

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

Board of Directors
Minutes of the 1,507th Meeting
May 24, 2007

A regular meeting of the Board of Directors was held May 24, 2007, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Fang. Director Keller entered the meeting later.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of May 10, 2007.
2. Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Oakland Airport Connector (OAC) Project.
3. Renewal of Station Retail Permits at Four Locations.
4. Grant of Two Easements to AvalonBay Communities, Inc., at the Union City BART Station.

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

1. That the Minutes of the Meeting of May 10, 2007, be approved.
2. Adoption of Resolution No. 5013, In the Matter of the Approval of a Subsequent Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Oakland Airport Connector.
3. That the General Manager or his designee be authorized to issue new Station Retail Permits to the entities listed on Attachment A, for terms of up to five years, plus two one-year options; to increase existing fees 3%; to increase fees at 3% per year for the remaining non-option years; and to increase fees 3% to 5% for each option year or to an amount based on

market studies. (Attachment A is attached and hereby made a part of these Minutes.)

4. Adoption of Resolution No. 5014, In the Matter of Authorizing the Grant of Easements to AvalonBay Communities at the Union City BART Station, Easements 0-AB65E1 and 0-AB65E2/APN087-0019-001-1.

The Board Meeting recessed at 9:07 a.m.

The Board Meeting reconvened at 11:03 a.m.

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

Absent: Director Fang. Director Murray entered the meeting later.

Consent Calendar Addenda items brought before the Board were:

1. Authority to Execute Agreement No. 6M5010 with Mason Tillman Associates for an Availability and Utilization Study for the San Francisco Bay Area Rapid Transit District.
2. Agreement with LAN Engineering Corporation for Construction Management Services for the Earthquake Safety Program Aerial Structures (Agreement No. 6M8013).
3. Change Order to Contract No. 09AS-120, Vibro-Replacement and Grouting along the Transbay Tube, for Underground Obstructions during Vibro-Replacement (C.O. No. 10).
4. Authorize Developer Solicitation for the Millbrae BART Station.

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

1. That the General Manager be authorized to execute Agreement No. 6M5010, to provide services to conduct an Availability and Utilization Study, with Mason Tillman Associates, for a term not to exceed one year, and in an amount not to exceed \$297,275.00, subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to execute Agreement No. 6M8013, with LAN Engineering Corp., of San Ramon, California, for Construction Management Services for the Earthquake Safety Program

aerial structures, in an amount not to exceed \$26,000,000.00, for a term ending December 31, 2013, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, 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 execute Change Order No. 10, Underground Obstructions Encountered during Vibro-Replacement, to Contract No. 09AS-120, Vibro-Replacement and Grouting along Transbay Tube – Port of Oakland, for an amount of \$281,553.00, and a time extension of 20 calendar days.
4. That the Board of Directors authorizes the release of a private development solicitation for the Millbrae Station property.

Director Franklin, Chairperson of the Administration Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Keller, Vice Chairperson of the Engineering and Operations Committee, reported that the committee had forwarded two items to Consent Calendar Addenda and received and discussed the Quarterly Performance Report, Third Quarter Fiscal Year 2007 - Service Performance Review.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had forwarded one item to Consent Calendar Addenda and received and discussed a report on the Strategic Plan Update.

President Sweet asked for the General Manager's Report. General Manager Thomas E. Margro had no report.

Director Murray entered the meeting.

Director Ward Allen, Chairperson of the District Security Advocacy Ad Hoc Committee, had no report.

President Sweet brought Roll Call for Introductions before the Board.

Director Ward Allen requested information on District spending on newspaper advertising, to include with whom and amount.

Director Franklin asked if the APTA Safety Peer Review had been conducted. Mr. Margro responded that it had been conducted May 14 through May 16, 2007, and a report of the panel's conclusions would be provided to the Board as soon it was available.

President Sweet recognized a thank you plaque the Board had received from the Walter T. Helms Middle School's Future City Competition team.

President Sweet called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

President Sweet announced that the Board would enter into closed session under Item 8-A (Public Employee Appointment) and Item 8-B (Conference with Labor Negotiators – Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 11:11 a.m.

The Board entered into closed session at 11:20 a.m.

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

Absent: Director Fang.

The Board Meeting adjourned at 12:45 p.m.

Kenneth A. Duron
District Secretary