

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

Board of Directors
Minutes of the 1,582nd Meeting
October 8, 2009

A regular meeting of the Board of Directors was held October 8, 2009, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 1, 2009 (Special).
2. Award of Contract No. 15TE-120, Aerial Structure Fall Protection – West Oakland, Phase 2.
3. Award of Invitation for Bid No. 8864, Liner Panel, Lower Cover of Side Door.
4. Award of Invitation for Bid No. 8867, Liner Door Pockets.

Consent Calendar motions, as follow, were moved as a unit by Director Fang. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Fang Franklin, Keller, McPartland, Murray, and Blalock. Noes – 0. Absent – 3: Directors Radulovich, Sweet, and Ward Allen.

1. That the Minutes of the Meeting of October 1, 2009 (Special), be approved.
2. That the General Manager be authorized to award Contract No. 15TE-120, Aerial Structure Fall Protection - West Oakland, Phase 2, for the bid price of \$347,000.00, to California Engineering Contractors, Inc., 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.
3. That the General Manager be authorized to award Invitation for Bid No. 8864, an estimated quantity contract, for Liner Panel, Lower Cover of Side Door, to Hadlock Plastics LLC, for the bid price of \$163,966.50, including 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.

4. That the General Manager be authorized to award Invitation for Bid No. 8867, an estimated quantity contract, for Liner Door Pockets, to Hadlock Plastics, for the bid price of \$226,450.97, including 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.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Consent Calendar report brought before the Board was:

1. Audit of Directors' Use of District Property for Fiscal Year 2009.

The Board Meeting recessed at 9:05 a.m.

The Board reconvened at 9:36 a.m.

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

Absent: None. Director Ward Allen entered the meeting later.

Consent Calendar Addenda items brought before the Board were:

1. Ratification of Collective Bargaining Agreement with BART Police Managers' Association.
2. Ratification of Side Letter Agreements with BART Police Officers' Association.
3. Approval of Amended California Public Employees Retirement System Retirement Contract with the Addition of Service Credit for Unused Sick Leave Option.
4. Resolutions Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act.
5. Award of Contract No. 42EL-210B, Procurement of C-1 Car Auxiliary Power Supply Equipment.
6. Award of Contract No. 15IG-110, Ashby Station Modernization.

7. Exclusive Negotiating Agreement with The Red Barn Company and the Hercules Redevelopment Agency for Development Project in the New Town Center Area.

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

1. Adoption of Resolution No. 5103, In the Matter of Ratifying the 2009 – 2013 Collective Bargaining Agreement between the District and BART Police Managers’ Association.
2. That the General Manager or her designee be authorized to execute BART Police Officers’ Association Side Letter 16 regarding Medical Benefits and BART Police Officers’ Association Side Letter 17 regarding Sick Leave Options.
3. Adoption of Resolution No. 5104, Resolution Authorizing an Amendment to the Contract between the Board of Administration, California Public Employees’ Retirement System and the Board of Directors, San Francisco Bay Area Rapid Transit District, for addition of service credit for unused sick leave option for miscellaneous and safety members.
4. Adoption of Resolutions No. 5105, 5106, 5107, 5108, 5109, and 5110, In the Matter of Fixing the Employer’s Contribution under the Public Employees’ Medical and Hospital Care Act for the following groups respectively:

Resolution No. 5105, Employees represented by American Federation of State, County, and Municipal Employees (AFSCME) and Annuitants represented by AFSCME prior to retirement;

Resolution No. 5106, Employees represented by Amalgamated Transit Union (ATU) and Annuitants represented by ATU prior to retirement;

Resolution No. 5107, Employees represented by BART Police Managers’ Association (BPMA) and Annuitants represented by BPMA prior to retirement;

Resolution No. 5108, Employees represented by BART Police Officers’ Association (BPOA) and Annuitants represented by BPOA prior to retirement;

Resolution No. 5109, Employees represented by Service Employees International Union (SEIU) and Annuitants represented by SEIU prior to retirement;

and Resolution No. 5110, Non-represented employees and annuitants who were non-represented prior to retirement.

5. That the General Manager be authorized to award Contract No. 42EL-210B, for the Procurement of 30 C-1 Car Auxiliary Power Supply Equipment (APSE), to Bombardier Transportation (Holdings) USA, Inc., in the amount of \$3,982,860.00, plus applicable sales tax, pursuant to notification to be issued by the General Manager.
6. That the General Manager be authorized to award Contract No. 15IG-110, Ashby Station Modernization, to Alten Construction, Inc., for the bid price of \$2,988,925.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.
7. That the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement (ENA) with The Red Barn Co. and the Hercules Redevelopment Agency to pursue a transit-oriented development project in the New Town Center area, with the ENA to be for a period of 18 months, with the right to extend for an additional 18-month period, subject to mutual agreement.

Director Murray, Chairperson of the Administration Committee, reported that the matter of Authority to Withdraw from Northern California Power Agency Agreement for Renewable Geothermal Power Supply had been continued to a future meeting and all remaining items on the committee agenda had been forwarded to Consent Calendar Addenda.

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

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that all items on the committee agenda had been forwarded to Consent Calendar Addenda.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger reported that the Oakland City Council had voted to support the Oakland Airport Connector Project. Ms. Dugger described concerns that had been expressed by the Oakland City Council. Ms. Dugger reported on events that were being planned in connection with the 20th anniversary of the Loma Prieta Earthquake. The Board discussed the General Manager's report.

Director Keller, Vice Chairperson of the BART Police Department Review Committee, gave a report on the committee's activities.

President Blalock brought Roll Call for Introductions before the Board.

Director Murray requested a report on District plans to advance increased Police presence as recommended by the NOBLE Report, noting that the need for greater presence is supported by customer complaints regarding incidents at various stations.

Director Ward Allen entered the meeting.

Mr. Jesse Sekhon addressed the Board.

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

Director Franklin reiterated his request of September 24 for a report comparing the performance of Translink to EZRider.

Director Franklin requested a report of what would be required to track and evaluate transfer usage to AC Transit service.

President Blalock called for General Discussion and Public Comment.

Director McPartland reported on the upcoming Great California Shakeout.

Director Ward Allen thanked everyone who assisted in gaining the Oakland City Counsel's support of the Oakland Airport Connector project.

President Blalock reminded everyone to change the batteries in their smoke alarms.

Mr. Nedar Bey addressed the Board.

President Blalock announced that closed session (Conference with Labor Negotiators) would not be held.

The Board Meeting adjourned at 10:15 a.m.

Kenneth A. Duron
District Secretary