

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

Board of Directors  
Minutes of the 1,544th Meeting  
December 4, 2008

A regular meeting of the Board of Directors was held December 4, 2008, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Luce, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None. Directors Fang and Keller entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 20, 2008.
2. Reject Bid for Invitation for Bid No. 8838, Tie Inserter/Remover Machine.

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

1. That the Minutes of the Meeting of November 20, 2008, be approved.
2. That the bid received for Invitation for Bid No. 8838, Purchase of Tie Inserter/Remover Machine, be rejected.

Consent Calendar report brought before the Board was:

1. Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2008.

The Board Meeting recessed at 9:09 a.m.

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The Board reconvened at 11:16 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray.

Absent: None.

Director Fang exited the meeting.

Consent Calendar Addenda items brought before the Board were:

1. Equitable Pay Adjustment for Scheduling Analyst and Creation of a New Classification.
2. Award of Contract No. 15IB-110, 480 Volt Switchgear Replacement Project.
3. Award of Contract No. 15PH-110, BART Earthquake Safety Program - Daly City Station.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Blalock. Director Ward Allen seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 1: Director Fang.

1. That the General Manager or her designee be authorized to execute the attached Side Letter of Agreement with Amalgamated Transit Union Local 1555 regarding the pay adjustment for Scheduling Analyst and creation of the new position of Senior Scheduling Analyst with the specified rate of pay. (The Side Letter of Agreement is attached and hereby made a part of these Minutes.)
2. That the General Manager be authorized to award Contract No. 15IB-110, 480 Volt Switchgear Replacement Project, to Steiny and Company, Inc., for the bid amount of \$7,216,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 15PH-110, Earthquake Safety Program, Daly City Station, to LC General Engineering and Construction, Inc., for the bid amount of \$3,160,025.29, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protests. The award is also subject to the Federal Highway Administration's concurrence.

Director Franklin, Chairperson of the Administration Committee, reported that the action item on the committee agenda had been forwarded to Consent Calendar Addenda, and that the committee had received and discussed the Fiscal Year 2009 Revenue Update.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, reported that two of the action items on the committee agenda had been forwarded to Consent Calendar Addenda; that Modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, for Time Extension and Increase in Agreement Amount had been continued to a future meeting; and that the committee

had received and discussed a presentation on Quarterly Performance Report, First Quarter Fiscal Year 2009 - Service Performance Review.

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

Director Fang entered the meeting.

President Murray asked for the General Manager's Report. General Manager Dorothy W. Dugger advised the Board that the passage of Measure B in Santa Clara County had been certified by the Registrar of Voters. Ms. Dugger announced that in the coming weeks the District would be participating in the Oakland Holiday Parade, External Affairs would be hosting a toy drive, and the BART Police would be conducting a food drive. Ms. Dugger reported that Ghirardelli Chocolate would be sponsoring a rider thank-you day on Tuesday, December 16, 2008.

Vice President Blalock, Chairperson of the District Organizational Review Ad Hoc Committee, gave a brief report on the progress of implementing the recommendations in the action plan.

Director Luce exited the meeting.

President Murray brought Roll Call for Introductions before the Board.

President Murray introduced a proposed resolution commending Director Luce and requested it be placed on the December 18 agenda for consideration.

Director Radulovich requested an update of the District's Signage Program.

Director Radulovich requested that the evaluation of Fiscal Year 2009 Budget Revision No. 2 include impacts of capital project delays and deferrals and an analysis of capital projects involving District workforce vs. contracted services.

Director Radulovich requested an investigation of sound levels in the 16<sup>th</sup> Street Mission and 24<sup>th</sup> Street Mission Stations to determine if the loud volume of incoming trains could be mitigated.

Director Radulovich requested the removal of station platform obstructions, such as equipment cabinets, to enhance platform capacity and passenger flow, with the evaluation of these opportunities to include capital programs like the 480V switchgear replacement project.

Director Ward Allen requested a Board Resolution recognizing Mr. Ralph Grant, CPA, local community advocate.

Director Ward Allen requested information on the District's participation in a "One Warm Coat" program for winter 2008.

President Murray called for General Discussion and Public Comment.

Director Blalock commented on the efficient placement of the EZ Rider parking validation machines within the stations.

President Murray announced that the Board would recess, recognize Director Luce for his four years of service to the District, and that following the recess, the Board would enter into closed session under Item 8-A (Conference with Labor Negotiators - Public Employee Performance Evaluation) and Item 8-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

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

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The Board reconvened in closed session at 11:46 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Radulovich, Ward Allen, and Murray.

Absent: Directors Luce and Sweet.

The Board Meeting recessed at 12:59 p.m.

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The Board reconvened in open session at 1:00 p.m.

Directors present: Directors Blalock, Franklin, Keller, Ward Allen, and Murray.

Absent: Directors Fang, Luce, Radulovich, and Sweet.

President Murray brought the matter of Compensation and Benefits for General Counsel, Controller-Treasurer, and District Secretary before the Board.

Director Blalock moved that the General Counsel, the Controller-Treasurer and the District Secretary each receive a merit increase of 3 percent to their base wage, effective January 1, 2009; and that the Board President be authorized to execute amendments to each of their employment agreements incorporating this change and such other clarifying amendments as may be recommended by the Associate General Counsel. Director Ward Allen seconded the motion, which carried by unanimous electronic vote. Ayes – 5: Directors Blalock, Franklin, Keller, Ward Allen, and Murray. Noes – 0. Absent – 4: Directors Fang, Luce, Radulovich, and Sweet.

The Board Meeting adjourned at 1:02 p.m.

Kenneth A. Duron  
District Secretary