

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

Board of Directors
Minutes of the 1,637th Meeting
September 8, 2011

A regular meeting of the Board of Directors was held September 8, 2011, convening at 9:13 a.m. in the Board Room, 344 20th Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, and Franklin.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of August 24, 2011 (Special), and August 31, 2011 (Special).
2. Resolution Concurring with Contra Costa Transportation Authority's Request for AB1171 Bridge Toll Funds for the eBART/State Route 4 Project.
3. Resolution to Continue Reporting Employee Pension Contributions as Tax Deferred.

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

1. That the Minutes of the Meetings of August 24, 2011 (Special), and August 31, 2011 (Special), be approved.
2. Adoption of Resolution No. 5171, In the Matter of the Approval of a Resolution Concurring with Contra Costa Transportation Authority's Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project.
3. Adoption of Resolution No. 5172, Resolution to Tax Defer Member Paid Contributions – Internal Revenue Code 414(h)(2) Employer Pick-Up.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Small Business Program for Non-Federally Funded Contracts before the Board. Mr. Wayne Wong, Department Manager, Civil Rights, and Ms. Linda Wells-Grogan, Manager of DBE Programs, presented the item.

Director Blalock introduced and welcomed former Director Carole Ward Allen.

The item was discussed.

The following individuals addressed the Board.

Mr. Eddie Dillard

Dr. Carole Ward Allen

Director Sweet moved that the Board adopt the attached BART Small Business Program as authorized by California Public Contract Code Section 2002 for non-federally assisted construction contracts, contracts for procurement of goods, and services agreements through a competitive process where price and other factors are considered. (The Small Business Program is attached and hereby made a part of these Minutes.) Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Solicitation for Private Developer at Lake Merritt BART Station before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Vivian Huang

Mr. Ener Chiu

Ms. Nischit Hedge

Director Raburn moved that the Board authorize release of a Request for Qualifications for private development of BART property at the Lake Merritt BART Station. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

President Franklin called for the General Manager's report.

Interim General Manager Sherwood G. Wakeman introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly presented the Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of September 21, 2011.

Noting that this would be Mr. Wakeman's last Board Meeting as Interim General Manager, members of the Board thanked Mr. Wakeman for his service to the District.

President Franklin brought Board Member Reports before the Board. Directors presented reports of recent activities and introduced Roll Call for Introductions (RCI) items (Agenda Item 7-B).

Director McPartland reported he, Director Murray, and Director Blalock had met with Alameda County Supervisor Scott Haggerty and Livermore Mayor Marshall Kamena to discuss the extension to Livermore.

Director Fang requested review of potential revisions to the Board Rule regarding campaign contributions.

Director Fang requested the District evaluate public/private partnerships for the funding of major capital programs including “BART to the Beach.”

Director Fang requested a Board workshop on the Business Advancement Plan.

Director Raburn reported that he had attended the Chinatown Street Fest and assisted in conducting the Fleet of the Future survey there.

Director Radulovich exited the Meeting.

Director Raburn requested revision of the Board Rule for campaign contributions to include sanctions against firms violating the rule.

Director Raburn requested reopening a previously closed RCI item requesting signage at Lake Merritt Station identifying Police Department headquarters.

Director Sweet reported that she had participated on a COMTO panel with others from the Port of San Francisco and AC Transit, and that BART’s Fleet of the Future had been discussed.

Director Sweet invited Board and staff to meet with a delegation from Ghana at the San Francisco International Airport Station on Tuesday, September 13, 2011.

Director Keller requested the campaign contribution Board Rule be revisited.

Director Keller reported that the first ePAC Meeting would be held later in the day.

Director Keller reported that he had participated in a Senior Clipper Card sign up event in Antioch.

President Franklin reported that he had attended the September 6, 2011, meeting of the Citizen Review Board.

President Franklin requested a streamlined system be devised for scheduling Board workshops.

Director Fang exited the Meeting.

President Franklin brought Roll Call for Introductions before the Board. No additional items were introduced.

President Franklin called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Rick Disney

Ms. Antonette Bryant

Mr. Robert Allen

Board Meeting was adjourned at 11:45 a.m.

Kenneth A. Duron
District Secretary