

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

Board of Directors
Minutes of the 1,656th Meeting
June 14, 2012

A regular meeting of the Board of Directors was held June 14, 2012, convening at 9:09 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland.

Absent: None. Director Fang entered the Meeting later.

President McPartland introduced and welcomed BART Accessibility Task Force members Alan Smith, Larry Bun, and Randall Glock.

President McPartland announced that the order of items on the agenda would be changed, and called for the General Manager's Report.

General Manager Grace Crunican 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 20, 2012.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a report on the fire adjacent to West Oakland Station that was causing a shutdown of transbay service.

Director Fang entered the Meeting.

The topic was discussed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 24, 2012.
2. Fiscal Year 2013 Proposition 4 Appropriations Limit.
3. Award of Invitation for Bid No. 8900, Flatbed Utility Vehicle.
4. BART Accessibility Task Force Members.

Director Sweet made the following motions as a unit. Director Blalock seconded the motion, which carried by unanimous voice vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

1. That the Minutes of the Meeting of May 24, 2012, be approved.
2. Adoption of Resolution No. 5194, In the Matter of the Establishment of the Fiscal Year 2013 Appropriations Limit.
3. That the General Manager be authorized to award Invitation for Bid No. 8900, for Flat Bed Utility Vehicles, to Golden Gate Truck Center, for the bid price of \$227,600.70, which includes all applicable taxes, pursuant to notification to be issued by the General Manager.

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

4. That the Board appoint the nominated candidates, Alan Smith and Larry Bun, for membership on the BART Accessibility Task Force, for a term effective June 14, 2012, to December 31, 2012, or until the Board makes new appointments, whichever occurs later.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 04SF-120, Construction of East Contra Costa BART Extension (eBART) Project Parking Lot and Maintenance Facility, before the Board. Ms. Chris Quinn, Acting Assistant General Manager, Transit System Development, and Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item.

The following individuals addressed the Board.

Mr. Greg Feere
Rev. Mario Howell
Mr. Rick Martellard
Mr. Anthony D'Amante
Mr. Ross Chittenden
Mr. Darrel Carey
Mr. Ken Castle
Mr. Eddie Dillard
Mr. Charlie Walker
Ms. LaVerda Allen

The item was discussed. Director Keller moved that the General Manager be authorized to award Contract No. 04SF-120, for the Construction of East Contra Costa BART Extension Project Parking Lot and Maintenance Facility, to Lathrop Construction Associates, Inc., for the Bid amount of \$23,606,745.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. Director Fang seconded the motion, which carried by electronic vote. Ayes 5: Directors Blalock, Fang, Franklin, Keller, and Murray. Noes – 4: Directors Raburn, Radulovich, Sweet, and McPartland.

Director Keller exited the Meeting.

Director Fang brought the matter of Sole Source Procurement with Group Alpha, Inc., for Gate Driver Printed Circuit Boards, before the Board. Mr. Henry Kolesar, Group Manager for Engineering, Rolling Stock and Shops, presented the item. Director Raburn moved that the Board find, pursuant to Public Contract Code section 20227, that Group Alpha, Inc., is the sole source for procurement of the more reliable gate driver printed circuit boards and that the purchase is for the purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to execute an estimated quantities, sole source contract with Group Alpha, Inc., for the purchase of this equipment at a price of \$380,251.00, including applicable sales tax. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 1: Director Keller.

Director Sweet, Chairperson of the Administration Committee, brought the matter of Approval of a Memorandum of Understanding between San Francisco Bay Area Rapid Transit District, City of Oakland, and Alameda County Transportation Commission for Maintenance of a Portion of the East Bay Greenway, before the Board. Ms. Susan Shaffer, Principal Right-of-Way Officer, presented the item. The item was discussed.

Ms. Victoria Eisen addressed the Board.

Director Keller re-entered the Meeting.

Director Raburn moved that the General Manager or her designee be authorized to execute the Memorandum of Understanding among the Alameda County Transportation Commission, the City of Oakland, and the San Francisco Bay Area Rapid Transit District in Connection with the Construction, Operation and Maintenance of the Initial Phase of the East Bay Greenway. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Sweet brought the matter of Fiscal Year 2013 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. The item was discussed.

The following individuals addressed the Board.

Mr. Jon Spangler

Mr. Jerry Grace

Director Sweet moved adoption of Resolution No. 5195, 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, 2012, to June 30, 2013. Directors Blalock and Raburn seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 1: Director Radulovich.

President McPartland announced that Item 3-C, Condemnation of Real Property for the Warm Springs Extension (WSX) Project: BART Parcel Numbers: J-2033-1A, -1B, -2A and -3A, had been removed from the agenda.

Director Sweet brought the matter of Environmental Justice Policy before the Board. Mr. Thomas Parker, Executive Manager, Transit System Compliance, and Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item. The item was discussed. Director Sweet moved adoption of the Environmental Justice Policy, with the following amendments: addition of the phrase “which meet current District standards” to “in-kind replacements of existing system operating infrastructure,” and deletion of “Policies approved by the Board prior to the date of the adoption of this Policy.” Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. (The Environmental Justice Policy is attached and hereby made a part of these Minutes.)

Mr. Oversier gave an update on the status of the transbay service disruption caused by a fire adjacent to the West Oakland Station.

President McPartland announced that the matter of Amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Titan Outdoor LLC, for Conversion of 48 Poster Advertising Frames to 24 Digital Screens, would be continued to a future meeting.

Director Fang exited the Meeting.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Bicycle Access Plan before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item.

Director Keller exited the Meeting.

The following individuals addressed the Board.

Ms. Hannah Peragine
Ms. Shirley Johnson
Ms. Adina Levin
Ms. Renee Rivera
Mr. Nadir Jeevanjee
Mr. Jon Spangler
Ms. Christine Ricks
Mr. Jerry Grace
Ms. Antonette Bryant

The item was discussed.

President McPartland called for the General Manager’s report. Ms. Crunican reported that BART Police Chief Kenton Rainey had been recognized at a National Organization of Black Law Enforcement Executives (NOBLE) event.

Director Sweet, Chairperson of the BART Police Department Review Special Committee, gave a report on the committee meeting of June 6, 2012. Chief Rainey introduced Armando Sandoval, Crisis Intervention Coordinator. Mr. Sandoval addressed the Board.

President McPartland called for Board Member Reports.

Director Blalock reported he had attended a meeting regarding the Altamont Commuter Express trains and a meeting of the Alameda County Transportation Commission.

Director Sweet reported she had attended many meetings, including the San Francisco Redevelopment Oversight Board meeting.

Director Murray reported that she would greet participants in the Bay Area Open Space Council Alt. bicycle event on Saturday, June 16; that she had attended a State of Good Repair event, and that she had ridden the Dublin Area Rapid Transit system while in Ireland.

Director Raburn reported he had led a group of Cal State East Bay students on a tour of the Lake Merritt Station transit-oriented development area; attended a women in business conference; attended a Family Bridges dinner; attended the BART Bicycle Accessibility Task Force meeting; and gone on a track maintenance tour; met with staff from the Speaker of the Assembly and the California Air Resources Board; and attended a discussion at the Alameda Planning Commission about using Measure B-3 funds for the I-880/Broadway/Jackson Street project to connect Alameda residents to 12th Street Station.

President McPartland brought Roll Call for Introductions before the Board.

Director Murray requested the District revise the Non Discrimination Program to account for second tier subcontractors in the evaluation and transparent presentation of recommendations for award.

President McPartland announced that closed session Items 9-A (Threat to Public Services or Facilities) and 9-B (Conference with Labor Negotiators – Public Employee Performance Evaluation) would be continued to a future meeting.

President McPartland called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 1:59 p.m. in memory of AC Transit Planning Manager Cory LaVigne and Contra Costa County Supervisor Gayle B. Uilkema.

Kenneth A. Duron
District Secretary