

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

Board of Directors
Minutes of the 1,659th Meeting
August 9, 2012

A regular meeting of the Board of Directors was held August 9, 2012, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Sweet entered the Meeting later.

Vacant: Election District No. 3.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 26, 2012.
2. Fixed Property Tax Rates Fiscal Year 2012-2013 General Obligation Bonds.

Director Blalock made the following motions as a unit. Director Fang seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 1: Director Sweet. Vacant – 1.

1. That the Minutes of the Meeting of July 26, 2012, be approved.
2. Adoption of Resolution No. 5198, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2012/13.

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

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IJ-110, Fire Alarm Renovation Phase 1, M-Line, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item.

Director Sweet entered the Meeting.

Director Blalock moved that the General Manager be authorized to award Contract No. 15IJ-110, for Fire Alarm Renovation Phase 1, M-Line, to Blocka Construction, Inc., for the Bid price of \$3,988,000.00, pursuant to notification to be issued by the General Manager and subject to

compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protests. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Vacant – 1.

Director Fang brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2012 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Ben Fairow, Deputy Chief of Police, presented the item. The item was discussed.

Director Sweet, Chairperson of the Administration Committee, brought the matter of Agreement with Aon Risk Solutions for Insurance Brokerage Services (Agreement No. 6M2037), before the Board. Mr. Jim Bridgeman, Department Manager, Insurance, presented the item.

The following individuals addressed the Board.

Mr. Eddie Dillard
Ms. Ingrid Merriwether
Ms. Sandy Osgood
Mr. Larry Hernandez
Mr. Gregory Brown
Mr. Len Turner
Mr. Jose Duenas
Ms. Laural Bustos
Mr. Charlie Walker
Mr. Nedar Bey
Mr. Matt Davis

The item was discussed.

Director Sweet moved that all bids for Agreement No. 6M2037 be rejected. Director Radulovich seconded the motion. Discussion continued. The motion failed by electronic vote. Ayes – 2: Directors Radulovich and Sweet. Noes – 6: Directors Blalock, Fang, Keller, Murray, Raburn, and McPartland. Vacant – 1.

Director Blalock moved that the Controller/Treasurer be authorized to award Agreement No. 6M2037, to Aon Risk Solutions, to provide Insurance Brokerage Services, for a base period of three (3) years, for a maximum amount of \$425,000.00, and to exercise up to two (2) one year options, each for a maximum amount of \$155,000.00, for a total compensation not to exceed \$735,000.00, subject to notification to be issued by the Controller/Treasurer and compliance with the District's protest procedures. Director Murray seconded the motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Fang, Keller, Murray, and Raburn. Noes – 3: Directors Radulovich, Sweet, and McPartland. Vacant – 1.

The Board Meeting recessed at 11:30 a.m.

The Board reconvened at 11:39 a.m.

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

Absent: None.

Vacant: Election District No. 3.

Director Sweet brought the matter of Temporary Help Services – Agreements with Wollborg/Michelson Personnel Service, Inc., for Safety Certified Temporary Help Services (Agreement No. 6M4189) and Regular Temporary Help Services (Agreement No. 6M4191), and with SearchPros Staffing LLC for Regular Temporary Help Services (Agreement No. 6M4197), before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Clarence Hunt

Ms. Myla Ramos

Directors Fang and Radulovich exited the Meeting.

Discussion continued.

Award of Agreement No. 6M4189 was continued to a future meeting.

Director Blalock moved that the General Manager or her designee be authorized to award Agreement No. 6M4191, in an amount not to exceed \$1,300,000.00, to Wollborg/Michelson Personnel Service, Inc.; and Agreement No. 6M4197, in an amount not to exceed \$1,300,000.00, to SearchPros Staffing LLC, for regular temporary help services, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Fang and Radulovich. Vacant – 1.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorize Exclusive Negotiating Agreement with TRG Pacific Development, LLC, for Development at the Lake Merritt BART Station before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate, and Mr. John Rennels, Principal Property Development Officer, presented the item.

The following individuals addressed the Board.

Ms. Vivian Huang

Ms. Julia Liou

Ms. Ada Chan

Ms. Jennie Gerard
Mr. Ener Chiu
Ms. LiBi Ping
Mr. Zhang Zhi Long
Mr. Ed Manasse

The item was discussed. Director Raburn moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement with TRG Pacific Development, LLC, for development at the Lake Merritt BART station, for a period of two years, with a right by BART to extend for one year. Directors Sweet and McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Fang and Radulovich. Vacant – 1.

Director Sweet brought the matter of Approval of American Federation of State, County, and Municipal Employees (AFSCME) Local 3993, Side Letter to Modify Article 47, “Compensation,” and Related Matters, before the Board. Mr. Benjamin Gomez, Assistant General Manager, Administration, and Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. Director Raburn moved that the Board approve the Side Letter of Agreement between the District and AFSCME, modifying Article 47, Compensation; and that the Board authorize the General Manager to defer adjustment of the pay ranges for AFSCME represented classifications prior to the conclusion of 2013 negotiations. Director Murray seconded the motion. The item was discussed.

Ms. Jean Hamilton-Gomez addressed the Board.

Discussion continued. The motion carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Fang and Radulovich. Vacant – 1.

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. Ms. Crunican noted the District’s participation in National Night Out, the August pilot program for bicycles on BART on Fridays, an article in Progressive Railroading highlighting the District’s State of Good Repair efforts, and the upcoming BART Picnic.

President McPartland called for Board Member Reports and Roll Call for Introductions.

Director Murray reported she had attended a National Night Out event in Concord.

Director Murray requested the District develop a plan cooperatively with local fire departments for expediting rail grinding for noise reduction along trackway adjacent to housing and landscaping where the risk of sparks from grinding affecting vegetation and growth impacts the rail grinding schedule.

Director Blalock reported he had attended a South Bay Engineers Club meeting.

Director Blalock requested the District investigate the application of increased transient occupancy taxes over and above those already in place at the proposed Millbrae Station Transit Oriented Development.

Director Keller reported he had met with the Chairperson of the Citizen Review Board and had attended the City of Brentwood's State of the City presentation.

President McPartland reported he had attended a course in disaster management in Fresno.

President McPartland called for General Discussion and Public Comment. Mr. Robert S. Allen addressed the Board.

The Board Meeting was adjourned at 1:57 p.m.

Kenneth A. Duron
District Secretary