

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,596th Meeting
April 8, 2010

A regular meeting of the Board of Directors was held April 8, 2010, convening at 9:15 a.m. in the Board Room, 344 20th Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Director Keller welcomed and introduced Jeremiah Whitfield-Pearson. Master Whitfield-Pearson sang the National Anthem.

General Manager Dorothy W. Dugger reported that President Fang had thrown the opening pitch at the previous night's Oakland Athletics game.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of December 17, 2009, and January 14, 2010.
2. Reject All Bids for Contract No. 17BJ-150, LMA (Lake Merritt Administration Building) Stairwell & Elevator No. 83 Headhouse Site Restoration.
3. Approval of East Bay Paratransit Service Plan for Fiscal Year 2011 Alameda County Measure B Claim.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

1. That the Minutes of the Meetings of December 17, 2009, and January 14, 2010, be approved.
2. That all bids on Contract No. 17BJ-150, LMA Stairwell and Elevator 83 Headhouse Site Restoration, be rejected and that the General Manager be authorized to readvertise the work.
3. Adoption of Resolution No. 5131, In the Matter of Approving the East Bay Paratransit Consortium Service Plan for Fiscal Year 2011 for Submittal to Alameda County Transportation Improvement Authority.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2011 Preliminary Budget Overview before the Board. Mr. Carter Mau, Executive Manager, Office of Planning and Budget, and Mr. Robert Umbreit, Department Manager, Operating Budgets and Analysis, presented the item. Discussion followed.

The following individuals addressed the Board:

Mr. Darrel Carey

Mr. Scott Mace

Director Blalock moved that staff be directed to publish a Budget Pamphlet for Fiscal Year 2011 to be available for distribution no later than April 9, 2010; and that a public hearing on the Fiscal Year 2011 Preliminary Budget be set for Thursday, May 27, 2010, at 9:00 a.m. in the Board Room. Director Sweet seconded the motion, which carried by unanimous roll call vote.

Ayes - 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Blalock brought the matter of Northern California Power Agency Development Activities, Solar Photovoltaic Project and Lodi Energy Center Power Project, before the Board. Mr. Frank Schultz, Manager of Energy Programs, presented the item. Discussion followed.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 6M3146, Reconditioning Transit Vehicle Wheels, before the Board. Mr. David Hardt, Acting Group Manager for Service Delivery in Rolling Stock and Shops Department, presented the item. Discussion followed.

Director Keller moved that the General Manager be authorized to award Contract No. 6M3146, for Reconditioning Transit Vehicle Wheels, an estimated quantity contract, to Penn Machine Co., for the base bid period, including Items 1 (Sample of Reconditioned Wheels), 2 (Base Contract: Reconditioned Transit Vehicle Wheels), and 5 (New Aluminum Wheel Centers) for the bid price of \$3,935,128.00, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures, and that the General Manager also be authorized to exercise Option A for the bid price of \$2,565,210.00, plus applicable taxes, and Option B, for the bid price of \$2,684,160.00, plus applicable taxes, with each option consisting of a one-year extension for Reconditioning of Transit Vehicle Wheels, and that the exercising of the options as well as the quantities ordered during the base period and option years shall be subject to the availability of funding. Director Sweet seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Keller brought the matter of Award of Contract No. 15PK-120, BART Earthquake Safety Program Station Structures – R Line, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

The following individuals addressed the Board:

Mr. Darrel Carey

Mr. Jerry Grace.

Discussion followed.

Mr. Charlie Walker addressed the Board.

Director Keller moved that the General Manager be authorized to award Contract No. 15PK-120, Earthquake Safety Program, R Line Stations, to Alten Construction, Inc., for the bid price of \$8,162,272.31, including applicable taxes, 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, and subject to the Federal Highway Administration's concurrence. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes - 0.

Director Keller brought the matter of Agreement with The Allen Group/Cooper Pugeda Management Joint Venture to Provide Small Business Support Services in Support of BART's Earthquake Safety Program (Agreement No. 6M8040) before the Board. Mr. Thomas Parker, Executive Manager, Transit System Compliance, and Mr. Thomas Horton presented the item.

The following individuals addressed the Board:

Mr. Darrel Carey

Mr. Charlie Walker

Ms. LaVerda O. Allen

The item was discussed. Director Ward Allen moved that the General Manager be authorized to award Agreement No. 6M8040 to The Allen Group/Cooper Pugeda Management Joint Venture (TAG/CPM JV) for a term of four years in an amount not to exceed \$2,000,000.00, subject to the District's protest procedures. Director Sweet seconded the motion, which carried by roll call vote. Ayes - 8: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes - 0. Abstain - 1: Director McPartland.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Memorandum of Understanding between BART and the California High Speed Rail Authority to Collaborate in Each Agency's Respective Environmental Work for the Livermore Area. Mr. Malcolm Quint, Manager of Travel Demand Planning, presented the item. The item was discussed.

Director McPartland moved that the General Manager be authorized to execute the Memorandum of Understanding with the California High Speed Rail Authority in connection with the environmental work related to the BART to Livermore Extension Program. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes - 0.

Director Ward Allen brought the matter of Exclusive Negotiations with Urban Real Estate Equities/Sares Regis Group of Northern California for Development at Glen Park Station. Director Murray recused herself from the discussion, citing a remote interest in the action before the Board. Director Murray exited the Meeting.

Mr. Jeffrey Ordway, Manager of Property Development, presented the item. The item was discussed. Director Radulovich moved that the General Manager or her designee be authorized to enter into an exclusive negotiating agreement with Urban Real Estate Equities/Sares Regis Group of Northern California for development at the Glen Park Station, for a period of two

years, with a right to extend for one year. Director McPartland seconded the motion, which carried by roll call vote. Ayes - 7: Directors Blalock, Franklin, Keller, McPartland, Radulovich, Ward Allen, and Fang. Noes – 1: Director Sweet. Absent – 1: Director Murray.

President Fang called for the General Manager’s report. General Manager Dorothy W. Dugger had no report.

President Fang brought Roll Call for Introductions before the Board.

Director Franklin requested that contracts out for bid be available for review on the District web site.

Director Blalock requested that the District’s citation process be shifted to an administrative procedure.

President Fang called for General Discussion and Public Comment. No comments were received.

President Fang announced that the Board would enter into closed session under Item 9-A (Conference with Real Property Negotiator), Item 9-B (Conference with Real Property Negotiator), and Item 9-C (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 12:43 p.m.

The Board reconvened in closed session at 12:55 p.m.

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

Absent: Director Fang.

Director Radulovich exited the Meeting.

Director Ward Allen exited the Meeting.

The Board Meeting adjourned at 1:51 p.m.

Kenneth A. Duron
District Secretary