

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

Board of Directors
Minutes of the 1,635th Meeting
August 25, 2011

A regular meeting of the Board of Directors was held August 25, 2011, convening at 9:11 a.m. The meeting was held via simultaneous teleconference in the Board Room, 344 20th Street, Oakland, California, and Royal Inn, 5618 McClellan Boulevard, Anniston, Alabama. President Franklin presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, and Franklin.

Director present in Anniston: Director McPartland.

Absent: None. Director Sweet entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 11, 2011.
2. Award of Contract No. 15QH-110, Parking Lot and Walkway Upgrades at Four Stations.

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

1. That the Minutes of the Meeting of August 11, 2011, be approved.
2. That the General Manager be authorized to award Contract No. 15QH-110, Parking Lot and Walkway Upgrades at Four Stations, to Golden Bay Construction, Inc., for the Bid price of \$1,061,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Mr. Luis Ortega addressed the Board.

President Franklin announced that the Board would enter into closed session under Item 3-B (Public Employee Employment) and Item 3-C (Conference with 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 9:15 a.m.

The Board reconvened in closed session at 9:25 a.m.

Directors present in Oakland: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin.

Director present in Anniston: Director McPartland.

Absent: None.

The Board Meeting recessed at 11:50 a.m.

The Board reconvened in open session at 11:51 a.m.

President Franklin announced that the Board would reconvene in closed session at the conclusion of the open session items.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Amendment to Agreement No. 6M7066, with Titan Outdoor LLC, for Digital Advertising Network, before the Board. Mr. Aaron Weinstein, Department Manager, Marketing and Research, presented the item. The item was discussed.

Mr. John Arantes addressed the Board.

The item was continued to a future meeting.

Director Blalock announced that the order of agenda items would be rearranged, and brought the matter of Hearing on the Protest of Award of Agreement No. 6M1043, Consulting Services for Assistance in Redistricting of Election Districts, before the Board. Mr. Duron presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Sam Mathur

Ms. Sandi Polka

Director Sweet moved that the Board approve the Proposed Decision to deny the protest of ARCBridge Consulting and Training, Inc. of Board authorization to award Agreement No. 6M1043, Consulting Services for Assistance in Redistricting of Election Districts, to Sandi Polka Consulting. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Blalock brought the matter of R-Line Lease for Office Space - 2150 Shattuck Ave., Berkeley, before the Board. Mr. Carter Mau, Executive Manager of Planning and Budgets, presented the item. Director Murray moved that the General Manager or his designee be authorized to execute a lease amendment with First Shattuck, LLC, for 3,306 rentable square feet of office space at 2150 Shattuck Avenue, Berkeley, for a ten-year term for a total rental amount, exclusive of operating expenses and after-hours HVAC charges, not to exceed \$1,182,500.00. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes – 9:

Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Blalock brought the matter of Agreement with Toshiba Business Solutions for the Rental of Digital Monochrome Copy Machines at Various District Offices/Facilities (Agreement No. 6M4137). Mr. Mau presented the item. Director Sweet moved that the General Manager be authorized to award Agreement No. 6M4137, for supplier services to provide for the rental of digital monochrome copy machines at various District offices/facilities, to Toshiba Business Solutions, California, including the exercise of options to renew the Agreement for two additional one-year periods and an option to order eight additional copy machines, for a total compensation amount not to exceed \$975,237.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Blalock brought the matter of Revised District Civil Rights Policies for Equal Employment Opportunity and Title VI Non-Discrimination before the Board. Mr. Wayne Wong, Department Manager, Civil Rights, presented the item. Director Sweet moved that the Board adopt the revised District Civil Rights policies for Equal Employment Opportunity and Title VI Non-Discrimination Policy. President Franklin seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PB-110, Earthquake Safety Program Aerial Structures – A Line North, before the Board. Mr. Charles Stark, Assistant General Manager, Transit System Development, and Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

Mr. Wahid Tadros addressed the Board.

The item was discussed. Director Sweet moved that all bids for Contract No. 15PB-110, Earthquake Safety Program, Aerial Structures – A Line North, be rejected. President Franklin seconded the motion, which carried by roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Radulovich, Sweet, and Franklin. Noes – 1: Director Raburn.

President Franklin brought the matter of Consideration of Letter to the Federal Transit Administration Regarding Buy America Requirements before the Board. Director Keller presented the item. The item was discussed. Director Blalock moved that those Board members willing to sign the letter to the Federal Transit Administration requesting increased flexibility for Buy America requirements on certain procurements be authorized to do so. Director Sweet seconded the motion, which carried by roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 1: Director Radulovich.

President Franklin brought the matter of Report on the Board of Directors Workshop - Business Advisory Committee of August 17, 2011, before the Board. The item was continued to a future Meeting.

President Franklin brought Board Member Reports before the Board.

Director Blalock reported that staff had held a meeting in Union City regarding BART Fleet of the Future and Clipper cards.

President Franklin reported he and staff had met with Bay Area legislators to keep them informed on the status of the District's proposed policy on cellular telephone service interruptions.

Director Keller reported that he had met with Congressman McNerney regarding eBART and the Livermore extension.

President Franklin brought Roll Call for Introductions before the Board.

Director Keller requested the evaluation of a process for the public to participate in Board Meetings by addressing questions and comments to the Board by email or other electronic written method.

President Franklin called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Antonette Bryant

Mr. Jerry Grace

President Franklin announced that the Board would enter into closed session under Items 3-B and 3-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 1:58 p.m.

The Board reconvened in closed session at 2:05 p.m.

Directors present in Oakland: Directors Blalock, Fang, Keller, Murray, Raburn, Radulovich, Sweet, and Franklin.

Director present in Anniston: Director McPartland.

Absent: None.

Director Fang exited the Meeting.

The Board Meeting recessed at 2:17 p.m.

The Board reconvened in open session at 2:17 p.m.

Director present: Director Franklin.

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

President Franklin announced that the Board had met in closed session under Items 3-B and 3-C,
and that there was no announcement to be made.

Board Meeting was adjourned at 2:17 p.m.

Kenneth A. Duron
District Secretary