

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

Board of Directors
Minutes of the 1,814th Meeting
May 24, 2018

A regular meeting of the Board of Directors was held May 24, 2018, convening at 5:00 p.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

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

Absent: None. Director Blalock entered the Meeting later.

President Raburn announced that agenda Item 2, Closed Session, would be continued to a future meeting.

President Raburn called for Introduction of Special Guests. Director Dufty welcomed Lt. Colonels Cindy and Tim Foley of the San Francisco Salvation Army.

Lt. Col. Cindy Foley addressed the Board.

President Raburn announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on the Fiscal Year 2019 Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Ms. Pamela Herhold, Acting Assistant General Manager, Performance and Budgets; and Mr. Dennis Markham, Department Manager, Operating Budgets, presented the item.

Clarence Fischer addressed the Board

There being no further public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 10, 2018.
2. Fiscal Year 2019 Proposition 4 Appropriations Limit.
3. Change Order to Agreement No. 6M4474 with Occupational Health Centers of California for Pre-Employment Medical, Drug & Alcohol Screening.
4. Award of Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement

5. Award of Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements.
6. Award of Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms.
7. Award of Invitation for Bid No. 9049, Fuse, Collector Shoe.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2018 Third Quarter Financial Report.

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

1. That the Minutes of the Meeting of May 10, 2018, be approved.
2. Adoption of Resolution No. 5371, In the Matter of Establishment of the Fiscal Year 2019 Appropriations Limit.
3. That the General Manager be authorized to execute a change order to Agreement No. 6M4474, Pre-Employment Medical, Drug & Alcohol Screening and Hepatitis B Screening, with Occupational Health Centers of California, by \$75,000.00 and extend time frame to December 31, 2018.
4. That the General Manager be authorized to award Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement, to DMZ Builders, for the total bid price of \$949,850.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and Federal Transportation Administration's (FTA) requirements related to protest procedures.
5. That the General Manager be authorized to award Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements, to Sustainable Group, Inc., for the bid price of \$445,285.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protests.
6. That the General Manager be authorized to award Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms, to Pioneer Contractors, Inc., for the bid price of \$1,280,400.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
7. That the General Manager be authorized to award Invitation for Bid No. 9049, for Fuse, Collector Shoe, to Alameda Electric Distributors for an

amount of \$655,339.20 including tax, pursuant to notification to be issued by the General Manager.

(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.)

President Raburn called for Public Comment.

The following individuals addressed the Board.

Herb Hastings
Andrea Rogers
Charlotta Wallace
Kevin Burke
Bob Feinbaum

Director Blalock entered the meeting.

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 Certify the BART to Livermore Extension Project Final Environmental Impact Report (FEIR) and Potential Next Steps before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development and Construction; Mr. Val Menotti, Chief Planning and Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item. The item was discussed.

The following individuals addressed the Board:

Alameda County Supervisor Scott Hagerty
Herb Hastings
Augie Beltran
Nancy Bankhead
John Collins
Ed DelBeccaro
Sal Parisi
Buck Koonce
Patricia Muro
Veronica Vargas
Susana Chau
Sally Marone
Gerald Cauther
Sherri Souza
Matthew Wardlaw
John Marchand
Bob Vinn
Lisa Tarnontch
Amir Law

Scott Miller
Arne Olsen
Robert S. Allen
Bob Allen
Dale Kase
Jeanie Haigh
Evan Branning
Dawn Argula
Cindy Chin
Vamsee Lakamsani
Sbend Sbelndorio
Kristine Kansa
Don Cose
Edward Alvarez
Dino Magaros
Joel Ramos
Zach Deutsch-Gross
Matt Chiado
Mike Godfrey
Patrisha Piras
Jonathan Bair
Cat Carter
Echa Schneider
Joshua Davis
Bob Feinbaum
David Stark
Jerry Grace
Chris Kinther
David Ying
Carlos Castellanos
Ian Monroe
Alex Merritt
David Schonbrum
David Best

The item was discussed.

Director Keller made the following motions as a unit.

1. That the Board certifies the BART to Livermore Extension Project FEIR has been completed in compliance with California Environmental Quality Act;
2. That the Board certifies the BART to Livermore Extension Project FEIR was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project FEIR; and
3. That the Board certifies the BART to Livermore Extension Project FEIR reflects BART's independent judgment and analysis.

Director Simon seconded the motion. Directors Keller and Simon rescinded their motions.

Director McPartland made the following motions as a unit, that the Board of Directors certify the BART to Livermore Extension Project Final Environmental Impact Report (FEIR):

1. That the Board certifies the BART to Livermore Extension Project FEIR has been completed in compliance with California Environmental Quality Act;
2. That the Board certifies the BART to Livermore Extension Project FEIR was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project FEIR; and
3. That the Board certifies the BART to Livermore Extension Project FEIR reflects BART's independent judgment and analysis.

Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0.

Director McPartland moved that the General Manager be directed to bring a conventional BART alternative to Livermore to the Board for future consideration. Director Allen seconded the motion, which failed by electronic vote. Ayes – 4: Directors Allen, Blalock, Keller, and McPartland. Noes – 5: Directors Dufty, Josefowitz, Saltzman, Simon and Raburn.

Discussion continued.

Director Saltzman moved that the General Manager be directed to bring a Bus Rapid Transit to Livermore alternative to the Board for future consideration. Director Raburn seconded the motion, which failed by electronic vote. Ayes – 3: Directors Josefowitz, Saltzman and Raburn. Noes – 5: Directors Allen, Blalock, Dufty, Keller and McPartland. Abstain – 1: Director Simon.

Discussion continued.

Director Dufty exited the meeting.

Director Josefowitz moved that the General Manager not be directed to bring any alternatives to the Board and to continue to collaborate with the District's regional partners. Director McPartland seconded the motion, which carried by electronic vote. Ayes -5: Directors Allen, Josefowitz, Keller, McPartland and Simon. Noes – 2: Directors Saltzman and Raburn. Abstain – 1: Director Blalock. Absent – 1: Director Dufty.

The Board meeting recessed at 8:45 p.m.

The Board meeting reconvened at 9:02 p.m.

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

Absent: Director Dufty.

Director Allen, Chairperson of the Administration Committee, brought the matter of Award of Digital Railway Exclusive Negotiating Agreement, with Mobilitie Management, LLC, before the Board. Director Saltzman moved that the General Manager be authorized to execute an Exclusive Negotiating Agreement to negotiate exclusively for a six month period, with a staff option to extend for an additional six months, with Mobilitie Management, LLC, for development of the BART Digital Railway, and the San Francisco Municipal Transportation Agency (SFMTA) project including negotiations regarding designs, construction plans, and development of license agreements for 1) Underground Cellular Services for SFMTA, 2) Wayside and Fleet of the Future Wireless Services, 3) In-Station Wireless Services, and 4) Fiber Optic Telecommunication Services. Director Allen seconded the motion. The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Dufty.

Director Allen brought the matter of Fiscal Year 2019 Annual Budget before the Board. General Manager Grace Crunican, Ms. Pamela Herhold; and Mr. Dennis Markham presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the following items before the Board.

1. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Additional Restraint at Tube Joints (C.O. No. 7.1, Part 1).
2. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Impacts from Rule Changes (C.O. No. 30.2, Part 1).
3. Award of Invitation for Bid No. 9048, Stainless Steel Capped Contact Rail.
4. Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) for Homeless Outreach Teams (HOT).

Tim Chan, Manager of Planning, presented the San Francisco Homeless Outreach Team Agreement. The item was discussed.

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

1. That the General Manager be authorized to execute Change Order No. 7.1 Part 1, Additional Restraint at Tube Joints, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, in an amount not to exceed \$2,000,000.00.
2. That the General Manager be authorized to execute Change Order No. 30.2 Part 1, Impacts from Rule Changes, in an amount not to exceed \$7,500,000.00, and extend the Contract completion date by 99 days, for Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture.
3. That the General Manager be authorized to award Invitation For Bid No. 9048, for Stainless Steel Capped Contact Rail, to Conductix, Inc., for an amount of \$2,676,923.40, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
4. That the Board approve the first Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) in the amount of \$125,00.00 for one homeless outreach team (HOT), and that the General Manager be authorized to enter into direct negotiations with HSH to execute annual agreements upon budget adoption by the Board that includes the HOTs. The total for the five-year program shall not exceed \$1,062,500.00

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.

President Raburn noted that the matter of Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights would be continued to a future Board meeting.

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

Director Simon acknowledged Directors Dufty, Saltzman, and Allen and General Manager Crunican's presentation and support at Equality California and BART's commitment to diversity.

Director Blalock reported he had attended the California Transportation Foundation award ceremony where BART received the Project of the Year award for its Warm Springs BART tation.

Director Simon exited the meeting.

Director Josefowitz requested staff to bring back a resolution for the adoption of the Metropolitan Transportation Commissions Regional Means Based Fare for adoption.

Director Allen echoed the sentiments of Director Simon.

Director Raburn reported he had attended the Pittsburg Center Station ribbon cutting and the Sacramento California Spring Legislative Conference.

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

The Meeting was adjourned at 9:19 p.m. in honor of Julius Turman.

Patricia K. Williams
Interim District Secretary