

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

Board of Directors
Minutes of the 1,589th Meeting
January 14, 2010

A regular meeting of the Board of Directors was held January 14, 2010, convening at 9:04 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, Murray, and Fang.

Absent: Directors McPartland and Sweet. Directors Radulovich and Ward Allen entered the Meeting later.

President Fang moved Item 7-B, Ratification of 2010 Standing Committees and Special Appointments, to the Consent Calendar. Vice President Franklin offered an amendment to the appointments, requesting that Director Keller be designated as the Chairperson for the West Contra Costa Transportation Advisory Committee Liaison.

Director Ward Allen entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 27, 2009 (Regular).
2. Approval of a Resolution of Local Support for the Receipt of Transportation Enhancement Funds.
3. Subsequent Resolution of Project Compliance and Initial Project Reports for Regional Measure 2 Funds for the Warm Springs Extension Project (WSX) – Stage 2 Activities.
4. Award of Contract No. 01SZ-110, Hayward Yard – Hayward Shop Renovations.
5. Award of Contract No. 15TF-120, Wayside Fence Rehab – A-Line.
6. Reject All Bids for Contract No. 15EI-120, Substation WSS (South San Francisco) and CCO (Concord) 34.5kV Transformer Upgrade and Replacement.
7. Ratification of 2010 Standing Committees and Special Appointments.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Keller 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 Meeting of August 27, 2009 (Regular), be approved.
2. Adoption of Resolution No. 5123, In the Matter of the Approval of a Resolution of Local Support for the Receipt of Transportation Enhancement Funds.
3. Adoption of Resolution No. 5124, In the Matter of the Approval of a Subsequent Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension Project.
4. That the General Manager be authorized to award Contract No. 01SZ-110, Hayward Yard – Hayward Shop Renovations, to Jonas and Associates, Inc., for the bid price of \$509,000.00, pursuant to notification to be issued by the General Manager, and subject to the District’s protest procedures.
5. That the General Manager be authorized to award Contract No. 15TF-120, Wayside Fence Rehab – A-Line, to Fencecorp Inc. of Riverside, for the base bid amount of \$79,116.00; and that the General Manager be authorized to exercise, at her discretion, Option Bid Item A for \$111,945.00, Option Bid Item B for \$29,306.00, and Option Bid Item C for \$91,773.00, for a total contract amount not to exceed the bid price of \$312,140.00, 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.
6. That all bids for Contract No. 15EI-120, Substation WSS and CCO 34.5kV Transformer Upgrade and Replacement, be rejected.
7. That the Board of Directors ratify the proposed Standing Committee and Special Appointments for 2010 (the amended Organization of Committees and Special Appointments is attached and hereby made a part of these Minutes).

Director Blalock, Chairperson of the Administration Committee, brought the matter of Condemnation of Temporary Construction Easement for the Earthquake Safety Program, BART Parcel Nos. R44-9-3B, R45-2-3A, and R-45-2-3B before the Board. Ms. Laura Giraud, Department Manager, Real Estate, presented the item. Discussion followed.

Director Radulovich entered the Meeting.

Mr. Marc Wing addressed the Board.

Director Blalock moved adoption of Resolution No. 5125, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels R44-9-3B, R45-2-3A and R45-2-3B; Draw and Deposit Warrant. Director Keller seconded the motion, which carried by unanimous roll call vote by the required two-thirds majority. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Radulovich, Ward Allen, and Fang. Noes – 0. Absent – 2: Directors McPartland and Sweet.

Director Blalock brought the matter of Adoption of Resolution to Approve an Amendment to Contract between California Public Employees' Retirement System (CalPERS) and the District to Add Fourth Level of Survivor Benefits for Safety Members before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. Director Blalock moved adoption of Resolution No. 5126, "Resolution Authorizing an Amendment to the Contract" between the Board of Administration, California Public Employees' Retirement System and the Board of Directors, San Francisco Bay Area Rapid Transit District, and moved that the Board President be authorized to sign the resolution and contract amendment on behalf of the Board. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Radulovich, Ward Allen, and Fang. Noes – 0. Absent – 2: Directors McPartland and Sweet.

Director Blalock brought the matter of Fiscal Year 2010 Budget Revision before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget, and Mr. Robert Umbreit, Department Manager, Operating Budgets and Analysis, presented the item. Discussion followed.

The following individuals addressed the Board:

Ms. Jean Hamilton
Ms. Lisa Isler
Mr. Deslar Patten
Mr. John Maher
Mr. Harry Gordon
Ms. Rhea Davis
Ms. Lisa Moland
Mr. Rickey Ridout
Mr. Kent Lewandowski
Ms. Vicki Reed
Ms. Lydia Rodriguez

Discussion followed. Director Blalock announced the item would be continued to a future meeting.

Director Keller, Chairperson of the Engineering and Operations Committee, announced that the Translink Program Update would be continued to a future meeting.

Director Keller brought the matter of Award of Contract No. 15PA-110, BART Earthquake Safety Program Aerial Structures – M Line, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

The following individuals addressed the Board:

Mr. Willie Ratcliff
Mr. Charlie Walker
Mr. Nedar Bey
Mr. Joe Debro

Discussion followed. Director Keller moved that the General Manager be authorized to award Contract No. 15PA-110, Earthquake Safety Program, Aerial Structures - M Line, to R & L Brosamer, Inc., for the bid amount of \$8,688,387.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the

Federal Highway Administration's requirements related to protest procedures. Director Blalock seconded the motion, which carried by roll call vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Radulovich, and Fang. Noes – 1: Director Ward Allen. Absent – 2: Directors McPartland and Sweet.

President Fang called for the General Manager's report. General Manager Dorothy W. Dugger called the Board's attention to a memorandum regarding ongoing challenges with the State's budget and how the District would be affected.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, gave a report on the committee's activities.

President Fang brought Roll Call for Introductions before the Board.

Director Radulovich requested a report on the District's current service schedules that result in train bunching in the West Bay.

Director Radulovich requested a proposal for deployment of Police Officers on bicycles in response to customer email.

President Fang called for General Discussion and Public Comment. Mr. Scott Mace addressed the Board.

President Fang announced that the Board would enter into closed session under Item 9-A (Conference with Legal Counsel – Existing Litigation) and Item 9-B (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 Meeting recessed at 12:20 p.m.

The Board reconvened in closed session at 12:22 p.m.

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

Absent: Directors McPartland and Sweet.

The Board Meeting adjourned at 1:27 p.m. in support of the people of Haiti.

Kenneth A. Duron
District Secretary