

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

Board of Directors
Minutes of the 1,555th Meeting
March 26, 2009

A regular meeting of the Board of Directors was held March 26, 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.

President Blalock called for a moment of silence to honor the four Oakland Police Officers who had been killed on March 21, 2009: Sgt. Mark Dunakin, Officer John Hege, Sgt. Ervin Romans, and Sgt. Daniel Sakai.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of February 26, 2009 (Revised), March 12, 2009 (Regular), and March 17, 2009 (Special).
2. Resolution of Local Support for American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding.
3. Award of Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and Rockridge Stations.
4. Approval of East Bay Paratransit Service Plan for Fiscal Year 2010 Alameda County Measure B Claim.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Fang 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 Meetings of February 26, 2009 (Revised), March 12, 2009 (Regular), and March 17, 2009 (Special), be approved.
2. Adoption of Resolution No. 5074, Authorizing the Filing of an Application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Stating the Assurance to Complete the Project.
3. That the General Manager be authorized to award Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and

Rockridge Stations, to CF Contracting, for the bid price of \$158,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

4. Adoption of Resolution No. 5075, In the Matter of Approving the East Bay Paratransit Consortium Service Plan for Fiscal Year 2010 for Submittal to Alameda County Transportation Improvement Authority.

The Board Meeting recessed at 9:08 a.m.

The Board reconvened at 10:34 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. Approval of Federal Advocacy Programs.

Director Sweet moved approval of the described components of a BART Federal Advocacy Program. Director Murray 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. (The components of the federal advocacy program are attached and hereby made a part of these minutes.)

Director Murray, Chairperson of the Administration Committee, brought the matter of Amended Agreement with Meyers Nave Riback Silver & Wilson for Internal Affairs Investigation (Agreement No. 6M1022), and moved that the General Counsel be authorized to execute the amended agreement with Meyers Nave Riback Silver & Wilson for conducting the Internal Affairs Investigation into the January 1, 2009, incident in the amount of \$250,000.00. Director Ward Allen seconded the motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Sweet.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Noncompetitive Maintenance Services Agreement for Currency Processing System, Including Sole-Source Procurement of Replacement Materials and Parts before the Board, and moved that the Board find, pursuant to Public Contract Code Section 20227, that Giesecke & Devrient America, Inc., is the single source for procurement of supplies, equipment, and materials required for the maintenance of the two high-speed currency processing systems located at the Cash Handling Building; that the proposed procurement of supplies, equipment, and materials from Giesecke & Devrient America, Inc., is for the sole purpose of duplicating or replacing supplies, equipment, or materials already in use at the District; and that the General Manager be authorized to execute a five-year agreement with Giesecke & Devrient America, Inc., for a total

amount not to exceed \$715,016.00, for maintenance services for the two high-speed currency processing systems, including furnishing necessary supplies, equipment, and materials. Director Murray seconded the motion, which carried by 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 Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

President Blalock asked for the General Manager's Report. General Manager Dorothy W. Dugger had no report.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, gave a report on the committee's activities. The Board discussed the Report of the BART Police Department Review Committee.

Director Murray, Chairperson of the Finance, Budget, and Internal Audit Committee, gave a brief report on the committee's meeting of March 19, 2009.

President Blalock brought Roll Call for Introductions before the Board.

Director Radulovich requested a report on the state of the District's 30 year capital program and the effects of the recent changes in funding opportunities in the region.

Director Radulovich requested a report on emergency lighting in stations.

Director Sweet requested a briefing on the District's use of video recording of Board Meetings and the potential for making such recordings available to the public via the District's website.

Director Franklin requested a report on the progress of making audio recordings of Board and Committee meetings available on the District's website as originally conveyed in his Roll Call for Introductions request of October 2006.

President Blalock called for General Discussion and Public Comment.

Director Franklin reported he and Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, had had productive visits to Washington DC and Sacramento on behalf of the Capitol Corridor Joint Powers Authority.

Director Radulovich requested that a study be done on the effects on social equity in connection with any fare or fee increases.

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 Real

Property Negotiator), Item 8-C (Conference with Labor Negotiators), and Item 8-D (Conference with Legal Counsel – Existing Litigation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:07 a.m.

The Board reconvened in closed session at 11:21 a.m.

Directors present: Directors Franklin, McPartland, Murray, Sweet, and Blalock.

Absent: None. Directors Fang, Keller, Radulovich, and Ward Allen entered the meeting later.

Director Keller entered the Meeting.

Director Fang entered the Meeting.

Directors Radulovich and Ward Allen entered the Meeting.

Director Fang exited the Meeting.

Director Franklin exited the Meeting.

Director Sweet exited the Meeting.

Director Ward Allen exited the Meeting.

The Board Meeting adjourned at 3:26 p.m. in honor of Sgt. Mark Dunakin, Officer John Hege, Sgt. Ervin Romans, Sgt. Daniel Sakai, Mr. Cleveland Bellow, and Ms. Shamala Harris.

Kenneth A. Duron
District Secretary