

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

Board of Directors  
Minutes of the 1,560th Meeting  
May 14, 2009

A regular meeting of the Board of Directors was held May 14, 2009, convening at 9:08 a.m. The meeting was held via simultaneous teleconference in the Board Room, 344 20<sup>th</sup> Street, Oakland, California, and the Portman Ritz-Carlton, 1376 Nanjing Xi Road, Shanghai, China. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Murray. Director Fang was teleconferenced into the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 21, 2009 (Special).
2. Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Downtown Berkeley Bike Station.
3. Award of Invitation for Bid No. 8845, Hybrid Truck with Scissor Lift and Hi-Rail System.

Consent Calendar motions, as follow, were moved as a unit by Director Sweet. Director Ward Allen seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Franklin, Keller, McPartland, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent - 2: Directors Fang and Murray.

1. That the Minutes of the Meeting of April 21, 2009 (Special), be approved.
2. Adoption of Resolution No. 5079, In the Matter of Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Downtown Berkeley Bike Station.
3. That the General Manager be authorized to award Invitation for Bid No. 8845, for Hybrid Truck with Scissor Lift and Hi-Rail System, to Golden Gate Truck Center of Oakland, California, for the bid amount of \$235,133.00 (inclusive of sales tax), pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2009 Third Quarter Financial Report.

President Blalock brought the matter of Oakland Airport Connector Project: Application for Transportation Infrastructure Finance and Innovation Act of 1998 Loans for the Project before the Board. General Manager Dorothy W. Dugger introduced Project Manager Thomas Dunscombe, who gave a brief presentation on the item.

The following individuals addressed the Board:

Mr. Dennis Fay

The Honorable Larry Reid

Ms. Sugi Loni

Ms. Laura Wells

The Honorable Rebecca Kaplan

Ms. Josie Camacho

Ms. Rebecca Saltzman

Mr. Sylvester Grisby

Mr. John Knox White

Mr. Eddie Dillard

Mr. Jesse Hunt

Ms. Juliet Ellis

The Reverend Scott Denman

Ms. Claudia Hudson

Mr. Michael Sarabia

Mr. James Berk

Ms. Karen Smulevitz

Ms. Marcia Lovelace

Mr. Max Allstadt

Mr. Gloria Moy

Mr. Terry Johnson

Ms. Jacquée Castain

Mr. Raul Raya

Ms. Mari Rose Taruc

Ms. Maxine Benson

Mr. Daryl Carey

Mr. Scott Peterson

Mr. Jonathan Bair

Mr. Gaby Miller

The Reverend Charles Lerrigo

Mr. Michael Krueger

Ms. Susan Decker

Mr. Barry Luboviski

Mr. Timmy Lu

Mr. Scott Mace

Ms. Alexandra Slatoff

Mr. Nedar Bey

Mr. Len Turner

Mr. Dan Wheeler

Mr. Lenardo Bowden

Mr. General Sheppard  
Mr. Darrell Harris  
Mr. Doyle Williams  
Mr. Dave Lange  
Mr. Dan Fraser  
Mr. Andrew Slivka  
Mr. Paul Cohen  
Mr. Michael Quigley  
Ms. Christine Monsen  
Mr. Larry Gerber  
Mr. David Schonbrunn  
Mr. Charlie Walker  
Mr. Jerry Oaks  
Mr. Jerry Grace  
Mr. Stuart Cohen  
Mr. David Lyons  
Mr. Leslie Landberg  
Mr. DeWayne Littlepage  
Mr. Wali Owens  
Mr. Joel Ramos  
The Honorable Margaret Gordon

Director Ward Allen moved Adoption of Resolution No. 5080, In the Matter of Authorizing BART Staff to Investigate and Apply for Transportation Infrastructure Finance and Innovation Act of 1998 Loans Not to Exceed One Hundred Fifty Million Dollars toward the Financing and Completion of the Oakland Airport Connector Project. Director McPartland seconded the motion.

Director Fang was teleconferenced into the meeting.

The Board discussed the item and the presentation and the public comments.

Resolution No. 5080 was adopted by the following roll call vote: Ayes – 7: Directors Fang, Franklin, Keller, McPartland, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich. Absent – 1: Director Murray.

The Board Meeting recessed at 1:55 p.m.

---

---

The Board reconvened at 3:56 p.m.

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

Absent: Directors Fang and Murray.

Consent Calendar Addenda items brought before the Board were:

1. Change Order to Agreement No. 6M4054, Real Property Comprehensive Acquisition and Relocation Services, with Paragon Partners Ltd., for Increased Funding (C.O. No. 1).
2. California Department of Transportation Disadvantaged Business Enterprise (DBE) Implementation Agreement for Contracts Subject to U.S. Department of Transportation (Federal Highway Administration) Regulations.

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

1. That the General Manager be authorized to execute Change Order No. 1 to Agreement No. 6M4054, with Paragon Partners Ltd., to increase the agreement amount by an additional \$496,000.00, for the provision of real property acquisition, relocation and property management services for the remaining term of the agreement.
2. That the General Manager be authorized to execute the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Tyco Electronics Incorporated for Radio Communication Equipment Upgrades before the Board, and moved that the Board find, in accordance with Public Contract Code Section 20227, that Tyco Electronics Incorporated is the single source for procurement of equipment necessary to provide upgrades to certain trunked radio equipment to be furnished to the District pursuant to the rebanding requirements of the Federal Communications Commission Report and Order FCC 04-168 (the “R & O”) and the Frequency Reconfiguration Agreement (“FRA”) with Sprint/Nextel Corporation (“Sprint/Nextel”), and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that the General Manager be authorized to enter into direct negotiations with Tyco Electronics Incorporated to execute a contract with Tyco Electronics Incorporated to provide upgrades to Sprint/Nextel furnished radios pursuant to the requirements of the R & O, in an amount not to exceed \$408,120.00. Director Sweet seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 7: Directors Franklin, Keller, McPartland, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Murray.

Director Keller brought the matter of Sole Source Procurement with Dailey Wells, Inc., for Integrated Security Response Center Radio Dispatch Consoles and Services before the Board, and moved that, pursuant to Public Contract Code Section 20227, the Board find that Dailey Wells, Inc., is the single source for the procurement of equipment and services necessary to upgrade and expand the District’s Integrated Security Response Center radio consoles, and that such purchase is for the sole purpose of duplicating or replacing equipment in use; and that the

General Manager be authorized to enter into a contract with Dailey Wells, Inc., for the procurement of trunk radio consoles, support equipment and services in an amount not to exceed \$280,000.00, including sales tax. Director Sweet seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 7: Directors Franklin, Keller, McPartland, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Murray.

Director Keller brought the matter of Agreements with PGH Wong Engineering, Inc. (No. 6M8026); Kal Krishnan Consulting Services, Inc. (No. 6M8027); and B&C-URS Joint Venture (No. 6M8028), for General Engineering Services for BART Projects before the Board, and moved that the General Manager be authorized to execute three agreements: Agreement No. 6M026, with Pong Engineering, Inc., of San Francisco, California; Agreement No. 6M8027, with Kal Krishnan Consulting Services, Inc., of Oakland, California; and Agreement No. 6M8028, with B&C-URS Joint Venture, of Oakland, California; with each agreement to be for a term not to exceed five years and each in an amount not to exceed \$15,000,000.00, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Franklin, Keller, McPartland, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Murray. Abstain – 1: Director Radulovich, due to a potential conflict of interest.

Director Keller brought the matter of Change Order to Contract No. 79HH-110, Closed Circuit Television Project – Phase I Installation, with Adesta Limited Partnership, for Additional Work (C.O. No. 1), before the Board, and moved that the General Manager be authorized to execute Change Order No. 1 to Contract No. 79HH-110, for an amount of \$349,000.00. Director Sweet seconded the motion, which carried by electronic vote. Ayes – 7: Directors Franklin, Keller, McPartland, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Murray.

The Board Meeting recessed at 4:01 p.m.

---

The Board reconvened at 4:51 p.m.

Directors present: Directors Keller, McPartland, Radulovich, Sweet, and Blalock.

Absent: Directors Fang, Franklin, Murray, and Ward Allen.

President Blalock called for the General Manager's Report. Ms. Dugger thanked Ms. Katherine Strehl, Executive Manager of External Affairs, for her nearly 10 years of service to the District, noting that this would be her last Board Meeting.

Director Sweet exited the meeting. (There was no longer a quorum at this point.)

On behalf of Chairperson Ward Allen, Ms. Dugger reported that the BART Police Department Review Committee would host a community meeting on May 15, 2009, at the MetroCenter Auditorium.

President Blalock brought Roll Call for Introductions before the Board. No items were introduced.

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

President Blalock stated that it had been a long day of very heavy lifting by the Board, and that the meeting would be adjourned in honor of Mother Wright and Mary Hewitt, two humanitarians who had performed heavy lifting in the social services community.

The Board Meeting adjourned at 4:55 p.m.

Kenneth A. Duron  
District Secretary