

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

Board of Directors
Minutes of the 1,575th Meeting
August 13, 2009

A regular meeting of the Board of Directors was held August 13, 2009, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Director Murray welcomed and introduced Sara Broski, and recognized her for performing life-saving CPR on May 13, 2009, on board a San Francisco-bound train. The Board presented Sara with a certificate of appreciation.

President Blalock applauded Ms. Kathleen Mayo, Deputy Executive Manager, Transit System Development, for her 18 years of service to the District.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 25, 2009.
2. Subsequent Resolution of Local Support American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding.

Consent Calendar motions, as follow, were moved as a unit by Director Fang. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the Minutes of the Meeting of June 25, 2009, be approved.
2. Adoption of Resolution No. 5091, Authorizing the Filing of an Application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Stating the Assurance to Complete the Project.

The Board Meeting recessed at 9:14 a.m.

The Board reconvened at 11:05 a.m.

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

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. Agreement with Data Ticket Inc. for Parking Citation Processing Services (Agreement No. 6M5018).
2. Agreement with Webco Sweeping, LLC, for Sweeping Services at Various BART Parking Lots and Garages (Agreement No. 6M3110A).
3. Modification to Agreement No. 6M8015, Construction Management Services for the Earthquake Safety Program Parking Structures, with The Allen Group/Cooper Pugeda Management, A Joint Venture, for Increase in Agreement Amount.
4. Change Orders to Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures – North Oakland, with California Engineering Contractors, Inc.
 - a. Differing Site Conditions at Bents 3, 4, and 5 (C.O. No. 7).
 - b. Differing Site Conditions (C.O. No. 12).
5. Project Stabilization Agreement for the Oakland Airport Connector Project.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Murray. Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the General Manager be authorized to execute Agreement No. 6M5018, with Data Ticket, Inc., to provide parking citation processing services for a period of five years, with an option to extend for one additional year under the same terms and conditions, for a total amount not to exceed \$1,826,400.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to enter into Agreement No. 6M3110A, to provide Sweeping Services at Various BART Parking Lots and Garages (Zone 1 and/or 2), with Webco Sweeping, LLC, for an amount not to exceed \$1,351,107.40, for a period of five years, subject to the District's protest procedures.
3. That the General Manager be authorized to execute a modification to Agreement No. 6M8015, Construction Management Services for the Earthquake Safety Program Parking Structures, with The Allen Group/Cooper Pugeda Management, a Joint Venture, to increase the not-to-exceed amount to \$4,000,000.00.
- 4a. That the General Manager be authorized to execute Change Order No. 7, Differing Site Conditions at Bents 3, 4, and 5, in an amount not to exceed

\$340,000.00, to Contract No. 15SU-120, BART Earthquake Safety Program Aerial Structures – North Oakland, with California Engineering Contractors, Inc.

- 4b. That the General Manager be authorized to approve Change Order No. 12, Increase in Allowance for Differing Site Conditions, in the amount of \$3,000,000.00, to Contract No. 15SU-120, BART Earthquake Safety Program Aerial Structures – North Oakland, with California Engineering Contractors, Inc.
5. That the General Manager be authorized to execute a Project Stabilization Agreement with the Alameda County Building & Construction Trades Council for the Oakland Airport Connector Project with substantive terms as described in the Executive Decision Document. (The Executive Decision Document is attached and hereby made a part of these Minutes.)

Director Murray, Chairperson of the Administration Committee, brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-1061-1A and J-1061-2A and J-1061-3A before the Board. Director Fang moved Adoption of Resolution No. 5092, 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-1061-1A, J-1061-2A and J-1061-3A; Draw and Deposit Warrant. Director Keller seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Murray brought the matter of Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-2036-1A and J-2036-3A before the Board. Director Fang moved Adoption of Resolution No. 5093, 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-2036-1A and J-2036-3A; Draw and Deposit Warrant. Director Keller seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Murray reported that the Committee had received and discussed a report on Actuarial Statement of Potential Change to Retirement and Postretirement Benefit for Money Purchase Pension Plan 1.627% (California Gov't Code Section 7507).

Director Murray brought the matter of Resolution for Citizen Oversight of the BART Police Department before the Board. Director Ward Allen moved adoption of Resolution No. 5094, In the Matter of Creating Citizen Oversight of the BART Police Department. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that all action items on the Committee agenda had been forwarded to Consent Calendar Addenda, and that the Committee had received and discussed the Quarterly Performance Report, Fourth Quarter Fiscal Year 2009 - Service Performance Review.

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

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

President Blalock brought Roll Call for Introductions before the Board.

Director Sweet requested a report on "Teen Extreme " discount program for the past year and plan for the coming school year, including expansion of the program.

President Blalock called for General Discussion and Public Comment.

The following individuals addressed the Board:

Mr. Jerry Grace

Mr. Robert Allen

Mr. Gregory Eason

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Legal Counsel – Existing Litigation) and Item 8-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:23 a.m.

The Board reconvened in closed session at 11:46 a.m.

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

Absent: None.

The Board Meeting recessed at 1:01 p.m.

The Board reconvened in closed session at 1:44 p.m.

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

Absent: None.

The Board Meeting adjourned at 3:24 p.m.

Kenneth A. Duron
District Secretary