

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

Board of Directors
Minutes of the 1,490th Meeting
September 14, 2006

A regular meeting of the Board of Directors was held September 14, 2006, convening at 9:20 a.m. in the Board Room, 344 20th Street, Oakland, California. President Ward Allen presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Luce, Radulovich, Sweet, and Ward Allen.

Absent: None. Directors Fang, Keller, and Murray entered the meeting later.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of August 24, 2006.
2. Resolution of Project Compliance and Initial Project Report for Regional Measure 2/Safe Routes to Transit Grant Funds for the BART Bicycle and Wheelchair Space on Rail Cars Demonstration Project.

Director Murray entered the meeting.

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

1. That the Minutes of the Meeting of August 24, 2006, be approved.
2. Adoption of Resolution No. 4994, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2/Safe Routes to Transit Funds for the BART Bicycle and Wheelchair Space on Rail Cars Demonstration Project.

Consent Calendar report brought before the Board was:

1. Audit of Directors' Use of District Property.

The Board Meeting was recessed at 9:23 a.m.

The Board Meeting reconvened at 12:16 p.m.

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

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. Award of Agreement No. 6M4030, Rental of Digital Monochrome Copy Machines.
2. Adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and the Proposed Lake Merritt Administration Building (LMA) Dismantling Project.

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

1. That the General Manager be authorized to execute Agreement No. 6M4030, for supplier services to provide for the Rental of Digital Monochrome Copy Machines at various offices/facilities, with MBA of California, for a period of three years, with the option to renew on a month-to-month basis at the contract rate for up to 12 additional months, and the option to order five additional copy machines within 240 calendar days from the date of Notice to Proceed, for a total compensation amount not to exceed \$873,504.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
2. Having reviewed and considered the information in the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Proposed Lake Merritt Administration Building (LMA) Dismantling project, together with the comments received during the public review process, the Board:
 - a) Finds on the basis of the whole record before the Board that there is no substantial evidence that the Proposed LMA Dismantling Project will have a significant effect on the environment;
 - b) Finds that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis;

c) Adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Plan for the Proposed LMA Dismantling Project;

d) Adopts the LMA Dismantling Project as proposed.

Director Keller, Chairperson of the Administration Committee, reported that the committee had received and discussed reports on Fare Structure Review Follow-Up: Pass Programs, and Senior and Disabled Fast Passes.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Sony Corporation for Digital Internet Protocol (IP) Cameras for Security Enhancement at Four Stations before the Board, and moved that the Board find, pursuant to Public Contract Code Section 20227, that Sony Corporation is the single source for procurement of 65 Sony Model SNC-RX550N, 10 Sony Model SNC-RZ50N, and 190 Sony Model SNC-CS50N cameras (the "Cameras"), and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that the General Manager be authorized to enter into direct negotiations with Sony Corporation to execute a contract for the procurement of the Cameras, for a total price not to exceed \$525,000.00, including applicable taxes. Director Sweet seconded the motion, which carried by the required two-thirds majority. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Advertising Content Policy Guidelines before the Board, and moved that the proposed Advertising Content Policy Guidelines be adopted, and that the General Manager be authorized to implement them, including incorporating them in the District's advertising franchise agreements; and that staff be directed to report back to the Board regarding customer feedback and revenue impact no later than Fall 2007, in order for the Board to consider at that time whether to continue allowing advertising of alcoholic beverages; and with the amendment that any amendment to an existing agreement for advertising incorporating alcohol advertising provisions shall include the Advertising Content Guidelines adopted September 14, 2006 in its entirety. (The Advertising Content Policy Guidelines are attached and hereby made a part of these Minutes.)

Director Blalock seconded the motion, which carried. Ayes – 6: Directors Blalock, Franklin, Luce, Radulovich, Sweet, and Ward Allen. Noes – 3: Directors Fang, Keller, and Murray.

Directors Fang and Keller exited the meeting.

President Ward Allen asked for the General Manager's Report. General Manager Thomas E. Margro introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who gave a brief overview of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of September 20, 2006.

Vice President Sweet, Chairperson of the District Security Advocacy Ad Hoc Committee, reported on the District's recent efforts to secure additional funding for security.

Director Franklin brought the matter of System Safety Peer Review before the Board, and moved that the Board direct the General Manager to contact the American Public Transportation Association (APTA) for the purpose of conducting a peer review of BART's system safety program; with the peer review to begin after the receipt of the pending organizational audit report, which will provide one basis for the audit, and after a chance for the Board to review the names of the individuals that APTA would recommend to serve on the peer review panel; and that the results of the peer review shall be transmitted to the Board of Directors with any appropriate recommendations resulting from the review.

Director Blalock seconded the motion, which carried. Ayes – 7: Directors Blalock, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Keller.

President Ward Allen brought Roll Call for Introductions before the Board.

Director Blalock requested a report on ambient noise levels in rail cars.

Director Blalock requested the development of a new cost center for parking program revenues in order to facilitate spending of parking program revenues on access improvements.

President Ward Allen requested that the District revise the language on signs in rail cars designating certain seating for persons with disabilities and seniors to include pregnant women.

Director Murray requested a report on parking permit cancellations for the three month period following the increase of monthly fees from \$63 to \$84.

Director Murray requested a report on liability issues related to the designation/creation of a “bar car” in train consists, with the report to include information from other rail properties currently providing such service.

Director Radulovich requested a report on the feasibility of designating a “coffee car” in train consists.

President Ward Allen called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 12:41 p.m. in honor of former Director Nello Bianco.

Kenneth A. Duron
District Secretary