

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

Board of Directors
Minutes of the 1,605th Meeting
August 12, 2010

A regular meeting of the Board of Directors was held August 12, 2010, convening at 9:02 a.m. in the Board Room, 344 20th Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

President Fang welcomed former Director Robert S. Allen.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 22, 2010.
2. Resolution of Local Support Accepting a Grant from the Metropolitan Transportation Commission's Transportation for Livable Communities (TLC) Capital Program for the 24th Street/Mission BART Station Plaza and Pedestrian Improvements Project.
3. Resolution of Local Support for MacArthur BART Station Entry Plaza Renovation and West Dublin/Pleasanton BART Station/Golden Gate Drive Streetscape Enhancements.
4. Fixed Property Tax Rates Fiscal Year 2010 – 2011 General Obligation Bonds.
5. Authority to Execute Agreements with Public and Private Entities to Support the SFTS Barrier Project.

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

1. That the Minutes of the Meeting of July 22, 2010, be approved.
2. Adoption of Resolution No. 5143, Regarding the Metropolitan Transportation Commission's Transportation for Livable Communities Program and the 24th Street/Mission BART Plaza and Pedestrian Improvements Project, Committing the Necessary Local Match for the Project and Stating the Assurance of the San Francisco Bay Area Rapid Transit District to Complete the Project.

3. Adoption of Resolution No. 5144, Regarding the Metropolitan Transportation Commission's Transportation for Livable Communities Program and the MacArthur BART Entry Plaza Renovation Project, Committing the Necessary Local Match for the Project and Stating the Assurance of the San Francisco Bay Area Rapid Transit District to Complete the Project; and Adoption of Resolution No. 5145, Regarding the Metropolitan Transportation Commission's Transportation for Livable Communities Program and the West Dublin/Pleasanton BART/Golden Gate Drive Streetscape Enhancements Project, Committing the Necessary Local Match for the Project and Stating the Assurance of the San Francisco Bay Area Rapid Transit District to Complete the Project.
4. Adoption of Resolution No. 5146, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2010/11.
5. That the General Manager or her designee be authorized to proceed with implementation actions necessary to advance the SFTS Barrier Project, including execution of instruments and agreements with various public or private entities and utilities such as cooperative agreements, consent agreements and permits in a cumulative amount not to exceed \$500,000.00.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2011 Budget Follow Up: Resolution for Temporary Fare Reduction before the Board.

Director Radulovich entered the Meeting.

The item was discussed. President Fang requested that the item be withdrawn from consideration, and that staff be instructed to return to the Board at a future date with a report on the possibility of delaying the Consumer Price Index based fare increase planned for 2012.

Director Blalock brought the matter of Interim Agreement between BART and the Alameda-Contra Costa County Transit District (AC Transit) for Fiscal Year 2011 (FY11) Payment for Transit Coordination before the Board. Mr. Michael Tanner, Manager, Grant Development and Compliance, presented the item. The item was discussed, and staff clarified that under the Interim Agreement, if a multi-year agreement is not developed within six months of execution of the Interim Agreement, AC Transit will not be entitled to any additional allocation of FY11 BART State Transit Assistance funds for FY11, and the cost savings of \$1,140,000 over the adopted FY11 Budget would be brought before the Board for consideration of allocation of funds. Director Keller moved that the General Manager be authorized to execute the Interim Agreement between the Alameda-Contra Costa County Transit District and the San Francisco Bay Area Rapid Transit District for Fiscal Year 2011 payment for transit coordination. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Blalock brought the matter of Agreement No. 6M2025, with Macias Gini & O'Connell LLP, for Independent Audit Services, before the Board. Mr. Ed Pangilinan, Assistant Controller,

presented the item. The item was discussed. Director Sweet moved that the Controller-Treasurer be authorized to award Agreement No. 6M2025 to Macias Gini & O'Connell LLP, to provide independent audit services to the District and Retiree Health Benefit Trust (RHBT), for a five-year period commencing Fiscal Year 2010 through Fiscal Year 2014, for a total maximum compensation of \$968,745.00, subject to compliance with the District's protest procedures. Directors Murray and Ward Allen seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

President Fang exited the Meeting.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Agreement No. 6M6039 with F.E. Jordan Associates, Inc./ABA Global Inc., a Joint Venture, for Construction Management Services for BART's Earthquake Safety Program, C-Line, Concord BART Station Structure, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Director Sweet moved that the General Manager be authorized to award Agreement No. 6M6039, for Construction Management Services for BART's Earthquake Safety Program Station Structure, C-Line, Concord Station, to F. E. Jordan Associates, Inc./ABA Global Inc., a joint venture, for a term not to exceed two years, in an amount not to exceed \$1,500,000.00, subject to notification to be issued by the General Manager and subject to the District's protest procedures. Director Ward Allen seconded the motion, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent - 1: Director Fang.

Director Keller brought the matter of Sole Source Procurement with Dailey Wells Communications for Underground Interoperable Radio System before the Board. Mr. Thomas Herold, Systems Engineering, Communications, presented the item. The item was discussed. Director McPartland moved that the Board find, in accordance with Public Contract Code Section 20227, that Dailey-Wells Communications is the single source for procurement of an interoperable radio system for the BART underground, 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 Dailey-Wells Communications and to execute a contract with Dailey-Wells Communications to provide an interoperable radio system for the BART underground, for a total price not to exceed \$1,975,500.00.

Director Fang entered the Meeting.

Director Ward Allen seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Keller brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2010 - Service Performance Review before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed Support for State Legislation before the Board.

Ms. Kerry Hamill, Department Manager, Government and Community Relations, and Mr. Paul Fadelli, Legislative Officer, presented the item. The item was discussed.

Mr. Joshua Shaw and Mr. Robert S. Allen addressed the Board.

Director Radulovich moved that the Board approve a support position for the following:

- AB 1871 (Jones) Insurance: Car Sharing
- AB 2324 (Perez) Transit Rail Penalties
- SB 1205 (Corbett) Bay Area Disaster Planning
- SB 1371 (Lowenthal) Stimulus Funding
- SB 1445 (DeSaulnier) SB 375 Planning Funds
- SCA 5 (Hancock) Majority Vote for State Budget
- State Proposition 22, Local Taxpayer, Public Safety and Transportation Protection Act of 2010

Director Sweet seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

President Fang called for the General Manager’s report. General Manager Dorothy W. Dugger reported on a number of minor but useful train schedule changes, thanked the Police Department and Board members for their participation in National Night Out, and reported on the new Art in BART posters by Josh Ellington.

President Fang brought Roll Call for Introductions before the Board.

Director Radulovich requested a staff report on a proposed pilot monthly pass and BART Plus program.

President Fang called for General Discussion and Public Comment.

Mr. Robert S. Allen addressed the Board.

President Fang reported that he had addressed the California Transportation Commission on the Oakland Airport Connector project.

Director Sweet thanked the Communication Department for a presentation to the American Bar Association on teen violence and requested that the Board receive the presentation.

President Fang announced that the Board would enter into closed session under Item 9-A (Conference with Real Property Negotiator), Item 9-B (Conference with Real Property Negotiator), and Item 9-C (Conference with Legal Counsel – Existing Litigation) of the regular meeting agenda, and that the Board would adjourn at the end of that closed session.

The Board Meeting recessed at 11:17 a.m.

The Board reconvened in closed session at 11:29 a.m.

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

Absent: None. Directors Murray and Radulovich entered the Meeting later.

Director Radulovich entered the Meeting.

Director Murray entered the Meeting.

Directors McPartland, Radulovich, and Ward Allen exited the Meeting.

The Board Meeting adjourned at 12:58 p.m.

Kenneth A. Duron
District Secretary