

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

Board of Directors
Minutes of the 1,540th Meeting
October 9, 2008

A regular meeting of the Board of Directors was held October 9, 2008, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, and Murray.

Absent: Director Ward Allen. Director Sweet entered the meeting later.

President Murray announced that under the provisions of Government Code Section 4217.10 and following sections, this was the time set to hold a public hearing on a proposed energy service contract and energy conservation project, and that staff would give a brief presentation, and that the meeting would then be opened for comments from the public. President Murray noted that there would be no Board action on the energy conservation project until a future meeting.

Mr. Frank Schultz, Manager of the District's Energy Division, gave a presentation on the consideration of an energy service contract under the Association of Bay Area Government (ABAG) Energy Watch Direct Install Program to upgrade light fixtures at District stations.

There being no public comments, the public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 25, 2008.
2. Award of Contract No. 79HP-110, BART Communication Center Reconfiguration, Joseph P. Bort MetroCenter Building.
3. Award of Invitation for Bid No. 8835, Purchase of Bag Liners.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Fang seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, and Murray. Noes – 0.

1. That the Minutes of the Meeting of September 25, 2008, be approved.
2. That the General Manager be authorized to award Contract No. 79HP-110, BART Communications Center Reconfiguration, Joseph P. Bort MetroCenter Building, to Kudsk Construction, Inc., for the total bid price of \$769,085.00, subject to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

3. That the General Manager be authorized to award Invitation for Bid No. 8835, an estimated quantity contract, for the Purchase of Bag Liners, to E Poly Star, Inc., for the bid price of \$256,650.00, including all applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

The Board Meeting recessed at 9:12 a.m.

The Board reconvened at 11:51 a.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Sweet, and Murray.

Absent: Directors Fang, Radulovich, and Ward Allen.

Consent Calendar Addenda item brought before the Board was:

1. Award of Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures - North Oakland.

Director Keller moved that the General Manager be authorized to award Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures – North Oakland, to California Engineering Contractors, Inc., for the bid amount of \$33,395,185.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Franklin, Keller, Sweet, and Murray. Noes – 1: Director Luce. Absent – 3: Directors Fang, Radulovich, and Ward Allen.

Director Franklin, Chairperson of the Administration Committee, had no report.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed a report on Potential Changes to the District's "No Drinking" Policy, and that the remaining item on the committee agenda had been forwarded to Consent Calendar Addenda.

Vice President Blalock, who had chaired the first portion of the Planning, Public Affairs, Access, and Legislation Committee meeting, brought the matter of Proposed EZ Rider Program Card and Parking Hangtag Fees and Charges before the Board, and moved adoption of a resolution in the matter of EZ Rider Program Card and Parking Hang-tag Fees and Charges, as amended by the Board. Director Sweet seconded the motion, which failed to carry by the required two-thirds

majority. Ayes – 5: Directors Blalock, Franklin, Keller, Sweet, and Murray. Noes – 1: Director Luce. Absent – 3: Directors Fang, Radulovich, and Ward Allen.

Director Keller requested a Special Board Meeting be held to reconsider the item, and the majority of the Board concurred.

Director Sweet, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had received and discussed a presentation on Transportation 2035 – Regional Transportation Plan Investment Plan – Impacts on BART Capital Program.

President Murray asked for the General Manager’s Report. General Manager Dorothy W. Dugger advised the Board the Office of Civil Rights would be hosting an Open House on October 30 to advise the contracting community of upcoming opportunities.

President Murray brought Roll Call for Introductions before the Board. No items were introduced.

President Murray called for General Discussion and Public Comment. Mr. Samuel Stevens addressed the Board.

President Murray announced that the closed session (Public Employee Performance Evaluation) would be continued to a future meeting.

The Board Meeting adjourned at 12:08 p.m.

Kenneth A. Duron
District Secretary