

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

Board of Directors
Minutes of the 1,613th Meeting
January 13, 2011

A regular meeting of the Board of Directors was held January 13, 2011, convening at 9:02 a.m. The meeting was held via simultaneous teleconference in the Board Room, 344 20th Street, Oakland, California, and the Delta King, 1000 Front Street, Sacramento, California. President Franklin presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Keller, Murray, Raburn, Sweet, and Franklin.

Director present in Sacramento: Director McPartland.

Absent: None. Directors Fang and Radulovich entered the meeting later.

Director Raburn called for a moment of silence in honor of the victims of the shooting incident in Tucson, Arizona.

Director Murray requested that Item 2-C, Travel Reimbursement Policy for BART Citizen Advisory Committees/Task Forces, be removed from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of December 16, 2010.
2. 2011 Standing Committee and Special Appointments.
3. Award of Contract No. 09DJ-130, Replacement of Power Supplies for Cathodic Protection System.
4. Award of Contract No. 15EL-130A, Installation of Fiber Optic Cable for R-Line Emergency Trip System Project.
5. Award of Contract No. 15TE-130, Aerial Structures Fall Protection – West Oakland, Phase 3.
6. Award of Invitation for Bid No. 8881, Brake Lining.

Director Fang entered the Meeting.

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

1. That the Minutes of the Meeting of December 16, 2010, be approved.
2. That the Board of Directors ratify the proposed Standing Committee and Special Appointments for 2011 (the amended Organization of Committees and Special Appointments is attached and hereby made a part of these Minutes).
3. That the General Manager be authorized to award Contract No. 09DJ-130, for replacement of power supplies for the cathodic protection system in the Transbay Tube, to Dahl Beck Electric, for the total bid price of \$397,713.70, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
4. That the General Manager be authorized to award Contract No. 15EL-130A, for Installation of Fiber Optic Cable for R-Line Emergency Trip System Project, to Phase 3 Communications, Inc., for the Bid price of \$234,500.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
5. That the General Manager be authorized to award Contract No. 15TE-130, Aerial Structures Fall Protection - West Oakland, Phase 3, to Ashron Construction & Restoration, Inc., for the Bid price of \$846,852.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8881, for brake lining assemblies, to Railroad Friction Products Corp., for the price of \$802,821.25, pursuant to notification to be issued by the General Manager, and 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.)

President Franklin brought the matter of Travel Reimbursement Policy for BART Citizen Advisory Committees/Task Forces before the Board. Ms. Marcia deVaughn, Deputy General Manager, gave a brief presentation on the item. Director Murray moved that the Controller/Treasurer or his designee be authorized to process payments, or if practicable, fare medium credits, for citizen advisory committee members in the amount of \$15 per eligible meeting to offset the reasonable expense of travel on public transportation for their attendance. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 1: Director Radulovich.

Director Murray introduced and welcomed Harvard Students Eric Hende, Class of 2014; Kerry Hammond, Class of 2014; and Elsa Kim, Class of 2009.

Ms. Antonette Bryant addressed the Board, introducing the recently elected Amalgamated Transit Union officers.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Parking Fees for the West Dublin/Pleasanton Station before the Board. Mr. Kevin Hagerty, Department Manager, Customer Access, presented the item. Director Murray moved that the Board find that the fees established for the West Dublin Station parking facilities are for the purpose of either a) meeting operating expenses, or b) obtaining funds for capital projects necessary to maintain services within BART's existing service areas; therefore, the following actions are exempt from review under the California Environmental Quality Act (CEQA) pursuant to the exemption set forth in the California Public Resources Code Section 21080(a)(8) and CEQA Guidelines Section 15273(a).; and that the Board approve the following parking fees: Monthly Reserved - \$63.00, Single Day Reserved - \$4.00, Airport/Long Term Reserved - \$5.00, and Daily - \$1.00. Director Blalock seconded the motion, which carried by unanimous roll call vote by the required two-thirds majority. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 1: Director Radulovich.

Director Blalock brought the matter of 2010 BART/MUNI Fast Pass Agreement before the Board. Ms. Pamela Herhold, Financial Planning, presented the item. Discussion followed.

Director Radulovich entered the Meeting. Director McPartland exited the Meeting.

Director Blalock moved that the General Manager be authorized to execute the Special Transit Fare (Fast Pass) Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for the period January 1, 2010, through June 30, 2018. Director Sweet seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director McPartland.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with MGR Industries, Inc., for Purchase of Payment Card Industry Triple Data Encryption Standard Personal Identification Number Pad Security Devices, before the Board. Mr. Brendan Lee, Fare Collection Engineering, presented the item. Director Blalock moved the following motions as a unit.

1. That the Board find, pursuant to Public Contract Code Section 20227, that MGR Industries, Inc., is the sole source for procurement of the Payment Card Industry Triple Data Encryption Standard Personal Identification Number (PIN) Entry devices, and that the purchase is for the sole purpose of duplicating or replacing equipment already in use, and that the General Manager be authorized to enter into direct negotiations with MGR Industries, Inc., to execute a purchase in an amount not to exceed \$131,000 plus applicable taxes for the acquisition of 320 PIN entry devices manufactured by MGR Industries, Inc., with a device model No. 1K12U205.

2. That the General Manager be authorized, subject to the determination of staff of the required quantity of replacement spare parts, and certification by the Office of the Controller/Treasurer that funds are available, to purchase a maximum of an additional 100 PIN entry devices, in an amount not to exceed \$50,000, manufactured by MGR Industries, Inc., with a device model No. 1K12U205.

Director Sweet seconded the motions, which carried by unanimous electronic vote by the required two-thirds majority. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director McPartland.

Director Fang brought the matter of Modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, for Increase in Time and Value, before the Board. Director Murray recused herself due to possible conflict of interest, and left the dais. Mr. Charles Stark, Executive Manager, Transit System Development, and Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Director Blalock moved that the General Manager be authorized to execute a modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, to increase the not-to-exceed value to \$248,230,000.00, and to extend the term of the Agreement for an additional twelve months, from March 2015 to March 2016.

Mr. John Knox White addressed the Board.

Director Radulovich seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, Raburn, Radulovich, and Sweet. Noes – 1: Director Franklin. Absent – 2: Directors McPartland and Murray.

Director Murray returned to the dais.

Director Fang brought the matter of Award of Contract No. 15PC-110, BART Earthquake Safety Program Aerial Structures – A Line South, before the Board. Mr. Stark presented the item. Director Murray moved that the General Manager be authorized to award Contract No. 15PC-110, Earthquake Safety Program, Aerial Structures - A Line South, to Robert A. Bothman, Inc., for the Bid amount of \$8,580,915.00, 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 unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director McPartland.

Director Fang brought the matter of Award of Contract No. 15SU-130, Aerial Structures West Oakland Pier – 110 to Transbay Tube Portal, before the Board. Mr. Stark presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15SU-130, Earthquake Safety Program, Aerial Structures - West Oakland Pier - 110 to Transbay Tube Portal, to West Bay Builders, Inc., for the Bid amount of \$9,147,122.00, 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

protests. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director McPartland.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Station Retail Policy before the Board. Mr. Jeffrey P. Ordway, Manager, Property Development, and Ms. Laura Giraud, Department Manager, Real Estate, presented the item. The item was discussed.

Director Blalock moved adoption of Resolution No. 5154, In the Matter of Adopting a Station Retail Policy, with amendments as he proposed to the Policy under Physical Use Considerations, Section C-12, and amendments to the Process Considerations, Section B-4, as proposed by Director Murray. Director Fang seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, Murray, Raburn, Sweet, and Franklin. Noes – 1: Director Radulovich. Absent – 1: Director McPartland.

President Franklin called for the General Manager’s report.

General Manager Dorothy W. Dugger reported that the modified service plan implemented on New Year’s Eve had operated successfully. Ms. Dugger announced that the District would provide commemorative flash passes for the Martin Luther King holiday events on January 17, 2011, and she invited the Board to the District’s Martin Luther King celebration on January 19. Ms. Dugger noted that in recognition of the ridership record of 522,198 established on November 3, 2010, a commemorative cup and pin had been given to every employee and the Board members.

Director Sweet, Chairperson of the BART Police Department Review Committee, gave a brief report on the activities of the Committee. Director Sweet brought the matter of Amendments to the BART Citizen Oversight Model before the Board, and moved that the Board amend the BART Citizen Oversight Model previously adopted on August 13, 2009, by Resolution No. 5094, to reflect the changes to Exhibit A: Chapter 1-04.B – Recommendations for Corrective Action; Chapter 2-02 – Appointment of Citizen Board Members; and Chapter 2-03 – Citizen Board Member Qualifications, as detailed in Attachment A.

Mr. Cephus Johnson addressed the Board.

The Board Meeting recessed at 11:30 a.m.

The Board reconvened in open session at 11:40 a.m.

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

Absent: Director McPartland.

Mr. Cephus Johnson addressed the Board.

The item before the Board was discussed. Director Blalock seconded the motion.

Director Raburn proposed a substitute motion, striking the sentence “Citizen Board members may not concurrently serve on another Citizen Board” from Chapter 2-03. Director Radulovich seconded the substitute motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director McPartland.

President Franklin brought Roll Call for Introductions before the Board.

Director Radulovich requested a fiscally conservative analysis of the impacts of higher financing costs for the Oakland Airport Connector project upon the District's general fund and operating and capital budgets.

Director Radulovich requested a schedule for the acceptance of Clipper cards for fares by AirBART airport shuttle service.

Director Radulovich requested an evaluation and report on the use of station air compressors for use by customers wishing to refill bicycle tires.

Director Radulovich requested a report on the installation of automatic shutoff/slowdown of station escalators during low use periods, to include lifecycle costs and savings.

Director Murray requested a report on efforts for reducing fare evasion in stations, especially station areas without Station Agent presence.

Director Murray requested the installation of electric vehicle charging stations at BART stations with solar arrays.

Director Raburn requested a report of the Oakland Airport Connector project's financial plan, options (including increased funding participation by the Port of Oakland), etc. on the January 27 Board Meeting agenda.

President Franklin called for General Discussion and Public Comment.

Mr. Robert S. Allen and Mr. Jerry Grace addressed the Board.

President Franklin announced that the Board would enter into closed session under Item 9-A (Conference with Legal Counsel – Existing Litigation), Item 9-B (Public Employment), and Item 9-C (Conference with Labor Negotiators – Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:07 p.m.

The Board reconvened in closed session at 12:10 p.m.

Directors present: Directors Blalock, Fang, Raburn, Radulovich, and Franklin.

Absent: Directors Keller, McPartland, and Murray. Director Sweet entered the Meeting later.

Director Sweet entered the Meeting.

Director Fang exited the Meeting.

Director Radulovich exited the Meeting.

The Board Meeting was adjourned at 1:05 p.m.

Kenneth A. Duron
District Secretary