

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

Board of Directors
Minutes of the 1,649th Meeting
February 23, 2012

A regular meeting of the Board of Directors was held February 23, 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, Franklin, Keller, Murray, Raburn, and McPartland.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 9, 2012.
2. Procurement of Replacement Non-Revenue Service Vehicles.
3. Award of Invitation for Bid No. 8897, Train Operator Uniforms.
4. Award of Contract No. 79HW-110, Oakland Portal Hardening.

President McPartland announced that at the request of a member of the public Award of Contract No. 79HW-110, Oakland Portal Hardening, would be removed from Consent Calendar.

Director Blalock made the following motions as a unit. Director Keller seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Raburn, and McPartland. Noes – 0. Absent – 3: Directors Fang, Radulovich, and Sweet.

1. That the Minutes of the Meeting of February 9, 2012, be approved.
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 through State of California Department of General Services contracts for an amount not to exceed \$990,000.00, including applicable taxes and State fees.
3. That the General Manager be authorized to award Invitation for Bid No. 8897, an estimated quantity contract for the Procurement of Train Operator Uniforms, to Banner Uniform Center, for the bid price of \$429,241.69, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

President McPartland brought the matter of Award of Contract No. 79HW-110, Oakland Portal Hardening, before the Board.

Mr. Floyd Chavez addressed the Board.

Director Radulovich entered the Meeting.

The following individuals addressed the Board.

Ms. Diana LaCome

Mr. Bret Taber

The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 79HW-110, Portal Hardening, to Taber Construction, Inc., for the Base Bid Price of \$1,282,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests; and that the General Manager also be authorized to exercise the Option Bid Items: A for \$41,000.00, B for \$205,000.00, and C for \$144,000.00. Director Keller seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Raburn, and McPartland. Noes – 1: Director Radulovich. Absent – 2: Directors Fang and Sweet.

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

President McPartland brought the matter of Resolution Expressing Support for Prosecution of Attacks on District Front Line Staff to the Fullest Extent of the Law before the Board.

Ms. Antonette Bryant addressed the Board.

Director Fang entered the Meeting.

Mr. James Stanek addressed the Board.

Director Sweet entered the Meeting.

The following individuals addressed the Board.

Ms. Marilyn Fong

Mr. John Buitrago

Mr. Chris Finn

Ms. Antonette Bryant

Mr. Leano Rice

The item was discussed. President Franklin amended the resolution to add the phrase "Be it further resolved that the District will also engage in a more comprehensive approach in addressing the safety of our front-line employees," and moved adoption of Resolution No. 5187, In the Matter of Adopting a Resolution Expressing the Board of Directors' Support for the Prosecution of Attacks on District Front-Line Staff to the Fullest Extent of the Law. 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.

President McPartland brought the matter of Citizen Review Board Appointment before the Board. Mr. Duron presented the item.

Reverend Daniel Buford addressed the Board.

The Board members completed weighted voting nomination forms to determine the At-Large appointee.

While the votes were being tallied, Director Sweet requested the reconsideration of the matter of Award of Contract No. 79HW-110, Oakland Portal Hardening. Director Franklin moved that the item be reconsidered. Director 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. The item was moved to the Engineering and Operations portion of the agenda.

President McPartland brought the matter of Proposed Amendments to Citizen Review Board Model before the Board. Ms. Marcia deVaughn, Deputy General Manager, presented the item.

Director Keller requested changing the word “shall” to “may” in Chapter 2-05, Sections B, C, and D. Director Radulovich moved that the Board amend the BART Citizen Oversight Model previously adopted on August 13, 2009, and amended on January 13, 2010, to reflect changes as detailed in Attachment A, and including Director Keller’s changes. 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. (Attachment A is attached and hereby made a part of these Minutes.)

President McPartland returned to the matter of Citizen Review Board Appointment. Reverend Daniel Buford, receiving the highest number of votes in the weighted voting exercise, was recommended as the At-Large Citizen Review Board representative. Director Raburn moved the ratification of Rev. Buford’s appointment. 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, brought the matter of District Bond Rating Update before the Board. Mr. Scott Schroeder, Controller/Treasurer presented the item. The item was discussed.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Increase Amount of Purchase Order No. CM5205-12, with All American Elevator Co., for Emergency Elevator and Escalator Repair Services, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. Director Raburn moved that the General Manager be authorized to increase the amount of the Purchase Order with All American Elevator Co. for emergency elevator and escalator repairs service by \$80,000.00 as requested, to bring the total dollar amount of this Purchase Order to \$170,000.00. 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 Fang returned to the matter of Award of Contract No. 79HW-110, Oakland Portal Hardening. Mr. Oversier and Mr. Anthony Seung, Principal Engineer, presented the item. The item was discussed. Director Keller requested that it be put on the record that there was no legal basis for the Board not awarding the Contract as recommended by staff.

Mr. Leano Rice addressed the Board.

Director Keller moved that the General Manager be authorized to award Contract No. 79HW-110, Portal Hardening, to Taber Construction, Inc., for the Base Bid Price of \$1,282,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests; and that the General Manager also be authorized to exercise the Option Bid Items: A for \$41,000.00, B for \$205,000.00, and C for \$144,000.00. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Raburn, Radulovich, and McPartland. Noes – 2: Directors Fang and Sweet.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Change Order to Agreement No. 6G4544, with Cordoba Corporation, for Central Processing Services for the Regional Transit Discount Card Program (C.O. No. 4), before the Board. Ms. Julie Yim, Department Manager, Customer Service, and Ms. Carol Walb, Customer Service, presented the item. The item was discussed.

Director Sweet moved that the General Manager be authorized to execute Change Order No. 4 to Agreement No. 6G4544, with Cordoba Corporation, in an amount not to exceed \$310,909.00, and to extend the term of the Agreement to December 15, 2012. Director Franklin seconded the motion.

Mr. Jerry Grace 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 exited the Meeting.

President McPartland called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Mr. Oversier reported on the success of the District's 24-hour service over the past weekend during the closure of the Bay Bridge.

President McPartland called for Board Member Reports.

Director Keller reported that he had attended the Capitol Corridor Joint Powers Authority Board Meeting and that he had met with President McPartland to tour the eBART project.

Director Blalock reported that he had attended the Capitol Corridor Joint Powers Authority Board Meeting and a Fremont City Council meeting.

Director Sweet reported that she had attended many meetings.

President McPartland reported that he had attended many meetings, and he invited Board members to a TransBay Tube exercise on February 26.

Director Murray reported she had promoted Dust, Rust and Rail tour to Walnut Creek City Council, had attended a community meeting on transit-oriented development at Walnut Creek Station, and attended the Capitol Corridor Joint Powers Authority Board Meeting.

Director Raburn reported he had attended the Oakland mayor's America's Cup meeting, an economic forecast meeting with the mayors of Oakland and San Francisco, the Oakland Airport Connector Joint Administrative Committee, a meeting with the Telegraph-Temescal Business Improvement District, the Oakland Merchants Leadership forum, and a Metropolitan Transportation Commission meeting.

President McPartland brought Roll Call for Introductions before the Board.

Director Radulovich requested a report on restoring 15 minute service, including load factors on the shoulders for the peak period and options.

Director Sweet requested agendaizing the potential joining of the Richmond Main Street Business Improvement District.

Director Keller requested a review of the recent Bay Bridge closure ridership performance for inclusion in analysis and potential development of robust bus service during hours BART does not operate.

President McPartland called for General Discussion and Public Comment. Mr. Jerry Grace and Mr. Leano Rice addressed the Board.

President McPartland announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators; Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 12:36 p.m.

The Board Meeting reconvened in closed session at 12:46 p.m.

Directors present: Directors Franklin, Keller, Murray, Raburn, Radulovich, and McPartland.

Absent: Directors Blalock, Fang, and Sweet.

The Board Meeting recessed at 1:58 p.m.

The Board Meeting reconvened in open session at 1:59 p.m.

Directors present: Directors Franklin, Keller, Murray, Raburn, Radulovich, and McPartland.

Absent: Directors Blalock, Fang, and Sweet.

President McPartland brought the matter of Compensation and Benefits for General Manager, General Counsel, Controller-Treasurer, District Secretary, and Independent Police Auditor before the Board.

President McPartland made the following motion: That effective during the next regular BART pay period the General Counsel, Controller-Treasurer and the District Secretary shall each receive a one-time \$3,000.00 lump sum payment in lieu of a salary increase; that the current Management Incentive Pay of each of the five Board-appointed officers shall be transferred into their annual base salary with no resulting increase in total annual compensation as a result of the transfer; that any cost of living increases previously attached to Management Incentive Pay will no longer be applicable; that the resulting base salary for each of the officers will be General Manager - \$320,000.00, General Counsel - \$243,500.00, Controller-Treasurer - \$214,455.00, District Secretary - \$168,839.00, and Independent Police Auditor - \$161,500.00; and that the Board President be authorized to execute such conforming and clarifying amendments to the employment agreements of the Board appointees as may be recommended by the Associate General Counsel. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, Keller, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 3: Directors Blalock, Fang, and Sweet.

Board Meeting was adjourned at 2:01 p.m.

Kenneth A. Duron
District Secretary