

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

Board of Directors
Minutes of the 1,488th Meeting
August 10, 2006

A regular meeting of the Board of Directors was held August 10, 2006, convening at 9:19 a.m. in the Board Room, 344 20th Street, Oakland, California. President Ward Allen presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Murray.

President Ward Allen introduced and welcomed members of the Ed Roberts Campus Board of Directors in attendance at the meeting: Vice President Jan Garrett, Stephanie Miyashiro, Josh Miele, and Project Manager Caleb Dardick.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of July 27, 2006.
2. Amendment to Agreement for Legal Services for the Oakland Airport Connector (OAC) Project with Freshfields, Bruckhaus, Deringer, LLP.
3. Authorization for the General Manager to Enter into a Memorandum of Understanding to Conduct a Joint Availability and Utilization Study with Bay Area Public Transportation Agencies (BAPT).
4. Award of Invitation for Bid No. 8789, Bonded Brake Lining.
5. Award of Invitation for Bid No. 8790, Traction Motor Brush.
6. Reject All Bids for Invitation for Bid No. 8704, Seat Cover, Bottom.

Consent Calendar motions, as follow, were moved as a unit by Director Fang. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 1: Director Murray.

1. That the Minutes of the Meeting of July 27, 2006, be approved.
2. That the General Counsel be authorized to execute an amendment to the Agreement with Freshfields, Bruckhaus, Deringer, LLP, in the amount of

\$300,000.00, to provide continuing legal services in connection with the Oakland Airport Connector Project.

3. That the General Manager be authorized to execute a Memorandum of Understanding with the Bay Area Public Transportation Agencies to engage a consultant to conduct a joint Availability and Utilization Study, and to commit BART's share for the Study for an amount not to exceed \$150,000.00.
4. That the General Manager be authorized to award Invitation for Bid No. 8789, for Bonded Brake Lining, to Railroad Friction Products Corp., for an amount of \$750,375.00, including sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 8790, for Traction Motor Carbon Brushes, to Helwig Carbon Products, Inc., for an amount of \$200,970.00, including sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

6. That all bids received for Invitation for Bid No. 8704, Purchase of Seat Bottom Covers, be rejected.

The Board Meeting was recessed at 9:21 a.m.

The Board Meeting reconvened at 10:58 a.m.

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

Absent: Director Murray.

Consent Calendar Addenda item brought before the Board was:

1. Environmental Certification of Ed Roberts Campus Project at Ashby BART Station, Modification of Option Agreement and Authorization to Execute Funding Pass-through Agreement.

Consent Calendar Addenda motion, as follows, was moved by Director Fang. Directors Blalock and Keller seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors

Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, and Ward Allen. Noes – 0.
Absent - 1: Director Murray.

1. a) That after review and consideration of the environmental effects of the Ed Roberts Campus Project as shown in the Mitigated Negative Declaration prepared for the Project by the lead agency, the City of Berkeley, and adopted by the Berkeley Zoning Adjustment Board on November 15, 2004, the Board finds that there are no significant environmental effects of the Project which have not been mitigated to insignificance.
- b) That the General Manager or his designee be authorized to execute a two-year extension of the existing Option Agreement with the Ed Roberts Campus, to May 3, 2009.
- c) That the Board approves the reconfiguration of the property to be sold to Ed Roberts Campus, increasing the amount of land from 1.46 acres to 1.60 acres, as shown on Exhibit 1, and that the Board approves retention of station access easements by BART as depicted in Exhibits 2, 3, 4, and 5. (Exhibits 1 through 5 are attached and hereby made a part of these Minutes.)
- d) That the General Manager or his designee be authorized to execute an agreement with Ed Roberts Campus to pass through federal grant funds received by BART for the Ed Roberts Campus Project.
- e) That the General Manager or his designee be authorized to negotiate and execute any other documents necessary or desirable in connection with the foregoing motions.

Director Keller, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2006 Year-End Budget Revisions before the Board, and moved adoption of Resolution No. 4992, In the Matter of Amending Resolution No. 4949 (as amended by Resolution No. 4963) Regarding Fiscal Year 2006 Annual Budget. Director Blalock seconded the motion.

Director Luce exited the meeting.

Resolution No. 4992 was adopted. Ayes – 6: Directors Blalock, Fang, Franklin, Keller, Sweet, and Ward Allen. Noes – 1: Director Radulovich. Absent - 2: Directors Luce and Murray.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed the Quarterly Performance Report, Fiscal Year 2006 – Service Performance Review.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Luce entered the meeting.

President Ward Allen asked for the General Manager's Report. General Manager Thomas E. Margro had no report.

Vice President Sweet, Chairperson of the District Security Advocacy Ad Hoc Committee, reported that the District had received three new bomb-sniffing dogs from the Transportation Security Administration to assist in keeping trains safe.

Mr. Margro, Assistant General Manager – Operations Mr. Paul Oversier, and Commander Travis Gibson reported on the steps the District had taken in response to the Department of Homeland Security's raising the threat advisory level to "High."

Director Blalock, Chairperson of the District Organizational Review Ad Hoc Committee, reported that the Organizational Review and Audit Final Report had been delayed, and that the time frame for subsequent meetings had been extended.

Director Fang exited the meeting.

Director Luce gave a presentation on District Emergency Action Program, and the presentation was discussed.

Ms. Roxanne Sanchez addressed the Board.

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

President Ward Allen called for General Discussion and Public Comment.

Director Radulovich recommended support for the expansion and improvement of inter-city rail to provide a viable alternative to air transportation.

President Ward Allen thanked staff involved in the Kids Ride Free program.

Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 11:44 a.m. in honor of former San Francisco Supervisor Sue Bierman.

Kenneth A. Duron
District Secretary