

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

Board of Directors
Minutes of the 1,630th Meeting
July 14, 2011

A regular meeting of the Board of Directors was held July 14, 2011, convening at 9:11 a.m. in the Board Room, 344 20th Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Keller. Directors Fang and Radulovich entered the Meeting later.

Director Sweet welcomed Citizen Review Board members in the audience.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of June 23, 2011 (Regular), and July 7, 2011 (Special).
2. Grant of Easements for the Purple Lotus Temple in the Cities of Union City and Fremont.

Director Murray requested that approval of the Minutes be removed from Consent Calendar.

Director Blalock moved adoption of Resolution No. 5165, In the Matter of Authorizing the Grant of Easement to the City of Fremont, BART Parcels: O-AB74E2 (O-AB94E2 and O-AD28E1), (Portion of APN 087-0011-018-03 and APN 507-0030-014-02); Resolution No. 5166, In the Matter of Authorizing the Grant of Easement to Pacific Gas and Electric, BART Parcels: O-AB74E3 (O-AB94E3 and O-AD28E2), (Portion of APN 087-0011-018-03 and APN 507-0030-014-02); Resolution No. 5167, In the Matter of Authorizing the Grant of Easement to the Alameda County Water District, BART Parcels: O-AB74E4 (O-AB94E4), (Portion of APN 087-0011-018-03 and APN 507-0030-014-02); and Resolution No. 5168, In the Matter of Authorizing the Grant of Easement to the Purple Lotus Temple, BART Parcels: O-AB74E5 (O-AB94E5), (Portion of APN 507-0030-014-02). Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 3: Directors Fang, Keller, and Radulovich.

The matter of Approval of the Minutes of the Meetings of June 23 and July 7, 2011, was brought before the Board. Director Murray requested that the Minutes of June 23, 2011, be amended as shown below:

That staff be directed to research and report to the Board on the resources required to conduct meetings both in the evenings and at alternate locations within the District, and that staff be directed to prepare a short written statement setting forth the purpose of each Special Committee approved by the Board.

Continuing, Director Murray requested that the amendment to Board Rule 3-3.6(b)(3) be amended to read “Transportation service planning and operations.”

Director Murray moved that the Minutes, as amended, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 3: Directors Fang, Keller, and Radulovich.

President Franklin brought the matter of Officer Involved Shooting at Civic Center/UN Plaza Station before the Board. Chief of Police Kenton Rainey and Independent Police Auditor presented the item.

Director Fang entered the Meeting.

The following individuals addressed the Board:

Krystof

David

Director Radulovich entered the Meeting.

Mr. Richard Kales addressed the Board.

The item was discussed.

Director Blalock, Chairperson of the Administration Committee, had no report.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PU-110, Earthquake Safety Program 34.5KV Cable System Upgrade KMA, CRO, and RAS Substations Tie-In, before the Board. Mr. Richard Pakulski, Project Manager, presented the item. Discussion followed. Director Blalock moved that the General Manager be authorized to award Contract No. 15PU-110, for the 34.5kV Cable System Upgrade KMA, CRO, and RAS Substations Tie-In, to Shimmick Construction Co., Inc., for the Bid amount of \$6,645,000.00, pursuant to notification issued by the General Manager, and subject to the District’s protest procedures. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Keller.

Director Fang brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

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

President Franklin brought the matter of Agreement with Sandi Polka Consulting for Consulting Services for Assistance in Redistricting of Election Districts (Agreement No. 6M1043) before the Board. Mr. Duron presented the item. The item was discussed. Director Sweet moved that the Interim General Manager be authorized to enter into Agreement No. 6M1043 with Sandi Polka Consulting, for Consulting Services for Assistance in Redistricting of Election Districts, in an amount not to exceed \$139,000.00, subject to compliance with the District’s protest

procedures. Discussion continued. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Keller.

Director Sweet, Chairperson of the BART Police Department Review Special Committee, gave a report on the committee's meeting of July 12, 2011.

Director Murray and President Franklin reported that they had travelled to Washington, DC, and met with many key members of Congress, their staff, and other federal transportation officials.

Director McPartland reported that he had attended a Dublin Town Council Meeting and a Livermore City Council Meeting.

President Franklin brought Roll Call for Introductions before the Board.

Director Blalock requested an update on art planned for the Warm Springs Station.

Director Sweet requested a follow-up letter be prepared to Mr. Charlie Walker to reflect actual amounts paid to DBE contractors.

Director Murray requested that Director McPartland's letter to Livermore Mayor Kamena regarding the preferred alignment of BART to Livermore be forwarded to Congressman McNearney.

Director Radulovich requested that the District work with other transit agencies to develop a consistent definition of youth fare and consider uniform discount policies.

Director Radulovich requested a policy discussion on artwork in stations.

Director Radulovich requested a report and analysis on construction project soft costs.

Director Raburn requested the policy on artwork be agendaized for a future meeting.

Director Raburn requested the exploration of additional options for extending service hours.

President Franklin called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Robert S. Allen

Ms. Carolyn Taylor

Mr. Leo DuBose

President Franklin called for Public Comment on Item 10-A (Public Employee Employment), Item 10-B (Conference with Negotiators), and Item 10-C (Conference with Real Property Negotiator). No comments were received.

President Franklin announced that the Board would enter into closed session under Items 10-A, 10-B, and 10-C 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 11:09 a.m.

The Board reconvened in closed session at 11:13 a.m.

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

Absent: Director Keller.

The Board Meeting recessed at 12:10 p.m.

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

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

Absent: Director Keller.

President Franklin noted that there was no announcement to be made on Item 10-A or 10-B.

President Franklin brought the matter of Modification to Transit Benefit Fee Covenant Attached to Property Sold at the West Dublin/Pleasanton BART Station for Residential Development in 2005 before the Board. Director Blalock moved that the General Manager or his designee be authorized to complete negotiations and execute a modification to BART's existing Transit Benefit Fee covenant on 3.65 acres in Dublin with Essex Properties, LLC, beginning with 1% of gross operating revenues for the first year and increasing to 2.00% of gross operating revenues by the 16th year. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Keller.

Board Meeting was adjourned at 12:13 p.m.

Kenneth A. Duron
District Secretary