

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

Board of Directors
Minutes of the 1,827th Meeting
November 15, 2018

A regular meeting of the Board of Directors was held November 15, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, District Secretary.

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

Absent: Director Josefowitz. Directors Allen and Saltzman entered the meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of October 25, 2018 (Regular), and October 25, 2018 (Special).
2. Resolution Fixing the Employer's Contribution to California Public Employees Retirement System Medical Premium for Non-Represented Employees.
3. Award of Contract No. 6M3418, Reconditioning of Transit Vehicle Nickel Cadmium Batteries.

Director Keller made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes – 0. Absent: - 3: Directors Allen, Josefowitz and Saltzman.

1. That the Minutes of October 25, 2018 (Regular) and October 25, 2018 (Special) be approved.
2. That the Board adopt Resolution No. 5381, Fixing the Employer Contribution under Section 22892 of the Public Employees' Medical and Hospital Care Act for Group 006 Non-Represented Employees pertaining to Non-Represented Employees; and Resolution No. 5382, Fixing the Employer Vesting Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act for Group 006 Non-Represented Employees.
3. That the General Manager be authorized to award Contract No. 6M3418, an estimated quantities contract, for Reconditioning Transit Vehicle Nickel-Cadmium Batteries, to Industrial Battery Services, for a total bid

price of \$1,690,639.70, including all taxes, pursuant to notification to be issued by the General Manager.

Director Saltzman 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 Recommendation for Deployment of Ford GoBike at 24th Street Mission BART before the Board. Ms. Grace Crunican, General Manager; Mr. Carl Holmes, Assistant General Manager, Planning, Development and Construction; Mr. Steve Beroldo, Manager of Access Programs; and Mr. Tim Chan, Manager of Planning, presented the item.

The following individuals addressed the Board:

Carolina Morales
Brad Williford
Anne Cervantes

Director Allen entered the meeting

The following individuals addressed the Board.

Erick Arguello (submitted a petition, letters, and pictures for the record
John Mendoza
Jean Walsh
Brian Klofas
Vicky Castro
Scott Feency
Vadim Graboys
Carlos Bacanegra
Keziah Plattner
Kelly Hill
Larissa Pedroncelli
Ace On The Case
Gillian Gillett
Gabriel Medina
Kevin Ortiz

The item was discussed.

Director Dufty moved that the Board recommend installing the Ford GoBike docks on the City sidewalk adjacent to the Mission branch library for 18 months. Director Simon seconded the motion.

Director McPartland made a substitute motion to continue the item. The substitute motion died for a lack of a second.

Discussion continued.

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

Director Allen, Chairperson of the Administration Committee, brought the matter of Award of Agreement No. 6M5131, with Hinderliter, de Llamas and Associates, for Sales Tax Revenue Collection Services before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, presented the item.

President Raburn made the following motions as a unit:

1. That the General Manager be authorized to execute Agreement No. 6M5131, with Hinderliter, de Llamas and Associates, to provide sales tax revenue collection services, for an initial term of three years, with options for two additional one-year terms based upon a contingency fee of 18% determined by the amount of tax revenue recovered for the District, pursuant to the notice to be issued by the General Manager, and subject to the District's protest procedures.
2. Adoption of Resolution No. 5383 In the matter of Authorizing Consultant Hinderliter, de Llamas and Associates to Examine Sales and Use Tax Records at the California Department of Tax and Fee Administration on behalf of the District.
Director Allen seconded the motions, which carried by unanimous electronic vote.
Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Allen brought the matter of Actuarial Report on Changes to Pension and Other Postemployment Benefits (OPEB) under Consideration by the District before the Board. Ms. Herhold; Mr. Michael Jones, Assistant General Manager, Administration; and Ms. Diane Iwata, Human Resources, Division Manager, presented the item.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Authorization for Negotiation for Sole Source Procurement of Additional Transit Vehicles before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Mr. Duncan Watry, Project Manager, Systems Development; and Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

Director Blalock moved that Pursuant to California Public Contract Code Section 20227, the Board of Directors find that Bombardier Transit Corporation is the single source for the purchase of heavy rail transit vehicles that will be used to duplicate equipment currently in use by the District; and that the General Manager be authorized to negotiate and execute a contract with Bombardier for the purchase of up to 425 E Car rail transit vehicles for an amount not to exceed \$1,167,282,284.00, including applicable taxes and fees, subject to funding availability.

Directors Keller and Saltzman seconded the motion, which carried by unanimous roll call vote by the required two-thirds vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Simon brought the matter of Sole Source Procurement with Bombardier Transportation for Software Changes, Testing and System Certification for the West Bay Line GEALOC Track Signaling Circuit Boards before the Board. President Raburn moved that the General Manager be authorized to negotiate an Agreement with Bombardier Transportation to perform W-Line train control speed code reductions in an amount not to exceed \$133,612.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Randall Glock addressed the Board.

Director Simon brought the matter of Change Orders to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, with Icenogle Construction Management, Inc., for the Procurement and Installation of a Light-Emitting Diode (LED) Light System before the Board. Ms. Allen; Mr. Holmes; and Ms. Shirley Ng, Group Manager Capital Programs, Extensions, presented the item. The item was discussed. Director Blalock moved that General Manager be authorized to execute Change Orders, in an aggregate amount not to exceed \$3,500,000.00 to Contract No. 15IF-130A, Powell Street Station Ceiling Improvements, with Icenogle Construction Management, Inc. to provide a revised lighting system. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Simon brought the matter of Change Order to Contract No. 01RQ-150, Construction of Hayward Maintenance Complex Project Central Warehouse, with Clark Construction Group - California, LP, for Additional Dump Fees for Hauling to a Class II Landfill (C.O. No. 10) before the Board. Ms. Allen; and Mr. Thomas Horton, Group Manager, Seismic Retrofit Capital Programs, presented the item. The item was discussed. President Raburn moved that the General Manager be authorized to execute Change Order No. 010, additional dump fees for hauling to Class II landfill, for an amount not to exceed \$1,500,000.00, for Contract No. 01RQ-150, Hayward Maintenance Complex Project, Central Warehouse, with Clark Construction Group- California LP. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Simon brought the matter of Change Order to Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, with DMZ Builders, to Mitigate Conflicts with Concurrent Projects (C.O. No. 1) before the Board. Ms. Allen and Ms. Tracy Johnson, Group Manager, Maintenance and Engineering, presented the item. President Raburn moved that the General Manager be authorized to execute Change Order No. 1, Schedule Acceleration to Mitigate Conflicts with Concurrent Projects, in the amount of not to exceed \$290,000.00 for Contract No. 09AF-111A, TBT Cross Passage Doors Replacement. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Simon brought the matter of Update on Wheel and Rail Profile Optimization before the Board. Ms. Allen; Mr. Greg Shivy, Principal Track Engineer; and Mr. Charles Franz, Vehicle Systems Engineer, presented the item. The item was discussed.

Director Simon brought the matter of Quarterly Performance Report, First Quarter Fiscal Year 2019 – Service Performance Review before the Board. Ms. Crunican, Ms. Allen and Mr. Carlos Rojas, Chief of Police, presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Blalock Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of New Transbay Rail Crossing Update before the Board. Ms. Crunican, Mr. Holmes, Mr. David Kutrosky, Managing Director, Capitol Corridor; and Ms. Ellen Smith, Group Manager, Planning, Systems Development, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Raburn announced that the Board would enter into closed session, under Item 10-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 12:57 p.m.

The Board Meeting reconvened in closed session at 1:05 p.m.

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

Absent: Director Josefowitz.

The Board Meeting recessed at 1:58 p.m.

The Board Meeting reconvened in open session at 2:01 p.m.

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

Absent: Director Josefowitz.

President Raburn reported there were no announcements.

Director Blalock brought the matter of Compensation and Benefits for the General Manager, General Counsel, Controller/Treasurer, and Independent Police Auditor before the Board, and moved that the base salaries of the General Manager, General Counsel, Controller/Treasurer, and Independent Police Auditor be increased by 2.5 percent, retroactive to July 1, 2018, when other non-represented employees received the same wage increase, and that the General Manager

receive an additional two weeks' vacation accrual effective July 1, 2018, 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 this change. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Keller brought the matter of Compensation and Benefits for District Secretary before the Board, and moved that the Board approve the following terms of employment for Patricia Williams, which shall be incorporated in a mutually satisfactory written employment agreement prepared by the General Counsel for execution by Ms. Williams and the Board President: Service for an indefinite term at the pleasure of the Board; base salary of \$208,424.00 per year; twelve months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes; benefits afforded non-represented management employees and retirees; and, upon retirement, option to participate in an alternative retiree medical, dental, or vision plan if Ms. Williams 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 Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Josefowitz.

Director Blalock brought the matter of Discussion of Advertisement Guidelines before the Board. Ms. Crunican; Mr. Holmes; Mr. Aaron Weinstein, Manager of Marketing and Research; and Ms. Catherine Westphall, Manager of Advertising Franchise, presented the item. The item was discussed.

Director Dufty exited the meeting.

President Raburn 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.

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

Director Simon requested on behalf of the entire Board that the Meeting be adjourned in honor of Jerome Grier Wiggins Jr, Electrician at BART and younger brother of Maceo Wiggins; and in honor of Alana Devich Cyril.

Director Blalock reported he had attended the Public Works Conference in Richmond.

Director Saltzman reported she had attended the Contra Costa County Mayors' Conference, the Alameda County Mayors' Conference, and the Grand Opening of Downtown Berkeley Bike Station.

Director Allen reported she had attended the Contra Costa County Mayors' Conference, the Contra Costa Transportation Authority Planning Committee meeting, a meeting of the Concord Rotary, the Capitol Corridor Joint Powers Authority Board Meeting, and the Contra Costa Transportation Authority Board meeting.

Director McPartland reported he had attended the BART Veterans Day program, The Veterans Day and 100-year Anniversary of Armistice of WWI event, and had been the featured speaker at City of Hayward Veterans Program.

President Raburn reported he had attended the Powell Street Canopy ribbon cutting ceremony, the Downtown Berkeley Bike Station opening, and the Dia de los Muertos celebration at Fruitvale Station where BART had honored Wayne Wong.

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

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 3:02 p.m.

The Board Meeting reconvened in closed session at 3:03 p.m.

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

Absent: Directors Dufty, Josefowitz, and McPartland.

The Board Meeting recessed at 3:24 p.m.

The Board Meeting reconvened in open session at 3:26 p.m.

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

Absent: Directors Dufty, Josefowitz and McPartland.

President Raburn reported there were no announcements to be made.

The Meeting was adjourned at 3:27 p.m. in honor of Jerome Grier Wiggins Jr. and Alana Devich Cyril.

Patricia K. Williams
District Secretary