

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

Board of Directors
Minutes of the 1,489th Meeting
August 24, 2006

A regular meeting of the Board of Directors was held August 24, 2006, convening at 9:00 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, Murray, Sweet, and Ward Allen.

Absent: None. Director Radulovich entered the meeting later.

President Ward Allen announced that a training session in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code Section 53235, would be held, and that it was expected to last approximately two hours.

Ms. Cynthia O'Neill of Liebert Cassidy Whitmore conducted the training session.

Director Radulovich entered the meeting at 9:17 a.m.

Mr. Jerry Grace addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of August 10, 2006.
2. Set Property Tax Rates for General Obligation (GO) Bonds.
3. Reject Bid for Contract No. 11QL-110, St. Charles Bridge Pedestrian and Bike Link.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Fang seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0.

1. That the Minutes of the Meeting of August 10, 2006, be approved.
2. Adoption of Resolution No. 4993, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2006/2007.

3. That the sole bid received for Contract No. 11QL-110, St. Charles Bridge Pedestrian and Bike Link, be rejected.

Director Blalock welcomed Union City City Manager, Larry Cheeves.

The Board Meeting was recessed at 10:53 a.m.

The Board Meeting reconvened at 11:28 a.m.

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

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. First Amended Cooperative Agreement with City of Union City to Implement Phase I Public Improvements in the Union City BART Station District.
2. Change Order to Agreement No. 6G3970, for Engineering Services for the BART – Oakland International Airport Project, with Lea+Elliot, Inc. (Change Order No. 19).
3. Change Order to Contract No. 79BJ-2FH, Rail Grinding Machine, with Loram Rail Equipment, LLC, for Additional Capacity and Features (Change Order No. 1).

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Sweet. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0.

1. That the General Manager or his designee be authorized to enter into a First Amended Cooperative Agreement with the City of Union City and Community Redevelopment Agency of the City of Union City for the design and construction of the new Intermodal Station Phase I Project.
2. That the General Manager be authorized to execute a change order to Agreement No. 6G3970, with Lea + Elliott, Inc., in an amount not to exceed \$6,000,000.00, increasing the Board-authorized amount under the Agreement to a not-to-exceed total of \$14,000,000.00, and to extend the term of the Agreement to cover performance through December 2011.

3. That the General Manager be authorized to execute Change Order No. 1 to Contract No. 79BJ-2FH, for the procurement of enhancements for the rail grinding machine, with Loram Rail Equipment LLC, Hamel, Minnesota, in the amount not to exceed \$931,226.00, including all applicable taxes.

Director Keller, Chairperson of the Administration Committee, had no report.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that all items on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

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, introduced Mr. Margro, who reported that the District had received \$2.9 million from Governor Schwarzenegger's office to complete a District security project.

Director Fang exited the meeting.

President Ward Allen brought Roll Call for Introductions before the Board.

Director Sweet requested a report on the impacts of the Ninth Circuit Court's rulings on Caltrans' contracting upon District contracts and participation by disadvantaged /minority/ women-owned firms, with the report to include a list of contracts, projects and expected impacts through the completion of the District's disparity study.

President Ward Allen called for General Discussion and Public Comment. Ms. Norma del Mercado and Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 11:49 a.m. in honor of Mr. Israel Gilboa.

Kenneth A. Duron
District Secretary