

**Peninsula Corridor Joint Powers Board (JPB)  
Board of Directors Meeting  
1250 San Carlos Avenue, San Carlos CA 94070**

**SPECIAL MEETING  
Minutes  
June 5, 2014  
Special Meeting**

**MEMBERS PRESENT:** J. Cisneros, M. Cohen, J. Deal, R. Guilbault, A. Kalra,  
T. Nolan (Chair), A. Tissier, P. Woodward

**MEMBERS ABSENT:** K. Yeager

**STAFF PRESENT:** R. Bolon, J. Cassman, A. Chan, M. Conneran, G. Harrington,  
C. Harvey, R. Haskin, L. Larano, M. Lee, M. Martinez, D. Miller,  
S. Murphy, M. Scanlon, M. Simon

Chair Tom Nolan called the special meeting to order at 9:35 a.m. and led the Pledge of Allegiance.

David Miller, Legal Counsel, said this special meeting is to conduct a closed session prior to the regular meeting to discuss a matter of potential litigation.

**Closed Session: Conference with Legal Counsel – Potential Litigation – Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b) (One Potential Case)**

Adjourned to closed session at 9:36 a.m.

Reconvened to open session at 9:52 a.m.

Mr. Miller said the special meeting is in reference to item 12 on the regular meeting agenda. At the time the agenda was published, proposed change orders had been negotiated for the San Bruno Grade Separation Project as publicly reported in the regular agenda packet. Subsequent to posting the agenda, staff and legal counsel engaged in further discussions with the construction contractor with respect to potential claims in addition to the change orders that are referenced in the regular meeting agenda packet. As a result of those discussions, an agreement was reached, subject to Board approval.

Mr. Miller said as a result of the closed session and the report from Chuck Harvey, Deputy CEO, a new resolution is before the Board that increases the Executive Director's change order authority to \$5,978,000. This is to facilitate not only the change orders referenced in the regular meeting agenda report, but an additional \$1.4 million in claims. Mr. Miller noted that the claims sought by the contractor were considerably in excess of \$1.4 million. This action will allow for a full release of all claims and potential

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claims from the construction contractor and allow the project to be completed in an orderly fashion with no new claims.

**Authorize increase in the Executive Director's Change Order Authority for Additional Work Required for the San Bruno Grade Separation Project and amend the Fiscal Year 2014 Capital Budget Accordingly**

Motion/Second: Cisneros/Tissier

Ayes: Cisneros, Cohen, Deal, Guilbault, Kalra, Nolan, Tissier, Woodward

Absent: Yeager

Adjourned at 9:55 a.m.