

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

Board of Directors
Minutes of the 1,609th Meeting
October 14, 2010

A regular meeting of the Board of Directors was held October 14, 2010, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

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

Director Blalock entered the Meeting.

President Fang announced that the order of the items on the agenda would be rearranged.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of September 16, 2010 (Special), and September 23, 2010 (Regular).
2. Award of Contract No. 93GB-111, Power Distribution Upgrade for Auxiliary Power Supply Equipment (APSE) Tester Hayward Shop.
3. Earthquake Safety Program: Re-appointment of Citizens' Oversight Committee Members.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray 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 Meetings of September 16, 2010 (Special), and September 23, 2010 (Regular), be approved.
2. That the General Manager be authorized to award Contract No. 93GB-111, Power Distribution Upgrade for Auxiliary Power Supply Equipment (APSE) Tester, Hayward Shop, to JDI Electric Services, Inc., for the total Bid price of \$141,472.92, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.
3. That the following individuals be re-appointed to the Earthquake Safety Program Citizens' Oversight Committee: Mr. Andy Franklin, Seismic Seat; Mr. Elmo Wedderburn, Audit Seat; Mr. Guy Miller, Citizen at Large

Seat; Mr. Larry Donovan, Management Seat; and Mr. William Kaplan, Engineering Seat.

Consent Calendar report brought before the Board was:

1. Audit of Directors' Use of District Property for Fiscal Year 2010.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 04SF-110A, Construction of East Contra Costa BART Extension Project Transfer Platform and Guideway Improvements, before the Board. Mr. Charles Stark, Executive Manager, Transit System Development, and Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item. The item was discussed.

Mr. Anthony Critchlow addressed the Board.

Director Sweet entered the Meeting.

Mr. Robert S. Allen and Mr. Ed Dillard addressed the Board.

Director Radulovich entered the Meeting.

Discussion on the item continued. Director Keller moved that the General Manager be authorized to award Contract No. 04SF-110-A, for the Construction of East Contra Costa BART Extension Project Transfer Platform and Guideway Improvements, to West Bay Builders, Inc., in the Bid amount of \$26,097,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Directors Blalock, Murray, and Ward Allen seconded the motion, which carried by roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Sweet, Ward Allen, and Fang. Noes – 1: Director Radulovich. Absent – 1: Director McPartland.

Director Keller brought the matter of Award of Invitation for Bid No. 8880, Gasoline & Diesel Fuel, before the Board. Mr. Larry Fisher, Maintenance and Engineering, presented the item.

Director Ward Allen exited the Meeting.

The item was discussed. Director Keller moved that the General Manager be authorized to award Invitation for Bid No. 8880, an estimated quantity contract for gasoline and diesel fuel, to All Points Petroleum of Benicia, California, for the Bid price of \$2,597,426.91, including all applicable sales and other taxes, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, and Fang. Noes – 0. Absent – 2: Directors McPartland and Ward Allen.

(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.)

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

Director Blalock, Chairperson of the Administration Committee, announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set aside to hold a public hearing on the proposed fares and parking fees for the West Dublin/Pleasanton Station, that staff would give a brief presentation, and that the meeting would then be opened for comments from the public. Mr. Kevin Hagerty, Department Manager, Customer Access, and Ms. Charlotte Barham, Financial Planning, presented the item.

Mr. Robert S. Allen addressed the Board.

The public hearing was closed at 9:35 a.m.

Director Blalock brought the matter of Fares/Parking Fees for the West Dublin/Pleasanton Station before the Board. The item was discussed.

Director Blalock brought the matter of Amendment Number 5 to Lease for 300 Lakeside Drive, Oakland, before the Board. Ms. Laura Giraud, Department Manager, Real Estate, presented the item. The item was discussed. Director Blalock moved that the General Manager or her designee be authorized to execute Amendment No. 5 to the Lease for 300 Lakeside Drive in Oakland, with SIC-Lakeside Drive LLC, consistent with the terms contained in SIC's proposal dated September 22, 2010. Director Keller seconded the motion, which carried by roll call vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Radulovich, and Sweet. Noes – 1: Director Fang. Absent – 2: Directors McPartland and Ward Allen.

President Fang called for the General Manager's report.

General Manager Dorothy W. Dugger reminded the Board of the upcoming weekend's planned single-track service for the Pleasant Hill Crossover construction project. Ms. Dugger announced that October 18 – 22 had been designated as "Try BART Week," an innovative marketing strategy. Ms. Dugger announced that the District had received three first-place Ad-Wheel awards at the recent American Public Transportation Association's Annual Meeting.

Director Sweet exited the Meeting.

Director Keller, Vice Chairperson of the BART Police Department Review Committee, gave a brief report on the activities of the committee.

President Fang brought Roll Call for Introductions before the Board. Director Radulovich requested the expansion of content on the District's web site to include topics of interest to the public, in particular station and other aspects of customer service: rail cars, station improvements (completed and planned), noise reduction issues and efforts, signage program, and cleanliness. President Fang recommended the development of a working group of appropriate staff and interested Directors to address items raised in Director Radulovich's suggestion.

President Fang exited the Meeting and Vice President Franklin assumed the gavel.

Vice President Franklin called for General Discussion and Public Comment.

Mr. Gary Wade and Mr. Robert S. Allen addressed the Board.

Vice President Franklin announced that the Board would enter into closed session under Item 9-A (Conference with Legal Counsel – Anticipated Litigation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board did not reconvene in closed session, and the Board Meeting was adjourned at 10:37 a.m.

Kenneth A. Duron
District Secretary