

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

Board of Directors
Minutes of the 1,563rd Meeting
June 11, 2009

A regular meeting of the Board of Directors was held June 11, 2009, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 14, 2009.
2. Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the East Contra Costa County Rail Extension/eBART Project and the State Route 4 (East) Widening Project: Loveridge Road to State Route 160.
3. Award of Contract No. 20LN-331, Procurement of Maintenance Vehicle Detection Devices.
4. Award of Invitation for Bid No. 8842, Current Collector Shoes.
5. Reject All Bids for Contract No. 6M3059A, Emergency Restoration, Preventive Maintenance and Non-Emergency Repair of Telecommunication Revenue Program.

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

1. That the Minutes of the Meeting of May 14, 2009, be approved.
2. Adoption of Resolution No. 5083, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the East Contra Costa County Rail Extension/eBART Project and the State Route 4 (East) Widening Project: Loveridge Road to State Route 160.

3. That the General Manager be authorized to award Contract No. 20LN-331, Procurement of Maintenance Vehicle Detection Devices, to Quackenbush Engineering Solutions and Technologies, LLC, for the bid amount of \$315,000.00, plus applicable taxes, subject to the District's protest procedures and Federal Transit Administration's requirements related to protests.
4. That the General Manager be authorized to award Invitation for Bid No. 8842, for Current Collector Shoes, to Wabtec, for the bid price of \$298,520.00, including tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
5. That all bids received in response to Contract No. 6M3059A, for the Emergency Restoration, Preventive Maintenance and Non-Emergency Repair of the Telecommunications Revenue Program, be rejected.

The Board Meeting recessed at 9:07 a.m.

The Board reconvened at 11:26 a.m.

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

Absent: None.

Consent Calendar Addenda item brought before the Board was:

1. Fiscal Year 2010 Budget.

Director Murray moved adoption of Resolution No. 5084, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2009, to June 30, 2010. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Murray, Chairperson of the Administration Committee, reported that in addition to the Consent Calendar addenda item, the committee had received and discussed the Business Advancement Plan Update.

Director Murray moved that the remaining elements of Resolution No. 5082 be adopted, including suspension of EZ Rider Card and Hang-tag Fees, insofar as said elements were not inconsistent with the Board's direction to staff. Director Keller seconded the motion, which carried by unanimous voice vote by the required two-thirds majority. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Approval to Conduct Competitive Negotiation for Transit Vehicles before the Board, and moved that the Board find, by two-thirds vote, that the procurement of transit vehicles in compliance with the provision of the California Public Contract Code generally applicable to the purchase does not constitute a method of procurement adequate for the District's needs; and that the General Manager be authorized to direct the purchase of transit vehicles by competitive negotiation under California Public Contract Code Section 20229.1, subject to Board approval of the award. Director Murray seconded the motion, which carried by unanimous electronic vote by the required two-thirds majority. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Keller brought the matter of Approval to Conduct Competitive Negotiation for Diesel Multiple Unit (DMU) Vehicles for the East Contra Costa BART Extension Project (eBART) before the Board, and moved that the Board find, by two-thirds vote, that the procurement of Diesel Multiple Unit (DMU) vehicles for the eBART Project in compliance with the provision of the California Public Contract Code generally applicable to such a contract does not constitute a method of procurement adequate for the District's needs; and that the General Manager be authorized to direct the purchase of DMU vehicles for the eBART project by competitive negotiation under California Public Contract Code Section 20229.1, subject to Board approval of the award. Director Murray seconded the motion, which carried by unanimous electronic vote by the required two-thirds majority. Ayes - 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

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

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger reported that copies of acclaimed posters celebrating California bioregions which had been displayed throughout the system would be available for Board members after the meeting.

President Blalock brought the matter of Ratification of the Ad Hoc Committee on Disadvantaged Business Enterprise Participation in Procurement Contracts before the Board. After discussion by the Board, the item was continued to a future meeting.

President Blalock brought Roll Call for Introductions before the Board.

Director Franklin requested consideration of a proposed modification to the sequence of consideration of Committee Agenda items by the Board of Directors.

Director Murray requested the District consider the adoption of unisex restrooms in stations.

President Blalock called for General Discussion and Public Comment.

Director Ward Allen gave a brief report on behalf of the BART Police Department Review Committee.

Mr. Jerry Grace addressed the Board.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Legal Counsel – Anticipated Litigation), Item 8-B (Conference with Legal Counsel – Existing Litigation), and Item 8-C (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:48 a.m.

The Board reconvened in closed session at 12:04 p.m.

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

Absent: None.

The Board Meeting adjourned at 3:31 p.m. in memory of Marguerite “Peggy” Stinnett.

Kenneth A. Duron
District Secretary