

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

Board of Directors  
Minutes of the 1,813th Meeting  
May 10, 2018

A regular meeting of the Board of Directors was held May 10, 2018, convening at 9:01 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

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

Absent: Director Keller.

President Raburn called for Introduction of Special Guests. Director Dufty thanked External Affairs staff members Melissa Jordan, Christopher Filippi, Cheryl Stalter and Steve Connell for the production of a video regarding BART's LGBTQ employees, noting that the District would receive an Equality Trailblazer award from Equality California in recognition of the agency's inclusion of the LGBTQ community. The video was shown.

President Raburn requested that Item 2-B, Sale of Parcel 0-A048-165X, North of Industrial Boulevard and East of the BART Right of Way, to City of Hayward, be removed and voted on separately.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 26, 2018
2. Lifeline Transportation Program Cycle 5 Funds.
3. Award of Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalks Systemwide.

Director Saltzman made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director Keller.

1. That the Minutes of the Meeting of April 26, 2018, be approved.
2. Adoption of Resolution No. 5369, In the Matter of Authorizing Action Necessary to Obtain Cycle 5 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission.
3. That the General Manager be authorized to award Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalk Systemwide to Alaniz Construction, Inc. for the Bid Price of \$997,323.50, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

President Raburn brought the matter of Sale of Parcel O-A048-165X, North of Industrial Boulevard and East of the BART Right of Way, to City of Hayward before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development and Construction; Mr. Sean Brooks, Department Manager of Real Estate & Property Development; and Ms. Kelly McAdoo, City Manager, City of Hayward, presented the item. The item was discussed. Director Saltzman moved adoption of Resolution No. 5370, In the matter of designating as Excess Land available for immediate sale BART Parcel O-A048-165X and authorizing the sale of said parcel to the City of Hayward or the City of Hayward's assignee; and that the Board authorize the General Manager or her designee to enter into an Option Agreement with the City of Hayward for the sale of parcel O-A048-165X. Director Blalock seconded the motion which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, McPartland, Saltzman, Simon, and Raburn. Noes - 1. Director Josefowitz. Absent – 1: Director Keller.

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

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART to Livermore: Project Update before the Board. Mr. Carl Holmes; Mr. Val Menotti, Chief Planning and Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item.

The following individuals addressed the Board:

Robert S. Allen  
Nancy Bankhead  
Susanna Chau  
Gail Gobe  
John Marchand  
Tim Sbanti  
Joel Ramos  
David Best

The item was discussed.

Director McPartland exited the meeting.

Director Allen, Chairperson of the Administration Committee, brought the matter of Third Amendment to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART, Peninsula Corridor Joint Powers Board, and San Mateo County Transit District Facilities Related to the BART San Francisco Airport Extension Project, before the Board. Ms. Pamela Herhold, Acting Assistant General Manager, Performance and Budgets, presented the item. President Raburn moved that the General Manager be authorized to execute the Third Amendment to the Use, Operation and Maintenance Agreement so that a payment schedule with Consumer Price Index based annual increases is continued for another five years, from Fiscal Year 2019 through Fiscal Year 2023. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon, and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Allen brought the matter of Fiscal Year 2019 Preliminary Budget Sources, Uses and Service Plan, and Capital Budget before the Board. Ms. Herhold; Mr. Dennis Markham, Department Manager, Operating Budgets; and Mr. Michael Eiseman, Division Manager, Financial Planning, presented the item. The item was discussed.

Alan Smith and Joel Ramos addressed the Board.

Director Allen brought the matter of Comparison of California Public Employees' Retirement System (CalPERS) Assumptions and BART Demographics before the Board. Ms. Herhold; Mr. Michael Jones, Assistant General Manager, Administration; and Ms. Mary Beth Redding, Vice President, Bartel Associates, Inc., presented the item. The item was discussed.

Director Allen brought the matter of Pension Funding Strategies Update before the Board. General Manager Grace Crunican; Mr. Jones; and Ms. Redding presented the item. The item was discussed.

Director Simon exited the meeting.

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators), Item 10-B (Public Employee Employment), and Item 10-C (Conference with 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 12:37 p.m.

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The Board Meeting reconvened in closed session at 12:47 p.m.

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

Absent: Directors Keller and McPartland. Directors Dufty and Simon entered the meeting later.

Director Dufty entered the meeting.

Director Simon entered the meeting.

The Board Meeting recessed at 1:55 p.m.

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The Board Meeting reconvened in open session at 1:57 p.m.

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

Absent: Directors Keller and McPartland.

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

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2018 - Service Performance Review, before the Board. Ms. Crunican; and Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Director Simon brought the following Engineering & Operations items before the Board.

1. Award of Contract No. 15CQ-110, C35 Interlocking Renewal.
2. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group - California, LP, for Contract Time Extension (C.O. No. 275).
3. Change Order to Contract No. 01RQ-120, Construction of Hayward Maintenance Complex Project Site, Track & Systems, with ProVen Management, Inc., for Contract Time Extension (C.O. No. 82.1).

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

1. That the General Manager be authorized to award Contract No. 15CQ-110 for C35 Interlocking Renewal, to DMZ Builders of Concord, California, for the Bid Price of \$13,271,300.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to execute Change Order No. 275, Time Impacts from Change Order No. 67 and Change Notice No. 110.1, in an amount not to exceed \$3,600,000.00, and extend the Contract completion date 160 calendar days, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.
3. That the General Manager be authorized to execute Change Order No. 82.1, Time impacts from Change Order No. 82, for Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with ProVen Management, Inc., in an amount not to exceed \$350,00.00, and extend the Contract completion date by an amount not to exceed 128 calendar days.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Ms. Crunican; Mr. Holmes, and Ms. Kerry Hamill, Assistant General Manager, External Affairs, presented the item. The item was discussed. Director Blalock moved the Board take a position of Support for Assembly Bill 2161, Housing: homeless integrated data warehouse; Senate Bill 912: Housing: homeless programs and affordable housing; Senate Bill 918: Homeless Youth Act of 2018; Assembly Bill 2450: Electrically conductive balloons: manufacturers: warning; a position of support if amended for Assembly Bill 2162: Planning and zoning: housing development: supportive housing; and a position of oppose for Proposition 70: Requires Legislative Supermajority Vote Approving Use of Cap-and-Trade Reserve Fund. President Raburn seconded the motion.

Director Saltzman requested Assembly Bill 2162 be voted on separately.

Director Blalock moved the Board take a position of Support for Assembly Bill 2161; Senate Bill 912; Senate Bill 918; Assembly Bill 2450; and a position of oppose for Proposition 70. Director Saltzman seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 1: Director Allen. Absent – 2: Directors Keller and McPartland.

President Raburn moved the Board take a position of Support if amended for Assembly Bill 2162. Director Blalock seconded the motion.

Director Saltzman made a substitute motion to take a position of Support for Assembly Bill 2162. Director Dufty seconded the substitute motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Dufty, Josefowitz, Saltzman, and Simon. Noes – 2: Directors Allen and Raburn. Absent – 2: Directors Keller and McPartland.

Director Blalock brought the matter of Station Experience Design Guidelines before the Board. Mr. Holmes; Mr. Menotti, and Mr. Ian Griffiths, Senior Planner, presented the item. The item was discussed.

Director Blalock brought the matter of Irvington BART Station Project Update before the Board. Mr. Holmes; Mr. Paul Medved, Group Manager, Capital Projects; and Ms. Susan Poliwka, Senior Planner, presented the item.

Director Saltzman exited the meeting.

President Raburn called for the Independent Police Auditor's Report. Mr. Russell Bloom, Independent Police Auditor, reported on steps he had taken and activities, investigations and meetings the Independent Police Auditor's Office had participated in.

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, noting Clipper usage of 81% utilization rate and average sales up 1600 per day.

President Raburn brought the matter of Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights. Director Dufty requested the item be continued to a future Board meeting. The item was continued.

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

Director Simon reported she had attended a brain storming meeting with General Manager, Grace Crunican; San Francisco Police Department; and the Mayor of San Francisco on improving the customer experience and quality of life at the Civic Center Station.

Director Blalock reported he had attended the South Bay Engineers Club Meeting.

President Raburn reported he had attended the League of Women Voters All City Luncheon and Oakland Chinatown Gala.

Director Josefowitz reported the Metropolitan Transportation Commission's Programming and Allocations Committee had approved a means - based fare pilot program to present to the full Commission.

Director Allen reported she had attended the Tri-Valley San Joaquin Valley Regional Rail Authority meeting, Contra Costa Mayor's Conference, and Pleasant Hill BART Leasing Authority Board Meeting

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

The Meeting was adjourned 2:58 p.m.

Patricia K. Williams  
Interim District Secretary