

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

Board of Directors
Minutes of the 1,779th Meeting
January 12, 2017

A regular meeting of the Board of Directors was held January 12, 2017, convening at 9:03 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, Raburn, Saltzman, and Simon.

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

Director Josefowitz entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of December 15, 2016.
2. District Base Pay Schedule.
3. Agreement with Crown Building Maintenance Co., Inc. (dba Able Building Maintenance Company), for Carpet Cleaning Services for the District's Administrative Offices and District Board Room (Agreement No. 6M4510).
4. Award of Invitation for Bid No. 9019, Windows, Complete Assembly, C-Car Cab.
5. 2017 Special Appointments.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 7: Allen, Blalock, Dufty, Josefowitz, Raburn, Simon, and Saltzman. Noes - 0. Absent – 2: Directors Keller and McPartland.

1. That the Minutes of the Meeting of December 15, 2016, be approved.
2. That the base pay schedule in effect January 1, 2017, be approved.
3. That the General Manager be authorized to award Agreement No. 6M4510, for carpet cleaning services, to Crown Building Maintenance Co., Inc. (dba Able Building Maintenance Company), including the exercise of options to renew the Agreement for two (2) additional one (1) year periods, for a total compensation amount not to exceed \$163,862.00,

pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

4. That the General Manager be authorized to award Invitation for Bid No. 9019 to John Marron & Associates, of Danville, California, for the Bid price of \$334,224.00, including sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

5. That the Special Appointments for 2017 be ratified.

President Saltzman called for Public Comment.

Director McPartland entered the Meeting.

The following individuals addressed the Board.

Lea Grundy
Sherry Hirota
Joshua Simon
Ivan Jimenez

President Saltzman, Chairperson of the Administration Committee, brought the matter of Title VI Civil Rights Program 2016 Triennial Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights; Ms. Sharon Moore, Program Manager, Workforce and Policy Compliance; and Ms. Seema Parameswaran, Senior Administrative Analyst, presented the item. The item was discussed. Director McPartland moved that the Board approve the District's Title VI Civil Rights Program 2016 Triennial Update. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 8: Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Keller.

President Saltzman brought the matter of Disparity Study Findings and Recommendations and Disadvantaged Business Enterprise Program Update before the Board. Mr. Wong presented the item.

The following individuals addressed the Board.

Greg Roja
Virgilio Talao
Darrel Carey
Mark McClure
Charissa Frank
Walter Allen
Eleanor Ramsey
Chi-Hsin Shao
Ming-Chen Yu

Alex Chiu
Shonda Scott
John Arantes
Sebastian Wong
Juliana Choy Sommer
Myles Stevens
Angelito Magbitang
Alpha J. Buie
Charlie Walker
LaVerda Allen
Nadir Bey
Henry Chang
Martin Lee
Gboygga Aladegbami

The item was discussed.

Sherry Williams addressed the Board.

Discussion continued. Director Raburn moved adoption of Resolution No. 5330, In the Matter of Adopting Findings and Modifying BART's Disadvantaged Business Enterprise Program; approval of the modifications to the Disadvantaged Business Enterprise (DBE) Program; and that the General Manager be authorized to approve the DBE Program documents. Director Blalock seconded the motion.

Ali Alaha addressed the Board.

Discussion continued. Director Raburn amended the motion to remove the following component of the DBE Program, with the item to return to the Board at a future meeting.

In Architectural and Engineering, professional services and other services, the District will require that the DBE goal be met through participation of DBE subconsultants, even if the prime consultant is a DBE.

Director Blalock accepted the amendment. The amended motion carried by roll call vote. Ayes – 5: Directors Blalock, Dufty, McPartland, Raburn, and Simon. Noes – 3: Directors Allen, Josefowitz, and Saltzman. Absent – 1: Director Keller.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EJ-150, 34.5 kV Cable Replacement A-Line ANA-ACO Substations, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Victor Austria, Senior Electrical Engineer, Maintenance and Engineering, presented the item.

John Arantes addressed the Board.

The item was briefly discussed. Director Allen moved that the General Manager be authorized to award Contract No. 15EJ-150, 34.5 kV Cable Replacement A-Line ANA-ACO Substations, to Blocka Construction, Inc., in the amount of \$5,325,500.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and

Federal Transit Administration's requirements related to protest procedures. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 8: Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Keller.

Director McPartland brought the matter of Award of Contract No. 15LK-120, Escalator Renovation Project, before the Board. Mr. Robert Mitroff, Chief Planning and Development Officer, presented the item.

Jerry Grace addressed the Board.

The item was discussed. Director Josefowitz moved that all bids for Contract No. 15LK-120 be rejected. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 8: Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Keller.

Director McPartland brought the matter of Award of Contract No. 15LK-130, Street Entry Canopy, Powell Street and Civic Center Stations, before the Board. Mr. Mitroff and Mr. Tim Chan, Manager of Planning, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15LK-130, Street Entry Canopy, Powell Street and Civic Center Stations, to SilMan Construction, for the Bid price of \$4,444,910.00, pursuant to notification to be issued by the General Manager; and that the General Manager be further authorized to exercise the Option subject to certification from the Controller/Treasurer of funding availability. Director Josefowitz seconded the motion, which carried by unanimous acclamation. Ayes – 8: Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Keller.

President Saltzman announced that the order of agenda items would be changed, and brought the matter of Proposed Revision to Rules of the Board of Directors, Section 3, Committees, Number and Functions, before the Board. The item was discussed. President Saltzman moved that the Board adopt the proposed Board Rules revisions to the Rules of the Board of Directors: Chapter III Board Meetings and Committees, Section 3. Committees for the period of February through June 2017. Director Josefowitz seconded the motion, which carried by roll call vote. Ayes – 7: Allen, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Blalock. Absent – 1: Director Keller.

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 12:46 p.m.

The Board Meeting reconvened in closed session at 12:56 p.m.

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

Absent: Directors Josefowitz and Keller. Directors Dufty and McPartland entered the Meeting later.

Directors Dufty and McPartland entered the Meeting.

The Board Meeting recessed at 1:09 p.m.

The Board Meeting reconvened in open session at 1:13 p.m.

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

Absent: Directors Josefowitz and Keller. Director Allen entered the Meeting later.

President Saltzman announced that the Board had concluded its closed session on Item 11-A and that there were no announcements to be made.

Director McPartland brought the matter of Sole Source Procurement with Wabtec Corporation for Coupler Yokes before the Board. Mr. Benjamin Holland, Manager of Vehicle Systems Engineering, presented the item. The item was discussed. Director Blalock moved that the Board find, by a two-thirds majority vote, pursuant to Public Contract Code section 20227, that Wabtec Corporation is the sole source supplier for the procurement of the coupler yoke, and that the purchase is for the sole purpose of duplicating or replacing equipment already in use; and that the General Manager be authorized to enter into direct negotiations with Wabtec Corporation to execute an agreement for the purchase of yokes in an amount not to exceed \$760,000.00, including all taxes. President Saltzman seconded the motion, which carried by unanimous acclamation by the required two-thirds vote. Ayes – 7: Directors Allen, Blalock, Dufty, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 2: Directors Josefowitz and Keller.

Director McPartland brought the matter of Change Orders to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, before the Board. Mr. Thomas Horton, Group Manager, Hayward Maintenance Complex, presented the item. The item was discussed. Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Dufty, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 2: Directors Josefowitz and Keller.

1. That the General Manager be authorized to execute Change Order No. 58, revised motor control center units and mechanical equipment power, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for an amount not to exceed \$300,000.00.
2. That the General Manager be authorized to execute Change Order No. 61.1, switchboard “A” secondary electrical feeders replacement in Hayward Main Shop, to Contract No. 01RQ-110, Hayward Maintenance

Complex Project Maintenance Facilities, for an amount not to exceed \$900,000.00.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Five Year Lease at 101 8th Street with East Bay Asian Local Development Corporation and Asian Health Services before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item.

Dang Suh addressed the Board.

President Saltzman moved that the General Manager or her designee be authorized to complete negotiations and execute the following lease agreements relating to space on the first floor of the Joseph P. Bort Metro Center Building, 101 8th Street, Oakland, California, and to take any other actions necessary in connection with the execution of said lease agreements: 1) Lease Agreement with Asian Health Services for the Suite 100 space of approximately 14,908 square feet and the Library space of approximately 2,336 square feet; and 2) Lease Agreement with East Bay Asian Local Development Corporation for the cafeteria space of approximately 3,119 square feet. Director Raburn seconded the motion. The item was discussed.

Director McPartland exited the Meeting.

The motion carried by roll call vote. Ayes – 5: Directors Blalock, Dufty, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 3: Directors Josefowitz, Keller, and McPartland.

Director Raburn brought the matter of Metropolitan Transportation Commission Regional Measure 3 Update before the Board. Ms. Deidre Heitman, Manager, Special Projects, and Ms. Rebecca Long, Metropolitan Transportation Commission Manager of Government Relations, presented the item. The item was discussed.

President Saltzman called for the General Manager's Report. Acting Deputy General Manager Robert Powers reported on steps the General Manager had taken and activities and meetings she had participated in, and reminded the Board of the upcoming annual Dr. Martin Luther King Jr. celebration.

President Saltzman called for the Quarterly Report of the Office of the Independent Police Auditor. Mr. Russell Bloom, Independent Police Auditor, presented the report and introduced Mr. Patrick Caceres, Independent Police Investigator. Mr. Caceres addressed the Board.

Director Saltzman called for Board Member Reports and Roll Call for Introductions.

Director Dufty requested recognition for Officer Christopher Evola at a future Board Meeting.

Director Dufty reported he and Director Simon had met with Keith Garcia, President of the BART Police Officers' Association.

Director Dufty suggested the District develop a program of visiting high schools to engage young people and educate them on the wonders of BART, both as a means of transportation and

as a potential future employer, as well as educating them on proper behavior and inspiring them to respect the system and its employees.

President Saltzman requested a public service announcement campaign on trains and in stations to educate the public about how to respond to situations on transit and respect each other. Director Dufty seconded the request.

President Saltzman called for In Memoriam, and noted that a request had been made to adjourn the meeting in honor of Sergeant Tommy Smith.

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

The Board Meeting was adjourned at 2:50 p.m. in memory of Sergeant Tommy Smith.

Kenneth A. Duron
District Secretary