

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

Board of Directors
Minutes of the 1,828th Meeting
December 6, 2018

A regular meeting of the Board of Directors was held December 6, 2018, convening at 9:02 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, District Secretary.

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

Absent: Director Josefowitz.

President Raburn called for Introduction of Special Guests. President Raburn introduced Vincent Seals, BART Train Car Cleaner, and Cassandra Watts, BART Police Officer, and thanked them for saving a BART patron at the Dublin/Pleasanton Station by using CPR survival skills until medical personnel arrived.

President Raburn welcomed BART Accessibility Task Force (BATF) Nominee Emily Witkin.

President Raburn announced that the BART Toy Drive would support Family Paths, an agency that strengthens family relationships by providing mental health treatment and supportive services and encouraged all to donate.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of November 8, 2018 (Special) and November 15, 2018 (Regular).
2. Resolution Fixing the Non - California Public Employees Retirement System (CalPERS) Medical Plan Structure and Rates for Calendar Year 2019.
3. BART Accessibility Task Force Membership Appointment.

Director Simon made the following motions as a unit. Director Dufty 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.

1. That the Minutes of the Meetings of November 8, 2018 (Special) and November 15, 2018 (Regular) be approved.
2. Adoption of Resolution No. 5384, Fixing the Non-CalPERS Medical Plan Structure and Rates for Calendar Year 2019.

3. That the Board accept the recommendation of the BATF and appoint Emily Witkin for membership to the BART Accessibility Task Force for a term beginning December 12, 2018 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

Consent Calendar report brought before the Board was:

1. Independent Auditor's Reports on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2018.

President Raburn called for Public Comment. The following individuals addressed the Board:

Leslie May
Wanda Johnson
Michael Picker
Cliff Rechtschaffen
Darryle Alums
Keith Muhammad
George Escueta
Cephus Johnson
John Arantes
Safiyya Taha-Shaheed
Connie Rainey
Latifah Wilson

Director Allen, Chairperson of the Administration Committee, brought the matter of Award of Agreement No. 6M4607, for Mobility As A Service (MAAS), Payment Processor, before the Board. Mr. Robert Powers, Deputy General Manager; Ms. Pamela Herhold, Assistant General Manager, Performance and Budgets; and Ms. Angela West, Assistant Chief Information Officer, presented the item. Director Saltzman moved that the General Manager be authorized to award Agreement No. 6M4607 to PayPal Braintree for two base years and be given authorization to exercise two single year options to extend the agreement, at the estimated total cost of \$1.4 million, subject to the actual transaction volume. 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 Allen brought the matter of Resolution Ratifying the Collective Bargaining Agreement with the BART Police Officers' Association before the Board. Mr. Powers; Ms. Herhold; and Mr. Martin Gran, Chief Labor Relations Officer, presented the item. Director McPartland moved adoption of Resolution No. 5385, In the Matter of Ratifying the 2018-2022 Collective Bargaining Agreement between the District and the BART Police Officers' Association (BPOA). Director Allen 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, Chairperson of the Engineering and Operations Committee, made the following motions as a unit:

1. That the General Manager be authorized to Award Contract No. 15II-120, Station Emergency Lighting, to SilMan Venture Corporation (SilMan Construction) for the Bid Price of \$13,789,020.00.
2. That, pursuant to California Public Contract Code section 20227, the Board find that Integrated Display Systems, Inc., is the single source for the purchase of an elevator-escalator remote monitoring system, for the sole purpose of replacing the remote monitoring system currently in use throughout the District; and that the General Manager be authorized to enter into direct negotiations and to execute an Agreement with Integrated Display Systems, Inc., to provide an Elevator-Escalator Remote Monitoring System in an amount not to exceed \$475,000.00. (Two-thirds vote required.)
3. That the General Manager be authorized to execute Change Order Nos. 054 and 049 in an aggregate amount not to exceed \$650,000.00 to Contract No. 05HA-110, El Cerrito Del Norte Station Modernization Project.
4. That the General Manager be authorized to execute Change Order No. 19, for Contract No. 15QH-150, Lafayette Station Site Improvements, with USS Cal Builders, Inc., in the amount of not to exceed \$725,000.00, and to extend the Contract completion date by One Hundred Seven (107) Calendar Days.
5. That the General Manager be authorized to execute Change Order No. 4 to Contract No. 6M7220, Emergency Restoration, Preventive Maintenance, and Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks, in an amount not to exceed \$816,000.00, and extend the completion date of the Contract to July 7, 2019.

Director Dufty seconded the motions, which carried by unanimous roll call 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 BART Safety, Reliability, and Traffic Relief Program before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Mr. Carl Holmes, Assistant General Manager, Planning, Development and Construction; Mr. Michael Jones, Assistant General Manager, Administration; Mr. Maceo Wiggins, Department Manager, Office of Civil Rights; and Ms. Sylvia Lamb, Group Manager Capital Projects, Maintenance and Engineering, presented the item. The item was discussed.

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 Implementation Approach for Assembly Bill 2923 San Francisco Bay Area Rapid Transit District: Transit Oriented Development before the Board.

Ms. Grace Crunican, General Manager; Mr. Holmes; Mr. Val Menotti, Chief Transit System Development Officer; and Ms. Abigail Thorne-Lyman, Program Manager, Systems Development, presented the item. The item was discussed.

Director Blalock brought the matter of BART to Antioch Capacity Improvements before the Board. Ms. Crunican; Mr. Holmes; Mr. Maurice Rattray, Group Manager, Capital Projects, Extensions; Ms. Rachel Factor, Principal Planner; and Mr. William Hurrell, Vice-President, CDM Smith, presented the item. The item was discussed.

The following individuals addressed the Board:

Dave Campbell

Susan Miller

Discussion continued.

Director Keller moved adoption of Resolution No. 5386, In the Matter of Adopting the eBART Revised Project; and that the Board direct staff to advance planning for multimodal access projects at the Antioch BART Station; partner with Antioch/Contra Costa Transportation Authority on pedestrian/bike access improvements at Slatten Ranch Road; conduct a market study (working with the City, County and Caltrans) for a pedestrian/bike crossing to the south of the station; and that staff report back to the Board on the status in six months. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Allen, Blalock, Dufty, Keller, McPartland, and Simon. Noes - 2. Directors Raburn and Saltzman. Absent – 1: Director Josefowitz.

Director Keller moved adoption of Resolution No. 5387, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1, Regional Measure 2 and AB1171 Bridge Toll Funds for the eBART Project – Parking Lot Expansion at Antioch Station. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Allen, Blalock, Dufty, Keller, McPartland, and Simon. Noes - 2. Directors Raburn and Saltzman. Absent – 1: Director Josefowitz.

Director Keller moved that the General Manager be authorized to execute a change order to Contract No. 04SF-140, Procurement of eBART Vehicles, with Staddler Bussnang AG, to extend the period and modify re-pricing provisions to exercise Contract Options No. 1 and No. 2 for the purchase of up to six (6) additional vehicles at no cost to the District. 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.

President Raburn brought the matters of Resolution Commending Director Blalock and Resolution Commending Director Keller before the Board.

Director Raburn presented Directors Blalock and Keller with plaques in appreciation of their leadership during their years on the BART Board. Directors Blalock and Keller shared remarks on their 24 years serving on the Board.

President Raburn moved adoption of Resolution No. 5388, Commending Thomas M. Blalock, P.E. for Meritorious Service, and Resolution No. 5389, Commending Joel Keller for Meritorious Service. The motion was seconded and carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director Josefowitz.

Director Blalock brought the matter of Millbrae Station Transit Oriented Development (TOD) before the Board. Mr. Holmes; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Kimberly Koempel, Principal Planner, presented the item. The item was discussed.

The following individuals addressed the Board:

Kelly Eradi
Vince Cantore
Mike Canklin

Discussion continued.

Director Blalock moved that, after review and consideration of the Final Environmental Impact Report (EIR) certified by the City of Millbrae on February 9, 2016, and the actions taken by the City on April 10, 2018, the Board:

1. Adopt the Findings, Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program for the TOD #2 Project
2. Find that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment;
3. Find that for the significant and unavoidable effects of the TOD #2 Project identified in the final EIR, specific economic, legal, social, technological or other considerations make mitigation measures or alternatives identified in the EIR infeasible and specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment, as identified in the Final EIR and the Statement of Overriding Considerations;
4. Approve changes to the TOD #2 Project;
5. Delegate to General Manager or her designees the decision to approve or disapprove any additional modifications to TOD #2 Project as described in the Project Description contained in the Final EIR, based upon the General Manager or her designee's determination that appropriate environmental analysis of such modifications has been performed by the City of Millbrae as lead agency pursuant to the California Environmental Quality Act and that such environmental analysis concludes that the modifications will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects.

Director Keller seconded the motions, which carried by electronic vote. Ayes – 7: Directors Blalock, Dufty, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0. Abstain – 1: Director Allen. Absent – 1: Director Josefowitz.

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Real Property 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 12:53 p.m.

The Board Meeting reconvened in closed session at 1:00 p.m.

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

Absent: Director Josefowitz.

Directors Blalock, Keller, and McPartland entered the meeting.

The Board Meeting recessed at 1:27 p.m.

The Board Meeting reconvened in open session at 1:29 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 Simon exited the meeting.

Director Blalock brought the matter of 2019 Federal and State Advocacy Program before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Ms. Amanda Cruz, Program Manager of Government Relations and Legislative Affairs; Ms. Emily Bacque De Silva, C.J. Lake; Mr. Jim Lites, California Strategies; and Mr. Tim Schott, Schott & Associates, presented the item.

Director Saltzman exited the meeting.

The item was discussed. Director Raburn moved that the Board approve the 2019 Federal and State Legislative Advocacy Program, as presented by staff. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Allen, Blalock, Dufty, Keller, McPartland, and Raburn. Noes - 0. Absent – 3: Directors Josefowitz, Saltzman, and Simon.

Director Simon re-entered the meeting.

Director Blalock brought the matter of Authorization of Exclusive Negotiating Agreement for Transit-Oriented Development at North Concord/Martinez Station before the Board. Mr. Holmes; Mr. Brooks; Ms. Thorne-Lyman; Mr. Patrick Urbanus; Mr. Iman Novin; and Mr. Joel Devalcourt presented the item. The item was discussed. Director Keller moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement (ENA) with the development team comprised of Brookfield Residential/Novin Development Corporation for a term of 24 months, with authorization to extend the ENA term an additional 24 months if key deliverables are met, to advance transit-oriented development at the North Concord/Martinez Station. Director McPartland seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes – 1: Director Allen. Absent – 2: Directors Josefowitz and Saltzman.

Director Blalock brought the matter of Modifications to BART Advertisement Content Guidelines before the Board. Mr. Holmes; Mr. Aaron Weinstein, Manager of Marketing and Research; and Ms. Catherine Westphall, Manager of Advertising Franchise, presented the item. President Raburn moved that the Board adopt Advertising Guidelines Option A, to be applied to all new ad sales beginning 30 days after the date of adoption. Directors Dufty and Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes - 0. Absent – 2: Directors Josefowitz and Saltzman.

Director Blalock brought the matter of Award of Agreement No. 6M4604, Stationary Engineering Services for BART's Office Building at 101 8th Street, Oakland, CA, before the Board. Ms. Crunican; Mr. Holmes; Ms. Allen; Mr. Brooks; and Mr. Joseph Basuino, Principal Right of Way Officer, presented the item. The item was discussed.

John Arantes addressed the Board.

Discussion continued. Director Dufty moved that the item be continued to a future meeting. Director Simon seconded the motion.

Discussion continued. Staff was directed to work with the Service Employees International Union 1021 for the performance of Janitorial Services work at 101 8th Street, Oakland, CA.

Director McPartland made a substitute motion, that the General Manager be authorized to award Agreement No. 6M4604, Stationary Engineering Services, in the amount not to exceed \$1,396,574.00, to ABM Industry Groups LLC, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager be authorized to exercise the option for Year 4 in the amount not to exceed \$505,689.00 and the option Year 5 in the amount not to exceed \$524,454.00. Director Blalock seconded the substitute motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Simon, and Raburn. Noes - 0. Abstain – 0. Absent – 2: Directors Josefowitz and Saltzman.

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.

Director Simon exited the meeting.

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

Director Dufty reported he had attended the ceremony for Balboa Park Station Improvements, and the San Francisco Municipal Transportation Agency meeting with Bike Pod. He thanked Director Josefowitz for his service on the BART Board.

Director Blalock reported he had attended the City of Fremont meeting on the Irvington BART Station and thanked BART.

Director Keller thanked BART for all the years of support.

President Raburn reported he had attended the Bay Area Council Awards, and Oakland Structures. He acknowledged the service of Directors Josefowitz, Keller and Blalock and thanked them for their service.

The Meeting was adjourned at 3:10 p.m. in honor of the December 7th Anniversary of the Pearl Harbor Attack and the 50th Anniversary of the Vietnam War.

Patricia K. Williams
District Secretary