

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

Board of Directors  
Minutes of the 1,558th Meeting  
April 23, 2009

A regular meeting of the Board of Directors was held April 23, 2009, convening at 9:11 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

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

President Blalock welcomed and introduced San Francisco Fire Chief Peter Howes. Mr. Howes addressed the Board, commending BART Police Department Officers Alex Casadonte and Marc Brooks for assistance to the San Francisco Fire Department Emergency Medical Services team.

Director Fang entered the meeting.

President Blalock welcomed and introduced Henry Chang, former Oakland City Councilmember.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 9, 2009.
2. Procurement of Replacement Service Vehicles.
3. Award of Contract No. 15QC-140, Refurbish Parking Lots at Orinda and North Berkeley Stations.

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

The Board Meeting recessed at 9:18 a.m.

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The Board reconvened at 12:45 p.m.

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

Absent: None.

President Blalock brought the matter of Oakland Airport Connector Project before the Board.

The following individuals addressed the Board.

Mr. Stuart Cohen  
Mr. John Held  
Mr. Andrew Slivka  
Mr. Max Allstadt  
Mr. Michael Quigley  
Mr. Scott Mace  
Mr. Jonathan Bair  
Mr. Michael Krueger

Director Ward Allen moved adoption of Resolution No. 5077, In the Matter of Authorizing the Filing of an Application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Stating Assurances to Implement the Oakland Airport Connector Project. Director Sweet seconded the motion, which carried by electronic vote. Ayes – 7: Directors Fang, Franklin, Keller, Murray, Sweet, Ward Allen, and Blalock. Noes – 2: Directors McPartland and Radulovich.

Director Ward Allen moved adoption of Resolution No. 5078, In the Matter of the Certification of Savings from the Transbay Tube Seismic Retrofit Project, and the Request to Redirect Said Savings to the Oakland Airport Connector Project. Director Sweet seconded the motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

Director Ward Allen moved adoption of a resolution entitled “In the Matter of Authorizing BART Staff to Investigate and Apply for Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) Loans not to Exceed \$150 Million toward the Financing and Completion of the Oakland Airport Connector Project. Director Sweet seconded the motion.

Director Franklin made a substitute motion to delay until the next regular Board Meeting the vote on the resolution before the Board. Director McPartland seconded the substitute motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, and Blalock. Noes – 0. Abstain - 1: Director Ward Allen.

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

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The Board reconvened at 2:59 p.m.

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

Absent: None.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 03NN-110, Central Contra Costa County Crossover Project, before the Board. Director Murray moved that upon certification by the Controller-Treasurer that American Recovery and Reinvestment Act of 2009 (ARRA) funds are available for this contract, the General Manager be authorized to award Contract No. 03NN-110, Central Contra Costa County Crossover Project, to Shimmick Construction Co. Inc / Balfour Beatty Rail Services, Inc., a Joint Venture, for the bid price of \$27,860,000.00, 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. Director Keller seconded the motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Ward Allen, and Blalock. Noes – 1: Director Sweet.

Director Keller brought the matter of Award of Contract No. 11OG-110, Balboa Park Station West Side Entrance and Walkway before the Board, and moved that upon certification by the Controller-Treasurer that American Recovery and Reinvestment Act of 2009 (ARRA) funds are available for this contract, the General Manager be authorized to award Contract No. 11OG-110, Balboa Park Station Westside Entrance and Walkway, to West Bay Builders, Inc., for the bid amount of \$2,832,000.00, 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. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

Director Keller brought the matter of East Contra Costa BART Extension Project (eBART) before the Board, and made the following motion:

That having reviewed and considered the information contained in the Final Environmental Impact Report, the Findings, Facts in Support of Findings, Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Plan dated April 2009, the Board

- a. Certifies that the Final Environmental Impact Report has been completed in compliance with California Environmental Quality Act.
- b. Approves the Recommended Project, consisting of a 10-mile extension of the BART system, using Diesel Multiple Unit (DMU) technology, from the existing Pittsburg/Bay Point BART Station in the median of State Route 4, with a transfer platform in the existing Pittsburg/Bay Point Station BART tailtracks, a station at Railroad Avenue in the City of Pittsburg, a terminus station east of the Hillcrest Avenue Interchange in the City of Antioch, and a maintenance facility east of the Hillcrest Avenue Station. The Recommended Project to include the Proposed Project with a Median Station as described in the Final Environmental Impact Report, with an option for construction of the Revised Median Station East instead, provided that construction of the Revised Median Station East option is contingent upon the following: 1) adequate funds (currently estimated by BART staff at two million dollars (\$2,000,000)) being secured by the City of Antioch, BART or others and being received by BART not later than July 31, 2009, for the purpose of design and right-of-way acquisition associated with the Revised

Median Station East; and 2) adequate funds being secured by the City of Antioch or others for the project costs associated with the incremental construction and related infrastructure improvements for the Revised Median Station East. Funds required for said additional costs are currently estimated to be fifty-one million dollars (\$51,000,000). Should BART determine that the bids on the eBART Project have resulted in project savings, those savings would remain committed to the eBART project and would be made available to contribute toward unfunded project costs as determined by BART, including but not limited to the incremental project cost for the Revised Median Station East. All funding for the incremental project cost for the Revised Median Station East must be secured by March 31, 2010.

c. Adopts the Findings, Facts in Support of Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan.

d. Authorizes the General Manager or her designee to proceed with implementation actions, including acquisition of property as funding is identified.

e. Authorizes the General Manager or her designee to execute Caltrans Agreements and Utility Agreements in connection with the eBART Project in a cumulative amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000).

Director Murray seconded the motion, which carried by electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes – 1: Director Radulovich.

President Blalock brought Consent Calendar Addenda before the Board. 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 - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the General Manager be authorized to execute Agreement No. 6M2019, for BART Police Department Review Services, with the National Organization of Black Law Enforcement Executives (NOBLE), in the amount of \$127,688.00.
2. That the General Manager or her designee be authorized to execute a lease agreement with Glenborough One Post, LLC, and Crocker Plaza Company (Landlord), for 2,576 square feet of office space at One Post Street, San Francisco, for a six-year term, for a total rental amount, including operating expenses, not to exceed \$572,474.00.

The Board Meeting recessed at 3:03 p.m.

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The Board reconvened at 3:05 p.m.

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

Absent: None. Director Keller entered the Meeting later.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Approval of Concession Permit to Manage and Operate District's Parking Permit Program before the Board, and moved that the General Manager be authorized to issue Concession Permit No. M321-09 to Pacific Park Management / Parking Carma, a joint venture, to administer the District's Parking Permit Programs, for a three-year period, with an option by the District to extend for up to two additional one-year periods. Director Murray seconded the motion, which carried by electronic vote. Ayes - 7: Directors Fang, Franklin, McPartland, Murray, Sweet, Ward Allen, and Blalock. Noes - 1: Director Radulovich. Absent - 1: Director Keller.

Director Keller entered the Meeting.

Director Sweet brought the matter of Approval of a Commercial Lease for Downtown Berkeley / BART Station Bicycle Facility before the Board. Director Franklin moved that the General Manager be or her designee be authorized to execute a lease agreement with NFLP Berkeley Center DE, LLC (Landlord) for approximately 4000 square feet of commercial space at 2210 Shattuck Avenue, Berkeley, for a five-year term, for a total lease amount not to exceed \$559,419.00 (including common area charge) and BART to pay utilities. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes - 0.

The Board Meeting recessed at 3:07 p.m.

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The Board reconvened at 3:56 p.m.

Directors present: Directors Fang, Franklin, Keller, Murray, and Radulovich.

Absent: Directors McPartland, Sweet, Ward Allen, and Blalock.

Director Murray, Chairperson of the Administration Committee, reported that the committee had received and discussed a presentation on Fiscal Year 2010 Preliminary Budget Overview.

Vice President Fang asked for the General Manager's Report. General Manager Dorothy W. Dugger had no report.

Vice President Fang called for General Discussion and Public Comment.

Mr. Jerry Grace and Mr. Scott Mace addressed the Board.

Vice President Fang brought Report of the BART Police Department Review Committee before the Board. Director Radulovich gave a brief report.

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

The Board Meeting adjourned at 4:00 p.m.

Kenneth A. Duron  
District Secretary