

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

Board of Directors
Minutes of the 1,526th Meeting
March 13, 2008

A regular meeting of the Board of Directors was held March 13, 2008, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Luce, Ward Allen, and Murray.

Absent: None. Directors Fang, Keller, Radulovich, and Sweet entered the Meeting later.

President Murray announced that Item 2-B, Agreement with The Segal Company for Classification and Compensation Study (Agreement No. 6M4072), was being removed from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 28, 2008.
2. Authorization of Deputy General Manager to Exercise the Powers of the Office of the General Manager and the Associate General Counsel to Exercise the Powers of the Office of the General Counsel.
3. Award of Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations.
4. Award of Contract No. 11AF-140, Modification of Street Level Elevators at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations.
5. Award of Contract No. 15PH-120, Daly City Station – Retrofit of Railway Bridge Pier B-206.
6. Award of Invitation for Bid No. 8829, Current Collector Fuse.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Franklin seconded the motions, which carried by unanimous voice vote. Ayes – 5: Directors Blalock, Franklin, Luce, Ward Allen, and Murray. Noes – 0. Absent – 4: Directors Fang, Keller, Radulovich, and Sweet.

1. That the Minutes of the Meeting of February 28, 2008, be approved.

2. Adoption of Resolution No. 5043, In the matter of Designating an Alternate for the General Manager and Authorizing Certain District Officers to Use Facsimile Signatures on District Warrant Checks.
3. That the General Manager be authorized to award Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures, to Nari Construction Co. Inc., for the bid price of \$621,000.00, which includes applicable taxes, pursuant to notification to be issued by the General Manager.
4. That the General Manager be authorized to award Contract No. 11AF-140, Modification of Street Elevators at Civic Center, Embarcadero, Montgomery Street and Powell Street Stations, to Ascent Elevator Services Inc., for the bid price of \$505,000.00, pursuant to notification to be issued by the General Manager.
5. That the General Manager be authorized to award Contract No. 15PH-120, Daly City Station – Retrofit of Pier B-206(W), to Power Engineering Contractors Inc., for the bid amount of \$183,947.00, 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 Invitation for Bid No. 8829, for the purchase of Current Collector Fuses, to Alameda Electrical Distributors Inc., Alameda, CA, for the amount of \$470,887.50, including sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District protest procedures.

(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.)

President Murray brought the matter of Agreement with The Segal Company for Classification and Compensation Study (Agreement No 6M4072) before the Board.

Ms. Emily Hunt and Ms. Lisa Isler addressed the Board.

Ms. Elaine Kurtz, Department Manager, Human Resources, gave a brief presentation of the item.

Directors Sweet, Fang, and Radulovich entered the meeting.

Item 2-B was discussed by the Board.

Ms. Jean Hamilton addressed the Board.

President Murray moved that the General Manager or her designee be authorized to execute Agreement No. 6M4072, with The Segal Company, for a Classification and Compensation Study, in an amount not to exceed \$185,000.00, pursuant to notification to be issued by the

General Manager and subject to compliance with the District's protest procedures; and that staff be directed to take the initiative to meet with the Service Employees International Union (SEIU) Local 1021 to discuss whether there is mutual interest in exploring the development of a side letter or other mechanism in response to SEIU's concerns raised during the discussion of the Classification and Compensation Study. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Radulovich, Sweet, Ward Allen, and Murray. Noes – 1: Director Luce. Absent – 1: Director Keller.

The Board Meeting recessed at 9:43 a.m.

The Board reconvened at 12:16 p.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. Award of Contract No. 09AT-110, Retrofit of East and West Seismic Joints at the San Francisco Transition Structure.
2. Change Order to Agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network, with Phase-3 Communications, Inc., to Increase Expenditure of Funds and Extend Contract Duration (C.O. No. 1).

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Fang. Director Blalock seconded the motions, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, Ward Allen, and Murray. Noes – 1: Director Luce.

1. That the General Manager be authorized to award Contract No. 09AT-110, San Francisco Transition Structure, to Shimmick Construction Company, Inc., at a total bid price of \$5,095,800.00, subject to notification to be issued by the General Manager and compliance with the District's protest procedures.
2. That the General Manager be authorized to execute a change order to Agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network, awarded to Phase-3 Communications, Inc., of San Jose, California, in the amount of \$183,000.00 and extend the contract duration by 12 months.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Change Order to Agreement No. 65BK-301, with Karen Antion Consulting and Parsons Brinkerhoff, A Joint Venture, for Program Management Services in Support of the District Business

Advancement Plan before the Board, and made the following motion, incorporating amendments requested by Directors Blalock and Murray: That the General Manager be authorized to execute a change order to Agreement No. 65BK-301, with Karen Antion Consulting, LLC/PB Consult, Inc., for program management services in support of the District's Business Advancement Program, in an amount not to exceed \$2,500,000.00, using the annual work directive method, and to require that staff return to the Board with feedback regarding employee reaction to the programs as implemented. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Fang, Franklin, Keller, and Murray. Noes – 3: Directors Radulovich, Sweet, and Ward Allen. Abstain – 1: Director Luce.

Director Franklin brought the matter of Agreement with Titan Outdoor LLC for Poster Advertising Franchise Services (Agreement No. 6M7066) before the Board, and moved that the General Manager or her designee be authorized to execute Agreement No. 6M7066, with Titan Outdoor LLC, to act as the District's poster advertising franchisee for a period of ten years, at the proposed price with a minimum revenue guarantee of \$140 million over ten years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Abstain – 1: Director Luce.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that both items on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Approval of New Parking Fines before the Board, and moved that parking fines for permit and red zone violations be increased from \$25.00 to \$40.00; that parking fines for all other parking related violations, with the exception of disabled space and the 24-hour parking limit, be increased from \$25.00 to \$35.00; and that the second level penalty imposed prior to Department of Motor Vehicles (DMV) hold be increased from \$0.00 to \$10.00. Director Sweet seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, and Ward Allen. Noes – 2: Directors Luce and Murray.

Director Ward Allen reported that the report on District-wide Newspaper Advertising had been continued to a future meeting.

President Murray asked for the General Manager's Report. General Manager Dorothy W. Dugger had no report.

President Murray brought the matter of Directors' Compensation before the Board. Director Blalock moved adoption of Resolution No. 5044, In the Matter of Adjusting Directors' Monthly Compensation Based on the California Consumer Price Index. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0.

Director Blalock, Chairperson of the District Organizational Review Committee, reported that the committee had met on November 26, 2007, and January 15, 2008, and was continuing to work on items previously identified in the committee's action plan.

Directors Fang and Keller exited the meeting.

President Murray brought Roll Call for Introductions before the Board. No items were introduced.

President Murray called for General Discussion and Public Comment.

Director Sweet thanked District employees Bianca Mallory, Joan Morris, Linda Wells-Grogan, Ruby Smith, Sheree West, Gena Alexander, and Marcia deVaughn for their efforts in fund-raising for United Negro College Fund Walk-A-Thon.

Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 12:30 p.m.

Kenneth A. Duron
District Secretary