

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

Board of Directors
Minutes of the 1,601st Meeting
June 10, 2010

A regular meeting of the Board of Directors was held June 10, 2010, convening at 9:02 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, Ward Allen, and Fang.

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

Consent Calendar items brought before the Board were:

1. Approval of Joint Powers Agreement for the Creation of the Alameda County Transportation Commission and Approval of Amendment to the Joint Powers Agreement for the Alameda County Congestion Management Agency.
2. Resolution of Local Support for Inclusion of the MacArthur Transit Village Pedestrian Plaza Improvement Project in the 2010 Regional Transportation Improvement Plan.
3. Award of Contract No. 6M3060, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks.
4. Award of Contract No. 15IC-110, 48 Volt Direct Current (VDC) Station Uninterruptable Power Supply (UPS) Replacement.
5. Award of Contract No. 15RW-160, Repaint Steel Bridges – Phase IV.

Director Franklin requested that Award of Contract No. 15IC-110, 48 Volt Direct Current (VDC) Station Uninterruptable Power Supply (UPS) Replacement be removed from Consent Calendar for discussion. The item was moved to the Engineering and Operations Items section of the Meeting.

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. a) Adoption of Resolution No. 5136, In the Matter of Adopting a Resolution Approving the Joint Powers Agreement Creating the Alameda County Transportation Commission (ACTC) and an Amendment for the Necessary Parallel Changes to the Existing Alameda County Congestion Management Agency (CMA) Joint Powers Agreement; and

b) That the General Manager be authorized to execute the necessary agreements.
2. Adoption of Resolution No. 5137, In the Matter of Adopting a Resolution of Local Support for Inclusion of the MacArthur Pedestrian Plaza Improvements Projects in the 2010 Regional Transportation Plan.
3. That the General Manager be authorized to award Contract No. 6M3060, for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks, for an initial one-year term, and to exercise up to two optional one-year extensions, to Phase-3 Communications, Inc., of San Jose, California, for a total bid price of \$1,666,452.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
4. That the General Manager be authorized to award Contract No. 15RW-160, Repaint Steel Bridges – Phase IV, to Jeffco Painting & Coating, Inc., for the bid price of \$424,000.00, 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.

Director Blalock welcomed and introduced Ms. Christine Monsen, Executive Director, Alameda County Transportation Improvement Authority, and Mr. Dennis Fay, Executive Director, Alameda County Congestion Management Agency.

Director Radulovich entered the Meeting.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2011 Budget before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

Director Sweet entered the Meeting.

The item was discussed.

Mr. John Arantes addressed the Board.

President Fang moved adoption of Resolution No. 5138, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2010, to June 30, 2011, as amended by his Memorandum of June 7, 2010, containing the Customer Appreciation Package Proposed Allocation of the \$4.5 million.

Director Franklin seconded the motion. Director Keller proposed an amendment to President Fang's motion to include the requirement that each item in the Customer Appreciation Package come back to the Board for consideration with Staff recommendation before implementation. President Fang accepted Director Keller's amendment to the motion. Discussion followed.

The motion, as amended by Director Keller, carried by roll call vote. Ayes – 6: Directors Franklin, Keller, McPartland, Sweet, Ward Allen, and Fang. Noes – 3: Directors Blalock, Murray, and Radulovich.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PL-110, BART Earthquake Safety Program Yard, Shops and Miscellaneous Structures, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Mr. Paul Thompson addressed the Board.

Discussion continued.

The following individuals addressed the Board:

Ms. Yolanda Jones

Mr. Charlie Walker

Discussion on the item continued. Director Sweet moved that the General Manager be authorized to award Contract No. 15PL-110, Earthquake Safety Program, Yard Shops and Miscellaneous Structures, to West Bay Builders, Inc., for the bid amount of \$16,864,777.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. Director Ward Allen seconded the motion, which carried by roll call vote. Ayes – 8: Directors Blalock, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 1: Director Franklin.

Director Keller brought the matter of Agreement with Sperry Rail Service for Ultrasonic Rail Flaw Detection Testing Services (Agreement No. 6M3139) before the Board. Mr. Bob Simon, Special Projects Manager, Track and Structures, presented the item. Discussion followed.

Director Keller moved that the General Manager be authorized to award Agreement No. 6M3139 to Sperry Rail Service, Inc., for Systemwide Rail Flaw Detection Testing Service, for an amount not to exceed \$692,479.80, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. Director Blalock 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 Award of Contract No. 15IC-110, 48 Volt Direct Current (VDC) Station Uninterruptable Power Supply (UPS) Replacement, before the Board. General Manager Dorothy W. Dugger presented the item.

Director Keller moved that the General Manager be authorized to award Contract No. 15IC-110, 48VDC Station UPS Replacement Project, to Taber Construction Inc., for the bid amount of \$1,584,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. Director Murray seconded the motion.

Ms. Carolyn Taylor addressed the Board.

The motion 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 TransLink®/Clipper Regional Fare Collection System Update before the Board. Mr. Serge Diatroptoff, Project Manager, and Ms. Christine Quinn, Acting Deputy Executive Manager, Transit System Compliance, presented the item. Discussion followed.

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.

Ms. Dugger introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly presented the Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 16, 2010.

Ms. Dugger called attention to a letter of invitation from American Public Transportation Association (APTA) regarding the upcoming Transit Board Members Seminar in Eugene, Oregon.

President Fang brought Roll Call for Introductions before the Board.

Director Radulovich requested a cost estimate for the installation of Wi-Fi access systemwide for customer access to the internet.

Director Ward Allen thanked outgoing Interim Police Chief Daschel Butler for his service to the District.

Director Ward Allen commented on the composition of the jury in the Johannes Mehserle trial.

Director Murray reported on her recent trip to the APTA Rail Conference.

Director Murray requested the District consider including estimates in EDDs of jobs created from recommended construction contract awards.

Director Blalock requested a report on the process for customer use of small value ticket and plans for improvement in the ease of reconciliation and/or refunds.

Director Sweet requested an item on a future agenda for Board consideration of the use of tasers by the Police Department.

President Fang called for General Discussion and Public Comment. Ms. Barbara Tengeri and Mr. Nedar Bey addressed the Board.

President Fang announced that the Board would enter into closed session under Item 9-A (Conference with Legal Counsel – Existing Litigation) and Item 9-B (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 11:53 a.m.

The Board reconvened in closed session at 11:56 a.m.

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

Absent: None. Directors McPartland and Murray entered the Meeting later.

Director McPartland entered the Meeting.

Director Murray entered the Meeting.

The Board Meeting recessed at 12:20 p.m.

The Board reconvened in closed session at 12:28 p.m.

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

Absent: None.

The Board Meeting recessed at 12:44 p.m.

The Board reconvened in open session at 12:45 p.m.

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

Absent: None.

President Fang brought the matter of Joint Powers Authority Agreement with the Redevelopment Agency of the City of Pittsburg for the Pittsburg/Bay Point BART Station Development and Joint Powers Authority Issuance of a Developer Solicitation before the Board. Director Keller moved the following two motions as a unit.

1. That the General Manager or her designee be authorized to execute a Joint Exercise of Powers (JPA) Agreement for the Pittsburg/Bay Point BART Station by and between BART and the Redevelopment Agency of the City of Pittsburg, with modifications of the JPA Agreement to be subject to future Board actions once a developer is identified by the JPA and negotiations conducted on a transaction.
2. That the Board authorize the release of a private development solicitation as a JPA effort for the Pittsburg/Bay Point BART Station property, with staff to return to the Board to request exclusive negotiations with the JPA recommended developer(s).

Director Murray 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.

The Board Meeting adjourned at 12:47 p.m.

Kenneth A. Duron
District Secretary