

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

Board of Directors
Minutes of the 1,598th Meeting
April 22, 2010

A regular meeting of the Board of Directors was held April 22, 2010, convening at 9:03 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, McPartland, Murray, and Fang.

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

Director Murray welcomed and introduced Mr. James Kennedy, Redevelopment Director, Contra Costa County Department of Conservation and Development, and Mr. Jeff White, Senior Development Director at Avalon Bay Communities. Mr. Kennedy and Mr. White addressed the Board.

President Fang announced that under the procedures adopted by the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on the proposed East Bay Paratransit fare increase and fare modification; and that at the Board Meeting of May 13, 2010, the Board would review the proposal, including all public comments, to take action on the proposal; and that staff would now give a brief presentation on the fare increase and modification proposal; and that the meeting would then be opened for comments from the public. Ms. Susan Gallagher, Manager of Access and Accessible Services, gave a presentation on Proposed East Bay Paratransit Fare Increase and East Bay Paratransit Policy Changes Regarding Billing the Rider for Rider Fault No-Shows and Charging Two Times the Americans with Disabilities Act (ADA) Fare for Special Non-ADA Group Trip Service for Social Service Agencies.

Directors Sweet and Ward Allen entered the Meeting.

Director Radulovich entered the Meeting.

Ms. Gallagher read comments from Ms. Dorothy Emery into the record.

The following individuals addressed the Board:

Ms. Mary Steiner
Ms. Jennifer Miller
Mr. Chris Mullin

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 28, 2010.

2. Award of Contract No. 6M3066A, Furnish and Install Replacement Glass Systemwide as Needed.
3. Award of Agreement No. 6M3149, Glass and Window Washing Services.
4. Award of Contract No. 15EI-120A, Substation WSS and CCO 34.5 kV Transformer Upgrade and Replacement.
5. Award of Contract No. 15PQ-110, BART Earthquake Safety Program, Station Structure – C Line, Concord Station.

Mr. Darrel Carey addressed the Board on Award of Agreement No. 6M3066A. Discussion followed.

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

1. That the Minutes of the Meeting of January 28, 2010, be approved.
2. That the General Manager be authorized to award Contract No. 6M3066A, for Furnish and Install Replacement Glass Systemwide as Needed, for the base period of one year, at the bid price of \$148,260.00, to Best Contracting Services, Inc., of Hayward, California, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise the option of Option Year One for the bid price of \$148,260.00, the option for Option Year Two for the bid price of \$158,260.00, and the option for Option Year Three for the bid price of \$168,260.00, with each option to consist of a one-year extension for Furnish and Install Replacement Glass Systemwide as Needed, and the exercise of the options subject to the availability of funding.
3. That the General Manager be authorized to award Agreement No. 6M3149, to provide Glass and Window Washing Services Districtwide, for the base proposal period of three years, for the proposal price of \$104,400.00, plus a \$15,000.00 allowance, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the general Manager be authorized to exercise the option for Option Year One for the proposal price of \$36,000.00, and the option for Option Year Two for the proposal price of \$37,200.00, with each option consisting of a one-year extension for Glass and Window Washing Services, and exercise of the options subject to the availability of funding.
4. That the General Manager be authorized to award Contract No. 15EI-120A, South San Francisco Substation (WSS) and Concord Substation (CCO) 34.5kV Transformer Upgrade and Replacement, to E. W. Scott Electric Co., Inc., for the bid price of \$1,025,000.00, including applicable

taxes, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

5. That the General Manager be authorized to award Contract No. 15PQ-110, Earthquake Safety Program, Station Structure – C Line, Concord Station, to Robert A. Bothman, Inc., for the bid amount of \$1,335,325.50, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Director Blalock, Chairperson of the Administration Committee, brought the matter of San Francisco International Airport Employee Premium Fare Program before the Board. Mr. Carter Mau, Executive Manager, Office of Planning and Budget, and Ms. Pamela Herhold, Financial Planning, presented the item. Discussion followed.

The following individuals addressed the Board:

Mr. Whitfield McTair

Mr. Scott Mace

Director Blalock moved that the General Manager be authorized to execute Amendment No. 1 to the Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport. Directors Murray and Sweet seconded the motion, which carried by roll call vote. Ayes - 7: Directors Blalock, Keller, McPartland, Murray, Sweet, Ward Allen, and Fang. Noes – 2: Directors Franklin and Radulovich.

Director Blalock brought the matter of Issuance and Sale of the District's Sales Tax Revenue Bonds, Refunding Series 2010, and the Execution and Delivery of the Required Documents, before the Board. Mr. Scott Schroeder, Controller-Treasurer, presented the item. Discussion followed.

Director Blalock moved adoption of Resolution No. 5132, Resolution of the San Francisco Bay Area Rapid Transit District Authorizing and Approving Timely Refinancing of Outstanding Debt to Achieve Net Present Value Savings, and the Delegation to the Controller/Treasurer Power to Determine the Times and Terms of Such Refinancings; Authorizing and Approving the Issuance and Sale of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds, Refunding Series 2010; Authorizing the Execution and Delivery of a Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Notice of Sale Pursuant to Which Such Bonds Are to Be Sold and the Publication of Notice of Intention to Sell; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds, to Complete Said Documents and to Negotiate Credit Support for Said Bonds; Declaring the District's Intent to Reimburse Certain Expenditures from the Proceeds of Indebtedness; and Authorizing Certain Other Matters Relating Thereto. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Blalock brought the matter of Approval of Northern California Power Agency (NCPA) Phase III Agreements for the Lodi Energy Center, Adoption of Related Environmental Findings and Designation of Official Responsible for Appointing District Representatives before the

Board. Mr. Frank Schultz, Department Manager of the District's Energy Programs, presented the item. Discussion followed.

Mr. Don Dame, representing the NCPA, addressed the Board.

Director Blalock moved adoption of Resolution No. 5133, In the Matter of Approving the Lodi Energy Center Power Sales Agreement and the Project Management and Operation Agreement and Authorizing the General Manager to Execute these Agreements on Behalf of the District, Subject to Revision of Generation Entitlement Shares; and Authorizing the General Manager to Designate Representatives to the Project Participant Committee and Making Findings as a Responsible Agency under the California Environmental Quality Act. Director Murray seconded the motion, which carried by roll call vote. Ayes - 6: Directors Blalock, Franklin, Keller, McPartland, Murray, and Fang. Noes – 2: Directors Radulovich and Sweet. Abstain – 1: Director Ward Allen.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 42EL-210B, Procurement of C-1 Car Auxiliary Power Supply Equipment, with Bombardier Transportation (Holdings) USA, Inc., to Exercise Contract Options A and B (C.O. No. 1), before the Board. Mr. Henry Kolesar, Group Manager for Engineering, Rolling Stock and Shops, presented the item. Discussion followed.

Director Keller moved that the General Manager be authorized to execute Change Order No. 1 to Contract No. 42EL-210B, Procurement of C-1 Car Auxiliary Power Supply Equipment (APSE), with Bombardier Transportation (Holdings) USA, Inc., to exercise Contract Options A and B for a total of 40 additional APSE units, in the amount of \$4,907,600.00, plus applicable sales tax, pursuant to notification to be issued by the General Manager. Director Sweet seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Keller brought the matter of Report on New Rail Car Replacement Program and Adoption of Joint Resolution with the Metropolitan Transportation Commission (MTC) for Program Funding before the Board. Mr. Paul Oversier, Assistant General Manager – Operations; Ms. Susan Presley, Acting Manager of Capital Program Rail Vehicles; Mr. Aaron Weinstein, Department Manager, Marketing and Research; Mr. Henry Kolesar; and Mr. Michael Tanner, Office of Planning and Budget, presented the item. Discussion followed.

Director Franklin exited the Meeting.

Director Keller moved adoption of San Francisco Bay Area Rapid Transit District and Metropolitan Transportation Commission Joint Resolution MTC Resolution No. 3918, BART Resolution No. 5134. Director Blalock seconded the motion, which carried by roll call vote. Ayes – 8: Directors Blalock, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0. Absent – 1: Director Franklin.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Fang called for the General Manager's report.

General Manager Dorothy W. Dugger reported that the District's Title VI Corrective Action Plan had been approved by the Federal Transit Administration. Ms. Dugger reported that the District, in conjunction with the Port of Oakland, would participate in Earth Day activities by cleaning up the Oakland estuary on Saturday, April 24, and extended an invitation to the Board to participate.

President Fang brought Roll Call for Introductions before the Board.

Director Franklin entered the Meeting.

Director Radulovich requested consideration on a future agenda a review of the District's outreach strategy for the stations capital improvement program.

Director Radulovich requested that the pigeon netting at the 16th Street/Mission and 24th Street/Mission Stations be reinstalled immediately.

Director Ward Allen requested an increase in Police presence on trains to address solicitors.

Director Ward Allen requested an investigation and report on the condition of elevators at the Powell Street Station and the standards for the direction of escalators during elevator outages.

Director Murray requested that the complainant regarding an incident of dogs off leash and claim of no clear policy for dogs on trains be advised of the District's policy for dogs on trains and its posting on the District website and that the supervisor claiming no policy exists be instructed in its content.

Director Murray requested the District develop a policy for dogs off leash on District property.

Director Franklin requested that Directors interested in 'adopting' a San Mateo County unrepresented station(s) advise the President of their interest and that an ad hoc committee be established.

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

Director Murray, Chairperson of the Finance, Budget, and Internal Audit Committee, gave a brief report on the activities of the committee.

Vice President Franklin called for General Discussion and Public Comment. The following individuals addressed the Board:

Ms. Barbara Cristina Grant Tengeri
Krystof

Vice President Franklin announced that the Board would enter into closed session under Item 9-A (Public Employment: Chief of Police) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:26 p.m.

The Board reconvened in closed session at 12:40 p.m.

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

Absent: Directors Fang and Murray.

The Board Meeting adjourned at 1:30 p.m.

Kenneth A. Duron
District Secretary