

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

Board of Directors  
Minutes of the 1,644th Meeting  
December 1, 2011

A regular meeting of the Board of Directors was held December 1, 2011, convening at 9:04 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Blalock, Radulovich and Sweet entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Award of Contract No. 47BS-153, Installation of Accessible Fare Gate at Bay Fair Station.
2. Award of Invitation for Bid No. 8896, Escalator Handrail.

Director Blalock entered the Meeting.

President Franklin requested that Award of Contract No. 47BS-153 be removed from Consent Calendar. Mr. Larry Kozimor, Project Manager, Transit System Development, gave a brief presentation on the item. The item was discussed and replaced on the Consent Calendar.

Directors Radulovich and Sweet entered the Meeting.

Consent Calendar motions, as follow, were moved as a unit by Director Raburn. Director Murray seconded the motions, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

1. That the General Manager be authorized to award Contract No. 47BS-153, Installation of Accessible Fare Gate at Bay Fair Station, to Rodan Builders, Inc., in the amount of \$247,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protests.
2. That the General Manager be authorized to award Invitation for Bid No. 8896, an estimated quantity contract, for the purchase of escalator handrails, to Porta-Flex Manufacturing Co., Inc., for the bid price of \$466,242.69, not including applicable sales taxes, pursuant to notification to be issued by the General Manager, and subject to 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.)

Director Blalock, Chairperson of the Administration Committee, brought the matter of Amendment to Extend Interim Agreement between BART and the Alameda - Contra Costa Transit District before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, presented the item. Discussion followed. Director Blalock moved that the General Manager be authorized to execute an Amendment to the Interim Agreement between the Alameda-Contra Costa Transit District and the San Francisco Bay Area Rapid Transit District for the Fiscal Year 2011 Payment for Transit Coordination to extend the amount of time that BART and AC Transit have to execute a multi-year agreement to June 30, 2012; and that the General Manager be authorized to execute an additional Amendment to the Interim Agreement to extend it another six months beyond June 30, 2012, if needed and if both parties agree. Director Raburn 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 Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-120, Procurement of Traction Power Substations Phase 1, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award the base bid Contract No. 15EK-210, for Procurement of Traction Power Substations, Phase 1, to Powell Electrical Systems, Inc., for the Bid amount of \$17,904,407.00, and to exercise up to six options for additional substations, for a total price for the base bid and options of \$28,877,521.00, plus applicable sales tax and indexed price adjustments as stipulated in the Contract, pursuant to notification issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protests. Director Franklin 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 Blalock brought the matter of Agreement with A Squared Ventures, Inc., Agreement No. 6M8048, for Small Business Support for Warm Springs Extensions Project, before the Board. Ms. Chris Quinn, Chief Extensions Officer, and Ms. Linda Wells-Grogan, Manager of DBE Programs, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Andrea Lowe

Mr. Eddie Dillard

Mr. Len Turner

Director Sweet moved that the General Manager be authorized to award Agreement No. 6M8048, to provide Small Business Support Services in Support of BART's Warm Springs Extension Project, to A Squared Ventures, Inc., in an amount not to exceed \$1,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Directors Blalock and McPartland 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 Raburn introduced and welcomed Oakland City Council President Larry Reid and requested that the matter of Extension of Negotiating Agreement with Developer for Coliseum/Oakland Airport Station be taken out of order.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Extension of Negotiating Agreement with Developer for Coliseum/Oakland Airport Station before the Board. Mr. John Rennels, Principal Property Development Officer, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. James Head

The Honorable Larry Reid

Mr. Michael Johnson

Director Raburn moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement (ENA) with the Oakland Economic Development Corporation to pursue a transit-oriented development project at the Coliseum BART Station, with the ENA to be for a period of 18 months, with authorization to extend for up to an additional 18 months for the public agencies to complete their due diligence efforts, to complete the environmental impact analysis, and to secure environmental certification. Director Sweet seconded the motion. Discussion continued.

The Honorable Larry Reid addressed the Board.

The motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang brought the matter of Award of Contract No. 20CE-210A, Procurement of the New Train Control Switch Machine, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Kevin Connell, Systems Engineering, presented the item, noting that no action would be taken at this meeting. The item was discussed.

Directors Keller and Sweet exited the Meeting.

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

President Franklin brought the matter of Proposed Cellular Service Interruption Policy before the Board. President Franklin read into the record two sentences the Federal Communications Commission had advised be added to the Policy:

The District also recognizes that any interruption of cellular service poses serious risk to public safety and that available open communication networks are critical to our economy and democracy and should be preserved to the fullest extent possible.

Any decision to implement a temporary interruption must be pursuant to the determination that public safety benefits outweigh the public safety risks of an interruption.

The item was discussed. Director Fang moved adoption of the Cell Service Interruption Policy. Director Blalock seconded the motion.

Mr. Bryce Nesbitt addressed the Board.

The motion carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 2: Directors Keller and Sweet. (The Policy is attached and hereby made a part of these Minutes.)

Director Fang, Chairperson of the Redistricting Special Committee, brought the matter of 2011 Redistricting of Election Districts before the Board.

Directors Keller and Sweet re-entered the Meeting.

The following individuals addressed the Board.

Mr. Fred Wright Lopez

Ms. Yolanda Jones

Mr. Eddie Dillard

Mr. Fred Wright Lopez

Ms. Sandi Polka and Mr. David Ely, Sandi Polka Consulting, presented the item. The item was discussed.

Mr. Bryce Nesbitt addressed the Board.

Director Fang moved adoption of Resolution No. 5184, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District Adjusting the Boundaries of Nine Election Districts within the Territory of the District as Provided by Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, as shown in Option A. Discussion continued. Director Raburn seconded the motion.

Director Keller made a substitute motion, to adopt the Resolution No. 5184, with Option A amended to use the BART system rail line and stations in the City of El Cerrito in western Contra Costa County as the boundary between Districts 3 and 7. Director Murray seconded the substitute motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Sweet, and Franklin. Noes – 1: Director Raburn.

Director Murray brought the matter of BART "Metro" Concept: Enhancing Service, System Capacity and Coverage, before the Board. Director Blalock, General Manager Grace Crunican, and Mr. Mau presented the item. The item was discussed.

Director Blalock exited the Meeting.

Director McPartland exited the Meeting.

Director Sweet exited the Meeting.

Director Fang brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Ms. Quinn and Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

Director Radulovich exited the Meeting.

President Franklin called for the General Manager's Report. Ms. Crunican asked General Counsel Matthew Burrows to report on the recent developments in the Caruthers vs. BART case. Mr. Burrows provided a brief summary. Ms. Crunican reported on steps she had taken and meetings she had participated in. Ms. Crunican advised the Board of an upcoming holiday shopping promotion, and reminded them of the upcoming Capitol Corridor Service 20<sup>th</sup> Anniversary celebration on December 8, 2011, in Sacramento.

President Franklin announced that Board Member Reports and Roll Call for Introductions would be combined.

Director Keller requested a report on thefts of copper along the system, to include potential solutions. Director Keller requested a status report on the development of a proposed police facility. Director Keller requested a report on the status of the exclusive negotiating agreement for development at the Millbrae Station.

Director Fang requested a small event prior to the holiday promotion to demonstrate how the District contributes to local commerce. Director Fang repeated a request for explanation of the one-year delay in the solicitation for advocacy representatives at the state and federal levels.

Director Fang exited the Meeting. The Meeting continued with no quorum present.

Director Murray reported on her observations of the train system in Santiago, Chile.

Director Raburn reported he had attended the Oakland Airport Connector Joint Administrative Committee Meeting on November 29, and had been elected Chair of that Committee. Director Raburn reported he had attended the Lake Merritt Station Area Planning session on November 30.

President Franklin called for General Discussion and Public Comment. Mr. Robert S. Allen addressed the Board.

The Board Meeting was adjourned at 1:16 p.m.

Kenneth A. Duron  
District Secretary