

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

Board of Directors
Minutes of the 1,600th Meeting
May 27, 2010

A regular meeting of the Board of Directors was held May 27, 2010, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Fang presided; Patricia K. Williams, Assistant District Secretary.

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

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 25, 2010, April 8, 2010, April 16, 2010 (Special), and April 22, 2010.
2. Director McPartland's Proposed Travel to Attend the American Public Transportation Association (APTA) Rail Conference in Vancouver, BC.
3. Fiscal Year 2011 Proposition 4 Appropriations Limit.

Director Sweet entered the Meeting.

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

1. That the Minutes of the Meetings of March 25, 2010, April 8, 2010, April 16, 2010 (Special), and April 22, 2010, be approved.
2. That Director McPartland's travel to Vancouver, British Columbia, Canada, from June 5 to June 9, 2010, to attend the APTA Rail Conference be approved.
3. Adoption of Resolution No. 5135, In the Matter of the Establishment of the Fiscal Year 2011 Appropriations Limit.

Director Murray entered the Meeting.

President Fang welcomed and introduced Mr. Ted Fang. Mr. Fang addressed the Board.

Director Radulovich entered the Meeting.

President Fang announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set to hold a public hearing on the Fiscal Year 2011 Budget, and that staff would give a brief presentation, and that the meeting would then be opened for comments from the public.

Mr. Robert Umbreit, Department Manager, Operating Budgets and Analysis, presented the item.

The following individuals addressed the Board:

Mr. John Knox White

Mr. Michael Sarabia

Mr. Austin Thomas

Ms. Rhea Davis

Mr. John Arantes

The public hearing was closed at 9:38 a.m.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2011 Annual Operating Budget before the Board. The item was discussed.

Director Blalock brought the matter of Fiscal Year 2011 Capital Budget/Capital Program Update before the Board. Mr. Gregg Marrama, Department Manager of Capital Development and Control, and Mr. Dale Fousel, Manager of Capital Budgets, presented the item. Discussion followed.

Director Blalock announced that discussion on Fiscal Year 2011 Capital Budget/Capital Program Update would be interrupted.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Extension of Proposal Validity Date and Price Adjustment for Inflation to Contract No. 01ZK-110, Design-Build of the Oakland International Airport Connector, before the Board.

Mr. Thomas Dunscombe, Project Manager - Oakland Airport Connector presented the item.

The following individuals addressed the Board:

Mr. Stuart Cohen

Mr. Jerry Grace

The item was discussed.

Director Sweet exited the meeting.

Director Ward Allen moved that the General Manager be authorized to extend the proposal validity date for Contract No. 01ZK-110 with a price adjustment for inflation as described herein; that the General Manager be further authorized, at such time that the conditions of the December 10, 2009, Board action are satisfied, or at such time that the Board re-authorizes award of Contract No. 01ZK-110, and upon certification by the Controller/Treasurer that sufficient funding is available, to issue the price adjustment as a change order to Contract No. 01ZK-110, with the price adjustment to be based upon actual inflation since publication of the Construction Cost Index for San Francisco (CCI_{SF}) in April 2010, and to be shared equally with the awardee, but in no event will the District's obligation exceed 0.8% of the Design-Build Lump Sum Fixed Price of Contract No. 01ZK-110. Director Blalock seconded the motion,

which carried by roll call vote. Ayes – 6: Directors Blalock, Keller, McPartland, Murray, Ward Allen, and Fang. Noes – 1: Director Radulovich. Abstain – 1: Director Franklin. Absent – 1: Director Sweet.

The Board returned to the discussion of Fiscal Year 2011 Capital Budget/Capital Program Update.

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

The following individuals addressed the Board:

Mr. Nedar Bey

Mr. Jerry Grace

Director Blalock brought the matter of Change Orders to Agreements to Provide Authorization for Additional Technical Services as Needed in Support of the Implementation of the Business Advancement Program (BAP), Phase II before the Board. Ms. Marcia deVaughn, Deputy General Manager, and Mr. Randy Franklin, BAP Program Manager, presented the item. The item was discussed.

Director Blalock made the following motions as a unit:

1. That the General Manager or her designee be authorized to execute change orders on 18 agreements as listed on the attached Table 2 for a total change order amount of \$6,539,172, covering a period up to two years for technical, functional and program management services in support of the District's Business Advancement Program implementation. (Table 2 is attached and hereby made a part of these Minutes.)
2. That the General Manager or her designee be authorized to execute additional contracts with new vendors and/or existing vendors from within the \$1,725,200 allowance budget, which budget has been set aside for securing the necessary technical, functional and organizational readiness staffing services on an as-needed basis, with individual contract periods to vary but not extending beyond two years, in support of the District's Business Advancement Program implementation.

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.

Director Blalock brought the matter of Review of Proposed Environmental Justice Policy before the Board, and announced that the presentation and discussion would be continued to a future meeting, but that public comment on the item would be accepted at this meeting.

The following individuals addressed the Board:

Mr. Robert Raburn

Mr. Bob Allen

Mr. Nedar Bey

The item was briefly discussed.

Director Keller brought the matters of Agreement with BKF Engineers for Professional Services for Preparation of Record Drawings for BART's Earthquake Safety Program Construction Contracts (Agreement No. 6M6035) and Award of Contract No. 15EM-120, Contact Rail Coverboard Reinforcements, Various Locations before the Board. Director Keller made the following motions as a unit:

1. That the General Manager be authorized to award Agreement No. 6M6035, with BKF Engineers of Pleasanton, California, for Preparation of Record Drawing services for the Earthquake Safety Program, in an amount not to exceed \$2,500,000.00, for a term not to exceed five years, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to notification by BART's General Manager and compliance with the District's protest procedures.
2. That the General Manager be authorized to award Contract No. 15EM-120, for Contact Rail Coverboard Reinforcements, Various Locations, an estimated quantities contract, to L C General Engineering and Construction, Inc., for the bid price of \$2,300,900.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Director Blalock 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.

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

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.

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

Vice President Franklin called for General Discussion and Public Comment.

Director Keller shared an article from the Contra Costa Times describing various annoying characteristics of BART riders that he thought might be useful as a marketing/educational tool.

Director McPartland explained that many people in the room were wearing "Buddy Poppies" which are an annual fundraising effort of the Veterans of Foreign Wars in conjunction with Memorial Day recognizing contributions made by veterans.

Director Blalock mentioned that a colleague of his had been confused during a recent service delay because the Train Operator gave one set of information over the public address system, but the passengers could also hear radio transmissions from Central which gave different information.

Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 12:42 p.m.

Patricia K. Williams
Assistant District Secretary