

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

Board of Directors
Minutes of the 1,648th Meeting
February 9, 2012

A regular meeting of the Board of Directors was held February 9, 2012, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, and McPartland.

Absent: None. Directors Radulovich and Sweet entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 26, 2012.
2. Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex.

Director Sweet entered the Meeting.

President McPartland announced that at the request of Director Raburn, the Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex would be removed from Consent Calendar.

Director Murray moved that the Minutes of the Meeting of January 26, 2012, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 1: Director Radulovich.

President McPartland brought the matter of Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Ms. Tracy Johnson, Seismic Engineering Manager, presented the item.

Director Radulovich entered the Meeting.

The item was discussed. Director Raburn moved adoption of Resolution No. 5186, In the Matter of Adopting the 2010 Update to the 2005 Hazard Mitigation Plan Set forth in the Association of Bay Area (ABAG) Report, "Taming Natural Disasters," together with the District's Local Hazard Mitigation Plan Annex. President McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Sweet, Chairperson of the Administration Committee, announced that Condemnation of Real Property for the East Contra Costa BART Extension (eBART) Project: BART Parcel Numbers: P-5060-1, -2A and -2B, would be continued to a future meeting.

Director Sweet brought the matter of Amendments to Disadvantaged Business Enterprise (DBE) Program Policy before the Board. Mr. Thomas Parker, Executive Manager of Transit System Compliance, and Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

Mr. Charlie Walker and Mr. Eddie Dillard addressed the Board.

The item was discussed. Director Fang requested the policy be amended to include limited English proficiency translation assistance. Director Fang moved that the Board of Directors approve the Small Business Elements of the Disadvantaged Business Enterprise Program for the San Francisco Bay Area Rapid Transit District as amended. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

President McPartland announced that the order of items on the agenda would be changed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Advancement of Proposed BART to Livermore Project, Phase 1, before the Board. Mr. Carter Mau, Executive Manager of Planning and Budget, and Ms. Marianne Payne, Program Manager, presented the item.

The following individuals addressed the Board.

Mr. Paul Weiss
Honorable John Marchand
Mr. Archer Futch
Ms. Olive Green
Mr. Markus Huber
Mr. Charles Hartwig
Ms. Anna Cunningham
Mr. Bob Baltzer
Ms. Nancy Bankhead
Ms. Beth Wilson
Mr. Robert S. Allen
Ms. Valerie Raymond
Mr. Ron Geren
Mr. Manolo Gonzalez
Ms. Lindsay Imai
Ms. Joan Seppala

The item was discussed.

President McPartland made the following motion:

The Board of Directors directs staff to advance the proposed BART to Livermore Project to the next level of project development, including environmental review, conceptual

engineering, development of ridership Development Plans, and Title VI analysis, as appropriate. Subject to the scoping process, the alternatives analysis of each proposal should assess cost effectiveness, mobility improvements, environmental benefits, and economic development effects. The evaluation of alternatives will include an alternative providing reserved lanes, express bus service, and freeway bus ramps at the Dublin/Pleasanton Station. BART will be expected to provide an investment analysis that demonstrates, among other things, that State of Good Repair costs are being met. The Board also directs staff to initiate the establishment of a project partnership for purposes of advancing expedited project delivery strategies and to seek external funding sources to advance the project with no impact on funding for essential BART capital needs. The Board directs staff to secure funding and prepare a project performance/cost effectiveness assessment of other capacity, infill, and other system expansion projects identified as viable candidate projects.

Director Radulovich seconded the motion.

Honorable John Marchand addressed the Board.

The motion carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Construction Management Services before the Board. Mr. Marvin Snow, Group Manager, Program Management, Transit System Development, presented the item. The item was discussed.

Mr. Galip Sukaya addressed the Board.

Director Raburn made the following motions as a unit.

1. That the General Manager be authorized to award Agreement No. 6M8056 to Seattle International Engineering, Inc., and Agreement No. 6M8057 to Ghiradelli Associates, to provide Sustaining Construction Management Services for BART Projects, each in an amount not to exceed \$3,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.
2. That the General Manager be authorized to award Agreement No. 6M8051 to UCM, a Joint Venture; Agreement No. 6M8052 to The Allen Group/Vali Cooper & Associates, Inc., a Joint Venture; and Agreement No. 6M8053 to Jacobs Project Management Group, to provide Construction Management Services for BART Projects, each in an amount not to exceed \$20,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Fang brought the matter of Change Order to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc., for Cast in Drill Hole (CIDH) Differing Site Conditions, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed. Director Sweet moved that the General Manager be authorized to execute Change Order No. 98, CIDH Differing Site Conditions, in an amount not to exceed \$299,475.00, to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Sweet brought the matter of Agreement with John Glenn Adjusters & Administrators, Inc., for Public Liability Claims Adjustment Services (Agreement No. 6M2031), before the Board. Mr. James Bridgeman, Manager of Insurance, presented the item. Director Sweet moved that the Controller-Treasurer be authorized to award Agreement No. 6M2031 to John Glenn Adjusters and Administrators, Inc., for public liability claims adjusting services, for a term of three years for a not to exceed amount of \$414,750.00, with two (2) one-year options for up to \$138,250.00 and \$145,000.00 respectively, for a total not to exceed amount of \$698,000.00, 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 by electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Abstain – 1: Director Fang.

Director Sweet brought the matter of Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2011, before the Board. Mr. Scott Schroeder, Controller-Treasurer, presented the item. The item was discussed.

Director Sweet brought the matter of Outdoor Billboard Advertising before the Board. Mr. Aaron Weinstein, Department Manager of Marketing and Research, and Ms. Catherine Westphall, Manager of Advertising Franchise Programs, presented the item. The item was discussed.

Director Radulovich exited the Meeting.

Mr. Alex Belenson addressed the Board.

Director Fang exited the Meeting.

President McPartland brought the matter of Citizen Review Board Appointment before the Board. Ms. Marcia deVaughn, Deputy General Manager, and Mr. Duron presented the item.

Reverend Dr. Audrey Lewis addressed the Board.

Independent Police Auditor Mark Smith addressed the Board on behalf of applicant Mr. Michael Bergen. The item was discussed. The Board members completed weighted voting nomination forms to determine the At-Large appointee.

While the votes were being tallied, President McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2012 - Service Performance Review before the Board. Mr. Oversier and Mr. Len Hardy, Chief Safety Officer, presented the item. The item was discussed.

President McPartland called for the General Manager's report. General Manager Grace Crunican introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly presented the Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 15, 2012. Ms. Crunican reported on steps she had taken and meetings she had participated in.

President McPartland called for Board Member Reports.

Director Raburn reported that he had attended meetings with Alameda County Transportation Commission, the Planning Conservation League in Sacramento, the BART Bicycle Advisory Task Force, and the State of Good Repair tour.

Director Murray reported that she had attended City Council meetings in Martinez and San Ramon, a luncheon meeting sponsored by Contra Costa Supervisor Karen Mitchoff where former California State Assembly Speaker Hertzberg spoke on California Forward and Think Long, an ePAC meeting, a flag brigade veterans' potluck, and the Walnut Creek State of the City lunch.

Director Franklin reported that he had attended the Lunar New Year celebration, the State of Good Repair tour, and the Oakland State of the City event.

President McPartland reported he had attended the Lunar New Year celebration, several meetings with Supervisor Haggerty and the Alameda County Transportation Commission, State of the City presentations for Dublin, Oakland, and Walnut Creek, the State of Good Repair tour, and meetings of the Personnel Review Special Committee.

Director Sweet reported she had attended many meetings.

Director Blalock reported he had attended Alameda County Transportation Commission meetings.

President McPartland brought Roll Call for Introductions before the Board.

Director Blalock recommended the installation of clocks (like that at the Fremont Station) on the concourse level of stations throughout the system.

Director Blalock requested evaluation of the stockpiling of replacement solar panels.

Director Sweet requested staff support for representatives to the Oversight Board for Successor to San Francisco Redevelopment Agency.

Director Murray requested a report and response to Station Agent's proposal for deployment of Police Officers at each station.

Director Raburn requested a comprehensive initiative for the development of internships throughout the District, to include guidelines and the identification of representatives in each department.

President McPartland called for General Discussion and Public Comment. No comments were received.

President McPartland returned to the matter of Citizen Review Board Appointment. Mr. Duron announced that the nomination forms showed a tie between Reverend Dr. Lewis and Reverend Daniel Buford. After discussion, the item was continued to a future meeting.

President McPartland announced that Item 9-A (Conference with Labor Negotiators; Public Employee Performance Evaluation) would be continued to a future meeting.

Board Meeting was adjourned at 1:43 p.m.

Kenneth A. Duron
District Secretary