

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

Board of Directors  
Minutes of the 1,606th Meeting  
August 26, 2010

A regular meeting of the Board of Directors was held August 26, 2010, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Keller, Radulovich, and Sweet entered the Meeting later.

President Fang brought Consent Calendar before the Board and noted that as requested Item 2-F (Reject All Bids for Contract No. 04SF-110, Construction of East Contra Costa County (eBART) Transfer Platform and Guideway Improvements) had been removed from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 12, 2010.
2. Resolution of Local Support for a State Transportation Improvement Plan Amendment for the Oakland Airport Connector Project.
3. Award of Contract No. 01ZK-150, Oakland Airport Connector Project Demolition of the Teamsters Building..
4. Award of Contract No. 15NY-110, El Cerrito del Norte Station Sidewalk and Wayfinding Improvements.
5. Award of Contract No. 15NZ-110, Lafayette Station Wayfinding Path and Signage Improvement.
6. Reject All Bids for Contract No. 15EL-130, Installation of Fiber Optic Cable for R-Line Emergency Trip System Project.

Consent Calendar items above were moved as a unit by Director Murray. Director Blalock seconded the motions.

Director Keller entered the Meeting. Director Keller requested that items numbered 2, 3, and 4 above be removed from Consent Calendar. Directors Murray and Blalock accepted the amendment to the motion.

Consent Calendar motions, as follow, carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Ward Allen, and Fang. Noes – 0. Absent - 2: Directors Radulovich and Sweet.

1. That the Minutes of the Meeting of August 12, 2010, be approved.
2. That the General Manager be authorized to award Contract No. 15NZ-110, Lafayette Station Wayfinding, Path and Signage Improvements, to R. A. Bothman, Inc., for the Bid price of \$621,140.00, pursuant to notification to be issued by the General Manager and subject to the District's procedures and Federal Transit Administration's requirements related to protest procedures.
3. That all bids for Contract No. 15EL-130, for Installation of Fiber Optic Cable for R-Line Emergency Trip System Project, be rejected.

Director Ward Allen, Chairperson of the Small/Minority/Women-Owned Business & Bonding Committee, thanked members of the Committee for their work and welcomed members in attendance. She reported briefly on the recent activities of the Committee.

Director Sweet entered the Meeting.

Committee members Ms. Cathy Jackson, Mr. Victor Martinez, Mr. James L. McGhee, and Mr. Henry Chang addressed the Board.

Ms. Linda Wells-Grogan, Manager of DBE Programs, gave a more detailed report on the Committee's activities. The report was discussed.

President Fang announced that the four items removed from Consent Calendar would be added to the Engineering and Operations Committee portion of the agenda, and that the order of committee items would be rearranged, with the Engineering and Operations Committee items being addressed before the Administration Committee items.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Reject All Bids for Contract No. 04SF-110, Construction of East Contra Costa County (eBART) Transfer Platform and Guideway Improvements, before the Board. Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item.

The following individuals addressed the Board:

Mr. Darryl Goodson  
Mr. Walt Johansen  
Mr. Robert S. Allen  
Mr. Eddie Dillard  
Ms. Yolanda Jones  
Mr. Charlie Walker  
Mr. Glenn Coats

The item was discussed.

Director Keller moved that all Bids for Contract No. 04SF-110, Construction of East Contra Costa County (eBART) Transfer Platform and Guideway Improvements, be rejected. Directors Blalock and Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 8:

Directors Blalock, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Fang.  
Noes - 0. Absent - 1: Director Radulovich.

Director Keller brought the remaining three items which had been removed from the Consent Calendar before the Board and made the following motions as a unit:

1. Adoption of Resolution No. 5147, In the Matter of Approving the Resolution of Local Support for the Oakland Airport Connector Project.
2. That the General Manager be authorized to award Contract No. 01ZK-150, for Oakland Airport Connector Project, Demolition of the Teamsters Building, to Evans Brothers, Inc., for the Bid price of \$127,904.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 15NY-110, El Cerrito Del Norte Station Sidewalk and Wayfinding Improvements, to Golden Bay Construction, Inc., for the Bid price of \$941,388.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

Director Blalock seconded the motions, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Fang.  
Noes - 0. Absent - 1: Director Radulovich.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Employee Recruitment and Relocation for the Positions of Independent Police Auditor and Two Police Commanders before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item.

Director Radulovich entered the Meeting.

The item was discussed. Director Sweet moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify qualified candidates both inside and outside of California, and to pay relocation assistance in accordance with established procedures for the positions of Police Commander and Independent Police Auditor, if necessary; and that the BART Police Department Review Committee would lead the selection process for the Independent Police Auditor and provide the Board with information on candidates for the Board's consideration; and that the selection process would include a professional peer panel interview, a community panel to provide input to the Board, and final interviews and selection by the Board of Directors. Director Keller seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

Director Blalock brought the matter of Postponement of Consumer Price Index-Based 2012 Fare Increase before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget, and Ms. Pamela Herhold, Financial Planning, presented the item. The item was discussed.

Mr. Dave Snyder addressed the Board.

President Fang moved adoption of Resolution No. 5148, In the Matter of Adopting First Amendment to Resolution No. 4885 (adopted May 23, 2003). Director Sweet seconded the motion, which carried by roll call vote by the required two-thirds majority. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Sweet, Ward Allen, and Fang. Noes – 2: Directors Murray and Radulovich.

Director Blalock brought the matter of Fiscal Year 2010 Year-End Budget Revision before the Board. Mr. Carter Mau and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item. The item was discussed.

Director Blalock moved adoption of Resolution No. 5149, In the Matter of Amending Resolution No. 5084 Regarding Fiscal Year 2010 Annual Budget. Director Fang seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

President Fang called for the General Manager's report. General Manager Dorothy W. Dugger reported that Roy Aguilera, Assistant Chief Transportation Officer, had been selected to participate in the American Public Transportation Association's Leadership APTA program. Ms. Dugger shared a sample of marketing material promoting BART use at casual carpool locations and reported on other marketing campaigns associated with the recent increase in bridge tolls. Ms. Dugger announced that BART had received the award for best costume at the recent Pride Parade in San Francisco.

President Fang brought Roll Call for Introductions before the Board.

Director Radulovich requested an update on the District's signage program, to include standards, implementation plan, customer communication plan and wayfinding, with special focus on current activities planned for Powell Street and Montgomery Stations.

Director Sweet requested the consideration of a District-funded bonding and insurance program for small, minority, and women-owned businesses on a future agenda.

President Fang requested a review of staff-generated potential revenue enhancement opportunities on the September 23 agenda.

President Fang called for General Discussion and Public Comment.

Mr. Austin Thomas addressed the Board.

Director Ward Allen congratulated President Fang on his appointment to the State Board of Education.

The following individuals addressed the Board:

Mr. Robert S. Allen

Mr. James Keys

Ms. Barbara Tengeri

Director Blalock welcomed and introduced the Honorable Olden Henson, Hayward City Councilmember.

President Fang announced that the Board would enter into closed session under Item 10-A (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 11:56 a.m.

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The Board reconvened in closed session at 12:05 p.m.

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

Absent: None. Director Radulovich entered the Meeting later.

Director Radulovich entered the Meeting.

Director Radulovich exited the Meeting.

The Board Meeting recessed at 12:58 p.m.

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The Board reconvened in open session at 12:59 p.m.

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

Absent: Director Radulovich.

President Fang brought the matter of Extension of Exclusive Negotiating Agreement (ENA) with Wittek Development/The Montana Property Group and Eden Housing, Inc., to Pursue a Transit-Oriented Development Project at the South Hayward BART Station Area, before the Board.

The following individuals addressed the Board:

Ms. Fran David

Honorable Olden Henson

Ms. Andrea Osgood

Mr. Darrell Harris

Mr. Michael Bernick

Director Blalock moved that the General Manager or her designee be authorized to extend the Exclusive Negotiating Agreement with Wittek Development/The Montana Property Group and Eden Housing, Inc., to July 31, 2011, to pursue a transit-oriented development project at the South Hayward BART station area. Director McPartland seconded the motion, which carried by

unanimous roll call vote. Ayes – 8: Directors Blalock, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Fang. Noes - 0. Absent - 1: Director Radulovich.

The Board Meeting adjourned at 1:06 p.m.

Kenneth A. Duron  
District Secretary