

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

Board of Directors
Minutes of the 1,781st Meeting
February 9, 2017

A regular meeting of the Board of Directors was held February 9, 2017, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California; and Roosevelt Hotel, 45 45th Street, New York, New York. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Director present in New York: Director Dufty.

Absent: None.

Director McPartland introduced and welcomed Dublin Vice Mayor Don Biddle.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 12, 2017, and January 25 and 26, 2017.
2. Resolution Authorizing the General Manager to Execute Amendments to Northern California Power Agency Agreement in Order to Add New Members.

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

1. That the Minutes of the Meetings of January 12, 2017, and January 25 and 26, 2017, be approved.
2. Adoption of Resolution No. 5331, In the Matter of Amending the Amended and Restated Northern California Power Agency Joint Powers Agreement in Order to Add New Parties and Members.

President Saltzman called for Public Comment.

The following individuals addressed the Board.

Doug Boxer
Shirley Johnson
Jon Spanger
Edie Irons

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

Director Raburn, Chairperson of the Planning Committee, brought the matter of Sole Source Procurement with eLock Technologies for Electronic Bike Lockers and Maintenance Agreement before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed. Director McPartland moved that the Board find, by two-thirds majority vote, pursuant to Public Contract Code section 20227, that eLock Technologies is the sole source supplier for 20 locker quads, modernization of existing lockers, expansion of the Clipper ® demonstration, and a service agreement to provide on-going maintenance to District-owned lockers; and that the General Manager be authorized to enter into direct negotiations with eLock Technologies to execute an agreement in an amount not to exceed \$495,579.00. President Saltzman seconded the motion, which carried by unanimous roll call vote by the required two-thirds majority. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director Raburn brought the matter of Tri-Valley Transportation Activities Update before the Board. Mr. Val Menotti, Acting Assistant General Manager, Planning, Construction and Development, and Mr. Andrew Tang, Principal Planner, presented the item.

The following individuals addressed the Board.

Bob Vinn
Robert Allen

The item was discussed.

Director Raburn brought the matter of Dublin/Pleasanton Station Parking Garage before the Board. Mr. Menotti presented the item.

The following individuals addressed the Board.

Don Biddle
Cindy Chin
Andrew Slivka
Andrea Cluver
Matt Vander Sluis
Ruth Miller
Bob Vinn
Dave Campbell
Shannon Tracey
Marianne Payne

The item was discussed. Director Josefowitz moved that prior to bringing a proposal to the Board to approve a Dublin Parking Garage or submit a grant request to the Metropolitan Transportation Commission for funding, staff shall follow the Station Access Policy and evaluate and report back to the Board within 90 days on the following: 1) Options for delivering the equivalent of 540 net new spaces at the Dublin/Pleasanton Station at lower cost to BART, Alameda County, and the region, by using a combination of (a) Accessing existing non-BART parking resources near the Dublin/Pleasanton Station that could potentially serve as dedicated or shared parking for BART patrons, (b) Using BART's existing parking resources more efficiently

through automated stacked parking, attendant parking services, improved enforcement, and carpool incentives, and (c) Creating new surface parking resources within a half- mile of the station on private or government-owned land; 2) Options for pedestrian access improvements for the Dublin/Pleasanton Station, including estimated costs, ridership impacts, and implementation steps for BART-identified projects, projects identified by other station-area plans, and projects proposed by relevant stakeholders; 3) When the matter of the 540 net new parking spaces at the Dublin/Pleasanton Station is returned to the Board, the parking garage and alternatives will come before the Board as action items.

President Saltzman requested the addition of language to include options for bicycle and transit access, and with the acceptance of her amendment, she seconded the motion.

Director Simon requested the addition of an updated funding plan for all access policy opportunities, capital and ongoing, to the report.

The maker and seconder of the motion accepted the amendments. Discussion continued. The motion carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, brought the matter of Agreement with Principal Life Insurance Company for Short Term Disability Administrative Services and Long Term Disability Insurance (Agreement No. 6M4491) before the Board. Mr. David Wong, Human Resources Program Manager, presented the item. The item was discussed.

John Arantes addressed the Board.

The item was continued to later in the Meeting.

Director McPartland brought the matter of Modification to the Disadvantaged Business Enterprise Program before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.

Chi-Hsin Shau
Franklin Lee
Ming-Chen Yu
Greg Roja
LaVerda Allen
Claudia Guadagne
Walter Allen

The item was discussed. President Saltzman moved that the Board adopt the modification to the Disadvantaged Business Enterprise (DBE) Program requiring the DBE contract goal in Architectural and Engineering services, professional services and other services agreements, as appropriate, to be met through the participation of DBE subconsultants. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Director McPartland brought the matter of Amendment to Legal Services Agreement with Glynn & Finley, LLP, before the Board. Mr. Matthew Burrows, General Counsel, presented the item. Director Blalock moved that the Board approve the amendment of agreements with Glynn & Finley to continue its representation of the District to handle the defense of the California Public Utilities Commission's Order Instituting Investigation and Order to Show Cause related to the October 19, 2013, and construction related claims as necessary. Director Josefowitz seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

The Board Meeting recessed at 12:18 p.m.

The Board Meeting reconvened at 12:24 p.m.

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

Absent: Director Dufty.

Director McPartland brought the matter of Proposed Principles and Candidate Project List for Metropolitan Transportation Commission's Regional Measure 3 before the Board.

Director McPartland exited the Meeting, and President Saltzman assumed the gavel.

Ms. Deidre Heitman, Manager, Special Projects, and Mr. Menotti presented the item. The item was discussed.

The following individuals addressed the Board.

Jerry Grace

Bob Vinn

Discussion continued. The item was continued to a future Meeting.

Director Raburn returned to the matter of Agreement with Principal Life Insurance Company for Short Term Disability Administrative Services and Long Term Disability Insurance (Agreement No. 6M4491). Ms. Carol Isen, Chief Labor Relations Manager, continued the presentation. The matter was discussed. Director Allen moved that the General Manager be authorized to execute Agreement No. 6M4491, to provide short term disability administrative services and long term disability insurance, with the Principal Insurance Company, in an amount not to exceed \$5,828,406.00. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 0. Absent – 2: Directors Dufty and McPartland.

The Board Meeting recessed at 1:10 p.m.

The Board Meeting reconvened at 1:37 p.m.

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

Absent: Directors Dufty and McPartland.

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of District Debt Policy before the Board. Ms. Rose Poblete, Controller/Treasurer, presented the item. The item was discussed and continued to a future meeting.

Director Keller, Chairperson of the Operations and Safety Committee, announced that Item 6-D, Quarterly Performance Report, Second Quarter Fiscal Year 2017 - Service Performance Review, would be continued to a future meeting.

Director Keller brought the matter of Award of Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project, before the Board. Mr. Ian Griffiths, Senior Planner, and Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item. The item was discussed. President Saltzman moved that the General Manager be authorized to award Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project, to Clark Construction Group, for the Bid price of \$23,200,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager be further authorized to exercise any one or all Options subject to the certification of the Controller/Treasurer that funding is available. Director Simon seconded the motion.

Jerry Grace addressed the Board.

The motion carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 0. Absent – 2: Directors Dufty and McPartland.

Director Keller brought the matter of Project Revisions and Second Addendum to the Hayward Maintenance Complex Project Final Initial Study/Mitigated Negative Declaration before the Board. Mr. Thomas Horton, Group Manager, Hayward Maintenance Complex, presented the item. Director Blalock moved adoption of Resolution No. 5332, In the Matter of Adopting Modifications to the Hayward Maintenance Complex Project Second Addendum to Initial Study/Mitigated Negative Declaration. Director Simon seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 0. Absent – 2: Directors Dufty and McPartland.

Director Dufty entered the Meeting in New York.

Director Keller brought the matter of Short Term System Capacity Improvements before the Board. Mr. Dave Hardt, Chief Mechanical Officer, Rolling Stock and Shops; Mr. Aaron Weinstein, Department Manager, Marketing and Research; and Ms. Heitman gave a presentation on the Train Seat Modification Project. The project was discussed.

Jerry Grace addressed the Board.

President Saltzman moved adoption of Resolution No. 5333, In the Matter of Authorizing the Filing of an Application for Funding Assigned to the Metropolitan Transportation Commission and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Project. Director Blalock seconded the motion, which carried by roll call vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Raburn, Simon, and Saltzman. Noes – 1: Director Keller. Absent – 1: Director McPartland.

Director Dufty exited the Meeting.

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.

Mr. David Kutrosky, Managing Director, Capital Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 15, 2017. The report was discussed.

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

Director Josefowitz requested that the Operations and Safety Committee, in collaboration with staff and in consultation with the BART Police Citizens Review Board and Office of the Independent Police Auditor, investigate a Sanctuary in Transit policy for possible adoption by the Board, with the policy to possibly include (a) limiting BART's assistance to the federal government in the enforcement of federal immigration laws; (b) limiting BART Police Department from booking a suspect into a county jail in a county that does not have a Sanctuary Count policy in place; and (c) joining with other cities and counties in the District in limiting the information shared directly or indirectly with the federal government that may lead to the indiscriminate enforcement of federal immigration laws. Directors Raburn and Simon seconded the request.

Director Raburn reported he had attended the San Francisco Business Times economic forecast breakfast.

President Saltzman reported she had attended a meeting on the core capacity transit study and the Alameda County Mayors' Conference.

Director Blalock reported he had attended the San Joaquin Joint Powers Authority meeting.

Director Blalock requested the Meeting be adjourned in memory of Mr. Kim Pedersen.

Director Simon reported she had attended the West Contra Costa Transportation Advisory Committee meeting, a Young Transit Professionals event, the BART Police Citizens Review Board meeting, a Human Rights Coalition of San Francisco event at Google.

The following individuals addressed the Board.

Karen Crum
Pamela Drake
Sabiha Basrai
Stacy Suh
Yadira
Sandy Valenciano
Karem Herrera
Sanjanette Fowler
John Arantes
Olivia Rocha
Jerry Grace

President Saltzman announced that the Board would enter into closed session under Item 11-A (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 3:29 p.m.

The Board Meeting reconvened in closed session at 3:32 p.m.

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

Absent: Directors Dufty and McPartland.

The Board Meeting recessed at 4:23 p.m.

The Board Meeting reconvened in open session at 4:25 p.m.

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

Absent: Directors Dufty and McPartland.

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

President Saltzman brought the matter of Compensation and Benefits for General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor before the Board.

Director Blalock moved that the base salaries of the General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor be increased by 4.2214

percent, effective July 1, 2017, when their PERS contribution will also increase by one percent of pensionable compensation; and that the Board President be authorized to execute on behalf of the Board any necessary changes to the Board Appointees' employment agreements to incorporate these changes. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 0. Absent – 2: Directors Dufty and McPartland.

The Board Meeting was adjourned at 4:27 p.m. in memory of Kim A. Pedersen.

Kenneth A. Duron
District Secretary