

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

Board of Directors  
Minutes of the 1,599th Meeting  
May 13, 2010

A regular meeting of the Board of Directors was held May 13, 2010, convening at 9:00 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

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

Director Keller welcomed and introduced Ms. Ana Morales, Children's Hospital Foundation, and Station Agent Angela Fields.

Director McPartland entered the Meeting.

Ms. Fields addressed the Board and introduced Cure Kids Cancer team members George, Shana, and Brittany Fields. Ms. Morales addressed the Board.

Director Blalock welcomed and introduced Ms. Gilda Gonzales, Chief Executive Officer of the Unity Council. Ms. Gonzales addressed the Board.

Director Franklin thanked Paul Fadelli for proposing the concept of live video streaming of the Board Meeting on the internet. President Fang and Director Ward Allen thanked Director Franklin for his leadership in this area.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of February 11, 2010, February 25, 2010, March 11, 2010 (Regular), and March 11, 2010 (Special).
2. Suspension of Board Rule 5-1.2 – Submission of Fiscal Year 2011 Preliminary Budget from Administration Committee to Full Board.

Director Franklin requested removal of Approval of the Minutes of the Meeting of March 11, 2010 (Regular), from the Consent Calendar. Discussion on the item followed. The item was returned to the Consent Calendar.

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 – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Ward Allen, and Fang. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

1. That the Minutes of the Meetings of February 11, 2010, February 25, 2010, March 11, 2010 (Regular), and March 11, 2010 (Special), be approved.
2. That the Board of Directors approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2011 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2010 Third Quarter Financial Report.

Director Blalock, Chairperson of the Administration Committee, brought the matter of East Bay Paratransit Fare Increase and Fare Program Modifications before the Board. Mr. Carter Mau, Executive Manager, Office of Planning and Budget, and Ms. Susan Gallagher, Manager of Access and Accessible Services, presented the item. Ms. Gallagher advised the Board that staff recommended action on the item be delayed pending completion of the Title VI analysis.

Directors Radulovich and Sweet entered the Meeting.

Ms. Mary Steiner addressed the Board.

Discussion on the item followed. The item was continued to a future meeting.

Director Blalock brought the matter of Approval of Northern California Power Agency (NCPA) Second Phase Agreement for Development Activities of the Solar Photovoltaic Project at Hayward and Richmond Yards, Lafayette and Orinda Stations, and Property in Livermore at Greenville Road, before the Board. Mr. Frank Schultz, Department Manager of the District's Energy Programs, presented the item. Discussion followed.

Director McPartland moved that the General Manager be authorized to execute the Northern California Power Agency Second Phase Agreement for funding the planning and development activities of the solar photovoltaic project and to authorize the payment of \$415,000.00 for the District's Phase II costs. Director Keller seconded the motion, which carried by roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Fang. Noes – 2: Directors Sweet and Ward Allen.

Director Blalock brought the matter of Civil Rights Act of 1964; Title VI – Nondiscrimination in Federally Assisted Programs, Corrective Action Plan Update, before the Board. Mr. Thomas Parker, Executive Manager, Transit System Compliance, Mr. Wayne Wong, Department Manager of the Office of Civil Rights, and Mr. Roddrick Lee, Division Manager of Local Government and Community Relations, presented the item.

The following individuals addressed the Board:

Mr. Austin Thomas

Ms. Lindsay Imai

Mr. Steve Lowe

Mr. Guillermo Mayer

Mr. Charlie Walker

Discussion followed.

Mr. Jerry Grace addressed the Board.

Director Blalock brought the matter of Fiscal Year 2011 Preliminary Budget Operating Sources, Uses and Service Plan before the Board. Mr. Carter Mau, Mr. Robert Umbreit, Department Manager, Operating Budgets and Analysis, and Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. Discussion followed.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PN-110, BART Earthquake Safety Systemwide Equipment Retrofit, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

Director Radulovich exited the Meeting.

Discussion of the item followed.

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

Director Keller moved that the General Manager be authorized to award Contract No. 15PN-110, BART Earthquake Safety Program, Systemwide Equipment Retrofit, to Taber Construction Inc., for the bid price of \$7,868,000.00, including applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Department of Homeland Security (DHS) requirements related to protests. Director Blalock seconded the motion, which carried by roll call vote. Ayes – 5: Directors Blalock, Franklin, Keller, McPartland, and Murray. Noes – 2: Directors Sweet and Ward Allen. Absent – 2: Directors Fang and Radulovich.

Director Keller moved that a letter be sent to the Bay Area Congressional Delegation requesting they explore the possibility of applying the Department of Transportation rules concerning minority and women participation in contracting to all federal agencies. 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.

Director Keller announced that the Quarterly Performance Report, Third Quarter Fiscal Year 2010 - Service Performance Review, would be continued to a future Meeting.

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

Vice President Franklin called for the General Manager's report.

General Manager Dorothy W. Dugger reminded the Board of the upcoming Memorial Day weekend closure for the Pleasant Hill Crossover construction project and noted the mitigation measures in place to support service during the closure.

Vice President Fang brought the matter of Special Appointments: Liaisons to San Mateo County Stations before the Board. Director Sweet moved that the Board of Directors ratify the attached appointments of Liaisons to Stations in San Mateo County. (The appointments are attached and hereby made a part of these Minutes.) 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.

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

President Fang brought Roll Call for Introductions before the Board.

Director Ward Allen requested an appropriate document be prepared recognizing the installation of the Reverend Dr. Martha C. Taylor, Pastor, Elmhurst Presbyterian Church.

Vice President Franklin requested External Affairs compose letters to elected officials in San Mateo County advising them of the designation of Director Liaisons to the stations in San Mateo County.

Vice President Franklin called for General Discussion and Public Comment.

Director Blalock shared a letter from Rocky Hernandez, President of the AC Transit Board, asking that policy makers inform their stakeholders about public hearings to discuss the AC Transit service reduction plan.

Director McPartland reported that he had been able to get information to the Pentagon regarding BART's free pass program for active military personnel on leave.

Mr. Jerry Grace addressed the Board.

Vice President Franklin announced that the Board would enter into closed session under Item 9-A (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 1:28 p.m.

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The Board reconvened in closed session at 1:44 p.m.

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

Absent: Directors Fang, Radulovich, and Sweet.

The Board Meeting adjourned at 2:45 p.m. in honor of the Reverend Dr. Martha C. Taylor.

Kenneth A. Duron  
District Secretary