

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

Board of Directors  
Minutes of the 1,497th Meeting  
January 11, 2007

A regular meeting of the Board of Directors was held January 11, 2007, convening at 9:14 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, and Sweet.

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

President Sweet announced that Item 6-A, Authority to Execute Agreement No. 6M5006 for an Availability and Utilization Study for the Bay Area Public Transportation Agencies (BAPT), would be continued until the January 25, 2007, Board Meeting.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of December 21, 2006.
2. Technical Correction to the Resolution Establishing the 2007-2009 Premium Contributions for Public Employees Retirement System (PERS) Medical Coverage for Employees and Retirees Represented by BART Police Officers Association (BPOA).
3. Central Contra Costa BART Crossover Track Project Regional Measure 2 Resolutions of Project Compliance and Initial Project Reports.
4. Participation in the State of California Fuel Card Program.
5. Award of Contract No. 6M3019A, Installation and Modification of Inverter Systems at Powell Street and Montgomery Street Stations.
6. Proposed State and Federal Legislative Advocacy Agreement Renewals.

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

1. That the Minutes of the Meeting of December 21, 2006, be approved.

2. Adoption of Resolution No. 5004, In the Matter of Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act for Employees/Annuitants Represented by BART Police Officers Association.
3. Adoption of Resolution No. 5005, In the Matter of the Approval of a Subsequent Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Central Contra Costa BART Crossover.
4. That the General Manager be authorized to enter into an agreement with U.S. Bank Voyager Fleet Systems, Inc., for participation in the State of California Fuel Card Program, Contract DGS-OFA-OPPS-06, for a period of three years, and to exercise the option to extend the agreement for two additional one-year periods if so exercised by the State.
5. That the General Manager be authorized to award Contract No. 6M3019A, Installation and Modification of Inverter Systems at Powell Street and Montgomery Street Stations, to Eshone Electric, for the bid price of \$270,000.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
6.
  - a) That the General Manager be authorized to enter into a one-year primary agreement for state legislative advocacy services with Schott & Lites, Inc., in an amount not to exceed \$98,387.00.
  - b) That the General Manager be authorized to enter into a one-year agreement for federal advocacy services with CJ Strategies in an amount not to exceed \$177,821.00.
  - c) That the General Manager be authorized to enter into a one-year agreement for Executive Branch advocacy services with the Blair Law Firm in an amount not to exceed \$163,479.10.
  - d) That the General Manager be authorized to enter into a supplemental agreement for legislative, funding, and advocacy efforts on behalf of the Capitol Corridor Inter-City Passenger Service with Schott & Lites, Inc., in an amount not to exceed \$19,564.00 over its one year term.
  - e) That the General Manager be authorized to extend each agreement described above for one additional year at the same rate of compensation, and based on the consultant's performance, with the possibility of an increase to offset inflation, not to exceed the increase in the Consumer Price Index.

The Board Meeting was recessed at 9:17 a.m.

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The Board Meeting reconvened at 9:28 a.m.

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

Absent: Director Ward Allen.

Consent Calendar Addenda items brought before the Board were:

1. President Sweet's Proposed Travel to Attend the American Public Transportation Association (APTA) Legislative Conference in Washington, D.C., on March 10 - 14, 2007.
2. Director Luce's Proposed Travel to Attend the American Public Transportation Association (APTA) Legislative Conference in Washington, D.C., on March 10 - 14, 2007, and the 25<sup>th</sup> Annual Government/Industry Conference on Global Terrorism in Arlington, Virginia, on March 18 - 22, 2007.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, and Sweet. Noes – 0. Absent – 1: Director Ward Allen.

1. That President Lynette Sweet's travel to Washington, D.C., from March 10, 2007, to March 14, 2007, to attend the American Public Transportation Association (APTA) Legislative Conference be approved.
2. That Director Zoyd Luce's travel to Washington, D.C., from March 10, 2007, to March 14, 2007, to attend the American Public Transportation Association (APTA) Legislative Conference be approved; and that Director Luce's travel to Arlington, Virginia, from March 18, 2007, to March 22, 2007, to attend the 25<sup>th</sup> Annual Government/Industry Conference on Global Terrorism be approved.

Director Keller, Chairperson of the Administration Committee, brought the matter of Authority to Execute Agreement No. 6M2004A, Public Liability Claims Adjusting Services, before the Board, and moved that the Controller/Treasurer be authorized to execute Agreement No. 6M2004A, with John Glenn Adjusters and Administrators, Inc., for public liability claims adjusting services, for a term of three years with two one-year options, in an amount not to exceed \$1,123,950.00, and that the Controller/Treasurer be authorized to exercise one or both options at his discretion, subject to notification to be issued by the Controller/Treasurer and compliance with the District's protest procedures. Director Blalock seconded the motion, which

carried. Ayes – 7: Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, and Sweet. Noes – 1: Director Fang. Absent – 1: Director Ward Allen.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Alstom Signaling Corporation for Train Control Equipment for the Central Contra Costa County Crossover Project before the Board, and moved that pursuant to Public Contract Code Section 20227, the Board find that Alstom Signaling Corporation is the single source for procurement of train control equipment for the Central Contra Costa Crossover Project, and that the procurement is for the purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations with Alstom Signaling Corporation to execute a contract for the design and purchase of train control equipment for the Central Contra Costa County Crossover Project, for a total price not to exceed \$2,250,000.00, plus applicable taxes. Director Murray seconded the motion, which carried by the required two-thirds majority. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, and Sweet. Noes – 0. Absent – 1: Director Ward Allen.

Director Fang brought the matter of Professional Services Agreement with Jacobs Engineering Group Inc. for Construction Management Services for the Transbay Tube (Agreement No. 6M8009) before the Board, and moved that the General Manager be authorized to execute Agreement No. 6M8009, with Jacobs Engineering Group Inc., for construction management services for the Transbay Tube, in an amount not to exceed \$8,000,000.00 over a five year period, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Murray seconded the motion, which carried. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, and Sweet. Noes – 0. Absent – 1: Director Ward Allen.

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 that the District would be running Freedom Trains on January 15 in observance of the Dr. Martin Luther King Jr. holiday.

Mr. Margro introduced Ms. Molly McArthur, Manager of Community Relations, who gave a brief presentation on the District's participation in the Future City competition. President Sweet suggested that staff be directed to entitle future years' competitions The John Mack BART Future City Competition, and the Board concurred.

President Sweet announced that there was no report from the District Security Advocacy Ad Hoc Committee.

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

President Sweet extended an invitation to the District's Dr. Martin Luther King Jr. celebration on January 16, 2007.

President Sweet called for General Discussion and Public Comment. Ms. Norma del Mercado addressed the Board, reading the text of a letter from Siegel and LeWitter, Attorneys at Law.

Director Keller requested that the General Counsel provide guidance to the Board on the issues raised by Ms. del Mercado. General Counsel Sherwood G. Wakeman advised that he would respond in writing to the request.

President Sweet announced that the Board would enter into closed session under Item 8-A (Conference with Legal Counsel – Existing Litigation) and Item 8-C (Conference with Legal Counsel – Anticipated Litigation) of the regular meeting agenda, and that Item 8-B (Conference with Real Property Negotiators) would be continued to a subsequent meeting, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 9:56 a.m.

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The Board entered into closed session at 10:01 a.m.

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

Absent: Director Ward Allen.

The Board Meeting adjourned at 11:27 a.m.

Kenneth A. Duron  
District Secretary