

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

Board of Directors  
Minutes of the 1,626<sup>th</sup> Meeting  
June 9, 2011

A regular meeting of the Board of Directors was held June 9, 2011, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Blalock. Directors Radulovich and Sweet entered the Meeting later.

President Franklin announced that BART Police Chief Kenton Rainey had special guests to introduce. Chief Rainey introduced Ms. Coleen Baik, Ms. Elizabeth Butler, Mr. Erik Eldridge, and Mr. Jeffrey Moore. Chief Rainey recounted an incident of April 21, 2011, noting that the individuals being honored had responded appropriately to the theft of a cellular telephone from a BART rider and assisted BART Police in apprehending the suspects. Ms. Baik, Ms. Butler, Mr. Eldridge, and Mr. Moore addressed the Board.

Director Radulovich entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of April 28, 2011, and May 26, 2011.
2. Award of Contract No. 02EE-130, Warm Springs Extension, Tail Track Building Demolition.

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

1. That the Minutes of the Meetings of April 28, 2011, and May 26, 2011, be approved.
2. That, upon certification by the Controller/Treasurer that funds are available for this Contract, the General Manager be authorized to award Contract No. 02EE-130, Warm Springs Extension Tail Track Building Demolition, to Aztec Consultants, for the Bid amount of \$925,800.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Vice President McPartland, presiding in the absence of the Chair and Vice Chair of the Administration Committee, announced that the Business Advancement Program Phase II Update would be continued to a future Meeting.

Vice President McPartland brought the matter of Fiscal Year 2012 Budget before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget, and Mr. Robert Umbreit, Department Manager of Operating Budget and Analysis, presented the item.

Director Sweet entered the Meeting.

The item was discussed.

The following individuals addressed the Board.

Ms. Jean E. Hamilton

Mr. Sanjiv Handa

Mr. Richard Neveln

Ms. Antonette Bryant

Mr. Kent Lewandowski

Director McPartland exited the Meeting.

Director Sweet moved adoption of Resolution No. 5163, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2011, to June 30, 2012. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 2: Directors Blalock and McPartland.

Director Sweet, Vice Chairperson of the Administration Committee, brought the matter of Lease of Warehouse Space at 1063 Whipple Road, Hayward, before the Board. Ms. Laura Giraud, Department Manager, Real Estate, presented the item.

Director Sweet moved that the General Manager or his designee be authorized to execute a lease agreement with PPF Industrial Whipple Properties 1001, LLC, for 48,000 square feet of warehouse space at 1063 Whipple Road in Hayward, for a five year term, for a total lease amount, including operating expenses, not to exceed \$1,651,344.00, with any exercise of the five year option to be subject to prior Board approval. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 2: Directors Blalock and McPartland.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Knorr Brake Corporation for Brake, Split Disc and Hub Assembly, before the Board. Mr. John McCormick, Rolling Stock and Shops, presented the item.

Director Keller exited the Meeting.

The item was discussed. Director Murray moved that the Board find, pursuant to Public Contract Code Section 20227, that Knorr Brake Corporation is the sole source for procurement of Brake, Split Disc and Hub Assembly, and that the purchase is for the purpose of duplicating or replacing equipment in use at the District, and that the General Manager be authorized to award a

sole source estimated quantity contract for Brake, Split Disc and Hub Assembly to Knorr Brake Corporation, for the price not to exceed \$3,418,560.00, including all applicable taxes. Director Sweet seconded the motion, which carried by unanimous electronic vote by the required two-thirds majority. Ayes – 6: Directors Fang, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 3: Directors Blalock, Keller, and McPartland.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of 2011 State and Federal Legislation Review before the Board.

Director Keller entered the Meeting.

Mr. Paul Fadelli, Legislative Officer, and Ms. Kerry Hamill, Department Manager, Government and Community Relations, presented the item. The item was discussed.

Director McPartland entered the Meeting.

Director Murray noted that the original motion had been amended to include a request to add language to AB 716 (Dickinson), to approve a “support” position for AB 147 (Dickinson), to defer taking a position on HR 1123 (Richardson), and to move approval of a support position on ACA 4 (Blumenfield) to a separate vote. In addition to the amendments, Director Murray moved that the Board approve a “support” position for the following legislation: AB 485 (Ma), AB 845 (Ma), AB 1097 (Skinner), AB 650 (Blumenfield), AB 710 (Skinner), AB 716 (Dickinson), SB 214 (Wolk), SB 310 (Hancock), SB 582 (Emmerson), HR 613 (Garamendi), and HR 1825 (Blumenauer), and that the Board approve a “watch” position for SB 653 (Steinberg). Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Blalock.

Director Murray moved that the Board approve a “support” position on ACA 4 (Blumenfield). Director Radulovich seconded the motion, which carried by electronic vote. Ayes – 7: Directors Fang, Keller, McPartland, Murray, Radulovich, Sweet, and Franklin. Noes – 1: Director Raburn. Absent – 1: Director Blalock.

President Franklin called for the General Manager’s Report. Interim General Manager Sherwood G. Wakeman reported that on Tuesday, June 7, BART carried 396,555 passengers, the 6<sup>th</sup> highest ridership number in the District’s history.

President Franklin brought the matter of Revision to Organization of Committees and Special Appointments before the Board. The item was discussed.

Mr. Sanjiv Handa and Mr. Jerry Grace addressed the Board.

President Franklin brought Roll Call for Introductions before the Board.

Director Keller requested a report on how the recruitments for the past General Managers Margro and Dugger were conducted, to include the roles of the Board President and staff.

President Franklin called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Sanjiv Handa  
Ms. Antonette Bryant

Director Murray reported that the District had received an award from the Northern California Chapter of the American Planning Association for the Contra Costa Centre Transit Village.

President Franklin called for Public Comment on Item 10-A (Public Employee Employment) and Item 10-B (Conference with Negotiators). Mr. Sanjiv Handa addressed the Board.

President Franklin announced that the Board would enter into closed session under Item 10-A (Public Employment) and Item 10-B (Conference with Negotiators) of the regular Meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:54 p.m.

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The Board reconvened in closed session at 1:07 p.m.

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

Absent: Directors Blalock and Sweet.

Directors Fang and Franklin exited the Meeting.

The Board Meeting was adjourned at 1:41 p.m. in honor of fallen San Francisco Firefighters Lieutenant Vincent Perez and Firefighter/Paramedic Anthony Valerio.

Kenneth A. Duron  
District Secretary