

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

Board of Directors
Minutes of the 1,523rd Meeting
January 24, 2008

A regular meeting of the Board of Directors was held January 24, 2008, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Murray presided; Kenneth A. Duron, District Secretary.

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

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

President Murray introduced Ms. Polly Amrein from the League of Women Voters as a special guest.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 10, 2008.
2. Change Order to Agreement No. 6H3177, Graffiti Removal Services Systemwide, with Able Building Maintenance Company, for Extension of Time.

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

1. That the Minutes of the Meeting of January 10, 2008, be approved.
2. That the General Manager be authorized to execute a change order to Agreement No. 6H3177, with Able Building Maintenance Company, extending the period of performance by twelve months, through January 31, 2009.

President Murray announced that the order of meetings would be changed, and that the Planning, Public Affairs, Access, and Legislation Committee Meeting would precede the Engineering and Operations Committee Meeting.

The Board Meeting recessed at 9:04 a.m.

The Board reconvened at 11:26 a.m.

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

Absent: None. Director Fang entered the Meeting later.

President Murray noted that there were no Consent Calendar Addenda items, and called for the Reports of Standing Committees.

Director Franklin, Chairperson of the Administration Committee, had no report.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Approval of Fees for Bicycle Lockers before the Board, and moved adoption of Resolution No. 5039, In the Matter of Adopting Fees for Bicycle Lockers. Director Blalock seconded the motion.

Mr. Robert Raburn addressed the Board.

Resolution No. 5039 was adopted by the required two-thirds electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Absent – 1: Director Fang.

Director Fang entered the Meeting.

Director Radulovich brought the matter of Authorize Exclusive Negotiations with the City of San Leandro and Westlake Development Partners, LLC, for San Leandro BART Station before the Board. Director Franklin moved that the General Manager or her designee be authorized to enter into an Exclusive Negotiating Agreement (ENA) with Westlake Development Partners, LLC, and the City of San Leandro, to pursue a transit-oriented development project at the San Leandro downtown BART station area, with the ENA to be for a period of 18 months, with the right to extend for an additional 18-month period, subject to mutual agreement. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Sweet, Ward Allen, and Murray. Noes – 0. Abstain – 1: Director Radulovich.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Earthquake Safety Program: Appointment of Citizens' Oversight Committee before the Board, and moved to accept the following slate as recommended by the Committee:

Auditing: Elmo Wedderburn, primary; Claudia Spencer, alternate
Community at Large: Guy Miller, primary; Linda Lautenberger, alternate
Engineering: Amin Alumuti, primary; William Kaplan, alternate
Public Finance/
Project Management: James Zumwalt, primary; Robert Barksdale, alternate
Seismic Retrofitting: H. Andy Franklin, primary; Lawrence Donovan, alternate

Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0. Abstain – 1: Director Luce.

President Murray asked for the General Manager’s Report. General Manager Dorothy W. Dugger had no report.

President Murray brought the matter of Ratification of 2008 Standing Committee and Special Appointments before the Board. Director Blalock moved that the Board ratify the proposed Standing Committee and Special Appointments for 2008. Directors Fang and Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Radulovich, Sweet, Ward Allen, and Murray. Noes – 0.

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

President Murray called for General Discussion and Public Comment.

Director Blalock expressed his appreciation for AFSCME’s annual reception.

Director Blalock reported that the District’s celebration of Reverend Dr. Martin Luther King, Jr.’s birthday on January 15, 2008, was an excellent event.

Mr. Jerry Grace addressed the Board.

President Murray announced that the Board would enter into closed session as described in Item 8-A (Conference with Real Property Negotiator), Item 8-B (Public Employee Appointment), and Item 8-C (Conference with Negotiators), and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 11:41 a.m.

The Board reconvened in closed session at 11:53 a.m.

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

Absent: None.

The Board Meeting recessed at 12:30 p.m.

The Board reconvened in open session at 12:39 p.m.

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

Absent: None.

President Murray brought the matter of Compensation and Benefits for General Counsel before the Board, and announced that pursuant to Government Code Section 54957.1, the Board of Directors was announcing the appointment of Matthew Burrows as General Counsel, effective January 24, 2008, and that the vote was unanimous, with Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen voting yes.

Director Blalock moved that Matthew Burrows' base salary as the District's General Counsel, effective January 24, 2008, be \$210,000.00, with management incentive pay at the same level as the prior General Counsel of \$25,700.00, and that Matthew Burrows be employed pursuant to an employment contract with the same terms and conditions as the previous General Counsel, Sherwood Wakeman, except that Mr. Burrows shall have the opportunity to deposit up to 240 hours of accrued sick leave into the sick leave bank in two increments. Directors Luce and Sweet seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Luce, Sweet, and Ward Allen. Noes – 2: Directors Radulovich and Murray.

Mr. Burrows thanked the Board.

The Board Meeting recessed at 12:43 p.m.

The Board reconvened in closed session at 12:44 p.m.

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

Absent: Directors Keller, Sweet, and Ward Allen.

The Board Meeting recessed at 12:56 p.m.

The Board reconvened in open session at 12:58 p.m.

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

Absent: Directors Keller, Sweet, and Ward Allen.

President Murray brought the matter of Pleasant Hill Joint Development – Modification of Pleasant Hill BART Station Leasing Authority Agreement (Joint Powers Agreement between BART, Contra Costa County and Contra Costa County Redevelopment Agency) before the Board. Director Fang moved that the General Manager or her designee be authorized to modify the Joint Powers Agency relationship between BART and Contra Costa County and Contra

Costa County Redevelopment Agency (the County/Agency) to enable the County /Agency to receive a priority return on ground lease revenue to assist in paying for the replacement parking garage increase and to enable BART to receive a Transit Benefit Fee for all units involved in the for-sale housing. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Franklin, Luce, Radulovich, and Murray. Noes – 0. Absent – 3: Directors Keller, Sweet, and Ward Allen.

The Board Meeting adjourned at 1:00 p.m.

Kenneth A. Duron
District Secretary