

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

Board of Directors
Minutes of the 1,667th Meeting
December 6, 2012

A regular meeting of the Board of Directors was held December 6, 2012, convening at 9:14 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, King, Raburn, Radulovich, and McPartland.

Absent: Directors Murray and Sweet.

Director Fang entered the Meeting.

President McPartland introduced and welcomed Mr. Michael Ducey and Ms. Christine Dillman of the Tri-Valley Haven in Livermore, the District's 2012 Holiday Toy Drive Recipient. Mr. Ducey and Ms. Dillman addressed the Board.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of October 11, 2012, and November 15, 2012.

Director Fang moved that the Minutes of the Meetings of October 11, 2012, and November 15, 2012, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

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

President McPartland brought the matter of Report of the Citizen Review Board before the Board. Mr. Mark Smith, Independent Police Auditor, briefly presented the report and introduced Citizen Review Board members Chairperson Benjamin Douglas, Vice Chairperson Sharon Anne Kidd, Douglas Hambleton, and Les Mensinger. The report was discussed. Mr. Douglas, Ms. Kidd, Mr. Hambleton, and Mr. Mensinger addressed the Board.

Director Radulovich, in the absence of the Chairperson and Vice Chairperson of the Administration Committee, brought the matter of Approval of New Employee Relocation Expense Reimbursement before the Board. Mr. Benjamin Gomez, Assistant General Manager – Administration, presented the item. Director Keller moved that the General Manager or her designee be authorized to enter into a relocation agreement with the Assistant General Manager, Transit System Development, and, as needed, the Chief Safety Officer, each in an amount not to exceed \$18,000.00, consistent with Management Procedure No. 70, New Employee Relocation

Expense Reimbursement. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

Director Radulovich brought the matter of Approval of District Veteran’s Preference in Hiring Policy before the Board. Mr. Gomez presented the item. The item was discussed. Director Raburn moved that the Board adopt the proposed Veterans’ Preference Policy. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet. (A copy of the Policy is attached and hereby made a part of these Minutes.)

Director Radulovich brought the matter of Resolution of Project Compliance and Initial Project Report for Assembly Bill 1171 Funds for the Proposed Livermore Extension Project Environmental Phase Activities before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, and Ms. Marianne Payne, Program Manager, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Bob Vinn

Mr. Jerry Grace

President McPartland moved adoption of Resolution No. 5204, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for AB 1171 Bridge Toll Funds for the Proposed BART to Livermore Extension Project, as described in the Initial Project Report (IPR) Summary, and addresses BART Board approved policies, and delegates authority to the General Manager or her designee to make non-substantive changes or minor amendments to the IPR as she deems appropriate. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, King, Radulovich, and McPartland. Noes – 1: Director Raburn. Absent – 2: Directors Murray and Sweet.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Resolution Adopting Modifications to the Warm Springs Extension Project before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. Director Blalock moved adoption of Resolution No. 5205, In the Matter of Adopting Modifications to the Warm Springs Extension Project. Directors Raburn and McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Raburn, Radulovich, and McPartland. Noes – 0. Absent – 2: Directors Murray and Sweet.

Director Fang brought the matter of Change Orders to Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, with Shimmick Construction Co. Inc./Skanska USA Civil West California District Inc./a Joint Venture, before the Board. Mr. Medved presented the item. The item was discussed.

President McPartland exited the Meeting, and Vice President Radulovich assumed the gavel.

Director Blalock moved that the General Manager be authorized to execute the following Change Orders (C.O.) to Contract No. 02ED-110: C.O. No. 8, Nesting Bird Deterrents – 2011; C.O. No. 44, Schedule Delay Avoidance Measures – 2011; and C.O. No. 45, Schedule Delay Avoidance Measures – 2012, for a total not-to-exceed amount of \$4,997,500.00. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, King, Raburn, and Radulovich. Noes – 0. Absent – 3: Directors McPartland, Murray and Sweet.

Director Fang brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

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

Vice 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.

Vice President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director King reported she had participated in a film honoring Stuart Cohen of Transform. Director King shared remarks on her experience on the Board, as this was her last Meeting, and thanked Director Sweet for her contributions and service on the Board.

Director Raburn reported that he had attended the Planning, Public Affairs, Access, and Legislation Committee Meeting, four Bus Rapid Transit (BRT) meetings in Oakland, the BART Bicycle Accessibility Task Force Meeting, and a panel discussion of the Boards and Commissions Leadership Institute.

Director Fang thanked Director King for her service on the Board.

Director Blalock reported he had attended the Planning, Public Affairs, Access, and Legislation Committee Meeting and a meeting of the South Hayward BART Station Access Authority.

Director Keller thanked Director King for her service.

Director Keller requested that when the procurement for the proposed development of the property at the Millbrae Station returns to the Board, the agenda include the opportunity for the Board to consider and take an action whether to address the matter in closed session, open session, or a combination of both.

Vice President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Jerry Grace

Ms. Antonette Bryant

Vice President Radulovich thanked Directors King and Sweet for their service on the Board.

The Board Meeting was adjourned at 11:36 .m.

Kenneth A. Duron
District Secretary