

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

Board of Directors
Minutes of the 1,633rd Meeting
August 11, 2011

A regular meeting of the Board of Directors was held August 11, 2011, convening at 9:03 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, Radulovich, and Franklin.

Absent: None. Director Sweet entered the Meeting later.

Chief of Police Kenton Rainey recognized Officer Carolyn Perea, named Officer of the Year by the Exchange Club of Albany-El Cerrito, and Officers Barrett Wilder and Darnell Bussey for disarming and taking into custody a domestic violence suspect. Officers Perea, Wilder, and Bussey addressed the Board.

President Franklin announced that Item 2-F, Reject All Bids for Contract No. 15PJ-110, Earthquake Safety Program Station Structures A-Line, would be removed from Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of July 13, 2011 (Special), July 14, 2011 (Regular), July 20, 2011 (Special) and July 21, 2011 (Special).
2. Fixed Property Tax Rates Fiscal Year 2011-2012 General Obligation Bonds.
3. Award of Contract No. 15QK-110, Repaint Outdoor Substations and Gap Breakers – Phase VI.
4. Award of Contract No. 15QK-120, Repaint Outdoor Substations and Gap Breakers – Phase VII.
5. Award of Invitation for Bid No. 8890, A/B/C1 Car Hydraulic Hose Kit.
6. Reject All Bids for Invitation for Bid No. 8882, Escalator Handrail.

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

1. That the Minutes of the Meetings of July 13, 2011 (Special), July 14, 2011 (Regular), July 20, 2011 (Special) and July 21, 2011 (Special), be approved.
2. Adoption of Resolution No. 5169, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2011/12.
3. That the General Manager be authorized to award Contract No. 15QK-110, Repaint Outdoor Substations and Gap Breakers – Phase VI, to Jeffco Painting & Coating, Inc., for the Bid price of \$310,265.00, 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 Contract No. 15QK-120, Repaint Outdoor Substations and Gap Breakers – Phase VII, to Jeffco Painting & Coating, Inc., for the Bid price of \$314,991.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 8890, an estimated quantity contract, for A/B/C-1 Car Hydraulic Hose Kit, to Hose & Fittings, Etc., for the Bid price of \$270,966.60, 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 motion was 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 for Invitation for Bid No. 8882, for the procurement of escalator handrail, be rejected, and that the General Manager be authorized to re-advertise the work.

Director Sweet entered the Meeting.

President Franklin brought the matter of Reject All Bids for Contract No. 15PJ-110, Earthquake Safety Program Station Structures A-Line, before the Board.

The following individuals addressed the Board.

Mr. Paul Thompson
Mr. Eddie Dillard
Ms. Margena Wade
Mr. Len Turner
Mr. Jabari Herbert
Mr. Mark Lindquist

Mr. Thomas Horton, Manager of Earthquake Safety Program, presented the item. The item was discussed.

Ms. Margena Wade addressed the Board.

Director Radulovich moved that all bids for Contract No. 15PJ-110, Earthquake Safety Program, Station Structures – A Line, be rejected, and that the General Manager be authorized to readvertise the Contract. Director Murray seconded the motion, which carried by unanimous voice vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

President Franklin announced that the order of items on the agenda would be changed.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PU-120, Earthquake Safety Program 34.5KV Cable System Upgrade MTW and KTE Substations Tie-In, before the Board. Mr. Richard Pakulski, Project Manager, presented the item. Discussion followed. Director Sweet moved that the General Manager be authorized to award Contract No. 15PU-120, for 34.5kV Cable System Upgrade MTW and KTE Substations Tie-In, to Shimmick Construction Co., Inc., for the Bid amount of \$8,245,000.00, pursuant to notification issued by the General Manager, and subject to the District's protest procedures. Director Raburn seconded the motion, which carried by unanimous voice vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang brought the matters of Agreements with FMG Architects (No. 6M8047) and Kwan Henmi Architecture/Planning, Inc. (No. 6M8050), for Sustaining Transit Architectural Services for BART Projects; and Agreements with Anil Verma Associates, Inc. (No. 6M8043); PGH Wong Engineering, Inc. (No. 6M8045); and Kal Krishnan Consulting Services, Inc. (No. 6M8046), for General Engineering Services for BART Projects, before the Board.

Director Radulovich recused himself from the discussion in order to avoid the appearance of conflict of interest, and exited the Meeting.

Mr. Charles Stark, Assistant General Manager, Transit System Development, and Mr. Marvin Snow, Group Manager, Program Management, Transit System Development, presented the items. The items were discussed.

Mr. Deslar Patten and Ms. Jean Hamilton addressed the Board.

Director Blalock moved that the General Manager be authorized to award Agreement No. 6M8047 to FMG Architects and Agreement No. 6M8050 to Kwan Henmi Architecture / Planning, Inc., to provide sustaining transit architectural services for BART projects, each in an amount not to exceed \$3,000,000.00, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transportation Administration's requirements related to protest procedures. Director Sweet seconded the motion, which carried by unanimous voice vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 1: Director Radulovich.

Director Blalock moved that the General Manager be authorized to award Agreement No. 6M8043 to Anil Verma Associates, Inc.; Agreement No. 6M8045 to PGH Wong Engineering, Inc.; and Agreement No. 6M8046 to Kal Krishnan Consulting Services, Inc., to provide general engineering services for BART projects, each in an amount not to exceed

\$20,000,000.00, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. Director Keller seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Sweet, and Franklin. Noes – 1: Director Raburn. Absent – 1: Director Radulovich.

The Board Meeting recessed at 10:45 a.m.

The Board reconvened in open session at 10:49 a.m.

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

Absent: None.

Director Fang brought the matter of Rail Car Fleet of the Future: Preliminary Renderings, before the Board. Mr. Aaron Weinstein, Department Manager, Marketing and Research, and Ms. Kerry Hamill, Department Manager, Government and Community Relations, presented the item.

The following individuals addressed the Board.

Mr. Steve Klein

Ms. Antonette Bryant

The item was discussed.

Mr. Manuel Garvin addressed the Board.

Director Fang brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2011 – Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, presented the item, including a report on the service disruption of August 8, 2011. The item was discussed.

Director Fang exited the Meeting.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Resolution of Compliance and Authorization for the 10-year Master Agreement with the California Department of Transportation (Caltrans) before the Board. Director Sweet moved adoption of Resolution No. 5170, Resolution Relating to a Master Agreement and Program Supplements with the California Department of Transportation (Division of Mass Transportation) for State Funded Transit Projects. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Fang.

Director Fang entered the Meeting.

Director Blalock brought the matter of Northern California Power Agency (NCPA) Solar Photovoltaic (PV) Projects before the Board. Mr. Carter Mau, Executive Manager, Planning and

Budget, presented the item, including Approval of NCPA Solar PV Gridley Project, BART PV Project Power Purchase Agreements, and Update on PV Projects at Lafayette and Orinda Stations. The items were discussed. Director Sweet moved that the General Manager be authorized to execute the Agreement between the City of Gridley, the San Francisco Bay Area Rapid Transit District, and NCPA, to share the generation benefits and costs of the BART PV Project and the NCPA Facilities Agreement; and that staff be authorized to vote to approve the BART PV Project power purchase agreement when brought for a vote at the NCPA Commission meeting. Director Blalock 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 Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had met on August 4, and discussed recent legislative updates. Director Murray reported on subsequent progress of the activities of the legislature, and invited the Board to participate in an upcoming workshop on the Lake Merritt station area transit oriented development plan.

President Franklin called for the General Manager's report. Interim General Manager Sherwood G. Wakeman had no report.

Director Sweet gave a brief report on the Workshop of the small business advisory committee held on July 26, 2011.

President Franklin brought Board Member Reports before the Board.

Director Raburn reported he had met with City and Port officials to discuss planning for the America's Cup event in 2012 and 2013. Director Raburn announced a new shuttle serving the Oakland/Alameda estuary area would begin on August 15.

Director Blalock reported he had participated in National Night Out at the Union City Station.

Director McPartland reported he had made presentations of BART passes to veterans returning from Afghanistan, participated in a Tri-Valley regional rail working group in Livermore, participated with Alameda County Supervisors in a planning group for a Veterans Day tribute, participated in National Night Out at the Dublin/Pleasanton Station, attended an Alameda County Emergency Managers Association meeting, and represented the District at a change of command ceremony at Camp Parks.

Director Keller reported he had attended the Western Contra Costa Transportation Authority meeting.

President Franklin brought Roll Call for Introductions before the Board.

Director Blalock requested the District evaluate hiring District employees in lieu of contracting out for services when practicable.

Director Murray requested the District post Board meetings and Board activities on interior card cards.

Director Sweet requested the District consider the sponsorship of a District-wide picnic.

Director Sweet requested a report on a pilot program of vendor-supplied screens.

Director Keller requested a letter to the Federal Transit Administration requesting a determination of implications of exceeding the federal 60% Made in America content threshold in rolling stock procurements.

Director Radulovich requested a report on the train control system.

Director Radulovich requested a report on the District station capacity work plan.

Director Radulovich requested quarterly reports (either agendaized or via distribution) on the District's capital program.

Director Franklin requested an evaluation of the legality and risks associated with adoption of a District policy requiring project stabilization agreements for all transit oriented development projects.

President Franklin called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Jean Hamilton

Ms. Antonette Bryant

President Franklin called for Public Comment on Item 10-A (Threat to Public Services of Facilities), Item 10-B (Public Employee Employment), Item 10-C (Conference with Negotiators), and Item 10-D (Conference with Labor Negotiators - Public Employee Performance Evaluation). No comments were received.

President Franklin announced that the Board would enter into closed session under Items 10-A, 10-B, 10-C, and 10-D of the regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:10 p.m.

The Board reconvened in closed session at 1:18 p.m.

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

Absent: None. Director Sweet entered the Meeting later.

Director Sweet entered the Meeting.

Director Fang exited the Meeting.

Director Franklin exited the Meeting.

Director Murray exited the Meeting.

Director Keller exited the Meeting.

The Board Meeting recessed at 4:25 p.m.

The Board reconvened in open session at 4:26 p.m.

Directors present: Director McPartland.

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

Vice President McPartland announced that the Board had met in closed session under Items 10-A, 10-B, 10-C, and 10-D, and that there was no announcement to be made.

Board Meeting was adjourned at 4:27 p.m.

Kenneth A. Duron
District Secretary