

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

Board of Directors  
Minutes of the 1,616th Meeting  
February 10, 2011

A regular meeting of the Board of Directors was held February 10, 2011, convening at 8:34 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Raburn, Radulovich, and Franklin.

Absent: None. Directors McPartland, Murray and Sweet entered the meeting later.

Director McPartland entered the Meeting.

President Franklin recognized BART Police Officer Janell Willis and Community Service Officer Lauren LaPlante for their efforts in implementing community policing. Officer Willis and Ms. LaPlante addressed the Board.

President Franklin called for General Discussion and Public Comment. Mr. Randall L. Glock addressed the Board.

Director Murray entered the Meeting.

President Franklin brought Consent Calendar before the Board. Director Raburn requested that Item 2-E, Resolution of Compliance and Authorization for State of California Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA), be removed from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 27, 2011 (Regular), and January 31, 2011 (Special).
2. Revision to 2011 Standing Committee and Special Appointments.
3. Fiscal Year 2011 Second Quarter Financial Report.
4. Extension of Interim Agreement between BART and the Alameda-Contra Costa County Transit District for Fiscal Year 2011.
5. Award of Contract No. 79HK-140, Renovation of Security Barrier at SFTS (San Francisco Transition Structure).

6. Award of Contract No. 15PR-110, Earthquake Safety Program Lafayette Station.
7. Reject All Bids for Contract No. 15PP-110, Earthquake Safety Program Station Structures – C Line.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director McPartland seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, and Franklin. Noes - 0. Absent – 1: Director Sweet.

1. That the Minutes of the Meetings of January 27, 2011 (Regular), and January 31, 2011 (Special), be approved.
2. That the Board of Directors ratify the following revision to the High Speed Rail Committee for 2011: Joel Keller, Millbrae Station Liaison; John McPartland, Chairperson; and Tom Radulovich.
3. Acceptance of the Fiscal Year 2011 Second Quarter Financial Report.
4. That the General Manager be authorized to execute an amendment to the Interim Agreement between the Alameda-Contra Costa County Transit District (AC Transit) and the San Francisco Bay Area Rapid Transit District (BART) for Fiscal Year 2011 Payment for Transit Coordination to extend the amount of time that BART and AC Transit have to execute a multi-year agreement to December 31, 2011.
5. That the General Manager be authorized to award Contract No. 79HK-140, Renovation of Security Barrier at SFTS, to DRS Marine, Inc., of Vallejo, California, for the total Bid price of \$270,190.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That the General Manager be authorized to award Contract No. 15PR-110, Earthquake Safety Program, Lafayette Station, to L.C. General Engineering & Construction, Inc., for the Bid amount of \$700,434.68, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
7. That all bids for Contract No. 15PP-110, Earthquake Safety Program, Station Structures – C Line, be rejected, and that the General Manager be authorized to readvertise the work.

President Franklin announced that the Board would enter into closed session under Item 3-A (Public Employment), Item 3-B (Threat to Public Services or Facilities), Item 3-C (Conference with Labor Negotiators), and Item 3-D (Conference with Real Property Negotiator) of the regular

meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 8:39 a.m.

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The Board reconvened in closed session at 8:41 a.m.

Directors present: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, and Franklin.

Absent: None. Director Sweet entered the Meeting later.

Director Sweet entered the Meeting.

The Board Meeting recessed at 11:30 a.m.

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The Board reconvened in open session at 11:31 a.m.

Directors present: Directors Fang, Keller, Radulovich, Sweet, and Franklin.

Absent: None. Directors Blalock, McPartland, Murray, and Raburn entered the Meeting later.

Mr. Eddie R. Dillard addressed the Board.

Director Murray entered the Meeting.

Directors Blalock and Raburn entered the Meeting.

Reverend Paul Taylor and Reverend Mario Howell addressed the Board.

Director McPartland entered the Meeting.

President Franklin brought the matter of Resolution of Compliance and Authorization for State of California Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) before the Board. The item was discussed. Director Raburn moved adoption of Resolution No. 5156, In the Matter of the Approval of a Resolution of Compliance and Authorization for Execution of Certification and Assurances for the Public Transportation Modernization, Improvement and Service Enhancement Account Bond Program, to be amended as requested by the Board. Director McPartland seconded the motion, which carried by

unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Agreement with Standard Insurance Company for Life and Disability Insurance for Employees before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute an agreement for a term of three years for an amount not to exceed \$7,830,960.00, with the Standard Insurance Company, and to exercise an option to extend for an additional two years for an amount not to exceed a total of \$13,728,180.00 for the five year agreement. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

Director Blalock brought the matter of Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit Plan before the Board. Ms. Kurtz presented the item.

Ms. Jean E. Hamilton addressed the Board.

The item was discussed. Director Raburn moved to authorize the General Manager to refrain from conducting a market salary survey for the purpose of evaluating professional/management salary ranges in Fiscal Year 2011, as previously directed in Board Resolution No. 5138, and to maintain the current professional/salary ranges through Calendar Year 2011. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

Director Blalock announced that the presentation on Customer Satisfaction Survey would be continued to a future meeting.

Director Sweet recognized and welcomed former Director Willie B. Kennedy.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 79HM-110, San Francisco Transition Structure Security Barrier (SFTS SB) before the Board.

President Franklin exited the Meeting.

Mr. Charles Stark, Executive Manager, Transit System Development, presented the item.

Director Blalock moved that the General Manager be authorized to award Contract No. 79HM-110, SFTS SB, to Taber Construction Inc., for a total Bid price of \$5,104,000.00, including the option Bid Item, and to exercise the option Bid Item, subject to notification to be issued by the General Manager and compliance with the District's protest procedures and Department of Homeland Security requirements related to protest procedures. Director Murray

seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, and Sweet. Noes - 0. Absent – 1: Director Franklin.

Director Fang brought the matter of Agreement with Ghirardelli Associates, Inc., to Provide Contract Management Services for Earthquake Safety Program Station Structure C Line Lafayette Station (Agreement No. 15PR-510) before the Board. Mr. Stark presented the item. The item was discussed.

President Franklin re-entered the Meeting.

Director Murray moved that the General Manager be authorized to award Agreement No. 15PR-510, for construction management services for BART's Earthquake Safety Program Station Structure, C Line, Lafayette Station, to Ghirardelli Associates, Inc., in an amount not to exceed \$1,700,000.00, subject to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

Director Fang brought the matter of Extension of Time for Receipt of Bids for Contract No. 15PJ-110, Earthquake Safety Program Station Structures A-Line, and Contract No. 15PB-110, Earthquake Safety Program Aerial Structures – A Line North, before the Board. Director Murray recused herself from the discussion due to a possible conflict of interest and left the Meeting. Mr. Stark presented the item. Director Raburn moved that staff be directed to delay the bid openings for Contract No. 15PJ-110, Earthquake Safety Program Station Structures – A Line, and Contract No. 15PB-110, Earthquake Safety Program Aerial Structures – A Line North, for a period of four months. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, McPartland, Radulovich, Raburn, Sweet, and Franklin. Noes - 0. Absent – 1: Director Murray.

Director Murray re-entered the Meeting.

Director Fang brought the matter of Award of Contract No. 91CW-226, Furnishing Bicycle Lockers with Electronic Controlled Locks, before the Board. Mr. Steve Beroldo, Access Department, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to award Contract No. 91CW-226, Furnishing Bicycle Lockers with Electronic Controlled Locks, a Requirements Contract, to eLock Technologies LLC of Berkeley, California, for the Bid price of \$2,334,384.47, plus applicable taxes, pursuant to notification to be issued by the General Manager, with all future orders under the Contract over and above the currently available \$490,511.00 subject to certification from the Controller/Treasurer that funds are available for such orders. Directors Blalock and McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

Director Fang brought the matter of Cooperative Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for the Central Subway Project

before the Board. Mr. Pepe Vallenias, Principal Structural Engineer, presented the item. The item was discussed and continued to a future meeting.

Director Fang announced that Quarterly Performance Report, Second Quarter Fiscal Year 2011 - Service Performance Review, would be continued to a future meeting.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed 2011 State and Federal Advocacy Programs before the Board. Mr. Jim Copeland, of CJ Lake LLC, Mr. Tim Schott, of Schott and Lites, Inc., and Mr. Paul Fadelli, Legislative Officer, presented the item. The presentation was discussed.

Director Murray brought the matter of Agreements for State and Federal Advocacy Teams before the Board. Ms. Kerry Hamill, Department Manager, Government and Community Relations, presented the item. Director Blalock moved that the General Manager be authorized to execute the following agreements with an effective date of January 1, 2011: a) a one year agreement for State legislative advocacy services with Schott & Lites, Inc., for a total not-to-exceed amount of \$98,387.00; b) a one year agreement for Federal legislative advocacy services with CJ Lake LLC for a total not-to-exceed amount of \$161,539.00; c) a one year agreement for Executive Branch advocacy services with David Klaus for a total not-to-exceed amount of \$133,919.00; and d) a one year supplemental agreement for State legislative advocacy services involving the Capitol Corridor Inter-City Passenger Rail Service with Schott & Lites, Inc., for a total not-to-exceed amount of \$19,565.00. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Raburn, Sweet, and Franklin. Noes - 0.

President Franklin called for the General Manager's report.

Ms. Dugger introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly presented the Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 16, 2011.

Mrs. Willie B. Kennedy addressed the Board.

President Franklin brought Roll Call for Introductions before the Board.

Director Fang requested District consideration of a letter or vehicle, at the appropriate time, conveying support for the proposed tax extensions on a June ballot for consideration by the electorate.

Director Sweet requested that the appropriate action be taken to resolve the customer complaint entitled "Citation Processing Center Formal Complaint" and similar customer service issues with the District citation processing contractor.

President Franklin called for General Discussion and Public Comment. No comments were received.

President Franklin announced that the Board would enter into closed session under Items 3-B (Threat to Public Services or Facilities), Item 3-C (Conference with Labor Negotiators), and Item 3-D (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 1:34 p.m.

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The Board reconvened in closed session at 1:43 p.m.

Directors present: Directors Blalock, Fang, McPartland, Raburn, Radulovich, and Franklin.

Absent: None. Directors Keller and Murray entered the Meeting later.

Directors Keller and Murray entered the Meeting.

Director Sweet exited the Meeting.

The Board Meeting was adjourned at 3:03 p.m.

Kenneth A. Duron  
District Secretary