

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

Board of Directors  
Minutes of the 1,548th Meeting  
January 22, 2009

A regular meeting of the Board of Directors was held January 22, 2009, convening at 9:05 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Fang presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Blalock, Keller and Radulovich entered the Meeting later.

President Blalock entered the Meeting and assumed the gavel.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Approval of Minutes of the Meetings of December 18, 2008, and January 8, 2009.
2. Award of Contract No. 15TF-110, Wayside Fence Rehabilitation.
3. Agreements for State and Federal Advocacy Services.

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

1. That the Minutes of the Meetings of December 18, 2008, and January 8, 2009, be approved.
2. That the General Manager be authorized to award Contract No. 15TF-110, Wayside Fence Rehab, for the bid price of \$155,830.00, to Central Fence Company, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
3. a. That the General Manager be authorized to enter into agreements as follow, with the authority to extend for one year each of the following agreements, each at an amount not to exceed the previous year's cost plus an inflationary increase based on the change to the Consumer Price Index as determined by the Bureau of Labor Statistics.

- i. A one-year primary agreement for state legislative advocacy services with Schott & Lites, Inc., for a total compensation not to exceed \$98,387.00;
  - ii. A one-year primary agreement for federal advocacy services with CJ Strategies for a total compensation not to exceed \$177,821.04;
  - iii. A one-year primary agreement for Executive Branch advocacy services with David Klaus/Robert A. Blair for a total compensation not to exceed \$147,132.00;
- b. That the General Manager be authorized to enter into a supplemental agreement for legislative advocacy services involving the Capitol Corridor Inter-City Passenger Service with Schott & Lites, Inc., for a total compensation not to exceed \$19,564.76, with the authority to extend this agreement by an additional year at an amount not to exceed the previous year's cost plus an inflationary increase based on the change to the Consumer Price Index as determined by the Bureau of Labor Statistics.

President Blalock announced that Item 6-A, Ratification of 2009 Standing Committee and Special Appointments, would be considered by the Board out of agenda order. Director Fang moved that the Board of Directors ratify the proposed Standing Committee and Special Appointments for 2009. Directors Murray and Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Fang, Franklin, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Keller and Radulovich.

The Board Meeting recessed at 9:09 a.m.

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The Board reconvened at 12:14 p.m.

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

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. Change Order to Agreement No. 6M2010, Insurance Brokerage Services, with Merriwether & Williams, for Claims Consulting Services and Forensic Accounting (C.O. No. 1).
2. Award of Contract No. 15TJ-110, Platform Elevators Ashby Station and Lake Merritt Station.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Sweet. Director Franklin seconded the motions, which carried by unanimous electronic vote.

Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the General Manager be authorized to execute Change Order No. 1 to Agreement No. 6M2010, with Merriwether & Williams, in the amount of \$300,000.00.
2. That the General Manager be authorized to award Contract No. 15TJ-110, for the construction of Platform Elevators at Ashby Station and Lake Merritt Station, to West Bay Builders, Inc., for the total bid price of \$3,390,000.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Director Murray, Chairperson of the Administration Committee, reported that the committee had forwarded one item to Consent Calendar Addenda and had received and discussed a presentation on Fiscal Years 2009 and 2010 Budgets Update: Budget Deficit Reduction Strategies.

Director Murray brought the matter of American Public Transportation Association (APTA) Flash Pass before the Board, and moved that the Board approve BART's participation with San Francisco Municipal Transportation Authority to provide a free Flash Pass for approximately 200 attendees at the 2009 APTA Marketing Conference to be held in San Francisco from February 22 through February 25, 2009. Director Fang seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that one action item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Keller brought the matter of Modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, for Time Extension and Increase in Agreement Amount, before the Board. Director Murray recused herself and left the room due to a potential conflict of interest due to her husband's employment. Director Keller moved that the General Manager be authorized to execute a modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, to increase the not-to-exceed value to \$226,230,000.00, and to extend the term of the Agreement for an additional fifteen months, from September 2013 to March 2015. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Abstain – 1: Director Murray, by virtue of potential conflict of interest due to her husband's employment.

Director Murray entered the Meeting.

Director Keller brought the matter of Resolution Authorizing Funding Solution for the Warm Springs Extension Project before the Board, and moved adoption of Resolution No. 5067, In the Matter of the Approval of a Resolution Providing Additional Funding for the Warm Springs Extension Project. Director Blalock seconded the motion, which carried by electronic vote.

Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

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

President Blalock asked for the General Manager's Report. General Manager Dorothy W. Dugger advised the Board that the District was working with faith-based community leaders to proclaim Sunday, January 25, 2009, as a day of prayer for peace, healing, and reconciliation in the greater Bay Area.

President Blalock brought Roll Call for Introductions before the Board.

Director Murray requested the redistribution to the Board of the report prepared in response to President Blalock's past request regarding "quiet" rail cars.

Director Murray recommended the establishment of a subcommittee of the Board of Directors focused on the District's public relations and media response to crises and emergencies, with the sub-committee to address development of a crisis management plan, including discussion with consulting firms, and including a preliminary outline developed by the Office of External Affairs for consideration by the Board on the February 12, 2009 agenda. Director Murray requested a copy of existing plans.

Director Franklin recommended the establishment of a temporary public/community outreach subcommittee of the Board of Directors to deal with the short term impacts of the January 1 officer involved shooting.

Director Radulovich requested the development of a social justice/equity platform to address inequities in the District's rail system's operations, policing, administration and policies.

Director Radulovich requested the development of a comprehensive system capacity plan in the West Bay service area to ensure adequate investment in the core system and funding of capital needs.

Director Radulovich requested the amendment of District advertising policy to prohibit advertising by firms that maintain policies of discrimination.

President Blalock called for General Discussion and Public Comment.

Director Sweet reported that she had attended a public forum in Oakland on Saturday, and encouraged other members of the Board to be proactive in meeting with community groups to share the District's concerns and alleviate the community's frustration regarding the officer-involved shooting incident on New Year's Day.

The following individuals addressed the Board:

Mr. Robert S. Allen

Mr. Jerry Grace  
Mr. Wynship Hillier

President Blalock announced that the Board would enter into closed session under Item 8-A (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 12:42 p.m.

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The Board reconvened in closed session at 12:59 p.m.

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

Absent: None. Director Keller entered the meeting later.

The Board Meeting adjourned at 2:10 p.m. in honor of Dr. Martin Luther King, Jr., and newly elected President Barack Obama and Vice President Joseph Biden.

Kenneth A. Duron  
District Secretary