

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

Board of Directors
Minutes of the 1,518th Meeting
October 25, 2007

A regular meeting of the Board of Directors was held October 25, 2007, convening at 9:12 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Keller.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 11, 2007.
2. Sale and Grant of Easement at the Colma BART Station.
3. Award of Contract No. 20LR-301, Station Program Stop and Train Identification Equipment and Commissioning Support.

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

1. That the Minutes of the Meeting of October 11, 2007, be approved.
2. Adoption of Resolution No. 5031, In the Matter of Authorizing the Grant of Easements to Scala Development and Northpoint Housing at the Colma BART Station, Easements D-1016E1, D-1016E2, D-1012E1 (D-1016E3) and D-1012E2.
3. That the General Manager be authorized to award Contract No. 20LR-301, Procurement of Station Program Stop and Train Identification (PS and ID) Equipment, to B & C Transit Consultants, Inc., for the bid price of \$1,750,000.00, plus applicable taxes, pursuant to notification to be issued by the General Manager.

President Sweet announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board entered into closed session at 9:17 a.m.

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

Absent: Director Keller.

The Board Meeting recessed at 10:16 a.m.

The Board reconvened in open session at 10:21 a.m.

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

Absent: Director Keller.

President Sweet brought the matter of Agreements with the City of Oakland Acting by and through Its Board of Port Commissioners (Port of Oakland) in Connection with the Oakland Airport Connector Project before the Board. Mr. Thomas Parker, Group Manager of Capital Program, Automatic Fare Collection/Oakland Airport Connector, gave a brief presentation on the item.

Director Ward Allen moved that the General Manager or her designee be authorized to execute, consistent with the terms summarized above: 1) the Development Agreement with the Port of Oakland in connection with the Oakland Airport Connector Project, and 2) the Use, Operation and Maintenance Agreement with the Port of Oakland in connection with the Oakland Airport Connector Project. (The “terms summarized above” are attached and hereby made a part of these Minutes.) Director Blalock seconded the motion, which carried. Ayes – 7: Directors Blalock, Fang, Franklin, Murray, Radulovich, Ward Allen, and Sweet. Noes – 1: Director Luce. Absent – 1: Director Keller.

The Board Meeting recessed at 10:23 a.m.

The Board Meeting reconvened at 11:52 a.m.

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

Absent: Director Keller.

Consent Calendar Addenda items brought before the Board were:

1. Agreements for Construction Management Services for the Earthquake Safety Program.
 - a. Agreement with URS Corporation for Aerial Stations (Agreement No. 6M8014).
 - b. Agreement with The Allen Group/Cooper Pugeda Management, a Joint Venture, for Parking Structures (Agreement No. 6M8015).
2. Award of Contract No. 15TD-201, Rail Grinding Train.
3. Change Order to Contract No. 47BC-110, Procurement of Automatic Fare Collection Equipment, to Revise Translink Ticket Vending Machine (TVM) Implementation Schedule (C.O. No. 129).

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

- 1.a. That the General Manager be authorized to execute Agreement No. 6M8014, with URS Corporation of San Francisco, California, for Construction Management Services for the Earthquake Safety Program Aerial Stations, in an amount not to exceed \$10,000,000.00, for a term ending December 31, 2011, with two one-year options to extend the term, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to notification by BART's General Manager and compliance with the District's protest procedures and Federal Highway Administration's requirements related to protests.
- 1.b. That the General Manager be authorized to execute Agreement No. 6M8015, with The Allen Group/Cooper Pugeda Management, a Joint Venture, of San Francisco, California, for Construction Management Services for the Earthquake Safety Program Parking Structures, in an amount not to exceed \$2,000,000.00, for a term ending December 31, 2009, with one one-year option to extend the term, subject to notification to be issued by BART's General Manager and compliance with the District's protest procedures.
2. That the General Manager be authorized to award Contract No. 15TD-201, for the procurement of a Rail Grinding Train, to Loram Maintenance of Way, Inc., Hamel, Minnesota, in the amount of \$4,377,770.00, plus applicable taxes, pursuant to notification to be issued by the General Manager.

3. That the General Manager be authorized to execute Change Order No. 129 to Contract No. 47BC-110, Procurement of Automatic Fare Collection Equipment, with Cubic Transportation Systems, Inc., for Revision of TransLink Ticket Vending Machine (TVM) Implementation Schedule, in the amount of \$1,493,196.00, plus applicable sales tax.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2008 Budget Revision before the Board. Director Fang moved adoption of Resolution No. 5032, In the Matter of Amending Resolution No. 5017 regarding Fiscal Year 2008 Annual Budget. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0. Absent – 1: Director Keller.

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

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Teen Extreme Student Discount Program – Removal of Annual Sales Limit before the Board. Director Fang moved that the General Manager be authorized to remove the sales limit on Teenage Student Discount Program and continue to sell the discounted tickets only through schools enrolled in the program. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Luce, Radulovich, Ward Allen, and Sweet. Noes – 1: Director Murray. Absent – 1: Director Keller.

President Sweet asked for the General Manager's Report. General Manager Dorothy Dugger reported that she and President Sweet had attended the grand opening celebration at the Richmond Transit Village.

Director Ward Allen, Chairperson of the District Security Advocacy Ad Hoc Committee, reported that on October 26, 2007, Governor Schwarzenegger's office would be holding a news conference to announce the allocation of millions of dollars in security funds for BART.

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

President Sweet called for General Discussion and Public Comment.

Director Blalock requested that the Acting General Counsel review the recent legislation affecting Director compensation and present recommendations on how to proceed at a future Administration Committee Meeting.

President Sweet announced that in closed session at the October 11, 2007, Board Meeting, the Board decided to not extend the agreement for the executive search firm hired to facilitate identifying a new General Counsel, and to continue Matthew Burrows' appointment as Acting General Counsel for six months from the date of his original appointment (at which time the Board will again take up the matter of appointing a General Counsel).

Mr. Jerry Grace addressed the Board.

President Sweet announced that Director Ward Allen would be receiving the 2007 Laney College President's Award.

President Sweet announced Item 8-B (Conference with Labor Negotiators – Public Employee Performance Evaluation) of the regular meeting agenda would be continued to a future meeting.

The Board Meeting adjourned at 12:05 p.m.

Kenneth A. Duron
District Secretary