

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

Board of Directors
Minutes of the 1,672nd Meeting
February 28, 2013

A regular meeting of the Board of Directors was held February 28, 2013, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Fang entered the Meeting later.

President Radulovich brought Introduction of Special Guests before the Board. Chief of Police Kenton Rainey introduced and welcomed the 2012 BART Police Department Award Recipients: Tim Leonard, Andrew Rodrigues, Crystal Raine, Lauren Sugayan, Jill Smith, and Ashley Rincon.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 14, 2013.
2. Leases on BART-Owned Properties.
3. Award of Contract No. 79HV-110A, Lake Merritt Station CCTV (Closed Circuit Television).
4. Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting.

Director Blalock requested that Item 2-D, Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting, be removed from the Consent Calendar.

Director Raburn requested that Item 2-A, Approval of Minutes of the Meeting of February 14, 2013, be amended to reflect his recognition of Station Agent Lee Williams and Foreworker Richard Lazaro. With that amendment, approval of the Minutes was replaced on the Consent Calendar.

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

1. That the Minutes of the Meeting of February 14, 2013, be approved as amended.

2. That the General Manager or her designee be authorized to issue new leases to City of Concord – Concord (Parcel Numbers O-C001, 2, 3, 8, and 9); Catholic Charities – Oakland (Parcel Number O-K277); B&N Industries – Burlingame (Parcel Number D-3716); Pentecostal Way of Truth – Oakland (Parcel Numbers O-B203, 204, and 205); for terms of up to five years, plus an option term for up to five years; to increase existing rents by 3% for the first year and for each remaining non-option year; and to increase rents 3% for each option year.
3. That the General Manager be authorized to award Contract No. 79HV-110A, Lake Merritt Station CCTV, to G4S Technology, LLC, for the Bid price of \$1,593,128.05, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures and the Department of Homeland Security’s procedures related to protests.

Director Fang entered the Meeting.

President Radulovich brought the matter of Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Mr. Eric Szyrko addressed the Board.

Director Blalock moved to award Contract No. 15II-110, Station and Tunnel Emergency Lighting, to Blocka Construction, Inc. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich announced that the order of agenda items would be changed, and called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Antonette Bryant
Ms. Diana Morrison
Mr. Chris Finn
Ms. Yuri Hollie
Ms. Anabelle Balanos
Ms. Susan Cervantes
Ms. Brooke Oliver
Mr. Erick Arguello
Mr. Peter Carpou

Director Murray, Chairperson of the Administration Committee, brought the matter of Amalgamated Transit Union, Local 1555, Side Letter - New Classification and Modification of Senior Secretary Classification Wage Rate, before the Board. Mr. Rudolph Medina, Department Manager, Labor Relations, presented the item. The item was discussed.

Ms. Antonette Bryant addressed the Board.

Director Mallett moved that the Board approve and authorize the General Manager to execute the Side Letter of Agreement with Amalgamated Transit Union Local 1555, ATU/SL-1-10 RE: BAP Implementation. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of Parking Fee Modification Program and Productivity-Adjusted Inflation-Based Fare Increase Program before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, Mr. Bob Franklin, Department Manager, Customer Access, and Ms. Pamela Herhold, Financial Planning, gave a presentation on the Resolution Adopting New Systemwide Paid Parking Program Modifications and Fees portion of the item. The item was discussed. Director Mallett provided an amended resolution and moved adoption of the amended resolution, Resolution No. 5207, In the Matter of Adopting New Systemwide Paid Parking Program Modifications and Fees. Director Murray seconded the motion. Discussion continued, and additional amendments to the resolution were made.

The following individuals addressed the Board.

Mr. Jerry Grace

Mr. Phaeton Brown

The Board Meeting recessed at 12:09 p.m.

The Board reconvened at 12:32 p.m.

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

Absent: None.

Discussion continued. The motion to adopt Resolution No. 5207, as amended, carried by electronic vote by the required two-thirds vote. Ayes – 8: Directors Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Blalock.

Director Murray brought the matter of Resolution Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation-Based Fare Increases, before the Board. The matter was discussed. Director Mallett requested the addition of language in the resolution as follows: That the competitive and efficient price of all travel modes increases with inflation and maintaining competitive and efficient fare pricing is a District priority.

Director Blalock moved adoption of Resolution No. 5208, In the Matter of Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation Based Fare Increases, as amended. Director Mallett seconded the motion, which carried by electronic vote by the required two-thirds

majority. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Discussion on Parking Fee Modification Program and Productivity-Adjusted Inflation-Based Fare Increase Program continued.

President Radulovich exited the Meeting.

Director Murray brought the matter of Second Amendment to the Millbrae Use, Operating and Maintenance Agreement between the Peninsula Corridor Joint Powers Board, the San Mateo County Transit District, and the San Francisco Bay Area Rapid Transit District, before the Board. Mr. Mau presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute the Second Amendment to the Use, Operating and Maintenance to put in place a new payment schedule for Fiscal Year 2014 through Fiscal Year 2018. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, and Saltzman. Noes – 1: Director Mallett. Absent - 1: Director Radulovich.

Director Murray brought the matter of Fiscal Year 2014 Budget: Financial Priorities, before the Board. Mr. Mau, Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

President Radulovich re-entered the Meeting.

The item was discussed.

Director Fang exited the Meeting.

Mr. Jerry Grace addressed the Board.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, had no report.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Purchase Order 6928 for External Cloud Computing Services before the Board. Ms. Kerry Hamill, Acting Executive Manager of External Affairs, and Mr. Timothy Moore, BART Webmaster, presented the item. Director Saltzman moved that the General Manager be authorized to execute an amendment to Purchase Order No. 6928, with Rackspace, Inc., for External Cloud Computing Services, for the additional amount not to exceed \$223,000.00, for the period of Fiscal Year 2013 through Fiscal Year 2015. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director Fang.

Director Blalock brought the matter of 2013 State and Federal Advocacy Goals before the Board. Ms. Hamill and Mr. Paul Fadelli, Legislative Analyst, presented the item. The item was discussed. Director Murray moved that the Board approve the State and Federal advocacy programs as recommended by staff. Director Saltzman requested the motion be amended to

include that staff be directed to prepare a letter from the President to the Metropolitan Transportation Commission advocating the appointment of a multi-jurisdictional transit agency representative to the metropolitan planning organization consistent with MAP-21.

Discussion continued.

Director Blalock exited the Meeting and Vice Chairperson Raburn assumed the gavel.

Director Mallett seconded the motion as amended. The motion carried by unanimous electronic vote. Ayes - 7: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 2: Directors Blalock and Fang.

Director Raburn brought the matter of 2013 Regional and Local Funding Opportunities before the Board. Mr. Roddrick Lee, Division Manager of Local Government and Community Relations, and Mr. Michael Tanner, Manager, Grant Development and Compliance, presented the item. The item was discussed.

President Radulovich 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. Ms. Crunican led a brief discussion on the Roll Call for Introductions Process.

Mr. Jerry Grace addressed the Board.

President Radulovich called for Board Member Reports.

Director Murray reported she had attended the Personnel Review Special Committee Meeting.

Director Keller reported he had attended the Personnel Review Special Committee Meeting.

Director McPartland reported he had attended several meetings with constituents, Livermore/Amador Valley Transit Authority, county supervisors, and representatives from the cities of Dublin, Livermore, and Pleasanton.

Director Raburn reported he met with the Oakland City Manager, the Lunar New Year celebration, the Bay Area Air Quality Management District meeting, the Capitol Corridor Joint Powers Board meeting, and the Oakland Airport Connector Joint Administrative Committee meeting.

President Radulovich called for Roll Call for Introductions.

Director Mallett requested a future Board agenda topic to discuss an inclusionary policy for development at and adjacent to BART Stations.

Director Mallett requested a future Board agenda topic for a comprehensive review of the District's fare structure.

Director Mallett requested estimated cost per mile for the construction of soundwalls along the alignment between the Concord and North Concord/Martinez Stations.

Director Murray requested the development of a fuel cell strategy for non-revenue vehicles in partnership with AC Transit.

Director McPartland requested a briefing on permissible and/or permitted activities for non-profits and individuals seeking donations in inside and outside stations.

President Radulovich noted General Discussion and Public Comment had been opened at the start of the agenda. No additional comments were received.

President Radulovich announced that the Board would enter into closed session in Room 303, Board Conference Room, under Item 9-A (Conference with Legal Counsel) and Item 9-B (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting was recessed at 2:25 p.m.

The Board reconvened in closed session at 2:32 p.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Fang.

Director McPartland exited the Meeting.

The Board Meeting was recessed at 4:56 p.m.

The Board reconvened in open session at 4:59 p.m.

Directors present: President Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had met in closed session and there was no report to be made.

The Board Meeting was adjourned at 4:59 p.m.

Kenneth A. Duron
District Secretary