

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

Board of Directors
Minutes of the 1,621st Meeting
April 14, 2011

A regular meeting of the Board of Directors was held April 14, 2011, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 24, 2011.
2. Quitclaim of Temporary Construction Easements for the Earthquake Safety Program.
3. Award of Invitation for Bid No. 8891, Furnishing of On Board Communication Units.
4. Reject All Bids for Invitation for Bid No. 8887, Procurement of Cushions and Cover Assemblies.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous electronic 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 March 24, 2011, be approved.
2. That the General Manager or her designee be authorized to execute and record quitclaim deeds to quitclaim to the record owner of the underlying real property all of BART's interests in each temporary construction easement (TCE) acquired for the Earthquake Safety Program upon termination of construction on each TCE and release of possession of each TCE, as they occur.
3. That the General Manager be authorized to award Invitation for Bid No. 8891, for the purchase of On Board Communication Units, to WiFi Rail, Inc., for the amount of \$1,097,237.00, including sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

4. That all bids for Invitation for Bid No. 8887, for the Procurement of Cushions and Cover Assemblies, be rejected.

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

The Board reconvened at 10:16 a.m.

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

Absent: None.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Termination of Western Geopower Incorporated Renewable Energy Power Purchase Agreement before the Board. Mr. Frank Schultz, Department Manager of the District's Energy Programs, presented the item. Director Blalock moved that the General Manager be authorized to execute the Agreement Terminating the Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Blalock brought the matter of Fiscal Year 2012 Preliminary Budget Overview before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget; Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis; and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Blalock brought the matter of Fiscal Year 2012 Budget: Release Budget Pamphlet and Set Date for Public Hearing, before the Board. Mr. Mau presented the item. Director Murray moved that staff be directed to publish a Budget Pamphlet for Fiscal Year 2012, to be available for distribution no later than April 21, 2011; and that a public hearing on the Fiscal Year 2012 Preliminary Budget be set for Thursday, May 26, 2011, at 9:00 a.m. in the Board Room. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 59EA-110A, San Francisco Bay Area Transit Hub Signage Improvement, before the Board. Mr. Tian Feng, District Architect, presented the item.

Mr. Tim Haines addressed the Board.

The item was discussed. Director Sweet moved that the General Manager be authorized to award Contract No. 59EA-110, San Francisco Bay Area Transit Hub Signage Improvement, to L C General Engineering & Construction, Inc., for the Bid price of \$2,613,385.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang brought the matter of Award of Contract No. 15PN-120, Transbay Tube Systems Retrofit, before the Board. Mr. Charles Stark, Assistant General Manager – Transit System Development, and Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

Director Radulovich exited the Meeting.

The items was discussed.

Mr. Jerry Grace addressed the Board.

Director Sweet exited the Meeting.

Director McPartland moved that the General Manager be authorized to award Contract No. 15PN-120, Earthquake Safety Program, Transbay Tube Systems Retrofit, to Rodan Builders, Inc., for the Bid price of \$2,570,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, and Franklin. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

Director Fang brought the matter of Santa Clara Valley Transportation Authority – Phase 1 of BART Silicon Valley Project/BART Silicon Valley Berryessa Extension Project before the Board. Mr. Stark and Mr. Malcolm Quint, Manager of Travel Demand Planning, presented the item.

Director Sweet entered the Meeting.

Director Raburn moved the following motions as a unit, while noting that he was omitting item 4-A-d, Find No Further Environmental Review or Mitigation Measures Are Required.

After review and consideration of the Final Environmental Impact Report (EIR) and related Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP) adopted by the Santa Clara Valley Transportation Authority (VTA) on December 9, 2004, as modified by a) the Supplemental EIR-1 and related Findings, Statement of Overriding Considerations and MMRP adopted by VTA on June 7, 2007, and b) the Supplemental EIR-2 and related Findings, Statement of Overriding Considerations and MMRP adopted by VTA on March 3, 2011, the Board:

1. Pursuant to the Comprehensive Agreement, accepts the BART Silicon Valley EIR, SEIR-1 and SEIR-2.
2. Adopts VTA's Findings and Statement of Overriding Considerations for the EIR, as modified by the respective Findings and Statements of Overriding Considerations for the SEIR-1 and SEIR-2;

3. For each Finding by VTA that changes or alterations have been required in or incorporated into the project to avoid or substantially lessen a significant environmental effect, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091(a)(1), finds that such changes or alterations are within the responsibility and jurisdiction of VTA and have been adopted by VTA, pursuant to CEQA Guidelines Section 15091(a)(2), and

4. Pursuant to the Comprehensive Agreement, approves Phase 1 of the Silicon Valley Project, called the BART Silicon Valley Berryessa Extension (SVBX) Project.

Director Murray seconded the motions. The item was discussed.

Mr. Jerry Grace addressed the Board.

The motions carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 1: Director Radulovich.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Special Free \$30 Ticket for the California Sheriffs' Association Conference before the Board. Ms. Julie Yim, Department Manager, Customer Services, and Deputy Chief of Police Daniel Hartwig presented the item.

Director Keller exited the Meeting.

Director Blalock moved that the Board approve distribution of free \$30 tickets to 350 attendees at the 117th Annual Conference of the California Sheriffs' Association. Director Sweet seconded the motion. The item was discussed.

The motion carried by unanimous electronic vote by the required two-thirds majority. Ayes – 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent - 2: Directors Keller and Radulovich.

President Franklin called for the General Manager's report. General Manager Dorothy W. Dugger, noting that this was her last Board Meeting, thanked the Board, staff, and all employees for their dedication, support, and hard work during her tenure as General Manager.

Director Sweet exited the Meeting. Director Keller entered the Meeting.

President Franklin brought the matter of Establishment of the Redistricting Ad Hoc Committee and the Strategic Funding Initiatives Ad Hoc Committee before the Board. Director Blalock moved that the Board ratify the following revisions to the 2011 Standing Committee and Special Appointments:

Redistricting Ad Hoc Committee: James Fang, Chairperson; Gail Murray, Robert Raburn, and Tom Radulovich

Strategic Funding Initiatives Ad Hoc Committee: James Fang, Co-Chair; Joel Keller, Co-Chair; Thomas M. Blalock, P.E.; and Gail Murray.

Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, and Franklin. Noes – 0. Absent - 2: Directors Radulovich and Sweet.

President Franklin brought Roll Call for Introductions before the Board.

Director Murray requested development of District policy enabling the citing of loud/excessive noise/music on District property consistent with ordinances by local jurisdictions.

President Franklin called for General Discussion and Public Comment.

Director Blalock thanked Ms. Dugger for her years of service to the District.

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 (Threat to Public Services or Facilities), and Item 9-D (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:10 p.m.

The Board reconvened in closed session at 12:17 p.m.

Directors present: Directors Blalock, Fang, Keller, McPartland, and Franklin.

Absent: Directors Radulovich and Sweet. Directors Murray and Raburn entered the Meeting later.

Directors Murray and Raburn entered the Meeting.

Director Fang exited the Meeting.

Director McPartland exited the Meeting.

President Franklin exited the Meeting.

The Board Meeting was adjourned at 1:34 p.m. in honor of Dorothy W. Dugger.

Kenneth A. Duron
District Secretary