

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

Board of Directors
Minutes of the 1,608th Meeting
September 23, 2010

A regular meeting of the Board of Directors was held September 23, 2010, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

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

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

President Fang brought Introduction of Special Guests before the Board. Chief of Police Kenton Rainey introduced Lt. Andy Alkire, noting that the lieutenant had recently completed California Peace Officers Standards and Training Command College. Lt. Alkire addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of July 1, 2010 (Special), and August 26, 2010 (Regular).
2. Award of Invitation for Bid No. 8877, Internet Protocol (IP) Cameras.
3. Award of Invitation for Bid No. 8879, Kit, High Speed Gear Assembly.
4. Approval of a Maintenance and Reimbursement Agreement with the Redevelopment Agency of the City of Hercules and Western Contra Costa Transit Authority for the Hercules Transit Center.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous roll call vote. Ayes – 5: Directors Blalock, Keller, Murray, Ward Allen, and Fang. Noes – 0. Absent - 4: Directors Franklin, McPartland, Radulovich, and Sweet.

1. That the Minutes of the Meetings of July 1, 2010 (Special), and August 26, 2010 (Regular), be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 8877, for Internet Protocol (IP) Cameras, to Strategic Sourcing LLC, Florence, KY, for an amount of \$537,498.64, including applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Department of Homeland Security's requirements related to protests.

3. That the General Manager be authorized to award Invitation for Bid No. 8879, an estimated quantity contract, for the procurement of high speed gear assembly kits, to Strategic Sourcing, LLC, for the Bid price of \$787,459.10, including all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
4. That the General Manager or her designee be authorized to execute a new maintenance and reimbursement agreement with the Redevelopment Agency of the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center, with the term of the agreement to be for 32 months, beginning on November 1, 2010, which term may be extended for up to two additional 12-month periods upon mutual consent.

President Fang announced that Item 3-A, Conference with Legal Counsel, would be postponed to later in the Meeting.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Potential Revenue Generation Opportunities before the Board. Mr. Carter Mau, Executive Manager, Office of Planning & Budget, Mr. Aaron Weinstein, Department Manager, Marketing, and Mr. Lewis Martin, Marketing, presented the item.

Director McPartland entered the Meeting.

Director Sweet entered the Meeting.

Director Franklin entered the Meeting.

Director Radulovich entered the Meeting.

The item was discussed.

President Fang announced that a second Special Guest had arrived. Chief Rainey introduced Mr. Christopher Murray and presented him with a plaque expressing the District's appreciation for providing assistance to a fellow customer on July 4, 2010, at the Fremont Station, until the BART Police arrived. Mr. Murray addressed the Board.

President Fang announced that the Board would enter into closed session under Item 3-A (Conference with Legal Counsel – Anticipated Litigation) 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 10:03 a.m. No closed session was held.

The Board reconvened in open session at 10:04 a.m.

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

Absent: None.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed Renaming of the Pleasant Hill Station to the Pleasant Hill/Contra Costa Centre Station before the Board. Ms. Jennifer Barton, Executive Manager, External Affairs, and Mr. Walter Gonzales, Senior Representative, Government and Community Relations, presented the item.

The following individuals addressed the Board:

Mr. Jim Kennedy

Ms. Laura Case

Ms. Lupe Schoenberger

Mr. Jay Lutz

Mr. Bob Luebke

Mr. Jim Kennedy

The item was discussed.

President Fang exited the Meeting, and Vice President Franklin assumed the gavel.

Director Murray moved that the Board approve the renaming of the Pleasant Hill BART Station to the Pleasant Hill/Contra Costa Centre BART Station, and she requested this statement be added to the motion: It is the intention of this Board that Pleasant Hill remain as the first designation in the name of the Station in perpetuity. Director Keller seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Sweet. Noes – 1: Director Ward Allen. Absent - 1: Director Fang.

Vice President Franklin announced that the Board would enter into closed session under Item 3-A (Conference with Legal Counsel – Anticipated Litigation) and Items 10-A and 10-B (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 10:40 a.m.

The Board reconvened in closed session at 10:42 a.m.

Directors present: Directors Blalock, Radulovich, Sweet, Ward Allen, and Fang.

Absent: None. Directors Franklin, Keller, McPartland, and Murray entered the Meeting later.

Director Keller entered the Meeting.

Directors McPartland and Murray entered the Meeting.

Director Franklin entered the Meeting.

The Board Meeting recessed at 11:33 a.m.

The Board reconvened in open session at 11:35 a.m.

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

Absent: None. Director Sweet entered the Meeting later.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EJ-120, A-Line 34.5kV Cable Section Replacement between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF) before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item.

Director Sweet entered the Meeting.

The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Blalock moved that the General Manager be authorized to award Contract No. 15EJ-120, for A-Line 34.5kV Cable Section Replacement between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF), to Blocka Construction, Inc., for the Bid amount of \$9,285,000.00, pursuant to notification 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 Franklin seconded the motion, which carried by roll call vote. Ayes – 5: Directors Blalock, Franklin, Keller, Murray, and Radulovich. Noes – 4: Directors McPartland, Sweet, Ward Allen, and Fang.

Director Keller brought the matter of Award of Contract No. 15IF-110, Powell Street Station – Station Modernization before the Board. Ms. Melena Gallagher, Manager of Capital Program – Stations, presented the item. The item was discussed.

Director Keller requested that before voting on the item the Board return to closed session under Item 3-A (Conference with Legal Counsel – Anticipated Litigation). President Fang granted Director Keller's request, but announced that Item 5-C would be discussed prior to the closed session.

Director Keller brought the matter of Award of Contract No. 15PT-110, BART Earthquake Safety Program Aerial Structures – R Line South, before the Board. Ms. Shirley Ng, Earthquake Safety Program, presented the item. The item was discussed.

Mr. Gary Wade and Mr. Jerry Grace addressed the Board.

Discussion on the item continued.

President Fang moved that the General Manager be authorized to award Contract No. 15PT-110, Earthquake Safety Program, Aerial Structures – R Line South, to R & L Brosamer, Inc., for the Bid amount of \$11,284,000.00, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures. Director Murray seconded the motion, which carried by roll call vote. Ayes – 9: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Fang. Noes – 0.

President Fang announced that the Board would enter into closed session under Item 3-A (Conference with Legal Counsel – Anticipated Litigation) 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 12:28 p.m. No closed session was held.

The Board reconvened in open session at 12:32 p.m.

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

Absent: None.

Director Keller brought the continued matter of Award of Contract No. 15IF-110, Powell Street Station – Station Modernization before the Board. Director Radulovich moved that the General Manager be authorized to award Contract No. 15IF-110, Powell Street Station – Station Modernization, to West Bay Builders, Inc., for the Total Bid (Base Bid, plus Option Bid Items 19 and 20) in the amount \$4,475,000.00, pursuant to notification to be issued by the General Manager, subject to the District’s protest procedures. Director Murray seconded the motion, which carried by roll call vote. Ayes – 7: Directors Blalock, Franklin, Keller, McPartland, Murray, Radulovich, and Fang. Noes – 2: Directors Sweet and Ward Allen.

President Fang called for the General Manager’s report. General Manager Dorothy W. Dugger had no report.

President Fang brought Roll Call for Introductions before the Board.

Director Radulovich requested comparative job creation data for reinvestment projects including those using District forces and new construction.

Director Sweet exited the Meeting.

Director Ward Allen requested a report on discretionary funding brought in by extension projects.

Director Murray requested a report on District efforts to address auto theft and vandalism complaints, to include issue identification and resources requirements.

Director Franklin requested staff review of an unsolicited proposal for the use of efficient lighting in nine District parking structures.

Director Blalock requested that the Board be advised when the District responds to Mr. Wade's request for information under the California Public Records Act.

Director McPartland requested a report on the development of a District documented complaint procedure to include the Customer Services Department and the Police Department.

President Fang called for General Discussion and Public Comment.

Mr. Jerry Grace and Ms. Angela Fields addressed the Board.

President Fang announced that the Board would enter into closed session under Items 10-A and 10-B (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:46 p.m.

The Board reconvened in closed session at 12:53 p.m.

Directors present: Directors Blalock, Franklin, Keller, McPartland, and Radulovich.

Absent: Directors Sweet, Ward Allen, and Fang. Director Murray entered the Meeting later.

Director Murray entered the Meeting.

Director Franklin exited the Meeting.

The Board Meeting adjourned at 1:24 p.m.

Kenneth A. Duron
District Secretary