

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

Board of Directors
Minutes of the 1,580th Meeting
September 24, 2009

A regular meeting of the Board of Directors was held September 24, 2009, convening at 9:10 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Keller. Director Radulovich entered the meeting later.

President Blalock announced that under the provisions of Government Code 4217.10 and following sections, this was the time set to hold a public hearing on a proposed energy conservation project, and that following the public hearing an Administration Committee meeting would be held to consider the item, and that staff would give a brief presentation on the proposed project, and that the meeting would then be opened for comments from the public.

Mr. Frank Schultz, Department Manager of the District's Energy Programs, gave a presentation on the Lighting Improvement Project at 12th Street/Oakland City Center and North Berkeley Stations.

There being no public comment, the public hearing was closed.

President Blalock noted that there were no consent calendar items on the agenda.

The Board Meeting recessed at 9:17 a.m.

The Board reconvened at 11:15 a.m.

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

Absent: Director Keller.

Consent Calendar Addenda items brought before the Board were:

1. Lighting Improvement Project at 12th Street/Oakland City Center and North Berkeley Stations.

2. Agreement with Garcia and Associates to Provide Environmental Construction Monitoring Services for BART's Warm Springs Extension Project (Agreement No. 6M8032).
3. Agreement with Quality Engineering, Inc., to Provide Quality Assurance Oversight Consulting Services for BART's Warm Springs Extension Project (Agreement No. 6M8033).
4. Award of Contract No. 15IB-120, the 480 Volt Switchgear Replacement Project – Phase 2.
5. Award of Contract No. 42AH-205B, Procurement of Car Floor Panels.
6. Change Orders to Contract No. 15PM-110, Earthquake Safety Program Parking Structures Retrofit for the Concord, Daly City, El Cerrito del Norte, Hayward, Pleasant Hill and Walnut Creek BART Parking Structures, with West Bay Builders, for Differing Site Conditions.

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

1. That the Board finds, pursuant to the provisions of Section 4217.12 of the Government Code, that the anticipated cost to the District for electrical energy will be less than the anticipated marginal cost for electrical energy that would have been consumed by the District in the absence of the installed energy conservation measures.
2. That the General Manager be authorized to execute Agreement No. 6M8032, with Garcia and Associates, for a term of five years, in an amount not to exceed \$2,000,000.00, subject to the District's protest procedures.
3. That the General Manager be authorized to execute Agreement No. 6M8033, with Quality Engineering, Inc., for a term of five years, in an amount not to exceed \$1,000,000.00, subject to the District's protest procedures.
4. That the General Manager be authorized to award Contract No. 15IB-120, 480 Volt Switchgear Replacement Project – Phase 2, to Blocka Construction, Inc., for the base bid amount of \$6,050,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be further authorized to exercise Option A – Three Additional Stations, in the amount of \$810,000.00, and to exercise Option B – Two Maintenance Shop Upgrades, in the amount of \$1,240,000.00.

5. That the General Manager be authorized to award Contract No. 42AH-205B, Procurement of Car Floor Panels, an estimated quantity contract, to Milwaukee Composites, Inc., for the bid price of \$3,569,372.21, plus all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
6. That the General Manager be authorized to execute change orders, for differing site conditions, in an aggregate amount not to exceed \$4,000,000.00, to Contract No. 15PM-110, BART Earthquake Safety Program Parking Structures Retrofit, with West Bay Builders.

Director Murray, Chairperson of the Administration Committee, reported that Lighting Improvement Project at 12th Street/Oakland City Center and North Berkeley Stations had been continued to a future meeting, and the only other item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Franklin, Vice Chairperson of the Engineering and Operations Committee, reported that all items but one on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Franklin brought the matter of Approval to Conduct Competitive Negotiation for Train Control Switch Machines before the Board, and moved that the Board find, by two-thirds majority vote, that the procurement of train control switch machines, in compliance with the provisions of the California Public Contract Code generally applicable to the purchase, does not constitute a method of procurement adequate for the District's needs, and that the General Manager be authorized to direct the purchase of such equipment by competitive negotiation consistent with California Public Contract Code Section 20229.1, subject to Board approval of the award. Director Ward Allen seconded the motion, which carried by voice vote by the required two-thirds majority. Ayes – 8: Directors Fang, Franklin, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Keller.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger stated that her report on the National Transportation Safety Bureau's response to the recent incident in Washington, DC, had been covered during the Engineering and Operations Committee meeting.

Director Ward Allen, Chairperson of the BART Police Department Review Committee, gave a brief report on the upcoming activities of the Committee, including a Special Board Meeting scheduled for October 1, 2009, to review the draft report prepared by the National Organization of Black Law Enforcement Executives.

President Blalock brought Roll Call for Introductions before the Board.

Director Murray requested agendaizing free transportation passes for active military personnel on leave.

Director Murray requested improved instructions and direction on how to use the system and ticket vending machines for inexperienced riders at the San Francisco International Airport Station, with the solution to include signage and training for station agents.

Director Murray requested a report on the scheduling of five-cars trains versus longer trains on Pittsburg/Bay Point line in the early morning.

Director Ward Allen requested a report on the activities and initiatives of the Police Department and Operations in response to potential terrorist threats.

Director Ward Allen requested a report on plans to improve station cleaning.

President Blalock called for General Discussion and Public Comment.

Director Sweet, referencing the BART Police Review Committee report and Director Ward Allen's request for a report on Police and Operations activities and initiatives, requested that Directors be provided with real-time information on topics expected to be of interest to the media. Brief discussion on the topic followed.

Mr. Jerry Grace addressed the Board.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) and Item 8-B (Conference with Labor 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 11:44 a.m.

The Board reconvened in closed session at 11:53 a.m.

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

Absent: Director Keller.

Director Radulovich exited the meeting.

The Board Meeting recessed at 12:27 p.m.

The Board reconvened in open session at 12:28 p.m.

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

Absent: Directors Keller, Radulovich, and Sweet.

President Blalock brought the matter of Extension of Exclusive Negotiating Agreement (ENA) with Wittek Development/The Montana Property Group and Inclusion of Eden Housing, Inc. in the ENA to Pursue a Transit-oriented Development Project at the South Hayward BART Station Area before the Board. Director McPartland moved that the General Manager or her designee be authorized to extend the ENA with Wittek Development/The Montana Property Group to July 31, 2010, and include Eden Housing, Inc., in the ENA to pursue a transit-oriented development project at the South Hayward BART station area. Director Fang seconded the motion, which carried by unanimous acclamation. Ayes – 6: Directors Fang, Franklin, McPartland, Murray, Ward Allen, and Blalock. Noes – 0. Absent – 3: Directors Keller, Radulovich, and Sweet.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) and Item 8-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:29 p.m.

The Board reconvened in closed session at 12:48 p.m.

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

Absent: Directors Fang, Keller, Radulovich, and Sweet.

The Board Meeting adjourned at 1:00 p.m.

Kenneth A. Duron
District Secretary