

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

Board of Directors
Minutes of the 1,768th Meeting
July 14, 2016

A regular meeting of the Board of Directors was held July 14, 2016, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich called for a moment of silence for all those who had lost their lives to violence in the past two weeks.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 5, 2016 (Special).
2. Recruitment and Relocation for the Positions of Department Manager, Human Resources, Deputy Police Chief, and General Superintendent, eBART Operations.
3. Services for Recruitment of Candidates for District Positions.
4. Award of Contract No. 15QH-200, Site Improvements at Castro Valley Station.
5. Award of Invitation for Bid No. 9001, Stainless Steel Capped Aluminum Contact Rail.
6. Appointments to the AB716 Transit Security Advisory Committee.

Director Mallett requested that Item 2-B, Recruitment and Relocation for the Positions of Department Manager, Human Resources, Deputy Police Chief, and General Superintendent, eBART Operations, be voted on separately. Director Murray made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meeting of July 5, 2016 (Special), be approved.
2. That the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain District recruitment sourcing services, to identify qualified candidates for positions identified by the Human

Resources Department, with the cost of the sourcing services not to exceed an aggregate amount of \$500,000.00.

3. That the General Manager be authorized to award Contract No. 15QH-200, Improvements at Castro Valley Station, to Golden Bay Construction, Inc., for the Bid Price of \$988,891.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 9001, for Stainless Steel Capped Aluminum Contact Rail, to Conduct-Wampfler, for an amount of \$543,446.42, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

(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 Board approve the appointments to the Transit Security Advisory Committee of Sergeant Michael Williamson, BART Police Department, to replace Lieutenant Tyrone Forte, and Chaplain Sue Kuipers, to replace Chaplain Jasper Lowery, for a term effective July 14, 2016, to June 30, 2018.

Recruitment and Relocation for the Positions of Department Manager, Human Resources, Deputy Police Chief, and General Superintendent, eBART Operations was brought before the Board. Director Raburn moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates both inside and outside of California for the positions of Department Manager, Human Resources, Deputy Police Chief, and General Superintendent, eBART Operations; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for each position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett.

President Radulovich called for Public Comment. Alan Smith addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Agreement with San Francisco State University (SFSU) to Offer BART Fare Discount Program to SFSU Students before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item.

The following individuals addressed the Board.

Katrina Rill

Celia LoBuono Gonzalez

Jacqueline Foley

Michael Overby
Jason Porth
Alison Sanders
Miguel Guerrero
Nameemah Charles

The item was discussed. Director Josefowitz moved that the General Manager be authorized to execute an agreement with SFSU for the implementation of a program that would offer SFSU students using SFSU Clipper ® cards a 25 percent fare discount on trips to or from Daly City Station, and whereby SFSU would reimburse BART for the value of the 25 percent fare discount applied to such trips. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman announced that the Agreement with Toshiba Business Solutions, for Rental of Digital Monochrome Copy Machines (Agreement No. 6M4493), would be continued to a future meeting.

Director Josefowitz exited the Meeting.

Director Saltzman brought the matter of Agreement with Securian Financial Group, Inc., for Life and Accidental Death and Dismemberment Insurance (Agreement No. 6M4500), before the Board. Ms. Diane Iwata, Compensation and Analytics, presented the item. Director Blalock moved that the General Manager be authorized to execute Agreement No. 6M4500, with Securian Financial Group, Inc., to provide life and accidental death and dismemberment insurance, in the amount not to exceed \$16,472,642.00. Director Murray seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett. Absent – 1: Director Josefowitz.

Director Saltzman brought the matter of Resolution of Intention to Amend CalPERS Contract to Include Purchases of Service Credit before the Board. Ms. Iwata presented the item. Director Blalock moved adoption of Resolution No. 5325, Resolution of Intention to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the Board of Directors of the San Francisco Bay Area Rapid Transit District. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director Saltzman brought the matter of Amendment to Legal Services Agreement with Glynn & Finley before the Board. Mr. Matthew Burrows, General Counsel, presented the item. Director Blalock moved that the Board approve the amendment of an agreement with Glynn & Finley to continue its representation of the District to handle environmental claims brought by the District Attorneys of Alameda, Contra Costa, and San Mateo counties and for employment and construction related claims as necessary. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director Josefowitz re-entered the Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, before the Board. Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item.

The following individuals addressed the Board.

Alex Lantsberg

Maria Icenogle

The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, to Icenogle Construction Management, Inc., for the Bid Price of \$7,497,788.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. President Radulovich seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Josefowitz.

Director McPartland brought the matter of Agreement with International Contact, Inc., for Language Translation and Interpretation Services (Agreement No. 6M5107), before the Board. Ms. Jennella Sambour-Wallace, Senior Administrative Analyst, Office of Civil Rights, presented the item.

Norma Armon addressed the Board.

The item was discussed. Director Raburn moved that the General Manager be authorized to award Agreement No. 6M5107 to International Contact, Inc., for the proposed price of \$863,400.00, 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; and that the General Manager be authorized to exercise the options to extend the term of the Agreement for two (2) additional years, for the proposed price of \$286,600.00 for each option year, subject to availability of funds. Directors Blalock and Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Change Orders to Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P380 Structure Upgrade, with Zovich & Sons, for Differing Site Conditions (C.O. No. 14 and C.O. No. 15), before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. Director Raburn moved that the General Manager be authorized to execute Change Order No. 14, in an amount not to exceed \$240,000.00, and Change Order No. 15, in an amount not to exceed \$900,000.00, to Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P-380, with Zovich & Sons, Inc. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Modification of Structural Anchorages (C.O. No. 20, Part 2), before the Board. Mr. Horton presented the item. Director Mallett moved that the General Manager be authorized to execute Change Order No. 20, Part 2, Modify Structural

Anchorage, in the not-to-exceed amount of \$251,459.00, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director McPartland brought the matter of Warm Springs Extension Project: Semi-Annual Project Update, before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. The item was discussed.

Director McPartland exited the Meeting.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Art Program Update before the Board. Ms. Jennifer Easton, Art Program Manager, presented the item. The item was discussed.

President Radulovich 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, outstanding Roll Call for Introductions items, and reminded the Board of upcoming events.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a report on planned closures for system maintenance and upgrades.

President Radulovich brought the matter of Proposed Revision to Rules of the Board of Directors: Chapter III, Section 2, Board Meetings, before the Board. Director Keller presented the item. The item was discussed.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Raburn reported he had toured the new Uber/Uptown Station building at the 19th Street Station, and that he had attended a Northern California Power Association meeting.

Director Murray reported she had attended a tour of the eBART cars in Antioch.

Director Blalock reported he had attended a mayors' conference in Hayward.

Director Keller reported he had attended the tour of the eBART cars in Antioch.

President Radulovich called for In Memoriam, and read the following statement.

We send our sincere condolences and support to the families and friends of officer Brent Thompson at our sister agency Dallas Area Rapid Transit, and those of the other Dallas Police officers injured and killed during the recent horrifying events there. We, like the rest of the country, are deeply saddened by their loss and pain, and unequivocally condemn senseless violence against either law enforcement or civilians. The names of the other officers are Senior Corporal Lorne Ahrens, Officer Michael Krol, Sergeant Michael Smith, Officer Patrick Zamarripa of the Dallas Police Department. There were also two civilians killed in gun violence, Alton Sterling and Philando Castile. The Meeting will be adjourned in remembrance of these seven people.

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

President Radulovich announced that the Board would enter into closed session under Item 10-A (Public Employment), Item 10-B (Conference with Negotiators), Item 10-C (Conference with Labor Negotiators), and 10-D (Conference with Legal Counsel) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 12:04 p.m.

The Board Meeting reconvened in closed session at 12:14 p.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director McPartland.

The Board Meeting recessed at 2:02 p.m.

The Board Meeting reconvened in open session at 2:09 p.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director McPartland.

President Radulovich announced that the Board had appointed Russell Bloom as Independent Police Auditor, subject to completion of a background investigation, and that the vote had been as follows. Ayes - 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director McPartland.

President Radulovich announced there were no announcements to be made on Items 10-B, 10-C, and 10-D.

President Radulovich brought the matter of Compensation and Benefits for Independent Police Auditor before the Board. Director Murray moved that the Board approve the following terms of employment for Russell Bloom, which shall be incorporated in a mutually satisfactory written employment agreement prepared by the General Counsel for execution by Mr. Bloom and the Board President: Service for an indefinite term at the pleasure of the Board; base salary of \$182,072 per year; 12 months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes; benefits afforded to non-represented management employees and retirees; and, upon retirement, option to participate in alternative retiree medical, dental, or vision plan if Mr. Bloom relocates to an area which is not within the service area of a District-sponsored plan, provided the alternative plan is comparable in both cost and coverage to the District-sponsored plan. Director Raburn seconded the motion, which carried by electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, Murray,

Raburn, Saltzman, and Radulovich. Noes – 1: Director Blalock. Absent – 1: Director McPartland.

Mr. Bloom addressed the Board.

The Meeting was adjourned at 2:14 p.m. in honor of Brent Thompson, Lorne Ahrens, Michael Krol, Michael Smith, Patrick Zamarripa, Alton Sterling and Philando Castile.

Kenneth A. Duron
District Secretary