

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

Board of Directors
Minutes of the 1,543rd Meeting
November 20, 2008

A regular meeting of the Board of Directors was held November 20, 2008, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

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

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

President Murray introduced and congratulated Director-elect John McPartland.

Director Fang entered the meeting.

President Murray announced that Item 2-B, Resolution Concurring with Contra Costa Transportation Authority's Request for Regional Measure 2 Funds for the State Route 4 (East) Widening Project from Loveridge Road to State Route 160, and Item 2-D, Agreement with Keep Em Away Pest Elimination for Pest and Bee Control Services Districtwide (Agreement No. 6M3091), were being removed from the Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 23, 2008.
2. Resolutions Authorizing Execution of Funding Agreements with the U. S. Department of Homeland Security and the Governor's Office of Homeland Security for Transit Security Grant Programs.
3. Award of Invitation for Bid No. 8843, Hybrid Hi-Rail Truck.
4. Reject Bid for Contract No. 6M3037B, Procurement of Fasteners.

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

1. That the Minutes of the Meeting of October 23, 2008, be approved.
2. Adoption of Resolutions Nos. 5062, 5063, and 5064, each entitled “In the Matter of Authorizing Actions Necessary to Obtain Financial Assistance from the Federal Department of Homeland Security.”

3. That the General Manager be authorized to award Invitation for Bid No. 8843, for Hybrid Hi-Rail Truck, to Golden Gate Truck Center, for an amount of \$190,229.85, inclusive of sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

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

4. That the Bid for Contract No. 6M3037B, Procurement of Fasteners, be rejected.

President Murray brought the matter of Resolution Concurring with Contra Costa Transportation Authority's Request for Regional Measure 2 Funds for the State Route 4 (East) Widening Project from Loveridge Road to State Route 160 before the Board.

Mr. Robert S. Allen addressed the Board.

President Murray brought the matter of Agreement with Keep Em Away Pest Elimination for Pest and Bee Control Services Districtwide (Agreement No. 6M3091) before the Board.

Mr. Larry Fisher of the Maintenance and Engineering Department gave a brief presentation on the item.

The following two motions were moved as a unit by Director Keller. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Luce, Ward Allen, and Murray. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

1. Adoption of Resolution No. 5065, 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 Regional Measure 2 Funds for the State Route 4 East Widening Project, Loveridge Road to State Route 160.
2. That the General Manager be authorized to award Agreement No. 6M3091, for Pest and Bee Control Services Districtwide, for a period of three years, and to exercise the options to extend the Agreement for up to two additional one-year periods, for the proposal price of \$148,800.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

The Board Meeting recessed at 9:09 a.m.

The Board reconvened at 11:53 a.m.

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

Absent: Directors Fang and Luce.

Consent Calendar Addenda items brought before the Board were:

1. Change Order to Agreement No. 6M8010, General Engineering Services for the Dismantling of Lake Merritt Administration Building, for Increased Amount.
2. Award of Contract No. 17BJ-140, Lake Merritt Administration Building Dismantling Project.
3. Authorize Memorandum of Understanding with the City of Oakland and the Peralta Community College District to Prepare a Lake Merritt Station Area Specific Plan.

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

1. That the General Manager be authorized to execute Change Order No. 1 to Agreement No. 6M8010, in an amount not to exceed \$250,000.00, increasing the Board-authorized amount under the Agreement to a not-to-exceed total of \$900,000.00.
2. That the General Manager be authorized to award Contract No. 17BJ-140, Lake Merritt Administration Building Dismantling Project, to Silverado Contractors, Inc., for the bid amount of \$3,946,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Emergency Management Agency's requirements related to protests.
3. That the General Manager or her designee be authorized to execute a Memorandum of Understanding with the City of Oakland and the Peralta Community College District to develop a Specific Plan for the BART Lake Merritt Station area within the City of Oakland, with BART's financial contribution in the amount of \$50,000.00, plus staff time.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Second Amendment to Agreement with Freshfields, Bruckhaus, Deringer, LLP, for Legal Services in Connection with the Oakland Airport Connector Project before the Board, and moved that the General Counsel be authorized to execute the Second Amendment to the Agreement with Freshfields, Bruckhaus, Deringer, LLP, in the amount of \$635,000.00, to provide continuing legal services in connection with the Oakland Airport Connector Project. Director Blalock

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

Director Franklin brought the matter of Approve Amendment No. 1 to the Second Phase Development Agreement for the Northern California Power Agency Lodi Energy Center Project before the Board, and moved that the General Manager be authorized to execute Amendment No. 1 to the Second Phase Agreement for funding the planning and development activities of the Lodi Energy Center Project, and to authorize the payment of \$882,353.00 for the District's augmented share of Phase IIB project funds. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Sweet, Ward Allen, and Murray. Noes – 1: Director Radulovich. Absent – 2: Directors Fang and Luce.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, reported that the action items on the committee agenda had been forwarded to Consent Calendar Addenda; that the committee had received and discussed a presentation on Stations Modernization Program Funding Cycle 2; and that the Quarterly Performance Report, First Quarter Fiscal Year 2009 - Service Performance Review had been continued to a future meeting.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

President Murray asked for the General Manager's Report. Ms. Dugger advised the Board that the increasingly grim economic forecast would likely present significant challenges for the future, and that recommendations for the District's course of action in response to the financial uncertainties would be presented to the Board at a future date.

President Murray brought Roll Call for Introductions before the Board.

Director Ward Allen requested a review and report on difficulties experienced by job applicants in receiving confirmation of applications submitted via District website.

Director Sweet requested information on scheduling of BARTmobile in public events, and specifically if the BARTmobile's participation at the San Francisco Auto Show precludes participation in the annual Oakland Holiday Parade.

Director Sweet requested a review and report of recent media accounts of increased bicycle thefts at stations, to include a discussion of the success of bicycle valet parking at Fruitvale Station.

President Murray requested the distribution of information presented to the Board at a workshop in 2002 regarding the design of new rail cars; and that the decisions made by the Board in 2002 regarding three-door design, seating capacity, large item storage and passenger flow, etc., be scheduled for reconsideration; and that new rail car development include public and Board involvement in the design of the cars, including consideration of rail car interiors by review of mock-ups using current rail cars.

President Murray called for General Discussion and Public Comment.

Director Blalock commented on the encouraging number of transit measures that had passed in the recent election.

Director Ward Allen exited the meeting.

President Murray reported that she had participated in a press conference to advise the public of the implementation of the EZ Rider parking program.

President Murray congratulated Directors Radulovich and Sweet on being re-elected.

Mr. Jerry Grace addressed the Board.

President Murray announced that the Board would enter into closed session under Item 8-A (Conference with Legal Counsel – Existing Litigation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 12:13 p.m.

The Board reconvened in closed session at 12:18 p.m.

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

Absent: Directors Fang and Luce.

The Board Meeting adjourned at 12:31 p.m. in honor of former Director John Glenn.

Kenneth A. Duron
District Secretary