

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

Board of Directors
Minutes of the 1,508th Meeting
June 14, 2007

A regular meeting of the Board of Directors was held June 14, 2007, convening at 9:15 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Paul Oversier, Assistant General Manager – Operations, introduced the BART 2007 American Public Transportation Association (APTA) Rapid Transit Rail Rodeo contestants and coaches:

Train Operations Team: BJ Vining, Paulette Johnson, and Betty SooHoo (coach)
Maintenance Team: Carl Ambrose, Jobi Poulouse, Ted Christian, and Mark Stowers (coach)

President Sweet 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 to hold a Public Hearing on the Proposed West Bay Airport/Long-Term Parking Program Fees at the Daly City, Colma, South San Francisco, San Bruno, and Millbrae Stations; and that at a future meeting of the Planning, Public Affairs, Access, and Legislation Committee, the proposed West Bay Airport/Long-Term Parking Program fees would be reviewed in greater detail and possibly forwarded to the Board of Directors for consideration; and that staff would now give a brief presentation on the proposed West Bay Airport/Long-Term Parking Program fees; and that the meeting would then be opened for comments from the public.

Carter Mau, Executive Manager of the Office of Planning and Budget, and Kevin Hagerty, Manager of Customer Access, gave a presentation on the proposed West Bay Airport/Long-Term Parking Program fees.

Ms. Carolyn Bloede and Mr. Jerry Grace addressed the Board.

Director Franklin shared comments on behalf of a constituent.

The item was discussed by the Board.

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of May 24, 2007.
2. Fiscal Year 2008 Budget: Proposition 4 Appropriations Limit.
3. Authority to Execute Agreement No. 6M2009 with Bay Area Transit Specialists and Agreement No. 6M2010 with Merriwether & Williams Insurance Services for Insurance Brokerage Services.
4. Authorization of Associate General Counsel to Exercise the Powers of the Office of the General Counsel.
5. Authority to Retain Bond Counsel in Connection with Issuance of General Obligation (GO) Bonds, 2007.
6. Procurement of Replacement Service Vehicles.
7. Extension of Time to Agreement No. 7G8310, General Engineering Services, with Science Applications International Corporation.

The items entitled “Authority to Retain Bond Counsel in Connection with Issuance of General Obligation (GO) Bonds, 2007,” and “Procurement of Replacement Service Vehicles” were removed from Consent Calendar at the request of President Sweet.

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

1. That the Minutes of the Meeting of May 24, 2007, be approved.
2. Adoption of Resolution No. 5015, In the Matter of the Establishment of the Fiscal Year 2008 Appropriations Limit, setting the District’s Fiscal Year 2008 appropriations limit at \$438,274,195.00.
3. That the General Manager be authorized to enter into Agreement No. 6M2009, with Bay Area Transit Specialists, to provide Insurance Brokerage Services for a period of three years, with two one-year options at the District’s discretion, for a total compensation not to exceed \$298,000.00; and that the General Manager be authorized to enter into Agreement No. 6M2010, with Merriwether & Williams, to provide Insurance Brokerage Services for a period of three years, with two one-year options at the District’s discretion, for a total compensation not to exceed \$336,462.00; with both awards pursuant to notification issued by the General Manager and subject to compliance with the District’s protest procedures.

4. Adoption of Resolution No. 5016, In the Matter of Designating an Alternate for the General Manager and Authorizing Certain District Officers to Use Facsimile Signatures on District Warrant-Checks.
5. That the General Manager or his designee be authorized to extend the existing Professional Services Agreement with Science Applications International Corporation (SAIC) for General Environmental Services (Agreement No. 7G8310) for a period of five months, through November 15, 2007.

Sherwood Wakeman, General Counsel, responded to questions on Authority to Retain Bond Counsel in Connection with Issuance of General Obligation (GO) Bonds, 2007.

Thomas E. Margro, General Manager, responded to questions on Procurement of Replacement Service Vehicles.

The motions below were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0. Absent – 0.

1. That the General Counsel be authorized to execute an agreement with the Joint Venture of Orrick Herrington & Sutcliffe L.L.P. and Lofton & Jennings to provide bond counsel services for the District in connection with the issuance of approximately \$400 million of the District's General Obligation Bonds 2007 Series B, for the fixed-price lump sum of \$99,000.00 plus disbursements in an amount not to exceed \$4,000.00, subject to notification by the General Counsel and compliance with the District's protest procedures.
2. That the General Manager be authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles, consisting of 10 police sedans, 10 Ford Escape Hybrids, and 12 medium duty maintenance trucks, through the State's bid process, in the amount of \$700,000.00.

The Board Meeting recessed at 9:53 a.m.

The Board Meeting reconvened at 11:00 a.m.

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

Absent: None.

There were no Consent Calendar Addenda items brought before the Board.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2008 Budget before the Board, and moved Adoption of Resolution No. 5017, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2007, to June 30, 2008, including expenditures for increased evening and weekend service beginning January 1, 2008. Directors Keller and Ward Allen seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0. Absent – 0.

Director Franklin brought the matter of Authority to Execute Agreement No. 6M4052 with Wollborg/Michelson Personnel Services, Inc., for Temporary Help Services, before the Board, and moved that the General Manager or his designee be authorized to execute Agreement No. 6M4052, with Wollborg/Michelson Professional Services, Inc., for temporary help services, for a term of four years, with two separate additional option years, in an amount not to exceed \$18,061,292.00, pursuant to notification issued by the General Manager and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0. Absent – 0.

Director Franklin reported that the matter of General Obligation Bonds 2007 Series B, a. Selection of Underwriters; and b. Selection of Financial Advisor, had been continued to the June 21, 2007, Special Administration Committee Meeting.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed a Report of Earthquake Safety Program Citizens' Oversight Committee.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Sweet asked for the General Manager's Report. General Manager Thomas E. Margro reported on the successful participation of the BART team at the APTA Rail Rodeo; on the success of Evan O'Dorney, son of BART employee Michael O'Dorney, as the National Spelling Bee champion; and that the District had recorded an all-time high ridership mark of 381,223 passengers on June 13, 2007.

Mr. Margro introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who gave a Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 20, 2007, noting that the date of the meeting had been continued to a future date.

Mr. Jerry Grace addressed the Board.

Director Ward Allen, Chairperson of the District Security Advocacy Ad Hoc Committee, reported on recent issues and outcomes related to security liaison relations between BART Police, Capitol Corridor, and Amtrak.

Director Blalock, Chairperson of the District Organizational Review Ad Hoc Committee, reported that the Committee was prepared to bring the final set of proposed recommendations to the Board for action at the June 21, 2007, Special Meeting of the Board of Directors.

President Sweet brought Roll Call for Introductions before the Board.

Director Radulovich requested that the District's Art on BART program provide forums for artwork in vacant station advertising space, to be coordinated with local jurisdictions and cities that have public art programs.

Director Radulovich requested that the District dedicate a percentage of funding for capital projects to public art, especially in stations, exploring best practices of the use of public art in cities and transit.

Director Murray requested the District review and report on quality of life rules on the system and the enforcement of those rules.

Director Murray requested a report to the Board on the rationale for insurance requirements on service contracts, with the report to include an evaluation of the impacts on small businesses, and consideration of an exception for planning projects.

Director Ward Allen requested assistance resolving a real estate issue affecting a local small business.

Director Ward Allen requested a report on how the District determines which newspapers to advertise in, particularly for personnel recruitment.

Director Fang requested the District consider increasing the newspaper advertising budget to enable publishing in a greater number of newspapers.

President Sweet announced that the District would be participating in several Juneteenth celebrations, and thanked staff for making all the necessary arrangements.

President Sweet brought the matter of Employee Recruitment and Relocation for the Position of General Counsel before the Board. Director Blalock moved that staff be authorized to amend Agreement No. 6M4067, Executive Recruitment Services for the Position of General Manager, with Bennett Yarger Associates, to include a search to identify suitable candidates for the position of General Counsel; and that staff be authorized to enter into a relocation reimbursement agreement with the successful candidate, if necessary, in an amount not to exceed \$18,000.00, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement, and that the Office of the General Counsel approve the agreements as to form. Director Radulovich seconded the motion, which carried unanimously. Ayes – 9: Directors

Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0.
Absent – 0.

President Sweet called for General Discussion and Public Comment.

Mr. Jerry Grace addressed the Board.

Director Franklin reported that at a townhall meeting on June 13, 2007, the Oakland Police Lieutenant Jim Meeks and the community had expressed appreciation to the District and BART Police for efforts to combat crime around the Rockridge Station.

President Sweet announced that the Board would enter into closed session under Item 8-A (Public Employee Appointment) and Item 8-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 11:37 a.m.

The Board entered into closed session at 11:50 a.m.

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

Absent: Director Luce.

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

Kenneth A. Duron
District Secretary