

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

Board of Directors
Minutes of the 1,623rd Meeting
April 28, 2011

A regular meeting of the Board of Directors was held April 28, 2011, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Fang. Director Radulovich entered the Meeting later.

President Franklin welcomed Interim General Manager Sherwood G. Wakeman. President Franklin congratulated the Office of External Affairs on two events held the previous week: the District's "Blue Sky" festival at Justin Herman Plaza and the "Seat Lab" roll out, noting both had been positive experiences for BART customers. President Franklin welcomed the special guests in the audience as part of Take Our Daughters and Sons to Work Day.

Consent Calendar items brought before the Board were:

1. Resolution of Local Support for Congestion Mitigation and Air Quality Improvement Program (CMAQ) Funds for the Downtown Berkeley BART Plaza and Transit Area Improvement Project.
2. Award Contract No. 15QG-110, Replace Glass Panels at Fruitvale and West Oakland Stations.
3. Award Contract No. 15QJ-110, Re-roof Daly City Yard Main Shop, Transportation Building, and S & I Pit.
4. Award of Invitation for Bid No. 8886, Diesel Exhaust Filters.

Item 2-A, Resolution of Local Support for Congestion Mitigation and Air Quality Improvement Program (CMAQ) Funds for the Downtown Berkeley BART Plaza and Transit Area Improvement Project; Item 2-B, Award Contract No. 15QG-110, Replace Glass Panels at Fruitvale and West Oakland Stations; and Item 2-D, Award of Invitation for Bid No. 8886, Diesel Exhaust Filters, were briefly discussed at the request of President Franklin, Director McPartland, and Director Sweet, respectively.

Director Radulovich entered the Meeting.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors

Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.
Absent – 1: Director Fang.

1. Adoption of Resolution No. 5159, In the Matter of Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Downtown Berkeley BART Plaza and Transit Area Improvement Project.
2. That the General Manager be authorized to award Contract No. 15QG-110, Replace Glass Panels at Fruitvale and West Oakland Stations, to ACR Glass and Doors, for the Bid price of \$131,636.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 15QJ-110, Reroof Daly City Yard Main Shop, Transportation Building, and S & I Pit, to State Roofing Systems, Inc., for the Bid price of \$393,297.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 8886, for procurement of Diesel Exhaust Filters (CARB Certified), to Ironman Parts and Services, for an amount of \$423,132.40, which includes 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.)

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2012 Budget: Late Night Service Demonstration, before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget; Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Carlton Don Allen, Chief Engineer; Mr. William Theile, Department Manager, Operations Planning Department; and Mr. Wayne Wong, Department Manager, Civil Rights, presented the item. The item was discussed.

Ms. Antonette Bryant addressed the Board.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Change Orders to Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, with Shimmick Construction Co. Inc./Skanska USA Civil West California District Inc./ a Joint Venture, before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, and Mr. James Gravesande, Group Manager, Warm Springs Extension Program, presented the item. The item was discussed.

Director Radulovich exited the Meeting.

Mr. Jerry Grace addressed the Board.

Director Blalock moved the following motions as a unit. Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 2: Directors Fang and Radulovich.

1. That the General Manager be authorized to execute Change Order No. 10 to Contract No. 02ED-110, Warm Springs Extension Fremont Central Park Subway, for the resolution of i) the cost component of Potential Claim No. 10 in its entirety; ii) the cost component of Potential Claim No. 10 Parts A and B with respect to all subcontractors through February 18, 2011; and iii) the cost component of Potential Claim No. 10 Parts A and B with respect to the Contractor for subway construction segments 11 through 33, altogether totalling \$1,145,000.00.
2. That the General Manager be authorized to execute Change Order No. 11 to Contract No. 02ED-110, Warm Springs Extension Fremont Central Park Subway, in the amount of \$1,148,528.00, for the resolution of time components of Potential Claim No. 10, Potential Claim No. 10 Part A, and Potential Claim No. 10 Part B.

Director Keller brought the matter of East Contra Costa BART Extension (eBART) before the Board. Mr. Charles Stark, Assistant General Manager, Transit System Development, and Ms. Ellen Smith, Planning Division Manager, presented the item.

Director Keller moved adoption of Resolution No. 5160, In the Matter of Adopting Modifications to the East Contra Costa BART Extension (eBART Project). Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 2: Directors Fang and Radulovich.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Franklin called for the General Manager's report. Mr. Wakeman had no report.

President Franklin brought the matter of Employee Recruitment and Relocation for the Position of General Manager before the Board. The item was discussed.

Director Keller moved that the Interim General Manager or his designee be authorized to obtain executive search services from the firm Krauthamer and Associates Inc. to assist the Board in identification of qualified candidates both inside and outside of California for the position of General Manager, and to pay relocation assistance in accordance with established procedures. Director McPartland seconded the motion. Discussion continued. The motion failed by electronic vote. Ayes – 4: Directors Blalock, Keller, McPartland, and Franklin. Noes – 1: Director Raburn. Abstain – 2: Directors Murray and Sweet. Absent – 2: Directors Fang and Radulovich.

Director Keller moved that the Interim General Manager or his designee be authorized to obtain executive search services from the firm New Economy Dynamics LLC to assist the Board in identification of qualified candidates both inside and outside of California for the position of General Manager, and to pay relocation assistance in accordance with established procedures. Director Raburn seconded the motion. The motion failed by electronic vote. Ayes – 2: Directors Keller and Raburn. Noes – 3: Directors Blalock, McPartland, and Franklin. Abstain - 2: Directors Murray and Sweet. Absent – 2: Directors Fang and Radulovich.

Director Keller returned to the original motion, and moved that the Interim General Manager or his designee be authorized to obtain executive search services from the firm Krauthamer and Associates Inc. to assist the Board in identification of qualified candidates both inside and outside of California for the position of General Manager, and to pay relocation assistance in accordance with established procedures. Director McPartland seconded the motion. The motion carried by roll call vote. Ayes – 6: Directors Blalock, Keller, McPartland, Murray, Raburn, and Franklin. Noes – 0. Abstain – 1: Director Sweet. Absent – 2: Directors Fang and Radulovich.

President Franklin brought Roll Call for Introductions before the Board.

Director Blalock requested a comprehensive program to expand capacity of restrooms in stations for inclusion in capital programs (i.e. station modernization, extensions, etc.)

Director McPartland requested a closed session discussion of the District's Business Advancement Plan program.

President Franklin called for General Discussion and Public Comment.

Director Sweet announced that the next BART Police Review Board Meeting would be on May 4, 2011, at 3:00 p.m.

The following individuals addressed the Board:

Ms. Antonette Bryant

Mr. Jerry Grace

President Franklin announced that the Board would enter into closed session under Item 9-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:18 p.m.

The Board reconvened in closed session at 12:31 p.m.

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

Absent: Directors Fang, Radulovich and Sweet.

The Board Meeting was adjourned at 1:28 p.m.

Kenneth A. Duron
District Secretary