

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

Board of Directors
Minutes of the 1,550th Meeting
February 12, 2009

A regular meeting of the Board of Directors was held February 12, 2009, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Sweet entered the Meeting later.

President Blalock announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set to hold a public hearing on the Proposed BART Plus Ticket Price Increase, and that staff would give a brief presentation on the Proposed BART Plus Ticket Price Increase, and that the meeting would then be opened for comments from the public.

Director Sweet entered the meeting.

Ms. Charlotte Barham of Operating Budgets Department gave a brief presentation on BART Plus Ticket Price Increase.

Dr. Ramona Tascoe addressed the Board.

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 12, 2009 (Special), January 22, 2009, (Regular), and January 28, 2009 (Special).
2. Revision of 2009 Standing Committee and Special Appointments.
3. Leases on BART-Owned Properties.
4. Grant of Easement to the Alameda County Flood Control and Water Conservation District Zone 7 at the Dublin/Pleasanton Station (East).
5. Employee Recruitment and Relocation for the Position of Department Manager, Labor Relations.

6. Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Warm Springs Extension (WSX) Project.
7. Resolution Accepting Lifeline Transportation Funds.

Director Franklin requested that Employee Recruitment and Relocation for the Position of Department Manager, Labor Relations, be removed from Consent Calendar.

Director Radulovich requested that Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Warm Springs Extension (WSX) Project be removed from Consent Calendar.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Franklin seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0.

1. That the Minutes of the Meetings of January 12, 2009 (Special), January 22, 2009, (Regular), and January 28, 2009 (Special), be approved.
2. That the Board of Directors ratify the appointment of Directors John McPartland and Gail Murray as representatives to the Tri-Valley Regional Rail Policy Working Group.
3. That the General Manager or her designee be authorized to issue new leases to Douglas Parking – Oakland (Parcel Number O-K078), Terranomics – Oakland (Parcel Number O-K005), Clear Channel – Oakland (Parcel Number O-RE53), Calco Fence – Livermore (Parcel Number L-5010), and Greyhound – Hayward (Parcel Number O-A689), each for a period not to exceed five years, and to increase existing rents for the first year by three percent (3%) and by three percent (3%) per year for subsequent years.
4. Adoption of Resolution No. 5068, In the Matter of Authorizing the Grant of Easement to the Alameda County Flood Control and Water Conservation District, Zone 7 (Parcel L-3022E1) (Portion of APN 986-0034-005-02).
5. Adoption of Resolution No. 5069, In the Matter of Authorizing Actions Necessary to Obtain Lifeline Transportation Funds from the Metropolitan Transportation Commission (MTC).

Consent Calendar report brought before the Board was:

1. Fiscal Year 2009 Second Quarter Financial Report.

President Blalock brought the matter of Employee Recruitment and Relocation for the Position of Department Manager, Labor Relations, before the Board. Ms. Elaine Kurtz, Department Manager of Human Resources, gave a brief presentation on the item.

President Blalock brought the matter of Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Warm Springs Extension (WSX) Project before the Board. General Manager Dorothy W. Dugger gave a brief presentation on the item.

Both items were continued to later on the agenda, and the Board Meeting recessed at 9:31 a.m.

The Board reconvened at 1:44 p.m.

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

Absent: None.

President Blalock called a 15-minute recess.

The Board Meeting recessed at 1:46 p.m.

The Board reconvened at 2:01 p.m.

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

Absent: None. Director Sweet entered the meeting later.

President Blalock brought the matter of Employee Recruitment and Relocation for the Position of Department Manager, Labor Relations, before the Board. Director Murray moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify qualified candidates both inside and outside of California for the position of Department Manager, Labor Relations; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for the position, in accordance with Management Procedure No. 70, New Employee Relocation Expense Reimbursement. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Fang, Franklin, Keller, McPartland, Murray, Radulovich, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Sweet.

President Blalock brought the matter of Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Warm Springs Extension

(WSX) Project before the Board. Director Murray moved adoption of Resolution No. 5070, In the Matter of the Approval of a Subsequent Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Warm Springs Extension Project. Director Fang seconded the motion, which carried by electronic vote. Ayes – 7: Directors Fang, Franklin, Keller, McPartland, Murray, Ward Allen, and Blalock. Noes – 1: Director Radulovich. Absent – 1: Director Sweet.

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

The Board reconvened at 2:29 p.m.

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

Absent: Director Fang.

Consent Calendar Addenda items brought before the Board were:

1. Proposed BART Plus Ticket Price Increase – Bus Portion.
2. Agreement with Burke, Williams & Sorenson for Chief Negotiator Services (Agreement No. 6M4091).

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Murray. Director Keller seconded the motions, which carried by unanimous electronic vote.

Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

1. a. Adoption of Resolution No. 5071, In the Matter of Adopting Modified BART Plus Ticket Program Fees and Charges

b. That the General Manager or her designee be authorized to enter into a new BART Plus agreement with bus operators, effective through December 2009, with options to extend in one-year increments for up to three years, that incorporates the fees and charges reflected in Exhibit A to Resolution No. 5071 and updated estimates of program costs. (Carried by the required two-thirds majority.)
2. That the General Manager or her designee be authorized to execute Agreement No. 6M4091, with Burke, Williams & Sorenson, to utilize M. Carol Stevens for Chief Negotiator services, in the amount of \$375,000.00.

Director Murray, Chairperson of the Administration Committee, reported that both items on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Keller, Chairperson of the Engineering and Operations Committee, reported that the entire committee agenda had been continued to a future date.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had received and discussed a report on the Proposed 2009 Federal Economic Stimulus Program, and that the Proposed 2009 State and Federal Advocacy Program had been continued to a future meeting.

President Blalock asked for the General Manager's Report. Ms. Dugger gave a brief review of the Agenda for the Capitol Corridor Joint Powers Board Meeting of February 18, 2009.

President Blalock brought Roll Call for Introductions before the Board.

Director Keller recommended the Board adopt a resolution, to be prepared by the General Counsel, encouraging the Alameda County Superior Court to remove the 'gag' order in the criminal proceedings prosecuting Johannes Mehserle.

Director Radulovich requested that the District create an on-line method for complaints against the Police Department via the District website.

President Blalock called for General Discussion and Public Comment. No comments were received.

President Blalock announced that the Board would enter into closed session under Item 8-B (Conference with Legal Counsel – Existing Litigation) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 2:42 p.m.

The Board reconvened in closed session at 2:46 p.m.

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

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

The Board Meeting adjourned at 2:56 p.m.

Kenneth A. Duron
District Secretary