

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

Board of Directors
Minutes of the 1,591st Meeting
February 11, 2010

A regular meeting of the Board of Directors was held February 11, 2010, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Sweet and Fang entered the Meeting later.

Vice President Franklin announced that Special Guests Station Agent Angela Fields would be introduced at a future meeting and that Mr. Duirmuid Philpott would be introduced later at this Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of September 17, 2009 (Special), and September 24, 2009 (Regular).
2. Award of Contract No. 15IE-110, Union City BART Station Modernization Project.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Sweet.

1. That the Minutes of the Meetings of September 17, 2009 (Special), and September 24, 2009 (Regular), be approved.
2. That the General Manager be authorized to award Contract No. 15IE-110, Union City BART Station Modernization Project, to Taber Construction, Inc., for the bid price of \$931,500.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.

Consent Calendar Report brought before the Board was:

1. Fiscal Year 2010 Second Quarter Financial Report.

Director Sweet entered the Meeting.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Ohlone Greenway Pedestrian/Bike Path Revocable License Agreements with the Cities of Berkeley,

Albany, and El Cerrito before the Board. Ms. Bernadette Lambert, Real Estate Department, presented the item. Discussion followed, and the motion was amended.

Director Blalock moved that the General Manager or her designee be authorized to execute three separate revocable license agreements between BART and the Cities of Berkeley, Albany, and El Cerrito in connection with the construction, operation and maintenance of Ohlone Greenway Pedestrian/Bike Path for twenty-seven (27) years, and that the landscaping design be reviewed to ensure plantings be compatible with path users' safety and overhead track safety. Director Keller seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Sweet, and Ward Allen. Noes – 1: Director Radulovich. Absent - 1: Director Fang.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15CQ-217, Procurement of Running Rail, before the Board. Mr. Michael Brown, Maintenance and Engineering Department, presented the item.

Mr. Paul Rudnick addressed the Board.

Director Keller moved that the General Manager be authorized to award Contract No. 15CQ-217, for the Procurement of Running Rail, an estimated quantities contract, to Progress Rail Services Corporation, Albertville, Alabama, in the amount not to exceed \$6,099,209.90, to which applicable sales tax will be applied, 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. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 1: Director Fang.

President Fang entered the Meeting and assumed the gavel.

Director Keller brought the matter of Earthquake Safety Program Update before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Discussion followed.

Director Radulovich exited the Meeting.

Mr. Jerry Grace addressed the Board.

President Fang welcomed and introduced Special Guest Mr. Duirmuid Philpott, United Irish Societies. Mr. Philpott addressed the Board.

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

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Approval of Final Environmental Impact Report for the MacArthur Transit Village before the Board. Mr. Jeffrey Ordway, Manager, Property Development, presented the item.

Director Sweet moved that the Board, after review and consideration of the Final Environmental Impact Report and environmental Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan adopted by the City of Oakland on June 4, 2008,

adopt the City of Oakland's Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the Project; and find that for the sale, acquisition and lease of the BART property at the MacArthur BART Station, there are no significant environmental effects which have not been mitigated to insignificance and no further environmental review is required. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Sweet, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Radulovich.

The following individuals addressed the Board:

Mr. John Knox White

Lesley

Mr. Tony Coleman

Mr. Jack Bryson

President Fang entered the Meeting and assumed the gavel.

Mr. D'Andre Teeler

Mr. Da'Juan Carter-Woodard

Ms. Rachel Jackson

Directors Sweet and Ward Allen exited the Meeting.

Mr. Jerry Grace

Mr. Bob Allen

President Fang called for the General Manager's report. General Manager Dorothy W. Dugger had no report.

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

President Fang called for General Discussion and Public Comment. Director Blalock requested that the Meeting be adjourned in memory of Mr. Laurence W. Milnes.

The Board Meeting adjourned at 10:50 a.m. in honor of Mr. Milnes.

Kenneth A. Duron
District Secretary