

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

Board of Directors  
Minutes of the 1,537th Meeting  
September 11, 2008

A regular meeting of the Board of Directors was held September 11, 2008, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Luce, and Murray.

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

President Murray called for a moment of silence to remember those who lost their lives on September 11, 2001.

Director Sweet entered the meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 28, 2008.
2. Award of Contract No. 6M3097, Station Cleaning 2008, Various Stations.
3. Award of Contract No. 11AF-150, Demolition and Installation of Street-Level Elevator Enclosures at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations.
4. Award of Invitation for Bid No. 8839, Hi-Rail Swing Cranes.

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

1. That the Minutes of the Meeting of August 28, 2008, be approved.
2. That the General Manager be authorized to award Contract No. 6M3097, Station Cleaning 2008, Various Locations, to Clean Innovation Corp., for the bid price of \$296,352.00, which represents the Base Bid plus Additive Items Nos. 1, 2, and 3, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 11AF-150, Demolition and Installation of Street-Level Elevator Enclosures at Civic

Center, Embarcadero, Montgomery Street and Powell Street Stations to Kudsk Construction, Inc., for the bid price of \$284,000.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

4. That the General Manager be authorized to award Invitation for Bid No. 8839, for the procurement of Hi-Rail Swing Cranes to Swingmaster Corp., in the amount of \$540, 792, including all applicable taxes, subject to compliance with the District's protest procedures.

The Board Meeting recessed at 9:06 a.m.

---

---

The Board reconvened at 12:17 p.m.

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

Absent: None.

Director Fang exited the meeting.

Director Franklin, Chairperson of the Administration Committee, brought the matter of BART/MUNI Senior and Disabled Fast Pass Pilot Program before the Board, and made the following motion:

That the General Manager is authorized to execute the Senior and Disabled Transit Fare (Senior and Disabled Fast Pass ®) Pilot Program Agreement with the San Francisco Municipal Transportation Agency (SFMTA). Director Radulovich seconded the motion, which carried electronically by the required two-thirds majority. Ayes – 8: Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen and Murray. Noes – 0. Absent – 1: Director Fang.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, moved that the General Manager be authorized to award Invitation for Bid No. 8840 for Quill, Bull and Pinion Gears to Bombardier Transportation USA, Inc. for the price of \$1,792,793.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen and Murray. Noes – 0. Absent – 1: Director Fang.

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

President Murray announced that the Board would enter into closed session under Item 8-A (Conference with Real Property 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 12:20 p.m.

---

---

The Board entered into closed session at 12:27 p.m.

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

Absent: Directors Fang and Sweet.

---

---

The Board meeting recessed at 1:00 p.m.

---

---

The Board reconvened in open session at 1:01 p.m.

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

Absent: Directors Fang and Sweet.

Director Keller moved that the General Manager or designee is authorized to enter into an exclusive negotiating agreement with Wittek Development, LLC, and Montana Property Group to pursue Transit Oriented Development at the South Hayward Station, the negotiating agreement would be for a period of nine months with District staff directed to report on progress to the Board close to midpoint of the nine months. Director Blalock seconded the motion, which carried. Ayes – 6: Blalock, Franklin, Keller, Radulovich, Ward Allen and Murray. Noes – 0. Abstain – 1: Director Luce. Absent – 2: Directors Fang and Sweet.

Directors Keller and Ward Allen exited the meeting.

Mr. Skoropowski requested BART Board representatives’ attendance at the Capital Corridor Joint Powers Authority Meeting for the approval of the FY 09 Operating Budget and the Amtrak FY09 Fixed Price Operating Agreement that are on the agenda.

President Murray asked for the General Manager’s Report. General Manager Dorothy W. Dugger reported that a new daily ridership record had been set on September 1, 2008, with over 400,000 passenger trips recorded and today is the commencement of the 37<sup>th</sup> year of BART Service to the public.

President Murray brought Roll Call for Introductions before the Board.

Director Fang requested that the District secure the services of a consultant to perform independent third party review of the regional Translink program to determine effectiveness. Director Fang would also like a report on the District's EZ Rider smart card program.

Director Franklin requested an update on the regional Translink program to include a description of the District's activities and support for the program. Director Franklin would also like an update on the inclusion of the transit benefit on the EZ Rider smart card.

Director Radulovich requested an update on the District's Business Advancement Plan (BAP), to include costs, benefits, and actual expenditures. Director Radulovich would also like a detailed and comprehensive description of the District's recycling programs: scope, staffing, performance, goals, background, etc.

President Murray called for General Discussion and Public Comment.

Bob Planthold addressed the Board.

The Board Meeting adjourned at 1:08 p.m.

Kenneth A. Duron  
District Secretary