

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

BOARD MEETING AGENDA

October 25, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 25, 2012, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. 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” 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 meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

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:  
Randall Glock, Chair, and Alan Smith, Vice Chair. BART Accessibility Task Force Report.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 13, 2012 (Regular).\*  
Board requested to authorize.
- B. Agreement with Environmental Systems Research Institute for Enterprise Geographic Information System Enterprise License Agreement.\* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Sweet, Chairperson

- A. Solar Photovoltaic (PV) Canopy Systems at Lafayette and Orinda Stations.\*
  - a. Approval of Northern California Power Agency Power Purchase Agreements.
  - b. Property Lease Agreements with LightBeam Energy Inc. to Permit Installation and Operation of PV Canopy Systems.

Board requested to authorize.

- B. Approval of BARTPlus Agreement with East Bay Operators.\* Board requested to authorize.
- C. District Response to US Department of Transportation 49 Code of Federal Regulations Part 26 Disadvantaged Business Enterprise (US DOT 49 CFR Part 26 DBE): Program Implementation Modifications; Proposed Rule.\*  
For information.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 79LR-110, Installation of Radio Distributed Amplifier System in BART Underground.\* Board requested to authorize.

- B. Quarterly Performance Report, First Quarter Fiscal Year 2013 - Service Performance Review.\* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Blalock, Chairperson

- A. Resolution of Support for the Tanforan Assembly Center Committee Grant Application to the National Parks Service.\* Board requested to adopt.

6. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of November 14, 2012.\* For information.
- B. Update on Small Business Opportunity Plan. For information.

7. BOARD MATTERS

- A. Board Member Reports. For information.  
(An opportunity for Board members to provide brief reports on meetings attended at District expense.)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

Board of Directors  
Minutes of the 1,662nd Meeting  
September 13, 2012

A regular meeting of the Board of Directors was held September 13, 2012, convening at 9:07 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland.

Absent: None. Director Fang entered the Meeting later.

President McPartland brought the matter of Introduction of Special Guests before the Board. Director King introduced and welcomed Mr. Henry Gardner, Ms. Jo Cazanave, AC Transit General Manager Mr. David Armijo, many members of AC Transit staff, and other guests.

Director King was administered the Oath of Office, and shared remarks.

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

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The Board reconvened at 9:38 a.m.

Directors present: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland.

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of August 9, 2012 (Regular), and August 16, 2012 (Special).
2. Award of Contract No. 15QJ-120, Reroof CHB Hayward Yard Control Center Upper Roof.
3. Award of Contract No. 20LZ-110, Train Control Room Battery Replacements.
4. Award of Invitation for Bid No. 8904, Kit, High Speed Gear Assembly.

5. Award of Invitation for Bid No. 8909, Powered Stand-On Riding Autoscrubber.

Director Sweet made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

1. That the Minutes of the Meetings of August 9, 2012 (Regular), and August 16, 2012 (Special), be approved.
2. That the General Manager be authorized to award Contract No. 15QJ-120, Reroof CHB and Hayward Yard Control Center Upper Roof, to Stronger Building Services, for a Bid price of \$226,000.00, 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. 20LZ-110, Train Control Room Battery Replacements, to American Power Systems, for the Bid price of \$1,050,000.00, pursuant to notification issued by the General Manager, subject to compliance with the District's protest procedures and the Federal Transit Administration's related to protests.
4. That the General Manager be authorized to award Invitation for Bid No. 8904, an estimated quantity contract for procurement of high speed gear assembly kits, to Motion Industries, for the Bid price of \$1,075,888.98, including applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 8909 to JC Paper Company, for the Bid price of \$188,673.42, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with District protest procedures.

(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Sweet, Chairperson of the Administration Committee, brought the matter of Temporary Help Services – Agreement with Wollborg/Michelson Personnel Service, Inc., for Safety Certified Temporary Help Services (Agreement No. 6M4189), before the Board. Mr. Carlton Allen, Chief Engineer, and Mr. Colby Barry, Manager of Operations Liaisons, presented the item.

President McPartland exited the Meeting, and Vice President Radulovich assumed the gavel.

The following individuals addressed the Board.

Ms. Lucy Thomas

Ms. Sandra Floyd

Ms. Myla Ramos

The item was discussed. Director Keller moved that the General Manager or her designee be authorized to award Agreement No. 6M4189, in an amount not to exceed \$17,500,000.00, to Wollborg/Michelson Personnel Service, Inc., for safety certified temporary help services; and that a separate \$3,000,000.00 Federal Set-Aside Micro Small Business contract be issued at a future date. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet. Noes – 0. Absent – 1: President McPartland.

Director Sweet brought the matter of Fiscal Year 2012 Year-End Budget Revision before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget; Ms. Elaine Kurtz, Department Manager, Human Resources; and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Discussion continued. Director Radulovich moved Adoption of Resolution No. 5199, In the Matter of Amending Resolution No. 5163 Regarding Fiscal Year 2012 Annual Budget. Directors King and Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet. Noes – 0. Absent – 1: President McPartland.

Director Sweet brought the matter of Modification to Agreement No. 6G6428, Workers Compensation Administration Services, with Athens Administrators, for Time Extension and Increase of Contract Value, before the Board. Ms. Kurtz presented the item. Director Murray moved that the General Manager be authorized to execute a change order to Agreement No. 6G6428, with Athens Administrators, for Workers Compensation Administration Services, to increase the not-to-exceed value to \$6,267,161.00, and to extend the term of the Agreement for an additional nine months, from September 30, 2012, to June 30, 2013. Directors Blalock and Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet. Noes – 0. Absent – 1: President McPartland.

Director Sweet announced that the order of agenda items would be changed.

Director Sweet brought the matter of Resolution Authorizing the Controller-Treasurer to Enter into a Bond Purchase Agreement with the Joint Venture Team of RBC Capital Markets, LLC; Backstrom McCarley Berry & Co., LLC; Ramirez & Co. Inc.; Piper Jaffray & Co; Alamo Capital; and Fidelity Capital Markets (a division of National Financial Services, LLC) to Provide the District with Underwriting Services in the Issuance of Bonds, and related items, before the Board. Mr. Scott Schroeder, Controller-Treasurer, presented the item. Director Raburn

requested that the item be bifurcated to allow for separate votes on Series A Bonds and Series B Bonds. The item was discussed.

Director Raburn moved adoption of the portion relating to Series 2012 Series A (tax-exempt) bonds of Resolution No. 5200, Authorizing and Approving the Issuance and Sale of Not to Exceed \$300,000,000.00 of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds; Authorizing the Execution and Delivery of a Master Indenture, a First Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and to Complete Said Documents; and Authorizing Certain Other Matters Relating Thereto. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet. Noes – 0. Absent – 1: President McPartland.

Discussion on the item continued. Director Fang moved adoption of the portion relating to Series B (taxable) bonds of Resolution No. 5200, Authorizing and Approving the Issuance and Sale of Not to Exceed \$300,000,000.00 of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds; Authorizing the Execution and Delivery of a Master Indenture, a First Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and to Complete Said Documents; and Authorizing Certain Other Matters Relating Thereto. Director Murray seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, King, Murray, Radulovich, and Sweet. Noes – 1: Director Raburn. Absent – 1: President McPartland.

Director Sweet brought the matter of Agreements with Associated Right of Way Services, Inc. (Agreement No. 6M4208), Smith & Associates (Agreement No. 6M4182), and Bender Rosenthal, Inc. (Agreement No. 6M4209), for Real Property Appraisal Services, before the Board. Mr. Mau presented the item. The item was discussed. Director Murray moved that the General Manager or her designee be authorized to execute Agreements to provide On-Call Real Property Appraisal Services for a five-year period, for an amount not to exceed \$800,000.00 per Agreement, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures, with each of the following consultants: Associated Right of Way Services, Inc., Smith & Associates, and Bender Rosenthal, Inc. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet. Noes – 0. Absent – 1: President McPartland.

The Board Meeting recessed at 11:59 a.m.

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The Board reconvened at 1:06 p.m.

Directors present: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland.

Absent: None.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Department of Industrial Relations Conveyance Inspection Fees for Fiscal Year 2013 through Fiscal Year 2017 before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. Director Murray moved that the General Manager be authorized to allocated and pay up the \$197,633.00 from each Fiscal Year 2013 through 2017 budgeted Power and Mechanical Maintenance Operating Funds for the Conveyance Inspection Fees, required by the State of California, for the District's 179 escalators, 137 elevators, and 3 chair lifts. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Fang brought the matter of Change Order to Contract No. 15EJ-120, A-Line 34.5kV Cable Section Replacement, with Blocka Construction Inc., for Cable Trays, Splicing and Grounding, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item. The item was discussed. Director Sweet moved that the General Manager be authorized to execute Change Order No. 1, Cable Trays, Splicing and Grounding, to Contract No. 15EJ-120, A-Line 34.5kV Cable Section Replacement between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF), with Blocka Construction, Inc., in an amount not to exceed \$595,900.00. Director Blalock seconded the motion.

Director Radulovich exited the Meeting.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 1: Director Radulovich.

Director Fang brought the matter of Change Order to Contract No. 15PD-110, Earthquake Safety Program Aerial Structures – C Line, with William P. Young Construction, Inc., for C Line Impacts, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Director Raburn moved that the General Manager be authorized to execute Change Order No. 122, in the amount of \$670,888.83, to Contract No. 15PD-110, Earthquake Safety Program Aerial Structures – C Line, with William P. Young Construction, Inc. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, King, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 1: Director Radulovich.

Director Fang exited the Meeting.

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



President McPartland called for the General Manager's report. General Manager Grace Crunican noted the system had carried more than 400,000 riders per day three times in the past week.

Mr. David Kutrosky, Managing Director of Capitol Corridor, gave a brief review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of September 19, 2012.

Ms. Crunican reported on actions she had taken, meetings she had participated in, and upcoming events.

Mr. Jerry Grace addressed the Board.

Directors Fang and Radulovich re-entered the Meeting.

President McPartland called for Board Member Reports and Roll Call for Introductions.

Director Keller reported he had attended the Special Board Meeting in Oregon.

Director Blalock reported he had attended the Special Board Meeting in Oregon and the Citizen Review Board meeting.

Director Sweet requested the District revise the schedule for providing escorts at stations to commence earlier this year given increased reports of assaults on female customers.

Director Radulovich reported he had attended the Special Board Meeting in Oregon.

President McPartland requested the District consider using announcements advising customers on which side of the train the doors would be opened at approaching stations.

President McPartland stated he would be joining the United States Geological Survey to address Congress on earthquake early warning.

Director Fang reported he had traveled to Asia to learn about near-field communications and paying fares via cellular telephone.

Director Murray reported she had attended several meetings regarding the Walnut Creek transit village.

Director Murray requested the District review and potentially revise its policy on permissible point-of-view advertising in the context of the reported more restrictive policy adopted by the Golden Gate Bridge, Highway and Transit District.

Director Murray requested a report on the reported infestation of rats and pigeons in the system and actions being taken to remediate.

Director Murray requested the District develop an on-board "customer courtesy" signage campaign, addressing customer conduct and providing useful contact information for BART Police.

Director Raburn reported he had attended the Special Board Meeting in Oregon.

Director Raburn requested that the District work cooperatively with regional and local park districts to include pathfinding signage on trails directing users to local BART Stations.

Director Raburn requested the development of a comprehensive plan to provide some level of suitable training of District advisory committees, to include meeting management.

Director Raburn requested the District review and evaluate reimbursement for transit travel for advisory committees (to include BART Accessibility Task Force use of Regional Transit Card vs. Clipper Card) and establish a process for reviewing extraordinary expenses.

Director King reported she had attended the BART Accessibility Task Force meeting.

President McPartland called for General Discussion and Public Comment. The following individuals addressed the Board:

Mr. Jerry Grace  
Ms. Maria Alegria

President McPartland announced that Item 9-A (Conference with Real Property Negotiator) would be continued to a future meeting.

President McPartland announced that the Board would enter into closed session under Item 9-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 2:07 p.m.

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The Board reconvened in closed session at 2:17 p.m.

Directors present: Directors Blalock, Keller, King, Murray, Raburn, Radulovich, Sweet, and McPartland.

Absent: Director Fang.

Director Radulovich exited the Meeting.

Director Blalock exited the Meeting.

Director Sweet exited the Meeting.

The Board Meeting recessed at 3:28 p.m.

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The Board reconvened in open session at 3:30 p.m.

Directors present: President McPartland.

Absent: Directors Blalock, Fang, Keller, King, Murray, Raburn, Radulovich, and Sweet.

President McPartland announced that the Board had concluded the closed session and there was no announcement to be made.

The Board Meeting was adjourned at 3:31 p.m.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors		
DATE: c <i>10/17/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis W Engstrom Dept: Information Technology <i>Travis Engstrom</i>	General Counsel <i>Audrea Reeves</i> 10/15/12 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 10-15-12 [ ]
Signature/Date: <i>10/12/2012</i>				

TITLE:

### EGIS Enterprise License Agreement

NARRATIVE:

#### Purpose

This is a request that the Board Authorize the General Manager to execute a 3 year software license agreement with Environmental Systems Research Institute (ESRI) in an amount not to exceed \$450,000. This multi-year software agreement will provide unlimited access to critical ESRI software products for a fixed annual fee not to exceed \$150,000.

#### Discussion

BART's Information Technology Department has identified an opportunity for considerable savings in the procurement of critical software licenses related to geospatial analysis, design, planning and asset management. ESRI is the world leader in geospatial technology. Used by more than 95% of all government offices, ESRI software enables desktop, mobile and web access to critical data and applications.

ESRI software is used to exchange critical information between BART and the Federal Government, State of California, all Bay Area Counties, the Metropolitan Transportation Commission, the Association of Bay Area Governments, and more than 25 local agencies. The District has explored alternative software including open-source options and alternative vendors used by the other 5% of government offices. The District has found that alternative software solutions do not provide adequate enterprise, mobile and web connectivity.

BART has purchased ESRI software for the last 8 years. Current software demand now justifies the existence of an unlimited Enterprise License Agreement (ELA) between BART and ESRI. Much like other ELA agreements used to procure Microsoft Office, Lotus Notes, and other business critical applications, BART stands to save considerable money with this 3 year unlimited use ELA. This software will play a critical role in the BART's Enterprise Geographic Information System (EGIS), a system used for State of Good Repair, Title VI Analysis, Community Outreach, Planning, and District's emerging Regional Anti-Terrorism Integrated Law Enforcement System (RAILS).

This ELA allows staff to continue to conduct daily operations related to geospatial analysis, design, planning and asset management.

The provider is uniquely qualified to provide the necessary software tools, expertise, and specialized applications required to provide BART with the ability to continue to create open-ended enterprise data content that will work with BART's existing business applications.

The Office of General Counsel will approve the Agreement as to form prior to execution.

**Fiscal Impact**

The cost of this agreement is for an amount not to exceed \$450,000.00 including California State Sales Tax, as follows:

Funding for FY13 in the amount of \$150,000 is included in the Operating Budget of the Information Technology Department. The remaining amount not to exceed \$300,000 will be requested in future preliminary operating budget cycles with approximately \$150,000 requested in FY14 and the final installment not to exceed \$150,000 requested in FY15.

**Alternative**

1. Use a geospatial software vendor other than ESRI. In this circumstance, alternative software will fail to meet basic enterprise function and connectivity criteria for the District. In addition, alternative software solutions do not provide adequate interoperability with the Metropolitan Transportation Commission, the Association of Bay Area Governments, and the vast majority of local agencies.
2. Do not authorize the execution of the Agreement. In this circumstance, the proposed ESRI Enterprise License Agreement would not be carried out, and BART will continue to pay full retail price for all ESRI software incurring projected costs during the same 3 year term of \$750,610.00, \$350,000 more than the price of the proposed 3 year Enterprise License Agreement.

**Recommendations**

Approve the following motion:

**Motion**

The Board hereby authorizes the General Manager to execute a 3 year Enterprise License Agreement with Environmental Systems Research Institute (ESRI) in an amount not to exceed \$450,000 to enable unlimited access to ESRI software.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBauge</i>		GENERAL MANAGER ACTION REQ'D: Approve and Place on October 25, 2012 Administration Committee Meeting Agenda		
DATE: c <i>10/19/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schultz Dept: Operating Budgets <i>Lloyd for Frank Schultz</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[ ]</i>	BARC <i>[Signature]</i>
Signature/Date:		<i>[ ]</i>	<i>[ ]</i>	<i>[ ]</i>

TITLE:

### Lafayette and Orinda Stations Power Purchase Agreements and Real Property Lease Agreements

NARRATIVE:

#### PURPOSE

The purpose of this EDD is twofold: (1) To authorize the District's representative on the Northern California Power Agency (NCPA) Commission to vote to approve power purchase agreements (PPA) between NCPA and LightBeam Energy Inc. ("LightBeam") to purchase electrical power generated from solar photovoltaic (PV) canopy systems when they are brought for a vote at the NCPA Commission meeting and (2) To authorize the General Manager to execute twenty-five year (25) year real property lease agreements with LightBeam at the District's Lafayette and Orinda stations to permit the installation and operation of these PV systems.

#### DISCUSSION

The Lafayette and Orinda Stations solar energy projects are being developed under the NCPA Green Pool program. The projects would permit LightBeam to install, operate, and maintain a solar panel canopy system in the two stations' existing parking lots pursuant to the terms of the proposed lease. The solar power generated from this system would then be sold by LightBeam to BART at pricing rates established in the PPAs. The 732 kilowatt Lafayette system will fully power the station's needs as well as generate excess power to be used by BART elsewhere. The 72 kilowatt Orinda system will partially power the station's daytime needs.

The projects were developed using a three-phase process. As part of Phase I, NCPA made a competitive selection of solar developers after a broad based renewable energy Request For Proposals (RFP) process. NCPA selected LightBeam, which it determined to be a viable developer with the lowest price. On May 13, 2010, the BART Board approved the NCPA Phase II Solar Project Agreement, which provides for NCPA's development of up to six megawatts of solar PV capacity for the District's energy needs. Per the Phase II agreement, Gridley, CA, Lafayette Station, and Orinda Station were selected as sites for the PV system. Other key Phase II tasks included: site analysis, electrical system studies, California Environmental Quality Act (CEQA) environmental review, drafting of the power purchase and lease agreements and final pricing.

All Phase II tasks for solar PV canopy systems in the Lafayette and Orinda station parking lots have been completed. Site surveys and electrical studies establish that the PV systems can be installed at each location. District and LightBeam staff engaged in extensive outreach with the Lafayette and Orinda City Councils, city staff and residents on these projects. Developed by the District Architect, the proposed design and system size reflects the preferences of the communities. The Lafayette design will also provide underground infrastructure for the installation of electric vehicle charging stations at a later date. Both projects qualify for a statutory CEQA exemption for solar canopy systems constructed in existing parking lots.

Phase III is the final step in NCPA's development process, approval of the PPAs and lease agreements that allow construction of the solar systems on the Lafayette and Orinda parking lot sites.

The proposed PPAs would establish the power pricing at an average of \$200 per megawatt hour (beginning at \$195 in year one and escalating at 1% per year for 25 years.) As previously discussed with the Board, while somewhat higher than the cost for Gridley or market power, the price for these projects are reasonable due to the smaller size and custom design. In both agreements, LightBeam would assume the risk of system performance; the District only pays for the power generated by the systems. Also, the District has the option to purchase the solar PV systems after seven years, subject to Board approval. Further details on pricing and cost are described in the Fiscal Impact section.

For the lease, District staff has completed negotiations with LightBeam on a letter agreement summarizing major terms of a proposed lease for the two stations' parking lots. The District has historically issued Permits to Enter for the installation and operation of solar systems on its property. The permits are revocable at the discretion of BART. However, LightBeam's financing partner requires a more secure property right in the form of a long-term lease.

Per the negotiated letter agreement, the key provisions of the proposed leases of the two BART station parking lots are: (1) a term of twenty-five years commencing and terminating concurrently with each respective PPA; (2) rent to be paid by LightBeam of \$1/year for a twenty-five year total of \$25 (twenty-five dollars); (3) LightBeam would be responsible for maintaining the canopy and parking lot lighting systems installed under the canopies; (4) prior to or near the end of the terms of the leases, the District can direct LightBeam to remove the canopy systems or leave the systems in place with the District assuming title to the systems; and (5) the leases will require LightBeam to contribute to a sinking fund whose proceeds will either be used by LightBeam to remove the systems, if the District so elects, or be retained by the District for future use. It is important to note that the nominal rent of \$1/year was set because the electric output from the projects, rather than rent income, is the benefit to the District; if a higher (market rate) rent was charged, the cost of the projects could have increased by the amount of the rent. If the Board authorizes staff to vote for approval of the PPAs and execute the leases, construction of the projects would begin in calendar year 2013 and be completed by December 2013.

Staff also notes that these cost estimates do not factor in the intangible benefits that would be realized from these projects being located on District property. The Lafayette and Orinda solar

panel projects would advance the District's environmental and green energy goals, provide a visual demonstration of the District's commitment to sustainability, and will provide shade protection from the sun to BART parking lot customers.

The Office of the General Counsel will approve the PPAs and lease agreements as to form.

**FISCAL IMPACT**

Per the proposed PPAs, the District's power purchase price is approximately \$200 per megawatt hour if LightBeam owns and operates the systems through the twenty-five year term of the PPAs. This pricing is within the estimated range of prices previously provided to the Board for approval of the Gridley Phase III power purchase agreement.

After seven years, the District has an option to purchase the systems in the eighth year of each PPA because the investment tax credit and accelerated depreciation available to LightBeam and the investors in the project will have been fully utilized. If the District were to exercise the option to purchase, the District's estimated power purchase price would be approximately \$175 per megawatt hour over twenty-five years. Exercising the option to purchase would make the solar power less expensive than conventional market supply which is estimated to cost \$184 per megawatt hour over the same period.

Total cost for construction, operation and maintenance over 25 years for both systems would range from a high estimate of \$5.6 million if LightBeam operated the systems over the twenty-five year term of the PPAs to a low estimate of \$4.9 million if the District purchased the systems. These amounts include the cost to upgrade the transformer at the Lafayette station. This work will be performed under an existing special facilities agreement with PG&E. Further details are displayed in the following table.

	Cost per MWh		25 Year PV Cost		25 Year PV Cost vs Market Power		Annual PV Cost vs Market Power	
	(\$/MWh)		(\$M)		(\$)		(\$K)	
	High	Low	High	Low	High	Low	High	Low
<b>Lafayette</b>	\$202	\$176	\$5.1M	\$4.5M	\$508K	-\$136K	\$20K	-\$5K
<b>Orinda</b>	\$198	\$174	\$0.5M	\$0.4M	\$39K	-\$19K	\$2K	-\$1K

Note: For comparison, over the 25 year term of the agreement, market power is estimated to cost \$184/MWh, Gridley is \$166/MWh and the Lodi Energy Center \$175/MWh.

**Assumptions:**

1. PV system costs are based on PPA prices and cost offsets from estimated renewable energy credits and California Solar Initiative incentive payments.
2. Market power cost is based on power contracts through 2016 and increased by the historical rate of increase of 4.5% for the remainder of the forecast period. It also includes the estimated cost of CA carbon allowances starting at \$20 per ton and increased by 5% plus CPI per California Air Resources Board (CARB) regulations.



Funding for the PPA costs of the Lafayette and Orinda projects as well as staff costs to inspect the installation work has been included in the FY13 Operating Budget. Continuing costs under the PPAs would be included as part of future District annual operating budgets.

#### ALTERNATIVES

To not approve the proposed lease and power purchase agreements for the Lafayette and Orinda PV projects. The District's electrical power needs would be served by conventional market supply or the District's ability to implement solar power at these two stations would be delayed.

#### RECOMMENDATION

It is recommended that the Board adopt the following two Motions that would authorize the Lafayette and Orinda Solar PV projects:

#### MOTION

(1) The District's representative on the Northern California Power Agency (NCPA) Commission is authorized to vote to approve twenty-five (25) year power purchase agreements (PPAs) between NCPA and LightBeam Energy Inc. to purchase electrical power generated from solar PV canopy systems at Lafayette and Orinda Stations when they are brought for a vote at the NCPA Commission meeting, and (2) the General Manager is authorized to execute twenty-five year (25) year real property lease agreements with LightBeam at the District's Lafayette and Orinda station parking lots to permit the installation and operation of PV canopy systems.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deVaudin</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>10/17/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charlotte Barham Dept: Planning and Budget	General Counsel <i>Audrea Lewis</i> 10/16/12 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>Christina</i> 10-16-12 [ ]
Signature/Date: <i>Charlotte Barham</i> 10/16/12 [ ]				

TITLE:

### 2013 BART Plus Agreement

NARRATIVE:

#### PURPOSE

To authorize the General Manager to execute a new BART Plus Agreement for the term January 1, 2013 through December 31, 2013.

#### DISCUSSION

A BART Plus ticket has BART loaded value (available in eight denominations) for trips on BART and can be used as a flash pass for unlimited local rides on any participating bus operator's system. Current BART Plus ticket sales and ridership data are provided in Attachment A. The agreement governing the BART Plus program expires on December 31, 2012.

BART and the following bus operators jointly participate in the BART Plus Agreement that expires on December 31, 2012:

- City and County of San Francisco (Muni)
- Central Contra Costa Transit Authority (County Connection)
- San Mateo County Transit District (SamTrans)
- Western Contra Costa Transit Authority (WestCAT)
- Eastern Contra Costa Transit Authority (Tri-Delta Transit)
- Santa Clara Valley Transportation Authority (VTA)
- City of Union City (Union City Transit)
- Livermore Amador Valley Transit Authority (Wheels)
- Dumbarton Bridge Consortium (Dumbarton Express)
- City of Rio Vista (Rio Vista Delta Breeze)

The BART Plus program began in 1991. As the regional smart card TransLink (now Clipper) became operational, the BART Plus product was intended to be phased out. Clipper, designed to be accepted on buses and BART, can provide regional fare coordination as one card good on multiple systems that automatically provides applicable transfer discounts. Muni, SamTrans, VTA, and Dumbarton Express are now Clipper-enabled, and they have informed the other program participants they will not be entering into a new agreement once the current agreement expires. The remaining six operators, primarily in Contra Costa County, wish to continue the program since it will be some time before they become Clipper-enabled. In response to that desire, BART will also continue to participate. The BART Plus program with the remaining six

operators would begin on January 1, 2013.

Under the 2013 BART Plus program, BART Plus tickets will continue to be sold through ticket vending machines at the eleven BART stations where the operators connect and the price and available denominations of tickets will remain the same. The price of the bus portion of the ticket will continue to be \$29, and BART will continue to give patrons a 6.25% discount to the cost of the BART stored value as well as a "last ride bonus" that lets the patron take a final ride anywhere on the BART system with as little as a nickel left on the ticket. Because BART's fares remain unchanged, a Title VI equity analysis and outreach are not required. The four operators that will no longer be participating in the BART Plus program have determined the nature and extent of their respective Title VI requirements and are solely responsible for performing their respective equity analysis and outreach.

The new BART Plus Agreement will be in effect from January 1, 2013 through December 31, 2013. The other terms and conditions of the agreement are essentially the same as those of the expiring agreement, including the option to extend the new agreement annually in one-year increments for a period of up to three years. The Office of the General Counsel will approve the 2013 BART Plus Agreement as to form.

#### **FISCAL IMPACT**

For FY12, BART received approximately \$660,000 in net revenue from the BART Plus ticket, which is 0.18% of BART's total net passenger revenue. It is anticipated that some reduction in revenue generated by the BART Plus ticket will occur under the new agreement. This reduction, however, could be mitigated because some BART Plus users who currently ride Muni, SamTrans, VTA, or Dumbarton Express are likely to continue to take BART but pay their fares with Clipper or a magnetic stripe ticket.

#### **ALTERNATIVES**

Do not authorize the General Manager to execute a new BART Plus Agreement which facilitates transfers between BART and participating bus operators. Without a new BART Plus agreement, riders will not have a reusable ticket to transfer between BART and participating bus operators.

#### **RECOMMENDATION**

Adoption of the following motion.

#### **MOTION**

The General Manager is authorized to execute a new BART Plus Agreement for the term January 1, 2013 through December 31, 2013 with the Central Contra Costa Transit Authority, Eastern Contra Costa Transit Authority, Livermore Amador Valley Transit Authority, City of Union City, Western Contra Costa Transit Authority, and the City of Rio Vista, and to exercise options to extend the agreement annually in one-year increments for up to three years.

## **2013 BART Plus Agreement Attachment A**

### **Current BART Plus Ticket Sales and Ridership**

BART Plus tickets are sold through ticket vending machines at all BART stations. Currently, about 3,800 BART Plus tickets are sold on average per month, which is equivalent to approximately 1,900 individuals making these purchases, since BART Plus tickets are good for a two-week period. Of those tickets, about 45% are sold in San Mateo County stations, and about 38% at stations located in San Francisco.

The eight denominations of BART value available on tickets range from \$15 to \$50. 74% of BART Plus tickets sold have the lowest BART denomination of \$15 and 10% have \$50, the highest. These sales indicate that about three-quarters of riders using BART Plus are infrequent BART riders because, for example, at BART's minimum fare of \$1.75, \$15 in BART value pays for nine trips (or less than five roundtrips) over a two-week period.

For FY12, about 900 BART trips on an average weekday were made with BART Plus tickets, which is approximately 0.25% of the 367,000 total trips BART carried. Data from the 2008 Station Profile Survey show that over 60% of BART Plus trips begin and end at West Bay stations. BART received approximately \$660,000 in net revenue from the BART Plus program in FY12, which was 0.18% of BART's total net passenger revenue. During that period, BART gave about \$104,000 in last ride bonus discounts, equivalent to an almost 12% discount, in addition to the 6.25% discount given when the BART Plus ticket was purchased.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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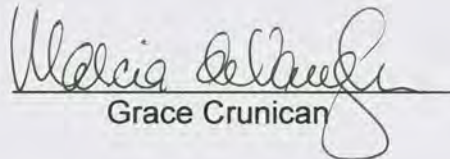
## Memorandum

**TO:** Board of Directors **DATE:** October 19, 2012

**FROM:** General Manager

**SUBJECT:** Administration Agenda Item 3C: District Response to U.S. DOT Department of Transportation Notice of Proposed Rulemaking - Disadvantaged Business Enterprise Program - For Information

At the October 25, 2012 Board of Directors meeting, staff will discuss the District's response to CFR 49, part 26 Disadvantaged Business Enterprise: Program Implementation Modifications; Proposed Rule which was published in the Federal Register on September 6, 2012. Materials for this item will be available at the meeting.

  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board		
DATE: <i>10/19/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Benny Williams Dist: Benny Williams <i>Benny Williams</i> Signature/Date: <i>10-03-12</i>	General Counsel <i>Audrey Payne</i> <i>10/10/12</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul Evers</i> <i>10/19/12</i>
Status: <b>Routed</b>		Date Created: <b>09/19/2012</b>		

TITLE:

### AWARD OF CONTRACT NO. 79LR-110, BART UNDERGROUND RADIO SYSTEM EQUIPMENT INSTALLATION

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 79LR-110 for the BART underground radio system equipment installation.

#### DISCUSSION:

Under the Federal Communications Commission mandated Radio Re-banding program, the in-service radio amplifier equipment that provides BART-use trunked radio coverage and mutual aid radio coverage throughout the BART underground requires replacement. New replacement equipment has been furnished to the District under the terms of a Frequency Reconfiguration Agreement (FRA) between Sprint Nextel and BART. The new radio equipment requires installation, as well as removal of the legacy equipment. This contract, BART Underground Radio System Equipment Installation, provides for the installation and interconnection of the new equipment and removal of the old equipment at the seventy nine amplifier locations within the District's tunnels.

Advance Notice to Bidders was mailed on May 20, 2012 to 65 electrical companies. The Contract was formally advertised on May 22, 2012 in the Daily Construction Service and Daily Pacific Builder. As this is a Security Sensitive Information (SSI) Contract, Non-Disclosure Agreements were required for all interested parties seeking to bid on this Contract. A pre-Bid meeting was held on August 3, 2012 with eight (8) potential bidders attending both the pre-Bid meeting and the mandatory site visit. Bids were opened on August 21, 2012 and three (3) bids were received. Tabulation of the bids, including the Engineer's Estimate, is as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
1. Beci Electric, Inc.	Oakland, CA	\$ 999,998.00
2. Rodan Builders, Inc.	Burlingame, CA	\$1,184,526.00
3. Blocka Construction, Inc.	Fremont, CA	\$1,189,400.00

Engineer's Estimate:

\$1,377,767.00

After review by the District Staff, the apparent low bid, submitted by Beci Electric, Inc. has been deemed to be non-responsive in that they failed to acknowledge receipt of Addendum No. 2 regarding the Insurance requirements of the Contract.

Staff then evaluated the second lowest bidder, Rodan Builders, Inc. and determined that they were responsive to the Contract documents. A further review also determined that this Bidder's business experience and financial capabilities deemed them responsible to perform this Work.

This Contract is funded by Sprint Nextel under the FRA Agreement, and as required by the FCC. The Federal component of the funding was used to upgrade 973 new radios being replaced under the FRA Agreement to P25 capability. Those radios have been upgraded and the Grant Funding for that purpose has been expended. Only Sprint-Nextel funds are being used for this Contract.

Pursuant to the District's Non Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The bidder's sole subcontract was neither an MBE nor a WBE. Therefore, staff requested additional information to determine if the Bidder had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non Federal Small Business Program, neither of the responsive bidders is a certified small business, so neither received the 4% small business preference for this contract.

**FISCAL IMPACT:**

Funding of \$1,184,526 for the award of Contract No. 79LR-110 for installation of radio distribution amplifier system in the BART underground is included in the total Project budget for FMS #79LR000 - Radio Re-banding Implementation Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of September 26, 2012, \$10,415,649 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
763G	Private	Sprint-NEXTEL	10,007,529
3827	Federal	Federal Miscellaneous Pass Thru (Fully Expended)	408,120
		Total	10,415,649

BART has expended \$1,338,092, committed \$970,943 and reserved \$3,197,912 to date for other actions. This action will commit \$1,184,526 leaving an available fund balance of \$3,724,176 in this project. "Note - only private fund no. 763G - Sprint-NEXTEL proceeds will be used on this contract."

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The alternative is not to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement at this time the BART Underground Radio System Equipment Installation which impacts the FCC mandated Re-banding Program.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, Staff recommends that the Board adopt the following Motion:

**MOTION:**

The General Manager is authorized to award Contract No. 79LR-110 - BART Underground Radio System Equipment Installation, to Rodan Builders Inc., for the Bid price of \$1,184,526.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Forward to PPAAL for October 25, 2012 meeting		
DATE: <i>10/19/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Laura Timothy Dept: Customer Access <i>L. Timothy</i> 10/18/2012	General Counsel <i>Audrey Paras</i> 10/18/12	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> 10-18-12

Status: Routed	Date Created: 10/17/2012
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TITLE:

### Resolution Supporting the Tanforan Assembly Center Committee Grant Application to the National Parks Service

NARRATIVE:

### Resolution Supporting the Tanforan Assembly Center Committee Grant Application to the National Parks Service

#### Purpose:

To obtain BART Board approval of the attached Resolution In the Matter of Supporting the Tanforan Assembly Center Memorial Committee (TACMC) submittal of a grant application to the National Parks Service, "Japanese American Confinement Sites Grant Program," for the purpose of securing funds to enhance the existing photographic display at the San Bruno BART Station. TACMC is an independent committee of the Contra Costa Chapter of the Japanese American Citizens League. It was formed to work toward the creation of a permanent memorial in memory of the incarcerated and history of the Tanforan Assembly Center.

#### Discussion:

The Tanforan Assembly Center temporarily housed 8,000 Japanese Americans and their immigrant parents during the early days of WWII. People of Japanese ancestry were ordered to be forcibly removed from their homes, businesses, farms and schools from the Western United States under Executive Order 9066 issued by President Franklin D. Roosevelt on February 19, 1942. The then Tanforan Race Track was converted to a detention site with hastily built barracks on the infield of the race track, with the existing horse stalls also being used for housing. During the months of April and May of 1942, Japanese Americans from the San Francisco Bay Area were sent to the Tanforan Assembly Center where they stayed for up to six months before being transported by rail to inland detention sites.

Today, the San Bruno BART Station is located on land adjacent to the Tanforan Assembly Center. The site of the Tanforan Assembly Center has been recognized by the State of California as a State Historical Landmark, "No. 934, Temporary Detention Camps for Japanese Americans-Tanforan Assembly Center," by the Office of Historic Preservation. It is also listed as a site qualifying for Japanese American Confinement Sites recognition by the National Parks Service under the Antiquities Act and the Japanese American Confinement Sites Grant Program (Public Law 109-441, 16 USC 461) for the preservation and interpretation of U.S. confinement

sites where Japanese Americans were detained during World War II.

TACMC is working to seek recognition of the historic significance of the Tanforan Assembly Center. TACMC and BART recently joined forces to create a photographic exhibit at the San Bruno BART Station in recognition of the 70<sup>th</sup> anniversary of the opening of the Tanforan Assembly Center. At the March 8, 2012 BART Board meeting, the Board authorized the General Manager to host the exhibit. BART worked with TACMC on the exhibit and a reception was held on April 28, 2012 to honor the incarcerated. The photographic display, "They Wore Their Best," featuring the work of Dorothea Lange and Paul Kitagaki was well received by the public and press. The significance of this historic display is enhanced by the hundreds of historic photographs by acclaimed photographer Dorothea Lange.

The display is currently up in the station and will continue as a temporary exhibit while the grant application is under consideration. TACMC is applying for funds from the National Parks Service Grant Program to enhance the existing display by improving the quality and durability of the photographs. One of the requirements of the Grant Program is to advise the National Parks Service that Grantees seeking funds have the permission of the property owner to establish a memorial. The property acquired by the San Mateo County Transit District ("SamTrans") for the SFO Extension has not yet been quitclaimed by SamTrans to BART. However, in a letter agreement dated August 17, 2000, SamTrans conveyed to BART, "all of its rights in the [San Bruno Station area] under the Order of Possession, including its right to possess the Subject Property, to BART." (A copy of the August 17, 2000 letter agreement is attached as an exhibit to this EDD.) BART and SamTrans are in the process of finalizing the quitclaim deed(s) conveying the property and anticipate completing the transfer before the end of 2012. In the meantime, the August 17<sup>th</sup>, 2000 letter agreement vests the exclusive right of possession and use of the property in BART, such that BART is permitted to approve the attached Resolution.

If the funds are secured, BART staff will work with TACMC and JACL to develop an agreement describing the manner in which the photographic display will be enhanced and maintained. Staff anticipates entering into an agreement for a fixed time, with options to renew. BART will ensure that it has the ability to remove the display in the event that it determines that there is an operational reason to do so. The Office of the General Counsel will approve the agreement as to form and will bring the agreement back to the Board for authorization.

**Fiscal Impact:** Overall project funding for the Memorial will be secured by TACMC through multiple public and private grant actions. BART is allocating \$10,000 for Architectural Design/Public Art consulting services through its on-call contract to assist with design concepts during the feasibility study to ensure that BART's interest are represented in the development of the project. These funds will come from the operating budget of Customer Access.

The TACMC has committed to obtaining all funds needed to complete the enhancement of the existing display. In the event that shortfalls in funding occur, TACMC will use good faith efforts to obtain necessary funds with BART support. TACMC is not requiring BART to commit any funds toward any element of the project, other than non-engineering staff time.

**Alternatives:** Not adopt the attached Resolution of Support, thereby depriving TACMC of the opportunity to apply to the National Parks Grant Program.

**Recommendation:** Adoption of the attached Resolution.

**Motion:** The Board of Directors approves the Resolution In the Matter of Supporting the Tanforan Assembly Center Committee Grant Application to the National Parks Service Supporting the Tanforan Assembly Center Committee Grant Application to the National Parks Service.

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

In the Matter of Approving a  
Resolution Supporting the Tanforan  
Assembly Center Committee Grant  
Application to the National Parks Service

**Resolution No.**

Whereas, the Tanforan Assembly Center Committee (“TACMC”) is a committee formed by the Japanese American Citizens League to establish a permanent memorial at Tanforan; and

Whereas, TACMC is submitting a grant application to the National Parks Service “Japanese American Confinement Sites Grant Program” for the purpose of securing funds to enhance the existing photographic display at the San Bruno BART Station; and

Whereas, as a condition to submitting such grant application, the National Parks Service requires confirmation that the owner of the property on which the memorial is to be placed has granted permission for such memorial to be placed on its property; and

Whereas, the enhanced photographic display will continue to be within the existing San Bruno BART Station on property in which the District has the exclusive right of possession and use, and which property will ultimately be owned solely by the District;

NOW, THEREFORE, BE IT RESOLVED that:

1. The San Bruno BART Station is on property in which the District has the exclusive right of possession and use through a letter agreement between BART and the San Mateo County Transit District (“SamTrans”) dated August 17, 2000, a copy of which is attached hereto.
2. SamTrans and BART are in the process of finalizing the quitclaim deed(s) conveying the San Bruno BART Station property to BART and anticipate completing the transfer by the end of 2012.
3. BART certifies that, in the event that TACMC is successful in securing funds for the project, it will allow TACMC to enhance the existing photographic display at the San Bruno BART Station.

###

WHEN RECORDED RETURN TO:  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070-1306  
Attention: Michael J. Scanlon

MAIL TAX STATEMENTS TO:  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070-1306  
Attention: Michael J. Scanlon

SPACE ABOVE THIS LINE FOR COUNTY RECORDER'S USE

The undersigned grantee hereby declares this instrument to be **EXEMPT FROM RECORDING FEES** (Govt. Code § 6103 & 27383) and Documentary Transfer Tax (Revenue and Taxation Code § 11922).

August 17, 2000

Thomas E. Margro  
General Manager  
San Francisco Bay Area Rapid Transit District  
800 Madison Street  
P. O. Box 12688  
Oakland, CA 94604-2688

Re: San Mateo County Transit District Letter of Conveyance to the San Francisco Bay Area Rapid Transit District

Dear Mr. Margro:

The purpose of this letter is to confirm certain rights of the San Francisco Bay Area Rapid Transit District ("BART") and certain obligations of the San Mateo County Transit District ("SamTrans") with respect to the property described on attached Exhibit A (the "Subject Property").

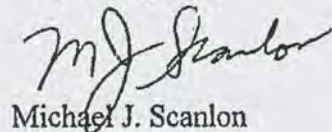
SamTrans and BART are parties to a Comprehensive Agreement pertaining to BART System Extension dated March 1, 1990 (the "Comprehensive Agreement"). Pursuant to the Comprehensive Agreement, SamTrans has the responsibility to acquire on BART's behalf all of the real estate necessary for the SFO Extension Project (the "SFO Extension Properties"). Also pursuant to the Comprehensive Agreement, SamTrans is initially required to convey to BART an operating easement over the SFO Extension Properties and, subsequently, to convey by quitclaim its entire interest in the SFO Extension Properties to BART at such time as the property is no longer needed by SamTrans for the financing transactions referenced in Section II.A.(f) of the Comprehensive Agreement. In accordance with the terms of the Comprehensive Agreement, SamTrans is the named plaintiff in a condemnation action pending with respect to the Subject Property (Case Number 407836, in the Superior Court of the State of California, County of San

Mateo) (the "Condemnation Action") and under the related Order Fixing Security and Timing of Possession dated February 18, 1999 (the "Order of Possession"). The Order of Possession entitles SamTrans to possession of the Subject Property. By this letter agreement, SamTrans hereby acknowledges that, notwithstanding that SamTrans is the named plaintiff in the Condemnation Action and under the Order of Possession, it is the intent of both BART and SamTrans that BART, not SamTrans, be entitled to possession of the Subject Property.

Also by this letter agreement, SamTrans hereby agrees that, because the specific intended uses of the Subject Property may require transfer of fee prior to the time referenced in Section II.A.(f.) of the Comprehensive Agreement, it will transfer all of its rights, title and interest in the parcels described on attached Exhibit B to BART immediately following the Court's issuance of the Final Order of Condemnation in the Condemnation Action. In the meantime, to the extent not previously transferred, SamTrans hereby transfers and conveys all of its rights in the Subject Property under the Order of Possession, including its right to possess the Subject Property, to BART. SamTrans further acknowledges that BART has the right, among other things, to lease the Subject Property to third parties, including, without limitation, pursuant to the Ground Lease dated February 29, 2000 between BART, as landlord, and the City of San Bruno, as tenant.

If BART agrees to the foregoing, please have the two originals of this letter signed on the space indicated below and return one original to us as soon as possible.

Very truly yours,



Michael J. Scanlon

SAMTRANS GENERAL MANAGER

Accepted: THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT



By:

Thomas E. Margro

GENERAL MANAGER

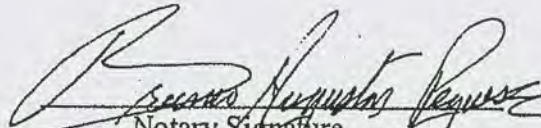
State of California }  
County of Alameda } ss.

On August 17, 2000 before me, Bruno Augustus Peguese, personally  
appeared: Dasha Hill

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NOTARY SEAL

  
Notary Signature  
Commission Expires: March 16, 2001



San Mateo County Transit District  
Letter of Conveyance to the  
San Francisco Bay Area Rapid  
Transit District, Dated August 17, 2000

**CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE SEC. 27281**

This is to certify that the interest in real property conveyed by the foregoing deed or grant to the San Francisco Bay Area Rapid Transit District is hereby accepted by the undersigned on behalf of the San Francisco Bay Area Rapid Transit District pursuant to authority conferred by resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District entitled "In The Matter of Authorizing Acceptance of Deeds and Grants," bearing No. 291, adopted on October 24, 1963, and the grantee consents to recordation thereof.

Dated this 31 day of August, 2000

**San Francisco Bay Area Rapid Transit District**

By: Desha Hill

Desha Hill, Department Manager  
Real Estate Services



California All-Purpose Acknowledgment

State of California

County of San Mateo

}

ss.

On August 21, 2000, before me, Martha Martinez, Notary Public, personally appeared **MICHAEL J. SCANLON**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.



*Martha Martinez*



**CAPITOL CORRIDOR JOINT POWERS AUTHORITY  
MEETING OF THE BOARD OF DIRECTORS**

**Wednesday November 14, 2012**

**10:00 a.m.**

City Council Chambers

Suisun City Hall

701 Civic Center Blvd., City of Suisun City, CA

(see attached map)

**DRAFT AGENDA**

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
  - 1. Election of Chair and Vice-Chair (2-Year Term: 2013-2014)
- IV. Minutes of the September 19, 2012 Meeting *Action*
- V. Consent Calendar *Action*
  - 1. CCJPA Board 2013 Meeting Schedule
- VI. Action and Discussion Items
  - 1. Capitol Corridor Annual Performance Report (FFY 2011-12) *Action*
  - 2. Legislative Matters *Action*
  - 3. Draft CCJPA Bicycle Access Program *Action*
  - 4. CCJPA Policy Goals and Objectives: Extension of Capitol Corridor Trains to Salinas *Action*
  - 5. Overview of California State Rail Plan (presented by Caltrans Division of Rail) *Action*
  - 6. Managing Director's Report *Info*
  - 7. Work Completed *Info*
    - a. CCJPA FY 12-13 Budget
    - b. CCJPA/Amtrak FY2013 Fixed Price Operating Agreement
    - c. Sacramento Railyard Relocation: Phase 1 Completion
    - d. Marketing Activities (September – October 2012)
  - 8. Work in Progress *Info*
    - a. Yolo Causeway West Crossover Project
    - b. Sacramento-Roseville 3<sup>rd</sup> Track Environmental Review/Preliminary Engineering
    - c. Proposition 1B Transit Safety/Security Improvement Projects
    - d. *Vision Plan Update*
    - e. CPUC Hearings: City of Davis Application for Grade Crossing at Davis Station
    - f. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comment
- IX. Adjournment. Next Meeting Date: 10:00 a.m., February 20, 2013 at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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 Public Comment. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.