

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

Board of Directors  
Minutes of the 1,602nd Meeting  
July 1, 2010

A special meeting of the Board of Directors was held July 1, 2010, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

Absent: Director McPartland. Directors Radulovich and Sweet entered the Meeting later.

The BART Police Department presented the colors for the Pledge of Allegiance.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 13, 2010.
2. Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the eBART Project.
3. Award of Contract No. 17BJ-150A, Lake Merritt Administration Building (LMA) Stairwell and Elevator No. 83 Headhouse Site Restoration.
4. Reject All Bids for Invitation for Bid No. 8876, Unified Optical Network.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Blalock seconded the motions, which carried by unanimous roll call vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Ward Allen, and Fang. Noes – 0. Absent - 3: Directors McPartland, Radulovich, and Sweet.

1. That the Minutes of the Meeting of May 13, 2010, be approved.
2. Adoption of Resolution No. 5139, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project.
3. That the General Manager be authorized to award Contract No. 17BJ-150A, LMA Stairwell and Elevator No. 83 Headhouse Site Restoration, to KCK Builders, Inc., for the Bid amount of \$1,011,500.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

4. That all bids received for Invitation for Bid No. 8876, Purchase of Closed Circuit Television (CCTV) Network – Unified Optical Network, be rejected.

President Fang announced that the order of agenda items would be adjusted, and called for the report of the Administration Committee.

Director Blalock, Chairperson of the Administration Committee, reported that the sole Administration item on the agenda had been withdrawn.

Director Sweet entered the Meeting.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Public Comment on Engineering and Operations Items before the Board. Mr. Robert S. Allen addressed the Board.

Director Keller brought the matter of Agreement No. 04SE-513, with AGS Inc., for Preparation of Final Plans, Specifications, and Cost Estimate for the East Contra Costa County Transit Project (eBART) before the Board. Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item. The item was discussed. Director Keller moved that the General Manager be authorized to award Agreement No. 04SE-513 to AGS, Inc., of San Francisco, California, to provide final plans, specifications and cost estimate for the eBART Hillcrest Parking Lot, in an amount not to exceed \$450,000.00, for a term of one year, 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 roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 2: Directors McPartland and Radulovich.

Director Keller brought the matter of Change Order to Contract No. 15IB-120, The 480-Volt Switchgear Replacement Project – Phase 2 before the Board. Mr. Keith Fullington, Acting Manager of Capital Program Systems, presented the item. The item was discussed. Director Keller moved that the General Manager be authorized to execute Change Order No. 2, Add Three Additional Stations, in the amount of \$810,000.00, and extend the Contract duration by 90 days, for Contract No. 15IB-120, 480 Volt Switchgear Replacement Project – Phase 2. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 2: Directors McPartland and Radulovich.

Director Keller brought the matter of Change Order 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, for Quantity Variation in Lime Treated Subgrade (C.O. No. 2), before the Board. Mr. James Gravesande, Manager of Warm Springs Extension Program, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to execute Change Order No. 2 to Contract No. 02ED-110, Warm Springs Extension Fremont Central Park Subway, for the quantity variation associated with Bid Item No. 79, in the amount of \$258,500.00. Director Ward Allen seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 2: Directors McPartland and Radulovich.

Director Keller brought the matter of Prequalification of Prospective Design-Build Entities for Contract No. 02EE-120, Warm Springs Extension Line, Track, Station and Systems before the Board. Mr. Gravesande presented the item. The item was discussed.

Director Radulovich entered the Meeting.

Director Blalock moved that the Board approve the recommended list of Prequalified Prospective Design-Build Entities for the Line, Track, Station and Systems Contract for the Warm Springs Extension, Contract No. 02EE-120, subject to compliance with the District's protest procedures. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 1: Director McPartland.

President Fang brought the matter of Oath of Office: Kenton Rainey, BART Chief of Police, before the Board. Director Sweet introduced Mr. Willie L. Brown. Reverend Watkins administered the benediction. Mr. Brown administered the Oath of Office to Chief Rainey.

Chief Rainey addressed the Board.

The following individuals addressed the Board:

Reverend Amos Brown  
an unidentified man  
Archbishop Lewis  
Mr. Clifton Cooper  
Honorable Harry Price

The Board discussed the matter.

Director Keller brought the matter of Award of Contract No. 15PD-110, BART Earthquake Safety Program Aerial Structures – C Line before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed. Director Keller moved that the General Manager be authorized to award Contract No. 15PD-110, Earthquake Safety Program, Aerial Structures – C Line, to William P. Young Construction, Inc., for the Bid amount of \$10,606,641.10, 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 roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 1: Director McPartland.

The Board Meeting recessed at 10:05 a.m.

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The Board reconvened at 10:26 a.m.

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

Absent: Director McPartland. Director Sweet entered the Meeting later.

President Fang announced that under the provisions of the Rules of the Board of Directors, this was the time set to hold a public hearing on the Final Program Environmental Impact Report for the BART to Livermore Extension Program, that staff would give a brief presentation, and that the meeting would then be opened for comments from the public. Mr. Malcolm Quint, Manager of Travel Demand Planning, presented the item.

Director Sweet entered the Meeting.

The following individuals addressed the Board:

Mr. Robert S. Allen  
Honorable Marshall Kamena  
Mr. Donald Miller  
Ms. Trice Cunningham  
Mr. Bob Baltzer  
Ms. Joan Seppala  
Mr. Darryl West  
Ms. Maryann Brent  
Mr. Tom O'Neill  
Ms. Nancy Bankhead  
Mr. Lynn Seppala  
Ms. Linda Jeffery Sailors  
Ms. Jean King  
Mr. Brian Schmidt  
Mr. Michael Fredrich  
Ms. Beth Waulukas  
Mr. Troy Bristol

The public hearing was closed.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed BART Extension to Livermore: Certification of BART to Livermore Extension Final Program Environmental Impact Report; Selection of a Preferred Alignment Alternative; and Adopt Findings, Facts in Support of Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan, before the Board. Mr. Quint presented the item. The item was discussed. Director Murray made the following motion:

Having reviewed and considered the information contained in the Final Program Environmental Impact Report, the Findings, and the Mitigation Monitoring and Reporting Plan dated June 2010, the Board:

1. Certifies that the Final Program Environmental Impact Report has been completed in compliance with the California Environmental Quality Act;
2. Selects Alternative 2b (Downtown – Vasco via Portola) as the Preferred Alignment Alternative;
3. Adopts the Findings, Facts in Support of Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan;
4. Authorizes the General Manager or her designee to proceed with acquisition of property as funding is identified and to execute real property instruments and agreements relating to acquisition and management of real property interests.

5. Authorizes the General Manager or her designee to enter into agreements with public agencies or utilities that do not involve expenditure of District funds to further implementation of the BART to Livermore Extension.

Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 1: Director McPartland.

Director Ward Allen brought the matter of Proposed BART Extension to Livermore: Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the BART to Livermore Right-of-Way Preservation Project before the Board. Director Radulovich moved adoption of Resolution No. 5140, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the BART to Livermore Right-of-Way Preservation Project. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0. Absent - 1: Director McPartland.

President Fang called for the General Manager’s report. General Manager Dorothy W. Dugger reported that Santa Clara Valley Transportation Agency (VTA) had received the Record of Decision from the Federal Transit Authority for the first phase of the extension into Santa Clara County and that the West Dublin pedestrian overcrossing had been completed.

President Fang called for Public Comment on Item 8-B (Report of the BART Police Department Review Committee). Ms. Barbara Tengeri addressed the Board.

President Fang brought Roll Call for Introductions before the Board.

Director Franklin requested the consideration of a commuter benefit for employees to include parking reimbursement at the Kaiser Center parking garage, reserved parking at District parking lots and transit other than BART.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, reported that AB1586, enabling creation of a Citizen Oversight Committee for the BART Police Department, had passed the State legislature. Chairperson Ward Allen, Director Radulovich, and President Fang commended and thanked the Board, staff, and community participants contributing to the success of the Committee.

President Fang announced that the Board would enter into closed session under Item 9-B (Conference with Legal Counsel – Anticipated Legislation) of the special meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:51 a.m.

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The Board reconvened in closed session at 11:54 a.m.

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

Absent: Director McPartland.

The Board Meeting recessed at 12:32 p.m.

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The Board reconvened in closed session at 12:42 p.m.

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

Absent: Director McPartland.

Director Radulovich exited the Meeting.

The Board Meeting adjourned at 1:02 p.m.

Kenneth A. Duron  
District Secretary