

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

Board of Directors  
Minutes of the 1,614th Meeting  
January 27, 2011

A regular meeting of the Board of Directors was held January 27, 2011, convening at 9:00 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, McPartland, Murray, Raburn, and Franklin.

Absent: None. Directors Radulovich and Sweet entered the meeting later.

President Franklin announced that there had been a request to remove Item 2-C, Deferral of Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit Plan, from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 13, 2011.
2. Standing Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Bay Fair Safety and Security Improvements Project.
3. Award of Contract No. 6M3158A, Procurement of Fasteners.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, and Franklin. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

1. That the Minutes of the Meeting of January 13, 2011, be approved.
2. Adoption of Resolution No. 5155, In the Matter of Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Bay Fair BART Safety and Security Improvements Project.
3. That the General Manager be authorized to award Contract No. 6M3158A, Procurement of Fasteners, an estimated quantity contract, to ACF Components & Fasteners, Inc., for the bid price of \$201,421.75, plus all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

President Franklin brought the matter of Deferral of Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit Plan before the Board.

Ms. Jean Hamilton addressed the Board.

Director Sweet entered the Meeting.

Ms. Elaine Kurtz, Department Manager of Human Resources, gave a brief presentation on the item. After discussion, the item was continued to a future meeting.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on Metropolitan Transportation Commission / Association of Bay Area Governments Regional Transportation Plan / Sustainable Communities Strategy before the Board.

Director Radulovich entered the Meeting.

Mr. Ezra Rapport, Executive Director of the Association of Bay Area Governments (ABAG), presented the item. Discussion followed.

Mr. Robert S. Allen and Mr. Jerry Grace addressed the Board.

Director Blalock, Chairperson of the Administration Committee, announced that Item 4-A, Agreement with Standard Insurance Company for Life and Disability Insurance for Employees, would be continued to a future meeting.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 09DJ-120A, Installation of Anode Cables and Anode Array Assemblies for Cathodic Protection System, with Manson Construction Company, for Modification of Work Scope (C.O. No. 1), before the Board. Mr. Ed Yee, Principal Electrical Engineer, presented the item. Discussion followed. Directors Raburn and Sweet moved that the General Manager be authorized to execute Change Order No. 1 to Contract No. 09DJ-120A, Installation of Anode Cables and Anode Assemblies for Cathodic Protection System at Transbay Tube, that results in a net savings to the District of \$220,807.37. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang brought the matter of Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Foundation Retrofits (C.O. No. 7), before the Board. Ms. Melena Gallagher, Manager of Capital Program – Stations, presented the item. Discussion followed. Director Blalock moved that the General Manager be authorized to execute Change Order No. 7 to Contract No. 15ID-110, Pleasant Hill Station Modernization Project, with Taber Construction, Inc., in the amount of \$1,031,070.55, for the Earthquake Safety column foundation retrofits. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Mr. Jerry Grace addressed the Board.

Director Murray brought the matter of Exclusive Negotiations with Recommended Developer for Station Retail before the Board. Mr. Jeffrey P. Ordway, Manager of Property Development, presented the item. Discussion followed.

At the request of the Board, Mr. Ordway introduced the TransMart, Inc., representatives present: Mr. Andrew Cramer, Mr. Alfred Farmer, Ms. Lorna Moritz, and Mr. Robert Weinberg.

Director Sweet moved that the General Manager or her designee be authorized to enter into an exclusive negotiating agreement with TransMart, Inc., for a Master Station Retail Vendor agreement for a period of three years, with a right to extend for one year upon mutual agreement. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 1: Director Radulovich.

President Franklin called for the General Manager's report. General Manager Dorothy W. Dugger had no report.

President Franklin brought Roll Call for Introductions before the Board.

Director Sweet requested an update on the District's preventive maintenance plan in Rolling Stock and Shops, to include reports of dissension regarding program effectiveness.

Director Radulovich requested a report on the effectiveness of District departments working together and with external agencies and Customers, including how the effectiveness of departments and managers is evaluated.

Director Blalock requested to be informed of the resolution of a complaint by Mr. John Collins, Livermore, regarding parking citation processing involving Clipper card implementation.

President Franklin called for General Discussion and Public Comment.

Director Fang shared that on a recent trip to China, he had met with transportation agencies in Shanghai and Wuhan, and members of the agencies had expressed interest in a cooperative exchange of information.

Ms. Jean Hamilton and Mr. Jerry Grace addressed the Board.

President Franklin announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel – Existing Litigation), and Item 10-B (Conference with Labor Negotiators – Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:10 a.m.

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The Board reconvened in closed session at 11:17 a.m.

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

Absent: Director Keller. Directors McPartland, Murray, and Sweet entered the Meeting later.

Directors McPartland and Murray entered the Meeting.

Director Sweet entered the Meeting.

The Board Meeting recessed at 12:04 p.m.

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The Board reconvened in closed session at 12:10 p.m.

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

Absent: Directors Blalock and Keller.

The Board Meeting was adjourned at 12:25 p.m.

Kenneth A. Duron  
District Secretary