

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

BOARD MEETING AGENDA

November 15, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 15, 2012, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 25, 2012.\* Board requested to authorize.
- B. Request for Withdrawal of Funds from BART/MTC Railcar Replacement Reserve Account.\* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Sweet, Chairperson

- A. Grant of Easement Agreement with the Port of Oakland for Transition Structure Emergency Generator Project.\* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Change Orders to Contract No. 15PC-110, Earthquake Safety Program Aerial Structures – A-Line South, with Robert A. Bothman, Inc., for Differing Site Conditions.\* Board requested to authorize.
- B. Change Order to Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures - C Line, with Proven Management, Inc., for Differing Site Conditions.\* Board requested to authorize.
- C. Authorization to Execute Agreements with Union Pacific Railroad, Utilities and Others to Support the Hayward Maintenance Complex Project.\* Board requested to authorize.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Blalock, Chairperson

- A. Change Order to Agreement No. 6G4544, Central Processing Services for the Regional Transit Discount Card Program, with Cordoba Corporation, for Extension of Time and Funding.\* Board requested to authorize.
- B. BART Metro: Sustainable Communities Operational Analysis.\* For information.

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Board Member Reports. For information.  
(An opportunity for Board members to provide brief reports on meetings attended at District expense.)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

9. CLOSED SESSION (Room 303, Board Conference Room)

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Name of Case: BART Police Officers' Association vs. San Francisco  
Bay Area Rapid Transit District  
Government Code Section: 54956.9(a)
- B. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC EMPLOYEE  
PERFORMANCE EVALUATION  
Agency Negotiators: Directors McPartland, Radulovich, and Sweet  
Titles: General Manager, General Counsel, Controller/Treasurer,  
District Secretary, and Independent Police Auditor  
Government Code Sections: 54957 and 54957.6

10. OPEN SESSION