

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

August 13, 2009  
9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, August 13, 2009, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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 June 25, 2009 (Regular).\* Board requested to authorize.
- B. Subsequent Resolution of Local Support American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding. \* Board requested to adopt.

## **RECESS TO STANDING COMMITTEES**

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

### **ALL COMMITTEES ARE ADVISORY ONLY**

#### ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

##### Director Murray, Chairperson

- A-1. (Continued from the July 23, 2009 Board Meeting)  
Agreement with Data Ticket Inc. for Parking Citation Processing Services (Agreement No. 6M5018).\* Board requested to authorize.
  
- A-2. Condemnation of Real Property for the Warm Springs Extension Project.\*
  - a. BART Parcel No. J-1061-1A and J-1061-2A and J-1061-3A
  - b. BART Parcel No. J-2036-1A and J-2036-3ABoard requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
  
- A-3. Actuarial Statement of Potential Change to Retirement and Postretirement Benefit for Money Purchase Pension Plan 1.627% (California Gov't Code Section 7507).\*  
(For information.)
  
- A-4. Resolution for Citizen Oversight of the BART Police Department.\*  
Board requested to adopt.
  
- A-5. General Discussion and Public Comment.

#### ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

##### Director Keller, Chairperson

- B-1. Agreement with Webco Sweeping, LLC, for Sweeping Services at Various BART Parking Lots and Garages (Agreement No. 6M3110A).\*  
Board requested to authorize.
  
- B-2. Modification to Agreement No. 6M8015, Construction Management Services for the Earthquake Safety Program Parking Structures, with The Allen Group/Cooper Puggeda Management, A Joint Venture, for Increase in Agreement Amount.\* Board requested to authorize.
  
- B-3. Change Orders to Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures – North Oakland, with California Engineering Contractors, Inc.\*
  - a. Differing Site Conditions at Bents 3, 4, and 5 (C.O. No. 7).
  - b. Differing Site Conditions (C.O. No. 12).Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)
  
- B-4. Project Stabilization Agreement for the Oakland Airport Connector Project.\* Board requested to adopt.

B-5. Quarterly Performance Report, Fourth Quarter Fiscal Year 2009 - Service Performance Review.\* For information.

B-6. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Sweet, Chairperson

NO REPORT.

**RECONVENE BOARD MEETING**

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

A-1. (Continued from the July 23, 2009 Board Meeting)

Agreement with Data Ticket Inc. for Parking Citation Processing Services (Agreement No. 6M5018).\* Board requested to authorize.

A-2. Condemnation of Real Property for the Warm Springs Extension Project.\*

a. BART Parcel No. J-1061-1A and J-1061-2A and J-1061-3A

b. BART Parcel No. J-2036-1A and J-2036-3A

Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

A-3. Actuarial Statement of Potential Change to Retirement and

Postretirement Benefit for Money Purchase Pension Plan 1.627%

(California Gov't Code Section 7507).\*

(For information.)

A-4. Resolution for Citizen Oversight of the BART Police Department.\*

Board requested to adopt.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Agreement with Webco Sweeping, LLC, for Sweeping Services at

Various BART Parking Lots and Garages (Agreement No. 6M3110A).\*

Board requested to authorize.

B-2. Modification to Agreement No. 6M8015, Construction Management

Services for the Earthquake Safety Program Parking Structures, with The

Allen Group/Cooper Pugeda Management, A Joint Venture, for Increase

in Agreement Amount.\* Board requested to authorize.

B-3. Change Orders to Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures – North Oakland, with California Engineering Contractors, Inc.\*

a. Differing Site Conditions at Bents 3, 4, and 5 (C.O. No. 7).

b. Differing Site Conditions (C.O. No. 12).

Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

B-4. Project Stabilization Agreement for the Oakland Airport Connector Project.\* Board requested to adopt.

B-5. Quarterly Performance Report, Fourth Quarter Fiscal Year 2009 - Service Performance Review.\* For information.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE  
NO REPORT.

5. GENERAL MANAGER'S REPORT  
NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Johnson et al. vs. BART

Government Code Section: 54956.9 (b)(1)

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Dorothy W. Dugger, General Manager; Teresa E. Murphy, Assistant General Manager – Administration; M. Carol Stevens, Burke, Williams & Sorensen, LLP

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;  
(2) American Federation of State, County and Municipal Employees, Local 3993;  
(3) BART Police Officers Association;  
(4) BART Police Managers Association;  
(5) Service Employees International Union, Local 1021; and  
(6) Service Employees International Union, Local 1021, BART Professional Chapter

Government Code Section: 54957.6