

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

Board of Directors
Minutes of the 1,571st Meeting
July 23, 2009

A regular meeting of the Board of Directors was held July 23, 2009, convening at 9:12 a.m. The meeting was held via simultaneous teleconference in the Board Room, 344 20th Street, Oakland, California, and the Portman Ritz-Carlton, 1376 Nanjing Xi Road, Shanghai, China. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Fang, Radulovich, and Ward Allen entered the Meeting later.

Director Murray welcomed and introduced BART Police Sergeant Gerald Dominguez, who was honored as being the recipient of the Silver Medal of Valor.

Director Ward Allen entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of June 11, 2009 (Regular) and June 17, 2009 (Special).
2. Award of Invitation for Bid No. 8849, Cushion and Cover Assemblies.
3. Award of Invitation for Bid No. 8850, Liner Door Pockets.
4. Award of Invitation for Bid No. 8851, Windscreen and Panel Assembly.
5. Award of Invitation for Bid No. 8853, Fiber Optic Cable, Splice Case and Splice Tray.
6. Appointment of BART Accessibility Task Force (BATF) Members.

Consent Calendar motions, as follow, were moved as a unit by Director Sweet. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 2: Directors Fang and Radulovich.

1. That the Minutes of the Meetings of June 11, 2009 (Regular), and June 17, 2009 (Special), be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 8849, an estimated quantity contract, Procurement of Cushion and Cover Assemblies, to Sedia, Inc., for the bid price of \$1,825,856.00,

including all applicable sales tax, 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.

3. That the General Manager be authorized to award Invitation for Bid No. 8850, an estimated quantity contract, for Liner Door Pockets, to Peterson Products, for the bid price of \$180,837.27, including all applicable sales tax, 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.
4. That the General Manager be authorized to award Invitation for Bid No. 8851, an estimated quantity contract, for Windscreen and Panel Assemblies, to Professional Plastics, for the bid price of \$144,488.07, including all applicable sales tax, 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.
5. That the General Manager be authorized to award Invitation for Bid No. 8853, for the Procurement of Fiber Optic Cable, Splice Case, and Splice Tray, to Phase 3 Communications Inc., for the amount of \$500,420.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

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

6. That the list of proposed candidates, Attachment 1, be confirmed for membership on the BART Accessibility Task Force for a term effective July 23, 2009, to December 31, 2011, or until the Board makes new appointments, whichever occurs later. (Attachment 1 is attached and hereby made a part of these Minutes.)

Director Radulovich entered the Meeting.

President Blalock called for Public Comment on Item 8-B, Conference with Labor Negotiators. The following individuals addressed the Board:

Ms. Maureen O'Connor
Mr. Steven Arhontes
Ms. Debbie Smith
Ms. Melissa Miller
Ms. Glenda Hammond

President Blalock announced that the Board would enter into closed session under Item 8-B (Conference with Labor Negotiators) 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 9:32 a.m.

The Board reconvened in closed session at 9:38 a.m.

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

Director present in Shanghai: Director Fang.

Absent: None.

The Board Meeting recessed at 11:43 a.m.

The Board reconvened in open session at 12:54 p.m.

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

Absent: Director Fang.

Director Murray, Chairperson of the Administration Committee, reported that Agreement with Data Ticket Inc. for Parking Citation Processing Services (Agreement No. 6M5018) had been continued to a future meeting.

Director Murray brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-1064-1A and J-1064-2A before the Board, and moved adoption of Resolution No. 5085, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-1064-1A and J-1064-2A; Draw and Deposit Warrant. Director McPartland seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

Director Murray brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-2037-1A and J-2037-3A before the Board, and moved adoption of Resolution No. 5086, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-2037-1A and J-2037-3A; Draw and Deposit Warrant. Director McPartland seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

Director Murray brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-2039-1A and J-2039-3A before the Board, and moved adoption of Resolution No. 5087, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-2039-1A and J-2039-3A; Draw and Deposit Warrant. Director Ward Allen seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

Director Murray brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-2501-1A and J-2501-3A before the Board, and moved adoption of Resolution No. 5088, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-2501-1A and J-2501-3A; Draw and Deposit Warrant. Director Ward Allen seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

Consent Calendar Addenda items brought before the Board were:

1. Award of Contract No. 6M3085, Dry Clean, Repair and Supply Replacement Transit Vehicle Passenger Seat Cushion and Cover Assemblies.
2. Authorization to Execute Three-Party Agreement between the District, Western Contra Costa Transit Authority, and the City of Hercules for Operation and Maintenance of the Hercules Transit Center.
3. Exploration of State Legislation for Potential Amendments to the San Francisco Bay Area Rapid Transit District Act (Public Utilities Code Section 28500 et seq.).

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Keller. Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

1. That the General Manager be authorized to award Contract No. 6M3085, an estimated quantities contract, for Dry Clean, Repair and Supply Replacement Transit Vehicle Passenger Seat Cushion and Cover Assemblies, to National Transit Interiors, for the bid amount of \$2,262,081.60, plus applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
2. That the General Manager or her designee be authorized to execute a one-year Maintenance and Reimbursement Agreement with the

Redevelopment Agency of the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center.

3. That the General Manager be authorized to seek a legislative vehicle in the State Legislature to amend the San Francisco Bay Area Rapid Transit District Act (Public Utilities Code Section 28500 et seq.) to implement a citizen review model for the BART Police Department.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that the sole item on the Committee agenda had been forwarded to Consent Calendar Addenda.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that both items on the Committee agenda had been forwarded to Consent Calendar Addenda.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger had no report.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, reported that the committee had finalized its recommended citizen review model and that a Special Board Meeting would be held on July 30, 2009, to present the model to the public and receive community input.

President Blalock brought Roll Call for Introductions before the Board.

Director Keller requested a report on the number of civilian complaints against the Police Department for the period January 1, 2009 through June 30, 2009 and from January 1, 2008 through December 30, 2008, with the report to include the quantity, type of complaint and disposition.

President Blalock called for General Discussion and Public Comment.

Mr. Robert S. Allen addressed the Board.

Director Ward Allen exited the Meeting.

Mr. Chris Coles and Mr. Jerry Grace addressed the Board.

President Blalock announced that Item 8-A (Conference with Legal Counsel – Existing Litigation) would be continued to a future meeting.

The Board Meeting adjourned at 1:10 p.m.

Kenneth A. Duron
District Secretary