

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

February 28, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, February 28, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors and Standing Committees regarding any matter on these agendas. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” and “consent calendar addenda” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 14, 2008.* Board requested to authorize.

- B. Quitclaim of Surplus Utility Easement in the City of Walnut Creek (Parcel 0-C130X).* Board requested to authorize.
- C. Sale of Parcel in South San Francisco to Bimbo Bakeries.* Board requested to authorize.
- D. Award of Contract No. 09DJ-210, Procurement of Anode Array Assemblies for Transbay Tube Cathodic Protection.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Fiscal Year 2009 Budget: Pro Forma Operating Budget Review.* For information.
- A-2. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Director Fang, Chairperson

NO REPORT.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Administration Committee Meeting

Director Ward Allen, Chairperson

- C-1. Environmental Certification of Mitigated Negative Declaration for the Exchange of Properties between BART and the City of Hercules.* Board requested to authorize.
- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. Fiscal Year 2009 Budget: Pro Forma Operating Budget Review.* For information.

B. ENGINEERING AND OPERATIONS COMMITTEE

NO REPORT.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. Environmental Certification of Mitigated Negative Declaration for the Exchange of Properties between BART and the City of Hercules.* Board requested to authorize.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

- A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

8. WORKSHOP

- A. Strategic Plan Update – Climate Change.* For information.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Maria Salinger 2/20/08</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE:		BOARD-INITIATED ITEM: No		
Originator/Prepared by: Les Freigh Dept: Real Estate	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:	<i>MB 2/19/08</i>	<i>[Signature] 2/19/08</i>	[]	<i>[Signature] 2/19/08</i>

Status: Routed	Date Created: 01/15/2008
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TITLE:

Quitclaim of Surplus Utility Easement in the City of Walnut Creek (Parcel O-C130X)

NARRATIVE:

PURPOSE: To request that the Board quitclaim the District's interest in a surplus utility easement in the City of Walnut Creek to Shirlee Chiu, owner of the encumbered property.

DISCUSSION: Staff recommends disposal of District's rights in a portion of the subject utility easement by quitclaim deed to the owner of the underlying fee. The original utility easement was acquired for \$1,700.00 in 1964 for the relocation of utilities and encumbered 2,374 square feet. A design change in the relocation of Jones Road decreased the required easement area and the 2,200 square foot portion substantially as shown on Exhibit "A" of the attached resolution was declared surplus in May 1968.

The owner of the encumbered property has agreed to a negotiated fair market value of \$5,000.00 for the elimination of the surplus utility easement. The value is primarily due to the fact that the elimination of this encumbrance will allow additional flexibility for development. The property will continue to be encumbered by a small portion of the original utility easement, which restricts development of the northwest corner. The northerly continuation of the surplus easement area (O-C128X (O-C129X) - 4,911 square feet) was quitclaimed for \$500.00 pursuant to Resolution #1453, adopted in December 11, 1969.

BART staff has determined that there will be no significant effect on the environment from granting this quitclaim of interest in a utility easement and that the action is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

FISCAL IMPACT: BART will be paid \$5,000.00 for the quitclaim of this easement. The proceeds from the quitclaim will be returned to the BART General Fund 030.

ALTERNATIVE: Not quitclaim the surplus utility easement. This will impact the flexibility in developing the property by Shirlee Chiu.

RECOMMENDATIONS: Adoption of the following motion.

MOTION: Adoption of the attached resolution.

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the matter of authorizing the quitclaim of a surplus
utility easement in Walnut Creek - BART Parcel O-C130X
(Portion of APN# 172-140-028-9) /

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the quitclaim of the surplus utility
easement in Walnut Creek to Shirlee Chiu, substantially as shown on the attached Exhibit "A," is in
the best interests of the District, and hereby authorizes the execution of the quitclaim by the
President or Vice President of the Board and the District Secretary or Assistant District Secretary on
behalf of the District, in consideration for the sum of \$5,000.00.

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SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary, of the SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the
original resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT at its meeting regularly called and held on _____ 2008, a
majority of the members of said Board being present and voting therefor.

Dated this _____ day of _____, 2008.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District

HWY 680

S.F.B.A.R.T.D RIGHT OF WAY



← 0.9 MILES TO WALNUT CREEK STATION | 0.6 MILES TO PLEASANT HILL STATION →

JONES ROAD

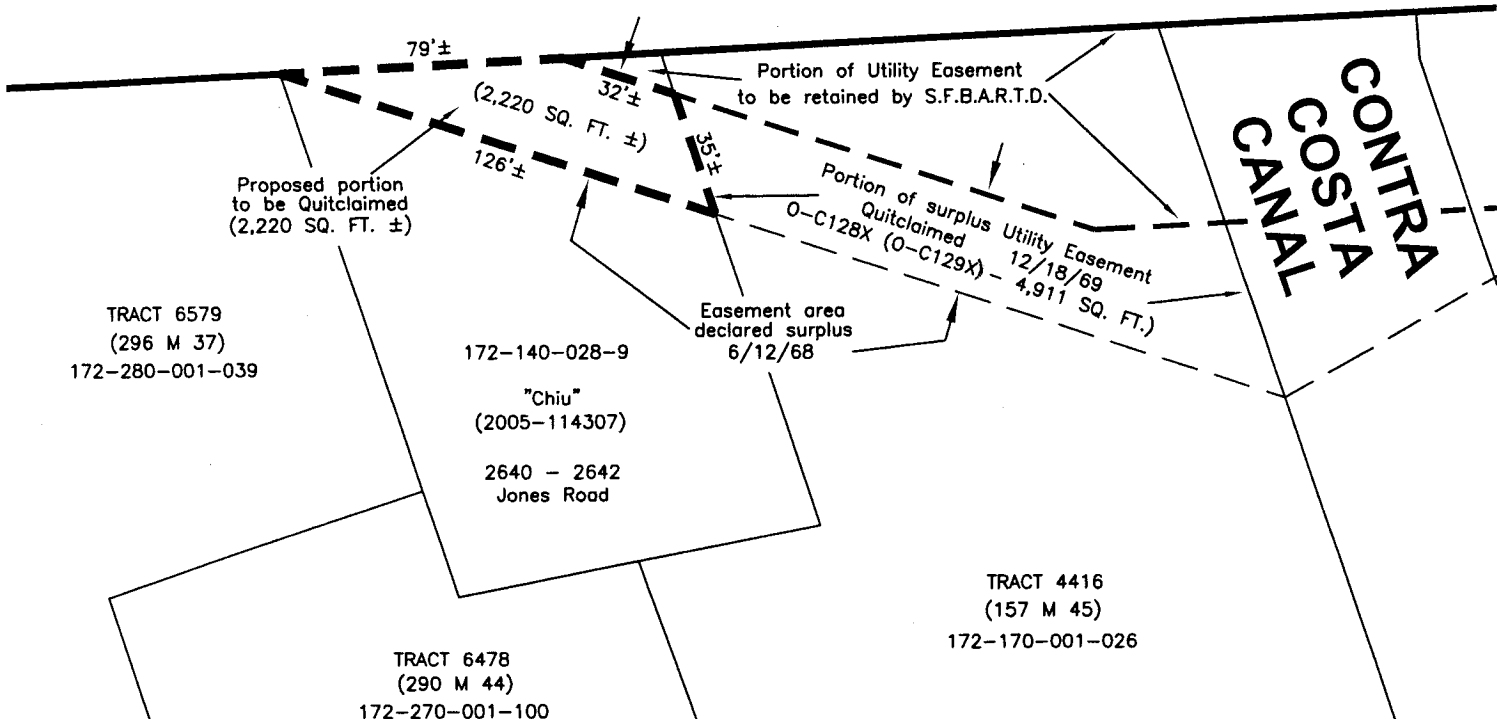


EXHIBIT "A"
SURPLUS UTILITY EASEMENT PLAT
PARCEL NO. O-C130X
WALNUT CREEK
CONTRA COSTA COUNTY
SCALE: 1" = 50' JANUARY, 2008



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2/20/08		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Sue Dept: Real Estate	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 2/20/08	<i>[Signature]</i> 2/20/08	<i>[Signature]</i> 2/20/08	[]	<i>[Signature]</i> 2/19/08 []
Status: Routed		Date Created: 02/08/2008		

TITLE:

Sale of Property in South San Francisco to Bimbo Bakeries

NARRATIVE:

PURPOSE: To request that the Board designate BART Parcel D-3153X2 as excess land available for immediate sale and authorize the transfer of the fee interest to Bimbo Bakeries USA, Inc.

DISCUSSION: Pursuant to the Comprehensive Agreement pertaining to BART System Extension, dated March 1, 1990 by and between BART and SamTrans, SamTrans acquired and currently holds fee title or permanent easement interest to most of the property purchased for the BART/SFO Extension Project. BART's current interest in this property consists of an exclusive easement for the possession, use and operation of its transit facilities. The Settlement and Release of Claims ("Settlement") dated April 27, 2007 between SamTrans and BART calls for the quitclaim by SamTrans to BART of all properties acquired for the Project. The Settlement entitles BART to all revenue and income from the properties, and places maintenance responsibility and liability therefor on BART. Pending completion of the complete quitclaim of all SFO Extension parcels to BART, SamTrans has agreed to quitclaim this portion of D-3153 to BART in order for BART to convey the property to Bimbo Bakeries USA Inc. ("Bimbos").

D-3153 was originally owned by Southern Pacific Railroad and, in December of 1997, SamTrans acquired the parcel for use as part of the BART San Francisco Airport Extension Project. Oroweat Baking Company has leased the parcel since September of 1970. The baking plant is located adjacent to the leased parcel. Bimbos purchased Oroweat Baking Company in 2002 and Oroweat is now a division of Bimbos.

Bimbos has determined that it would rather own the parcel than to continue to lease it for the long term. Several of Bimbos' grain silos are located on the parcel, and there is also a small access road running across the parcel that is used by Bimbos' trucks for pickup and delivery of bakery ingredients and products.

Bimbos has requested to purchase 10,899 square feet of land, as shown on Exhibit "A" attached to the proposed resolution, which is slightly larger than the current leased area of 9,140 square feet. The original lease area (14,000 square feet) was reduced to allow for construction of the SFO Extension facilities. The conveyance of this parcel would allow Bimbos to use land up to a

BART retaining/sound wall, rather than stopping several feet short at a fence parallel to the wall. Staff has determined that this conveyance will not interfere with any of BART's operations.

As the parcel cannot be developed as a separate parcel, it is recommended for sale to Bimbo Bakeries. Board Resolution No. 305 requires that all excess land be disposed of by public auction or sealed bid sales, except when parcels are landlocked, as in this case. The Real Estate Department recommends the sale of this parcel to the adjoining property owner. No operational need for this parcel has been identified. A sub-surface operating easement affecting the entire sale parcel will be reserved in favor of BART, and FTA concurrence will be obtained prior to the property transfer.

An appraisal was completed on the subject parcel and after staff review, staff negotiated a sales price of \$381,465 which reflects fair market value based on the utility of the parcel. Bimbos has agreed to pay \$381,465 cash for the property.

Staff has determined that this sale is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15312, Surplus Government Property Sales.

The Office of the General Counsel will approve the deed as to form.

FISCAL IMPACT: BART will be paid \$381,465 for the sale of this fee simple interest. 100% of the sales proceeds will accrue to BART. The proceeds will be reprogrammed in accordance with federal regulations (49 CFR 18.31) and FTA Circular 5010.1C (Grant Management Guidelines) which permits the grantee to sell excess property and apply the proceeds to the original cost of the total real property purchased for the Project. Fund Grant 42J, SFO Project Fund Investment Earnings will be credited.

ALTERNATIVE: Do not transfer the parcel and continue to lease the parcel to Bimbo Bakeries USA Inc. BART would then retain ownership and liability for the parcel.

RECOMMENDATION: Adoption of the following motions.

MOTIONS:

1. The proposed sale parcel is surplus to operational needs and is declared as excess land.
2. Subject to concurrence by FTA, the Board concurs with SamTrans' quitclaim to BART of a portion of Parcel D-3153. The total compensation of \$381,465 will be paid to BART.
3. Adoption of the attached resolution.

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the matter of authorizing the grant of fee simple interest
to Bimbo Bakeries USA, Inc. - BART Parcel D-3153X2
(Portion of S.B.E. 872-41-17B, Parcel 5) /

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board designates as excess land available for immediate
sale and determines that the grant of fee simple interest substantially as shown on the attached
Exhibit "A," is in the best interests of the District, and hereby authorizes the execution of a deed by
the President or Vice President of the Board and the District Secretary or Assistant District
Secretary on behalf of the District, in consideration for the sum of \$381,465.

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SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary, of the SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the
original resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT at its meeting regularly called and held on _____ 2008, a
majority of the members of said Board being present and voting therefor.

Dated this _____ day of _____, 2008.

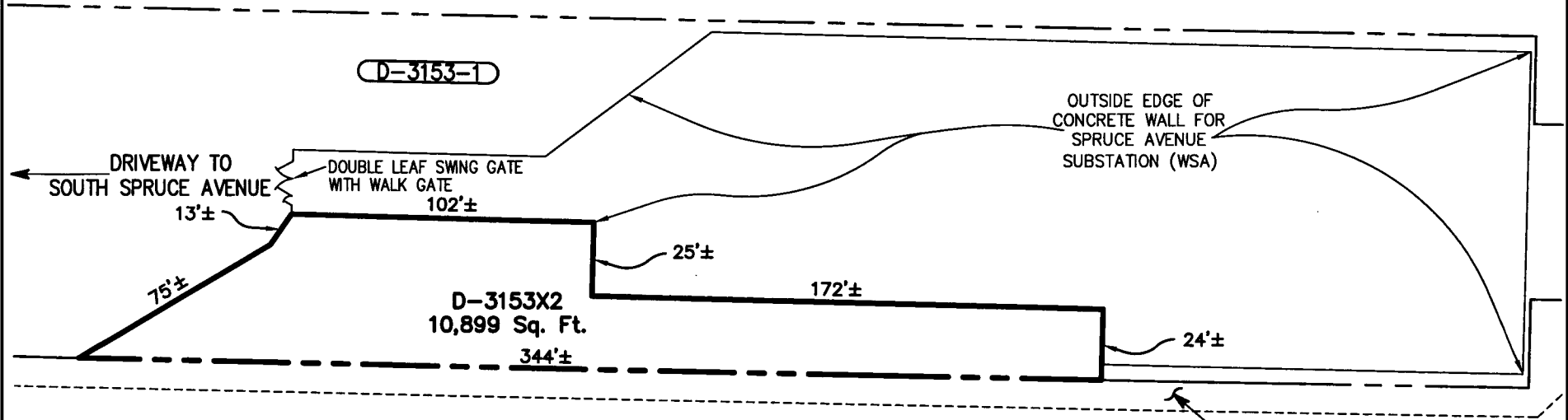
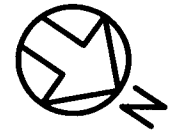
Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District

EXHIBIT 'A'

SURPLUS LAND PLAT

PARCEL D-3153X2
CITY OF SOUTH SAN FRANCISCO
SAN MATEO COUNTY

JANUARY, 2008 SCALE 1" = 50'



014-150-220
BIMBO BAKERIES, INC.
2002-042284

PG&E PIPELINE EASEMENT
365 O.R. 275 &
POLELINE EASEMENT
2249 O.R. 254
PARCEL 1

← 0.5 MILES TO
SAN BRUNO STATION



GRAPHIC SCALE

1.3 MILES TO SOUTH
SAN FRANCISCO STATION →



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa delBusto</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>2/20/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept. M & E Engineering-Electrical	General Counsel	Controller/Treasurer	District Secretary	BANC
<i>Khawaja Zubair</i> Signature/Date: <i>2/14/08</i>	<i>MB</i> <i>2/14/08</i>	<i>[Signature]</i> <i>2/14/08</i> []	[]	<i>Paul Chesser</i> <i>2/13/08</i>

TITLE:
AWARD OF NO. 09DJ-210, PROCUREMENT OF ANODE ARRAY ASSEMBLIES FOR TRANSBAY TUBE CATHODIC PROTECTION

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 09DJ-210, Procurement of Anode Array Assemblies for Transbay Tube Cathodic Protection, to Corpro Companies, Inc.

DISCUSSION:

BART Engineering has developed a project plan to replace 17 of the 21 non-working anode array assemblies along the Transbay Tube (TBT). Anode array assemblies are placed at the bottom of the San Francisco Bay alongside the TBT in order to provide cathodic protection to the outer steel shell of the TBT. Each assembly is connected via its power cable to its power supply mounted inside the TBT. Without cathodic protection, corrosion on the outer steel shell of the TBT can cause leaks and weaken the TBT's structural strength. Over time, the anode array assemblies are gradually consumed, and some assemblies have their power cables damaged by ship traffic. Therefore, the assemblies must be replaced periodically to maintain adequate cathodic protection. Under this Contract, 20 anode array assemblies will be procured, including 17 replacement anodes and 3 spares. Due to the complexity of underwater installation, a separate contract will be issued for installation of these assemblies. The remaining 4 non-working assemblies will be replaced by the Port of Oakland after completion of the Port's dredging project.

Advance Notices to bidders was mailed on November 7, 2007 to five prospective bidders. The Contract was advertised on November 9, 2007. The pre-bid meeting was conducted on November 29, 2007 with four prospective bidders attending the meeting. The following two bids were received on January 8, 2008.

<u>BIDDER</u>	<u>BID PRICE(Lump Sum)</u>
Corpro Companies, Inc., San Leandro, California	\$ 327,000.00
Farwest Corrosion Control Company, Hayward, California	\$ 502,942.00
Engineer's Estimate	\$290,000.00

AWARD OF NO. 09DJ-210, PROCUREMENT OF ANODE ARRAY ASSEMBLIES FOR TRANSBAY TUBE CATHODI

After review by District staff, the bid submitted by the low bidder, Corrpro Companies, Inc., has been deemed to be responsive to the solicitation. Furthermore, a review of the bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible. Staff has determined that the price bid by Corrpro Companies, Inc. is fair and reasonable.

FISCAL IMPACT:

Funding of \$327,000.00 for award of contract is included in the total project budget for FMS# 09DJ, Track Rehab (Cathodic Protection). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funding for the contract will come from the following fund.

CA-03-0729 FY05

47W

\$327,000

As of 12/30/2007 \$4,958,891 is available for commitment from this fund source for this project, and \$361,581 has been committed by BART to date. There is \$51,710 of pending commitment in BART's financial management system. This action will commit an additional \$327,000, leaving an uncommitted balance of \$4,218,600.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Not to replace the anode array assemblies, which would leave the Transbay Tube unprotected against corrosion.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to award Contract No. 09DJ-210, Procurement of Anode Arrays Assemblies for Transbay Tube Cathodic Protection, to Corrpro Companies, Inc. for the bid price of \$ 327,000, pursuant to notification issued by the General Manager, subject to compliance with the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/20/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Property Development <i>[Signature]</i> Signature/Date: 2/16/08	General Counsel <i>[Signature]</i> 2/20/08	Controller/Treasurer []	District Secretary []	BART <i>[Signature]</i>

Status: Routed	Date Created: 02/19/2008
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TITLE:

Environmental Certification of Mitigated Negative Declaration for the Exchange of Properties between BART and the City of Hercules

NARRATIVE:

PURPOSE: To have the Board of Directors review and approve the Mitigated Negative Declaration prepared by the Hercules Community Development Department in accordance with the California Environmental Quality Act ("CEQA") for the exchange of properties between BART and the Redevelopment Agency of the City of Hercules (the "Agency") and the relocation of the BART Park and Ride lot.

DISCUSSION: On December 2, 2004, the BART Board of Directors authorized execution of an Exchange Option Agreement with the Agency to exchange BART's current Park-and-Ride parcel for a comparable parcel owned by the Agency approximately one-half mile east along Highway 4, to which the park and ride function would be relocated. Attachment 1 depicts both the current BART Park-and- Ride parcel (PNR Parcel) and the Agency's comparable parcel (C-1 Parcel).

The Exchange Option Agreement established conditions precedent to the exchange of land, including an evidentiary and administrative record enabling the BART Board to make independent finding of CEQA compliance of its action to exchange parcels with the Agency. On December 3, 2007, the Hercules Planning Commission adopted a Mitigated Negative Declaration, among other actions, related to the Exchange Option Agreement.

The Hercules Community Development Department has provided evidence to BART staff adequate for use by BART as the responsible agency that the Agency has complied with CEQA with respect to the exchange and that all periods to challenge or appeal any action taken by the Hercules Planning Commission with respect to CEQA have passed without challenge or appeal. BART staff has reviewed the Mitigated Negative Declaration and concurs that there will be no significant effect on the environment from the proposed property exchange and replacement lot construction.

Staff are requesting that the BART Board of Directors adopt a motion that would complete the CEQA process and enable the property exchange to occur.

FISCAL IMPACT: There is no new fiscal impact from the proposed action. Consideration for the exchange of properties was addressed in the staff Executive Decision Document presented to the BART Board in December 2004.

ALTERNATIVES: If the BART Board determines that evidence of CEQA compliance is inadequate, additional analyses would be required to address any deficiencies identified by the Board.

RECOMMENDATION: It is recommended that the following motion be adopted:

After review and consideration of the environmental findings for the exchange of the BART Park-and-Ride parcel for the C1 parcels owned by the Redevelopment Agency of the City of Hercules, as shown in the Mitigated Negative Declaration adopted by the Hercules Planning Commission on December 3, 2007, the Board finds that there are no significant environmental effects of the exchange which have not been mitigated to insignificance and no further environmental review is required under CEQA.

