

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

Board of Directors
Minutes of the 1,658th Meeting
July 26, 2012

A regular meeting of the Board of Directors was held July 26, 2012, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, Murray, Raburn, and Radulovich.

Absent: Directors Fang and McPartland. Director Sweet entered the Meeting later.

Vacant: Election District No. 3.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 28, 2012.
2. Reject All Bids for Contract No. 01VM-110, Union City Intermodal Station Phase II – BART Station Improvements..

Director Murray made the following motions as a unit. Director Blalock seconded the motions.

1. That the Minutes of the Meeting of June 28, 2012, be approved.
2. That all bids for Contract No. 01VM-110, Union City Intermodal Station Phase II – BART Station Improvements, be rejected, and that the General Manager be authorized to readvertise the Contract.

Director Keller requested that the record reflect that the reason for rejecting all bids was because the City of Union City was not able to fund the amount of the sole responsive bid.

Director Sweet entered the Meeting.

The motions carried by unanimous voice vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland. Vacant – 1.

Vice President Radulovich announced that the order of agenda items would be changed, and brought the matter of Citizen Review Board Appointment by BART Police Managers' Association and BART Police Officers' Association before the Board. Director Blalock moved that the Board ratify the appointment of Mr. Thomas H. Minshew to the Citizen Review Board. Director Sweet seconded the motion.

Mr. Minshew addressed the Board.

The motion passed by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland. Vacant – 1.

Director Sweet, Chairperson of the Administration Committee, brought the matter of Disadvantaged Business Enterprise (DBE) Certification Process before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.

Ms. LaVerda Allen

Mr. Jose Duenas

The item was discussed.

Director Sweet brought the matter of Proposed Small Business Opportunity Plan before the Board. Mr. Wong presented the item.

The following individuals addressed the Board.

Mr. Victor Martinez

Ms. LaVerda Allen

Mr. Jose Duenas

Ms. Diana LaCome

The item was discussed.

Vice President Radulovich, acting in the absence of the Chairperson and Vice Chairperson of the Engineering and Operations Committee, brought the matter of Warm Springs Extension Project before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the Semi-Annual Project Update. The item was discussed.

Mr. Medved presented the item on Change Order to Contract No. 02ED-110, Warm Springs Extension, Fremont Central Park Subway, with Shimmick Construction Co. Inc./Skanska USA Civil West California District Inc./a Joint Venture, for Differing Site Conditions at South Tule Pond (C. O. No. 41). Director Sweet moved that the General Manager be authorized to execute Change Order No. 41, Differing Site Conditions at South Tule Pond, to Contract No. 02ED-110, Warm Springs Extension Fremont Central Park Subway, increasing Bid Item No. 58 (Excavation - Common) and Bid Item No. 80 (Aggregate Base, Class 2), by a total not to exceed amount of \$810,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland. Vacant – 1.

Ms. Melena Gallagher, Manager of Capital Program – Stations, presented the item on Exercise Bid Options for Automatic Fare Collection Equipment to Contract No. 02EE-120, Warm Springs Extension, Design-Build Line, Track, Station, and Systems, with Warm Springs Constructors. Director Raburn moved that the General Manager be authorized to exercise any or all of the Options for Automatic Fare Collection (AFC) Equipment in Contract No. 02EE-120, Warm Springs Extension, Design-Build Line, Track, Station, and Systems, subject to certification by the Controller-Treasurer confirming the availability of funds. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Keller,

Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland. Vacant – 1.

Mr. Jerry Grace addressed the Board.

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

Vice President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in.

Vice President Radulovich brought the matter of Proposed Process and Schedule for Filling Election District No. 3 Vacancy before the Board. Mr. Duron presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Fred Wright-Lopez

Mr. Jose Duenas

Mr. Victor Martinez

Ms. Diana LaCome

Discussion continued.

Vice President Radulovich called for Board Member Reports.

Director Raburn reported he had attended the signing of the California High Speed Rail bill; a citizen meeting on the Lake Merritt Station area; the BART Accessibility Task Force meeting; the Business Advisory Committee meeting; the Citizen Review Board meeting, the Oakland Airport Connector Joint Advisory Committee meeting; and had served on the nominating committee for the paratransit Service Review Committee.

Director Murray reported she had attended the BART Accessibility Task Force meeting; the ribbon cutting at the new farmers market at the Pleasant Hill Station; a mayors' conference; and the Pleasant Hill BART Municipal Advisory Committee meeting.

President Radulovich reported he had represented the District at a press conference.

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

Director Blalock reported he had attended the Fremont City Council meeting and a meeting with Hispanic contractors.

Director Keller reported he had attended the American Public Transportation Association's Transit Board Members Seminar in Atlanta, Georgia, and an outreach meeting in Brentwood on the next phase of eBART.

Vice President Radulovich called for Roll Call for Introductions (RCI).

Director Raburn requested the District collaborate with the East Bay Regional Parks District and other local and regional parks departments in establishing standards for wayfinding access to stations.

Director Murray requested updates on aging RCI items from April 22, 2010, and November 15, 2010, addressing concerns with District policy for dogs on board trains and in stations to include a clear definition for the public of the size, type, and number of dogs an individual is allowed to bring onboard and clarification for BART staff about how to identify service dogs, which are allowed onboard by law.

Vice President Radulovich returned to the General Manager's Report. Assistant General Manager – Operations, Paul Oversier, noted progress on returning out-of-service escalators to operation.

Director Sweet requested the District review active contract, service agreement, and procurement solicitations for opportunities to integrate the District's small business program.

Director Keller requested the District develop a pilot program to evaluate the merits of relaxing the restrictions of eating and drinking on trains and in stations.

Vice President Radulovich requested the District evaluate the opportunities, process, and funding for covering and securing outdoor installations of escalators systemwide (including San Francisco's initiative for a "Better Market Street" program).

Vice President Radulovich requested the District evaluate and report on the late night service program recently enacted by the Los Angeles County Metropolitan Transportation Authority for applicability to the District's environment.

Vice President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Jean Hamilton-Gomez

Mr. Jerry Grace

Vice President Radulovich announced that the Board would enter into closed session under Item 9-A of the regular meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting recessed at 12:37 p.m.

The Board reconvened in closed session at 12:43 p.m.

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

Absent: Directors Fang and McPartland.

Vacant: Election District No. 3.

The Board Meeting recessed at 12:54 p.m.

The Board reconvened in open session at 12:55 p.m.

Directors present: Vice President Radulovich.

Absent: Directors Blalock, Fang, Keller, Murray, Raburn, Sweet, and McPartland.

Vacant: Election District No. 3.

Vice President Radulovich announced that the Board had concluded the closed session and there was no announcement to be made.

The Board Meeting was adjourned at 12:56 p.m.

Kenneth A. Duron
District Secretary