

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

Board of Directors  
Minutes of the 1,561st Meeting  
May 28, 2009

A regular meeting of the Board of Directors was held May 28, 2009, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Sweet entered the Meeting later.

President Blalock called for a moment of silence in honor of Mother Wright and Mary Hewitt.

Director Sweet entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of April 23, 2009 (Regular), and May 7, 2009 (Special).
2. Continuation of Agreement with IBM Corporation for Mainframe Operating Software Licensing and Support.
3. Continuation of Agreement with INFOR for Maintenance of Licensed Software.
4. Fiscal Year 2010 Proposition 4 Appropriations Limit.

Consent Calendar motions, as follow, were moved as a unit by Director Sweet. The motions were seconded and carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the Minutes of the Meetings of April 23, 2009 (Regular), and May 7, 2009 (Special), be approved.
2. That the General Manager be authorized to continue an agreement with the IBM Corporation, for mainframe computer software for eighteen months, beginning July 1, 2009, in an amount not to exceed \$444,000.00.
3. That the General Manager be authorized to execute a fifteen-month extension (paid quarterly) to the current maintenance agreement for the District's financial management software systems, with INFOR, through September 30, 2010, at a cost not to exceed \$469,500.00

4. Adoption of Resolution No. 5081, In the Matter of the Establishment of the Fiscal Year 2010 Appropriations Limit

President Blalock announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set aside to hold a public hearing on the Fiscal Year 2010 Budget and options for fare increase(s) and modification(s) to parking fees, and that staff would give a brief presentation, and that the meeting would then be opened for comments from the public.

Mr. Peter Nardoza addressed the Board.

Mr. Carter Mau, Executive Manager, Planning and Budgets; Mr. Robert Umbreit, Department Manager, Operating Budgets; and Mr. Dale Fousel, Capital Development and Control, gave a presentation on the Fiscal Year 2010 Budget.

The following individuals addressed the Board:

Ms. Julia Bates  
Ms. Trish Suzuki  
Mr. Whitfied McTair  
Mr. Scott Mace

The public hearing was closed, and the Board Meeting recessed at 9:51 a.m.

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The Board reconvened at 11:27 a.m.

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

Absent: None.

Director Murray, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2010 Budget: Adopt New Fare Rates and Modify Parking Rates and Charges before the Board.

Director Murray moved that the Daily Paid Parking Criteria be modified as described in Resolution No. 5082 (Resolution No. 5082 is attached and hereby made a part of these Minutes.) Director Blalock seconded the motion, which carried by unanimous voice vote by the required two-thirds majority. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Sweet moved that the Consumer Price Index based 6.1 percent fare increase be implemented on July 1, 2009, as described in Resolution No. 5082. Director Franklin seconded the motion, which carried by unanimous voice vote by the required two-thirds majority. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Sweet moved that the minimum fare be increased to \$1.75, as described in Resolution No. 5082. Director Keller seconded the motion, which carried by voice vote by the required two-thirds majority. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

Director Murray moved that the SFO Premium Fare be increased from \$1.50 to \$4.00, as described in Resolution No. 5082. Director Fang seconded the motion, which carried by voice vote by the required two-thirds majority. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

Director Murray moved that the remaining elements of Resolution No. 5082 be adopted, including suspension of EZ Rider Card and Hang-tag Fees, insofar as said elements were not inconsistent with the Board’s direction to staff. Director Keller seconded the motion, which carried by unanimous voice vote by the required two-thirds majority. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Sweet moved that staff be directed to work with representatives of the San Francisco International Airport to develop strategies to mitigate the impact of the SFO Premium Fare increase on airport employees. If not resolved by June 30, 2009, the increase will take effect July 1, and staff is to provide a report at the first Board Meeting in June. Director Keller seconded the motion, which carried by unanimous voice vote. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

The Board Meeting recessed at 11:36 a.m.

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The Board reconvened at 1:16 p.m.

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

Absent: None.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, before the Board.

Director Fang moved that upon certification by the Controller/Treasurer that funds are available for this contract, that the General Manager be authorized to award Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, to Shimmick Construction Co. Inc./Skanska USA Civil West California District Inc., Joint Venture, for the bid amount of \$136,750,550.00, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

The Board Meeting recessed at 1:19 p.m.

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The Board reconvened at 2:21 p.m.

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

Absent: Director Ward Allen. Director Franklin entered the meeting later.

Consent Calendar Addenda items brought before the Board were:

1. Agreement with Clean Innovation Corporation for Graffiti Removal Services Systemwide (Agreement No. 6M3092).
2. Proposed Support for State and Federal Legislation.

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

1. That the General Manager be authorized to enter into Agreement No. 6M3092, with Clean Innovation Corporation, to provide graffiti removal services District-wide, for a period of three years, with options to extend for up to two additional one-year periods under the same terms and conditions, for a total compensation, including options, not to exceed \$1,499,103.20, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures.
2. That the Board approve the following positions for legislation: Support for Assembly Bill (AB) 338 (Ma) Transit Village Development Financing; AB 729 (Evans) Design-Build Contracts; AB 1072 (Eng) Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Implementation; AB 1175 (Torlakson) Bay Area Toll Authority/Metropolitan Transportation Commission (BATA/MTC) Bridge Toll Authority; Assembly Constitutional Amendment (ACA) 9 (Huffman) Local Special Taxes: Voter Approval; ACA 15 (Arambula) Local Special Taxes for Transportation: Voter Approval; Senate Bill (SB) 205 (Hancock) Traffic Congestion: Vehicle Registration Fees; House of Representative bill (H.R.) 1329 (Blumenauer, Tauscher, LaTourette) Clean, Low-Emission, Affordable, New Transportation Efficiency Act (CLEAN-ACT); Senate bill S. 247 (Feinstein, Collins, Schumer) “Cash for Clunkers”; and H.R. 520 (Israel, Lee) “Cash for Clunkers”; and Watch/Support if amended for AB 312 (Ammiano) Public Review of BART Police.

Director Murray, Chairperson of the Administration Committee, reported that the committee had received and discussed a report on Fiscal Year 2010 Budget: Capital Budget.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed the Quarterly Performance Report, Third Quarter Fiscal Year 2009 - Service Performance Review.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger reported that the Capitol Corridor Joint Powers Authority Board Meeting would be held in the BART Board Room on June 10, 2009, and gave a brief overview of the draft agenda for the meeting.

President Blalock noted that Director Ward Allen had given a brief report on behalf of the BART Police Department Review Committee at the conclusion of the Planning, Public Affairs, Access, and Legislation Committee meeting.

President Blalock brought Roll Call for Introductions before the Board.

Director Fang requested a report on initiatives or activities the Police Department could enact to ensure the protection of District employees working in facilities located in Oakland.

Director Fang requested a summary of the recruitment process for the Executive Manager, External Affairs.

Director Radulovich requested a discussion of the issues of equity in the interpretation and implementation of District fare policy and sustainability, with the discussion to include whether there should be linkages.

President Blalock called for General Discussion and Public Comment.

Mr. Scott Mace and Mr. Jerry Grace addressed the Board.

President Blalock announced that the Board would enter into closed session under Item 9-A (Conference with Legal Counsel – Existing Litigation) and Item 9-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 2:36 p.m.

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The Board reconvened in closed session at 2:45 p.m.

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

Absent: Director Ward Allen.

Director Franklin entered the meeting at 2:57 p.m.

The Board Meeting adjourned at 4:45 p.m. in memory of Joe Loudon.

Kenneth A. Duron  
District Secretary