

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

Board of Directors
Minutes of the 1,666th Meeting
November 15, 2012

A regular meeting of the Board of Directors was held November 15, 2012, convening at 9:09 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Sweet. Director Fang entered the Meeting later.

President McPartland introduced and welcomed Ms. Freddy M. Davis, President of the Hayward/South Alameda County Chapter of the National Association for the Advancement of Colored People (NAACP). Ms. Davis addressed the Board and presented Mr. Linton Johnson, Manager, Strategic Programs, with the NAACP Lifetime Membership Award. Mr. Johnson and his mother, Dr. Leonor Boulton Johnson, addressed the Board.

President McPartland introduced and welcomed Ms. Rebecca Saltzman, Director-elect for District 3.

President McPartland announced that Item 2-B, Request for Withdrawal of Funds from BART/MTC Railcar Replacement Reserve Account, would be moved to the Administration section of the agenda.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of October 25, 2012.

Director Raburn moved that the Minutes of the Meeting of October 25, 2012, be approved. Directors Blalock and Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

Director Murray, Vice Chairperson of the Administration Committee, brought the matter of Request for Withdrawal of Funds from BART/MTC Railcar Replacement Reserve Account before the Board. Mr. Carter Mau, Executive Manager of Planning and Budgets, presented the item. Director Blalock moved that a request to Metropolitan Transportation Commission, to withdraw up to \$15.5 million from the BART/MTC Car Replacement Account for the purpose of meeting BART Car Replacement Project cashflow needs, be approved. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock,

Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

Director Murray brought the matter of Grant of Easement Agreement with the Port of Oakland for Transition Structure Emergency Generator Project before the Board. Mr. Mau and Mr. Khawaja Zubair, Manager, Electrical Engineering Division, presented the item. The item was discussed. Director Raburn moved that the General Manager or her designee be authorized to execute the Grant of Easement Agreement between the San Francisco Bay Area Rapid Transit District and the Port of Oakland in connection with the Oakland Transition Structure Emergency Generator Project. Director Blalock seconded the motion. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

President McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Change Orders to Contract No. 15PC-110, Earthquake Safety Program Aerial Structures – A-Line South, with Robert A. Bothman, Inc., for Differing Site Conditions, before the Board. Ms. Chris Quinn, Chief Extensions Officer, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to execute Change Orders to Contract No. 15PC-110, BART Earthquake Safety Program, Aerial Structures – A Line South, for differing site conditions and related, compensable delays at the bridge crossing over Alameda Creek and the bridge crossing over Union Pacific Railroad (UPRR) tracks in an amount not to exceed \$1,200,000.00. Director Radulovich seconded the motion. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

President McPartland brought the matter of Change Order to Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures - C Line, with Proven Management, Inc., for Differing Site Conditions, before the Board. Ms. Quinn presented the item. The item was discussed. Director Keller moved that the General Manager be authorized to execute Change Order No. 33 to Contract No. 15PP-110A, Earthquake Safety Program, Station Structures – C Line, for differing site conditions and related, compensable delays, in an amount not to exceed \$3,000,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

President McPartland brought the matter of Authorization to Execute Agreements with Union Pacific Railroad, Utilities and Others to Support the Hayward Maintenance Complex Project before the Board. Ms. Quinn presented the item. President McPartland moved that the General Manager or her designee be authorized to execute agreements, including permits, with UPRR and various public or private utilities, including Alameda County, cities, agencies and special districts, including authority to expend a total not-to-exceed amount of \$1,000,000.00 for support services, including, but not limited to: design, relocation and rearrangement and fees in connection therewith, minor construction and field investigation, for the Hayward Maintenance Complex Project. Director Blalock seconded the motion, which carried by unanimous electronic

vote. Ayes – 7: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Fang and Sweet.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Change Order to Agreement No. 6G4544, Central Processing Services for the Regional Transit Discount Card Program, with Cordoba Corporation, for Extension of Time and Funding, before the Board. Ms. Jennifer Barton, Executive Manager of External Affairs, and Ms. Carol Walb, Manager of Customer Services, presented the item.

Director Fang entered the Meeting.

The item was discussed. Director Raburn moved that the General Manager be authorized to execute Change Order No. 5 to Agreement No. 6G4544, Central Processing Services for the Regional Transit Discount Card Program, with Cordoba Corporation, in an amount not to exceed \$336,787.75, and to extend the term of the Agreement to June 30, 2013. Director Radulovich seconded the item. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 1: Director Sweet.

Director Blalock brought the matter of BART Metro: Sustainable Communities Operational Analysis, before the Board. Mr. Mau; Mr. Malcolm Quint, Manager of Travel Demand Planning; and Mr. Thomas Tumola, Senior Transportation Engineer, presented the item. The item was discussed.

President McPartland exited the Meeting, and Vice President Radulovich assumed the gavel.

Vice President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Mr. Paul Oversier, Assistant General Manager, Operations, reported on the record ridership of 568,061 carried on October 31, 2012.

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

Director Keller reported he had attended the Capitol Corridor Joint Powers Board Meeting and the Contra Costa Transportation Authority meeting and had visited the eBART construction site.

Director Blalock reported he had attended an event at the Warm Springs Extension, an outreach event in Union City, a ribbon-cutting event at the Union City Station, the Capitol Corridor Joint Powers Board Meeting, and an event at the Unity Council.

Director Murray reported she had attended the Warm Springs event and the Capitol Corridor Joint Powers Board Meeting.

Director Murray requested an update on staff response to a constituent complaint regarding a stolen bicycle at the Concord Station requesting bicycle security improvements (cameras, lockers. etc.).

Director Murray requested the inclusion of a provision in agreements for development on District property requiring developers to provide Clipper Cards to residents of the development, for a time to be determined.

Director Raburn reported he had attended a Chamber of Commerce breakfast, an event for the Attitudinal Healing Connection, an Oakland African-American Chamber of Commerce luncheon, and the Unity Council event.

Director King reported she had attended the ribbon-cutting event at Union City Station and the Oakland African-American Chamber of Commerce luncheon.

Vice President Radulovich called for General Discussion and Public Comment. Mr. Javier Guzman addressed the Board.

Vice President Radulovich announced that the Board would enter into closed session under Item 9-A, Conference with Legal Counsel, and that the Board would reconvene in open session at the conclusion of that closed session, and that Item 9-B would be continued to a future meeting.

The Board Meeting recessed at 11:38 a.m.

The Board reconvened in closed session at 11:45 a.m.

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

Absent: Directors Sweet and McPartland.

The Board Meeting recessed at 12:02 p.m.

The Board reconvened in open session at 12:04 p.m.

Directors present: Director Radulovich.

Absent: Directors Blalock, Fang, Keller, King, Murray, Raburn, Sweet, and McPartland.

Vice President Radulovich announced that the Board had met in closed session, and that after the report from the General Counsel, the Board approved continuing using Liebert Cassidy and Whitmore or other counsel to represent the District in the listed action. Ayes – 7: Directors Blalock, Fang, Keller, King, Murray, Raburn, and Radulovich. Noes – 0. Absent – 2: Directors Sweet and McPartland.

The Board Meeting was adjourned at 12:05 p.m.

Kenneth A. Duron
District Secretary