estimate is \$250,000. Staff believes that the Bidders may have misinterpreted the more complicated and restrictive trackway work area specified in the Bid Documents.

Staff recommends rejection of all Bids. Staff will re-evaluate and further clarify the work requirements in the Bid Documents in hopes of receiving more Bids.

FISCAL IMPACT: There is no fiscal impact resulting from rejection of all Bids.


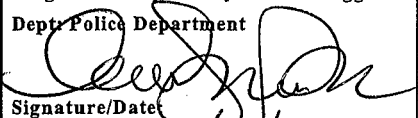
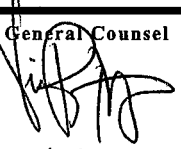

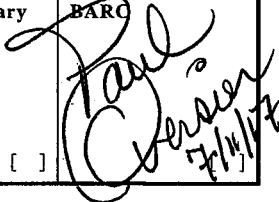
ALTERNATIVES: The alternative is to award this Contract. However, due to apparent ambiguity in the Bid Documents, award may result in exorbitant change requests and/or claims from the Contractor.

RECOMMENDATION: Based on analysis by staff, it is recommended that the Board adopt the following motion:

MOTION: All Bids for Contract No. 15TH-120, Water Intrusion Repair At Train Control Rooms, are rejected.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/29/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Marla Blagg Dept: Police Department  Signature/Date: 7/11/2017	General Counsel  7/11/17 []	Controller/Treasurer  7/11/17 []	District Secretary []	BARC  7/11/17

Resolution Adopting the BART 2017 Local Hazard Mitigation Plan

PURPOSE:

That the BART Board approve a Resolution adopting the 2017 San Francisco Bay Area Rapid Transit Local Hazard Mitigation Plan, set forth in its report.

DISCUSSION:

In the late 1990's, the Federal Emergency Management Administration (FEMA) changed its disaster-response-driven system to a proactive hazard risk reduction management system.

The Disaster Mitigation Act of 2000 (DMA), provides an opportunity for states, tribes, and local governments to identify innovative strategies to hazard mitigation planning. The DMA also created a Hazard Mitigation Grant Program (HMGP), making funds available for the development of plans or for hazard mitigation projects. Hazard Mitigation is defined as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event.

The Board previously adopted the 2010 Update to the 2005 Association of Bay Area Governments (ABAG) "Taming Natural Disasters" Districts' Local Hazard Mitigation Plan Annex. In 2016, ABAG no longer maintained a Regional Local Hazard Mitigation Plan for Cities, Counties, and Special Districts. Therefore, utilizing previous information from the ABAG plan, BART updated our Local Hazard Mitigation Plan in 2017 and submitted it to FEMA for approval. An approved Local Hazard Mitigation Plan will provide the District with eligibility to seek pre-disaster mitigation grant funding. The District was previously successful in obtaining \$9 million in grants to fund three different seismic projects.

On June 2, 2017, FEMA completed their review of the BART Local Hazard Mitigation Plan and determined that our plan is eligible for final approval pending adoption by the Board.

Formal adoption documentation must be submitted to FEMA Region IX office within one calendar year from the date of eligibility, or the entire plan must be updated and resubmitted for review. FEMA requires the formal adoption of the plan prior to receiving any grant funding. Therefore, to be eligible to seek 2017 grant funding, the Board is required to adopt the 2017 Local Hazard Mitigation Plan. In connection with the Plan, the District has submitted a Notice of Intent (NOI) to FEMA to seek three million dollars in future grant mitigation funding (FY 17/18). This Resolution must be adopted in order to secure this funding.

FISCAL IMPACT:

Adoption of the Resolution will not result in any specific expenses for BART but will allow BART to be eligible for FEMA funding for the next five years. If this Resolution is not approved, the District will not be eligible to apply for future grant mitigation funding. In addition, in the event of a natural disaster, there could be significant fiscal impacts to the District which could be avoided or reduced if the District takes steps to adopt this plan.

ALTERNATIVES:

Take no action - In the event that BART does not adopt the 2017 LHMP, it will not be eligible to receive FEMA grant funding for future mitigation projects, until the District has an approved Plan. The District may also be impacted fiscally with reduced FEMA reimbursements through post-disaster funding.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

For the Board to adopt the Resolution adopting the 2017 BART Local Hazard Mitigation Plan.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the Matter of Adopting the 2017
San Francisco Bay Area Rapid Transit
Local Hazard Mitigation Plan

Resolution No. ####

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, landslides, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards such as wildfires, floods, and landslides; and

WHEREAS, the San Francisco Bay Area Rapid Transit District (hereafter referred to as the District) recognizes that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, the District seeks to maintain and enhance both a disaster-resistant District and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the District is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems within the District; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires all cities, counties and special districts to have an adopted Local Hazard Mitigation Plan in order to be eligible to receive disaster mitigation funding from FEMA; and

BE IT RESOLVED that the District adopts and accepts the 2017 BART Local Hazard Mitigation Plan as its Local Hazard Mitigation Plan.

BE IT FURTHER RESOLVED That the District commits to continuing to take those actions and to initiating further actions, as deemed appropriate, and as set forth in the District Local Hazard Mitigation Plan.

Adopted, August 10, 2017



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 2 Aug 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/30/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ian Griffiths Dept: Planning, Development & Construction	General Counsel 	Controller/Treasurer <i>Chia Gan</i> 8/2/17	District Secretary	BARC 8.2.17
Signature/Date: 8/2/2017	8/2/17 []	8/2/17 []	[]	[]

MOU with the City of Concord for the inclusion of the North Concord/Martinez BART Station property within the Concord Reuse Project Specific Plan

PURPOSE: To authorize the General Manager to execute a Memorandum of Understanding (MOU) between BART and the City of Concord for the inclusion of the North Concord / Martinez BART Station property within the Concord Reuse Project Specific Plan and Infrastructure Master Plan to enable future transit-oriented development.

DISCUSSION:

The North Concord / Martinez BART station (Station), which opened in 1995, occupies approximately 18 acres of land and includes 1,977 surface parking spaces (BART Property). The Station is located adjacent to the 5,028-acre former Concord Naval Weapons Station (CNWS), which was closed in 2005. Following the base closure, the City of Concord undertook a seven-year community-based visioning process for the CNWS and BART's property. BART participated in this process, culminating in the adoption of the Concord Reuse Project (CRP) Area Plan in 2012. The Area Plan details the community's vision for the CNWS and BART property. The Area Plan envisions the BART Property and land within half a mile of the Station being developed over time as a mixed use, walkable transit-oriented community and employment center. The Area Plan's treatment of the BART Property is generally consistent with BART's adopted TOD policy.

In January 2014 the City of Concord issued a request for qualifications (RFQ) for a master developer to develop the first 500-acre phase of the Area Plan. BART staff participated on the Technical Evaluation Committee and selection committee for the RFQ process. In May 2016, the City selected Lennar/Five Points (Lennar) as the master developer. The City

entered into an agreement with Lennar whereby Lennar would complete a Specific Plan and an Infrastructure Master Plan for the full developable portion (approximately 2,300 acres) of the former CNWS property. This arrangement excluded the BART Property. The Specific Plan process began in January 2017 and two community workshops have already been conducted.

Consistent with BART's TOD policy, BART intends to undertake a competitive selection process to identify a developer to develop the BART Property. In anticipation of a future RFQ for developers, BART staff recommends that the BART Property be added to the area being assessed through the ongoing Specific Plan and Infrastructure Master Plan processes for the following reasons:

- Participating in the Specific Plan will prepare the BART Property for TOD
- A single Specific Plan process will be less confusing and time-consuming for local communities
- Planning and environmental approval for TOD on BART Property can be streamlined by leveraging the ongoing Specific Plan
- An integrated vision of the entire Station Area is more likely to optimize station access and placemaking over the long term
- Significant efficiencies in building backbone infrastructure including roads and sewers could be realized through participating in the Infrastructure Master Plan

This effort is consistent with the adopted TOD Policy, which states that BART will "Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole."

In order for the BART Property to be added to Specific Plan and Infrastructure Master Plan, which is being funded by Lennar under an agreement between Lennar and the City of Concord, an MOU between the City of Concord and BART has been developed with the following proposed terms:

- Lennar and the City would create a development concept for BART's property as part of the overall Specific Plan, including assessing potential environmental impacts of the development in the City CEQA document. BART would have the ability to provide significant input into the development concept.
- The development vision would be guided by the goals for development outlined for BART Property in the CRP Area Plan, which categorizes BART Property within the "Transit-Oriented District Core" designation, as well as BART Policies and Guidelines.
- Reimbursement to the City for the expense of the additional work arising from inclusion of BART Property within the Specific Plan is subject to BART entering into an agreement (the "BART Developer Contract") with a Developer selected pursuant to

a competitive RFQ process. The schedule for reimbursement payments from BART's developer to the City would be identified in BART's development RFQ.

- BART's pro-rata share of eligible reimbursable costs will be calculated based on the proportionate share of development on the BART Property as compared to the rest of the Specific Plan Area.
- BART is not obligated to make any payments to the City. The obligation for a Developer to repay the City of Concord shall expire in fifty years if no BART Developer Contract is entered into or if the Specific Plan ultimately does not include the BART Property.
- The MOU would automatically terminate if the proposed Specific Plan and City CEQA Document have not been approved or certified by the Concord City Council by July 31, 2022.

If this motion is approved, the following should occur within the next six months:

- The City and BART will establish a staff technical advisory committee comprised of an equal number of City and BART representatives to direct plan development and resolve technical BART-property-related issues
- The City will include BART property within site plans presented and discussed at the next community workshop planned for September 2017
- BART staff will advance an RFQ solicitation for developers for the North Concord/Martinez Station

FISCAL IMPACT: BART staff time will be involved in the preparation and review of the Specific Plan, and is covered under the adopted FY18 budget. When BART enters into a BART Developer Contract with a Developer for the development of the BART property, the BART Developer Contract will specify that the Developer is obligated to pay the City for BART's pro rata share of the reimbursable costs. Therefore, entering into an MOU with the City of Concord will result in no direct fiscal impact to BART, other than staff time.

ALTERNATIVES: Do not participate in the City's Specific Plan process and instead undertake a separate specific plan and CEQA document process in order to pursue transit-oriented development at the BART Property in the future. This option is believed to be more costly and time-consuming for any future developer BART might partner with than participating in the City's Specific Plan as it would require duplication of efforts, such as community outreach, already being undertaken by the City and its developer.

RECOMMENDATION:

Adopt the following motion:

MOTION: The General Manager or her designee is hereby authorized to execute a

MOU with the City of Concord for the inclusion of the North Concord/Martinez BART Station property within the Concord Reuse Project Specific Plan

Memorandum of Understanding with the City of Concord to include the North Concord/Martinez BART Station within the Concord Reuse Project Specific Plan and Infrastructure Master Plan.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

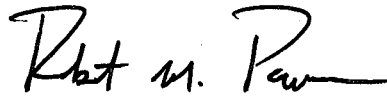
TO: Board of Directors


DATE: August 4, 2017

FROM: General Manager

SUBJECT: Regional Measure 3

As you are aware, the Metropolitan Transportation Commission (MTC) is sponsoring a state bill authorizing it to place a potential bridge toll increase (called Regional Measure 3) on a future statewide ballot. Senate Bill 595 (Beall) has recently been amended to include a potential expenditure plan, and, at its recent meeting in July, MTC has approved a request to add seven new amendments to the bill. In addition, several local agencies have requested major changes to the proposed expenditure plan. At the board meeting on August 10, staff will review the bill's current status and discuss next steps.



 Grace Crunican

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: August 4, 2017

FROM: Independent Police Auditor

SUBJECT: Ratification of BART Police Citizen Review Board Members

Chapter 2-02 of the BART Citizen Oversight Model (Model) provides that each BART Director shall appoint one BART Police Citizen Review Board (BPCRB) Member. The recently elected BART Directors representing Districts 1 and 7 seek to replace the current BPCRB appointees with Kenneth Loo and Aman Sebahtu, respectively. The proposed motions below would remove the current District 1 and 7 appointees from the BPCRB and ratify the appointments of Mr. Loo and Mr. Sebahtu, who would each complete the term of service that ends on June 30, 2018. Both would be eligible for reappointment, pending ratification, to a full two-year term thereafter. Information about Mr. Loo and Mr. Sebahtu accompanies this memorandum.

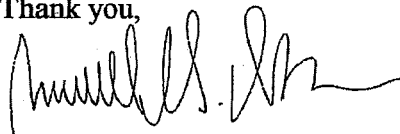
In light of the selection of Mr. Loo and Mr. Sebahtu by Directors Simon and Allen, please find below two proposed motions for your consideration.

Proposed Motions:

- a. The Board of Directors resolves to remove the BPCRB appointees currently representing Districts 1 and 7.
- b. The Board of Directors ratifies the appointment of the following individuals to the BPCRB with a term that expires on June 30, 2018:

*Kenneth Loo – District 1
Aman Sebahtu – District 7*

Thank you,



Russell G. Bloom

Attachments

cc: Board Appointed Officers

OVERVIEW: Over 20 years of experience working with the general public and government agencies of all levels in emergency management including public safety and private security.

PROFESSIONAL EXPERIENCE:

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT, 2002 - PRESENT
Fire Captain –
AMERICAN RED CROSS, 1997 – March 2015
Health & Safety Instructor –
INTERNATIONAL TRADE AND INVESTMENT OFFICE, Academic years 1998 - 1999
Assistant, Environmental Trade and Export Program –
VANTIVE CORPORATION (Currently part of ORACLE), Summer of 1998 and 1999
Accountant –

EDUCATION:

California State University, San Jose
TEACHING CREDENTIALS, 2009
Adult Education – Safety

California State University, Long Beach
MASTERS OF SCIENCE DEGREE, 2007
Emergency Service Administration

University of California, Davis
BACHELOR OF ARTS DEGREE, 2000

- *Mare Island Reuse Plan*, Co-Authored
Assisted with an academic report of possible reuse plans for Mare Island after the military based closed and the property was to be civilianized and taken back by local government.
 - *Cal Aggie Newspaper*, Reporter
Formed Interview and Writing Skills on Daily Deadlines
 - *Environmental Policy & Planning Commission*, Commissioner
Reviewed environmental impact policies for the campus as directed by the Associated Student Body.
-

PROFESSIONAL CERTIFICATION / AFFILIATIONS:

- USFA Finance/Administration Section Chief (FEMA)
 - USFA Incident Management Team – Type III (FEMA)
 - Emergency Management Specialist (CSTI)
 - Emergency Management: Earthquakes, Disaster Recovery, Disaster Mitigation (CSTI)
 - Emergency Planning (FEMA)
 - Emergency Medical Technician (EMT-1)
 - Safety Officer (CSFM)
 - Multiple P.O.S.T. courses
 - American Heart Association Basic Life Support (CPR/AED) Instructor
 - Incident Command Systems - Advanced
-

INTERESTS:

- International Travel “off the beaten path” - +31 countries
- SCUBA Diving
- Teaching (including for non-profits such as Larkin Street Youth and New Parent Groups)
- Volunteering for various local non-profits
 - Leukemia & Lymphoma Society (Fundraiser – over \$20K)
 - American Red Cross / American Heart Association (Instructor)
 - American Lung Association (Firefighter Stair Climb Team – Group Leader)

AMAN SEBAHTU

PROFESSIONAL EXPERIENCE

National Council on Crime and Delinquency, Oakland, CA January 2017 - Present

Community Violence Prevention Program Manager

Promotes and implements innovative and equitable solutions to foster the well-being of youth, families, and communities through research, technical assistance, and collaborative initiatives. Develops research and training to build community capacity to meaningfully collaborate with system stakeholders to improve outcomes for youth and communities of color. Manages a portfolio of community driven violence prevention research and initiatives. Supports the federal monitoring of the Los Angeles County Sheriff's Department (LASD) and oversees LASD's compliance with the community engagement requirements of its settlement agreement with the Department of Justice. Additional responsibilities include fundraising, strategic planning, and supervision of staff.

The W. Haywood Burns Institute, Oakland, CA July 2015 - January 2017

Site Manager

Lead community and criminal justice system stakeholders through a data-driven, consensus-based process designed to identify and change policies and practices that contribute to racial disparities in criminal justice systems across the country. Provided technical assistance to public agencies and community based organizations on best practices related to community based alternatives to incarceration. Managed site teams and served as lead for all evaluations, conference presentations, workshops, community forums, and trainings.

Office of African American Male Achievement, OUSD, Oakland CA June 2014-June 2015

Strategic Plan Development Team, Khepera Consulting

Worked with team of AAMA staff and education policy experts to develop new strategic plan for AAMA. Conducted interviews of various key stakeholders including community members, district administrators, funders, school board members, educators, and students to collect information on best practices and areas of improvement. Made recommendations to the strategic plan based on research of best practices and themes that emerged from qualitative data collection. Contributed to two publications: "The Black Sunrise: Oakland Unified School District's Commitment to Address and Eliminate Institutional Racism" and "Lean Into the Wind: Emerging Themes and Strategic Recommendations for AAMA 2.0".

Sacramento City Unified School District, Sacramento, CA July 2013- Feb 2014

School Discipline Policy Consultant, Khepera Consulting

Facilitated development of new school discipline policy. Responsibilities included researching and briefing a diverse stakeholder task force on state and national trends and current best practices in school policy reform including restorative justice, Positive Behavior Interventions and Supports (PBIS), Social Emotional Learning (SEL), and Culturally Responsive Classroom Management. Incorporated feedback from community and task force members that informed discipline policy proposal for district leadership.

Law Office of Aman Sebahtu, Oakland, CA Dec 2011-July 2015

Attorney

Drafted and reviewed various contracts. Filed complaints, handled negotiations, prepared

AMAN SEBAHTU

briefs for arbitration, and reached settlements on behalf of employees in labor disputes. Made numerous special appearances on behalf of other attorneys in criminal, civil, and family court preliminary hearings. Represented clients in personal injury lawsuits.

EDUCATION

University of San Francisco School of Law, San Francisco, CA

Juris Doctor, May 2010

Best Oral Argument Award Winner, 2008 Moot Court Competition

Public Interest Law Certificate Recipient *with Distinction*

Haitian Refugee Temporary Protected Status Project Lead, March 2010

Teacher, Street Law Program at Berkeley High School, January – May 2009

Research Assistant, Professor Rhonda Magee, August 2009-May 2010

Emory University, Atlanta, GA

Bachelor of Arts, Spring 2007

Major - Sociology; Minor - African American Studies

Dean's Honor List: Fall 2006, Spring 2007

BAR ADMISSION

California State Bar, 2011

BOARD MEMBERSHIP

The Brotherhood of the Elders Network, 2015-Present

The Mentoring Center, 2016-Present

City of Oakland Blue Ribbon Commission on Violence Prevention, July 2017-present