

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

Board of Directors  
Minutes of the 1,675th Meeting  
April 11, 2013

A regular meeting of the Board of Directors was held April 11, 2013, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Keller presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, and Saltzman.

Absent: Director Murray. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 28, 2013.
2. Award of Contract No. 15NX-110, Ashby and North Berkeley Stations Sidewalk and Wayfinding Improvements.

Director Raburn made the following motions as a unit. Director Mallett seconded the motions, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, and Saltzman. Noes - 0. Absent - 2: Directors Murray and Radulovich.

1. That the Minutes of the Meeting of March 28, 2013, be approved.
2. That the General Manager be authorized to award Contract No. 15NX-110, Ashby and North Berkeley Stations Sidewalk and Wayfinding Improvements, to Golden Bay Construction, Inc., for the Bid price of \$1,183,400.00, 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.

Mr. Duron announced that the regular Board Meetings of May 23 and June 13, 2013, would be evening meetings, pursuant to a pilot program discussed at a previous Board Meeting.

Director Saltzman, Vice Chairperson of the Administration Committee, brought the matter of Revision to the San Francisco International Airport Premium Fare Program for Airport-Badged Employees before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, and Ms. Pamela Herhold, Financial Planning, presented the item.

President Radulovich entered the Meeting.

The item was discussed.

The following individuals addressed the Board.

Mr. Kevin O'Connell

Ms. Lidia Rodriguez

Director Keller moved that the General Manager be authorized to execute the Letter Agreement for the BART Ridership Incentive Program for Airport-Badged Employees, and that the agreement include conditions for good faith efforts during the Airport's next union negotiations to move from parking oriented to transit oriented transportation options. Director Blalock seconded the motion. Discussion continued. The item was continued to later in the Meeting.

Director Saltzman brought the matter of Agreements with Associated Right of Way Services, Inc. (Agreement No. 6M4186), Interwest Consulting Group (Agreement No. 6M4187), and Paragon Partners LTD (Agreement No. 6M4291) for On-Call Real Property Comprehensive Acquisition and Relocation Services, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, presented the item. Director Blalock moved that the General Manager be authorized to execute Professional Services Agreements to provide On-Call Real Property Comprehensive Acquisition and Relocation Services, each for a five-year term and for an amount not to exceed \$1,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transit Administration requirements related to protests, with Associated Right of Way Services, Inc., Interwest Consulting Group, and Paragon Partners Ltd. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Murray.

Director Saltzman brought the matter of Amendment to Agreement No. 6M4268, with Veolia Transportation Services, Inc., to Utilize Thomas P. Hock for Chief Negotiator Services, before the Board.

Director Fang exited the Meeting.

Mr. Mau presented the item. Director McPartland moved that the General Manager or her designee be authorized to execute an amendment to Agreement No. 6M4268 with Veolia Transportation, Inc., to utilize Thomas P. Hock for Chief Negotiator services for the District's 2013 collective bargaining, in the amount of \$300,000.00. Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Fang and Murray.

Director Saltzman brought the matter of Fiscal Year 2014 Preliminary Budget Overview before the Board.

Director Fang re-entered the Meeting.

Mr. Mau; Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis; and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

The following individuals addressed the Board.

Ms. Rhea Davis  
Mr. John Arantes  
Ms. Leah Berlanga  
Mr. Ron Stief  
Ms. Claire Haas  
Mr. Tim Paulsen  
Ms. Jessie Comacho  
Mr. Jerry Grace  
Ms. Lidia Rodriguez  
Ms. Yuri Hollie

The item was discussed.

Director Saltzman brought the matter of Fiscal Year 2014 Preliminary Budget: Release Budget Pamphlet, Set Date for Public Hearing, and Suspend a Portion of Board Rule 5-1.2, before the Board.

Mr. Jerry Grace addressed the Board.

Director Keller made the following motions as a unit.

1. That staff be directed to publish a Budget Pamphlet for Fiscal Year 2014 to be available for distribution no later than April 22, 2013.
2. That a public hearing on the Fiscal Year 2014 Preliminary Budget be set for Thursday, May 23, 2013, in the Board Room.
3. That the Board approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2014 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

Director Blalock seconded the motions. Director Raburn requested that the motions be amended to include the requirement that the Preliminary Budget memo be made available and prominently positioned on the District's web site. The maker and seconder of the motions accepted the amendment. The motions, as amended, carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Murray.

Director Saltzman returned the matter of Revision to the San Francisco International Airport Premium Fare Program for Airport-Badged Employees to the Board. Director Keller, with the concurrence of the seconder of the motion, withdrew the motion which had been made earlier in

the Meeting and moved that the General Manager be authorized to execute the Letter Agreement for the BART Ridership Incentive Program for Airport-Badged Employees; and that the Board President be authorized to send a letter indicating the Board's concern regarding the Airport administration's lack of support for public transit; and that staff be directed to report on the program's impact on ridership; and that staff report on the Airport's actions as a result of the President's letter. Director Blalock seconded the motion.

Mr. Jerry Grace addressed the Board.

The motion carried by electronic vote. Ayes - 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett. Absent – 1: Director Murray.

Director Fang, Chairperson of the Engineering and Operations Committee, 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 Additional Costs for Extended Work Period (C.O. No. 117), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Director Fang exited the Meeting.

Director McPartland moved that the General Manager be authorized to execute Change Order No. 17, Additional Costs for Extended Work Period, in an amount of \$956,236.67, 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 - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and Murray.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 79HT-110, Civic Center, 19<sup>th</sup> Street and Downtown Berkeley Stations Site Hardening, with Blocka Construction, Inc., for Asbestos Abatement (C.O. No. 008 Part II), before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute Change Order No. 008 Part II, Asbestos Abatement, to Contract No. 79HT-110, Civic Center, 19<sup>th</sup> Street and Downtown Berkeley Stations Site Hardening, to Blocka Construction, Inc., in an amount not to exceed \$365,972.23. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and Murray.

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

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Ms. Crunican announced

that BART Police would act as celebrity waiters at a Special Olympics Northern California fundraising event on April 17, 2013.

President Radulovich called for Board Member Reports.

Director Mallett reported he had attended various city council meetings, a meeting with United Contractors and the International Partnering Institute, meetings with mayors and city managers, and meetings with District staff.

Director Blalock reported he had attended a Valley Transportation Authority meeting, the Citizen Review Board meeting, and a meeting regarding the Dublin parking garage.

Director Keller reported he had participated in a briefing on the Fleet of the Future and had attended the Contra Costa Mayors Conference in Brentwood.

President Radulovich called for Roll Call for Introductions.

Director Keller exited the Meeting.

Director Mallett requested the development of a "Get to Know Your Director" campaign in stations and on board trains, and requested an assessment of costs, timing and feasibility.

Director Mallett requested sequential District phone numbers for Directors, with the final digit designating the District represented, and calls to the number directed to voicemail for personal response/communication by Directors. The request includes an assessment of costs and feasibility.

President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Antonette Bryant

Ms. Dana Mims

Mr. Jerry Grace

Mr. George Sergio Figueroa

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 12:17 p.m.

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The Board reconvened in closed session at 12:30 p.m.

Directors present: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich.

Absent: Directors Fang, Keller, and Murray.

The Board Meeting recessed at 1:14 p.m.

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The Board reconvened in open session at 1:16 p.m.

Directors present: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich.

Absent: Directors Fang, Keller, and Murray.

Director Raburn moved that effective June 30, 2013, each of the five Board-appointed officers receive the same one percent salary increase that eligible represented employees will receive pursuant to the terms of their 2009 – 2013 collective bargaining agreements, and that the Board President be authorized to execute any necessary amendments to the employment agreements recommended by the Associate General Counsel to incorporate this change. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 6: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 3: Directors Fang, Keller, and Murray.

The Board Meeting was adjourned at 1:16 p.m.

Kenneth A. Duron  
District Secretary