

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

Board of Directors
Minutes of the 1,520th Meeting
December 6, 2007

A regular meeting of the Board of Directors was held December 6, 2007, convening at 9:12 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

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

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 8, 2007.
2. Grant of a Landscape Easement with a Covenant Not to Build at 7th Street and Broadway, Oakland.
3. Award of Contract No. 15CY-203A, Procurement of Spot/Switch Ballast Tamping Machines.
4. Award of Contract No. 17BJ-120, Lake Merritt Administration (LMA) Dismantling Project Elevator No. 83, Modification and Utilities Isolation.
5. Agreement with Auriga Corporation for General Engineering Services to Support the Implementation of Regional Translink Smart Card Technology in BART's Automatic Fare Collection System (Agreement No. 6M8017).

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 – 7: Directors Blalock, Franklin, Keller, Luce, Murray, Ward Allen, and Sweet. Noes – 0. Absent – 2: Directors Fang and Radulovich.

1. That the Minutes of the Meeting of November 8, 2007, be approved.
2. Adoption of Resolution No. 5033, In the Matter of Authorizing a Landscape Easement with a Covenant Not to Build to BayRock Residential, LLC, at 7th and Broadway in Oakland, APN # 001-0197-001/BART Parcel #O-K021.

3. That the General Manager be authorized to award Contract No. 15CY-203A, to Modern Track Machinery, Inc., Elgin, IL, in the amount of \$1,099,796.00, plus applicable taxes, 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 protests.
4. That the General Manager be authorized to award Contract No. 17BJ-120A, for the Lake Merritt Administration (LMA) Dismantling Project Elevator No. 83 Modifications and Utilities Isolation, to Kudsk Construction, Inc., for the bid amount of \$1,410,600.00, 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 protests.
5. That the General Manager be authorized to execute Agreement No. 6M8017, with Auriga Corporation, in an amount not to exceed \$450,000.00, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Consent Calendar report brought before the Board was:

1. Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2007.

The Board Meeting recessed at 9:14 a.m.

The Board reconvened at 10:53 a.m.

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

Absent: None.

Consent Calendar Addenda items brought before the Board were:

1. Approval of 2008-2009 Muni Fast Pass Agreement.
2. Award of Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment.
3. East Contra Costa BART Extension (eBART): Alignment Revision and Concurrence with Contra Costa Transportation Authority's Request for Regional Measure 2 Funds.

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

1. That the General Manager be authorized to execute the 2008-2009 Fast Pass® Agreement with the San Francisco Municipal Transportation Agency (SFMTA) to provide for Fast Pass® payments from SFMTA to BART for calendar years 2008 and 2009.
2. That the General Manager be authorized to award Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, to Alstom Signaling, Inc., for the not-to-exceed price of \$8,487,765.00, plus applicable taxes, for the base contract and, subject to the availability of funding, to exercise Options A, B, and C, for a not-to-exceed price of \$9,384,637.00, plus applicable taxes.
3.
 - a. That the Board of Directors direct staff to evaluate the State Route 4 median as the proposed eBART alignment in the ongoing environmental, engineering, and Ridership Development Plans work; and
 - b. Adoption of Resolution No. 5034, 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 Somersville Road.

Director Franklin, Chairperson of the Administration Committee, reported that the committee had discussed Proposed Revision to Board Rules – Board Rule 5-5.1 – Contractor/Subcontractor Contributions, and the item had been continued to the next Administration Committee Meeting.

Director Franklin brought the matter of Revision to the District's Domestic Partner Policy before the Board. Director Radulovich moved adoption of Resolution No. 5035, In the Matter of Benefits for Domestic Partners. Director Blalock seconded the motion, which passed by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0.

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

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had received and discussed the report on Special Event Service Planning.

President Sweet asked for the General Manager's Report. General Manager Dorothy W. Dugger reminded the Board that effective January 1, 2008, the District would be implementing a planned fare increase in conjunction with service improvements. Ms. Dugger announced that the District

would be partnering with Kaiser Permanente to sponsor a Kids Ride Free day on December 22, 2007, as well as a station domination advertisement campaign, choral entertainment, and a “healthy kids” program. Ms. Dugger updated the Board on the District’s continuing successful collaboration on the development of the Ed Roberts Campus.

Director Ward Allen, Chairperson of the District Security Advocacy Ad Hoc Committee, reported that on November 14, 2007, the District, along with 79 other agencies, participated in the annual “Golden Guardian” emergency preparedness drill.

Director Blalock, Chairperson of the District Organizational Review Ad Hoc Committee, reported that committee had reviewed the committee’s action plan and would bring a status report to the Board at a future meeting.

Director Murray reported that there had been discussion on the purview areas of a proposed Finance and Audit Committee of the Board.

President Sweet brought Roll Call for Introductions before the Board. No items were introduced.

President Sweet called for General Discussion and Public Comment.

Director Blalock reported that he and Director Franklin had attended the Union City Intermodal Station groundbreaking event and commented on the efforts being made to develop ridership through transit-oriented development projects.

President Sweet encouraged participation in the 2007 Toy Drive sponsored by the Office of External Affairs.

The Board Meeting adjourned at 11:15 a.m. in honor of John Mack.

Kenneth A. Duron
District Secretary