

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,592nd Meeting
February 25, 2010

A regular meeting of the Board of Directors was held February 25, 2010, convening at 9:12 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, and Sweet.

Absent: Directors Fang and Ward Allen. Director Radulovich entered the Meeting later.

Vice President Franklin welcomed and introduced Mr. Joshua Shaw of the California Transportation Association.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of October 8, 2009 (Regular), and November 4, 2009 (Special).
2. Amendment to the Money Purchase Pension Plan Regarding Suspension of Certain Payments for Union-Represented District Employees.
3. Award of Invitation for Bid No. 8868, Coverboard, Contact Rail.
4. Award of Invitation for Bid No. 8870, Mile Post Signs.
5. Letter to Federal Transit Administration Administrator Rogoff (Alleged Brown Act Violation).

Consent Calendar motions, as follow, were moved as a unit by Director Sweet. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, McPartland, Murray, and Sweet. Noes – 0. Absent – 3: Directors Fang, Radulovich, and Ward Allen.

1. That the Minutes of the Meetings of October 8, 2009 (Regular), and November 4, 2009 (Special), be approved.
2. That the Board approve and the Board President be authorized to execute an amendment to the 2006 Restatement of the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (MPPP) that provides for the continued suspension of the District's contributions of 1.627% of payroll as defined in the MPPP for non-sworn union-represented employees through June 30, 2013; and the suspension of the District's contributions of 6.65% of payroll as defined in the MPPP for sworn and non-sworn employees represented by BART Police Managers'

Association effective January 1, 2010, through June 30, 2013, and for sworn and non-sworn employees represented by BART Police Officers' Association effective July 1, 2010, through June 30, 2013.

3. That the General Manager be authorized to award Invitation for Bid No. 8868, an estimated quantities contract, to Delta Composites, L.L.C., for the bid price of \$235,084.50, including applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 8870 to Maneri Sign Company, Inc., Gardena, California, in the amount of \$167,660.69, including applicable taxes, for the purchase of two thousand nine hundred and eight-eight (2,988) mile post signs, 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 protest procedures.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

5. That the General Manager be authorized to send to the Federal Transit Administration the letter attached hereto as Exhibit A, with the signatures of the eight Board members shown. (Exhibit A is attached and hereby made a part of these Minutes.)

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2011 Pro Forma Budget Review before the Board.

Director Radulovich entered the Meeting.

Mr. Carter Mau, Executive Manager, Planning and Budget, and Mr. Robert Umbreit, Department Manager, Operating Budgets and Analysis, presented the item. Discussion followed.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15ID-110, Pleasant Hill Station Modernization, before the Board. Ms. Chris Quinn, Acting Deputy Executive Manager, Transit System Development, presented the item. Discussion followed.

Mr. Jerry Grace addressed the Board.

Director Murray moved that the General Manager be authorized to award Contract No. 15ID-110, for Pleasant Hill Station Modernization, to Taber Construction, for the total bid price of \$5,240,000.00, including applicable taxes, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

Director Murray moved to reconsider the action just taken. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

Director Murray moved to amend the previous motion to include that future emergency stairs at all stations be designed to complement the characteristics of both the station environment and the surrounding community at a moderate cost that does not sacrifice safety. Director Keller seconded the amended motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

Director Keller brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2010 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, presented the item. Discussion followed.

Mr. Jerry Grace addressed the Board.

Director Sweet, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Extend Permit to Enter with the Spanish Speaking Unity Council at Fruitvale Station before the Board. Mr. Jeffrey P. Ordway, Manager, Property Development, presented the item.

Director Blalock moved that the General Manager or her designee be authorized to execute an amendment for a five-year extension of the Permit to Enter with the Unity Council for continuation of the Paid Parking Program on BART property between 35th and 37th Streets at the Fruitvale BART Station, with the extended term to be from March 1, 2010, through February 28, 2015. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

Director Sweet brought the matter of Proposed 2010 State and Federal Advocacy Programs before the Board. Mr. Paul Fadelli of Government and Community Relations introduced Mr. Joshua W. Shaw, Executive Director, California Transit Association, who made a presentation on 2010 State Capitol Budget Update. Discussion followed. Mr. Fadelli and Ms. Kerry Hamill, Department Manager, Government and Community Relations, continued the presentation on Proposed 2010 State and Federal Advocacy Programs.

After further discussion, Director Murray moved that the Board approve the state advocacy program as recommended by staff. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, McPartland, Murray, and Radulovich. Noes – 1: Director Sweet. Absent – 2: Directors Fang and Ward Allen.

Director Murray moved that the Board approve the federal advocacy program as recommended by staff. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 0. Absent – 2: Directors Fang and Ward Allen.

Vice President Franklin called for the General Manager's report. General Manager Dorothy W. Dugger reported that Mr. Daschel Butler had been appointed Interim Chief of Police.

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

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

Vice President Franklin called for General Discussion and Public Comment.

Mr. Jerry Grace addressed the Board.

Director Murray reported that Chris Quinn had represented the District well at a Women's Transportation Seminar presentation on the BART extension to Warm Springs.

The Board Meeting adjourned at 12:18 p.m.

Kenneth A. Duron
District Secretary