

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

Board of Directors  
Minutes of the 1,603rd Meeting  
July 8, 2010

A regular meeting of the Board of Directors was held July 8, 2010, convening at 9:15 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: Directors Fang and Murray.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 27, 2010.
2. Special Appointment: Alameda County Transportation Commission.

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, McPartland, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent - 2: Directors Fang and Murray.

1. That the Minutes of the Meeting of May 27, 2010, be approved.
2. That the Board of Directors ratify the following appointments of representatives to the Alameda County Transportation Commission: Director Thomas M. Blalock, P.E., and Director Bob Franklin, Alternate.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Review of Proposed Environmental Justice Policy before the Board. Mr. Wayne Wong, Department Manager of the Office of Civil Rights, presented the item. Discussion followed.

Mr. Bob Allen and Mr. Jerry Grace addressed the Board.

Director Keller, Chairperson of the Engineering and Operations Committee, announced that matter of Memorandum of Understanding Regarding Operations and Maintenance of Clipper® Fare Collection System would be continued to a future meeting.

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

Vice President Franklin called for the General Manager's report. General Manager Dorothy W. Dugger had no report.

Vice President Franklin brought Roll Call for Introductions before the Board.

Director Radulovich requested the evaluation and consideration of the correction for affected District employees to a discrepancy in federal tax law affecting the cost of benefits for domestic partners.

Director Radulovich requested a report on the implementation of Police Department bicycle patrols.

Director Ward Allen requested that the 2002 Bicycle Access Plan be updated and reissued.

Director Sweet requested a report on the District's response to complaints of automobile wheel thefts at the Dublin/Pleasanton Station parking structure.

Vice President Franklin called for General Discussion and Public Comment.

Ms. Barbara Tengeri addressed the Board.

Director Ward Allen thanked Assemblymember Sandre Swanson for his sponsorship of AB1586 authorizing citizen oversight of the BART Police Department.

Vice President Franklin announced that the Board would enter into closed session under Item 9-A (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 10:31 a.m.

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The Board reconvened in closed session at 10:37 a.m.

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

Absent: Directors Fang, Murray, and Radulovich. Director McPartland entered the Meeting at 10:40 a.m.

The Board Meeting recessed at 10:42 a.m.

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The Board reconvened in open session at 10:44 a.m.

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

Absent: Directors Fang, Murray, and Radulovich.

Vice President Franklin brought the matter of San Leandro Transit-Oriented Development Project before the Board. Mr. Jeffrey P. Ordway, Department Manager, Property Development, presented the item.

Director Sweet moved that, after review and consideration of the City of San Leandro certified programmatic Final Environmental Impact Report for the San Leandro Transit-Oriented Development Strategy adopted by the City of San Leandro in September 2007, the San Leandro Planning Commission adopted Mitigated Negative Declaration for Phase 1 adopted in January 2009, and the San Leandro Planning Commission adopted Mitigated Negative Declaration for Phase 2 adopted in July 2009, the Board 1) adopts the City of San Leandro's Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan for the first two phases of the transit-oriented development project at the San Leandro BART Station, and 2) finds that for the sale, acquisition and lease of the BART property at the San Leandro BART Station, there are no significant environmental effects which have not been mitigated to insignificance and no further environmental review is required. Director Ward Allen seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, McPartland, Sweet, and Ward Allen. Noes – 0. Absent - 3: Directors Fang, Murray, and Radulovich.

Vice President Franklin moved that the General Manager or her designee be authorized to execute an Option Agreement with Westlake Development Partners, LLC, for the exchange of approximately 2.27 acres of BART land east of San Leandro Boulevard for approximately 2.56 acres of Westlake land west of BART and the lease of approximately 1.5 acres of land for affordable housing, conditioned upon completion of BART's replacement parking garage and commencement of construction of the affordable housing; and that the General Manager or her designee be authorized to execute any and all actions in support of the aforementioned motion. Directors Blalock and Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, McPartland, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent - 3: Directors Fang, Murray, and Radulovich.

The Board Meeting adjourned at 10:47 a.m.

Kenneth A. Duron  
District Secretary