

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

Board of Directors  
Minutes of the 1,640th Meeting  
October 27, 2011

A regular meeting of the Board of Directors was held October 27, 2011, convening at 9:10 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

President Franklin introduced and welcomed Mr. Randall Glock, Chairperson of the BART Accessibility Task Force.

Director McPartland requested that the presentation on Urban Shield be made later in the Meeting.

Consent Calendar items brought before the Board were:

1. Special Appointments: South Hayward BART Station Access Authority.
2. Special Appointment: Joint Administrative Committee under the Project Stabilization Agreement for the Oakland Airport Connector Project.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 1: Director Radulovich.

1. That the Board of Directors ratify the appointment of Director Thomas M. Blalock, P. E., and Director Bob Franklin as representatives to the Board of Directors of the South Hayward BART Station Access Authority.
2. That the Board of Directors ratify the appointment of Director Robert Raburn as a representative to the Joint Administrative Committee under the Project Stabilization Agreement for the Oakland Airport Connector Project.

President Franklin brought the matter of Proposed Cellular Service Interruption Policy before the Board.

Director Radulovich entered the Meeting.

The following individuals addressed the Board.  
Mr. Ken Jones

Mr. Michael Risher  
Mr. Trevor Timm  
Mr. Randall Glock

After discussion, the item was continued to a future meeting.

President Franklin announced that the order of items on the agenda would be changed.

Director Blalock, Chairperson of the Administration Committee, brought the matter of Condemnation of Real Property for the East Contra Costa BART Extension (eBART) Project before the Board. Mr. Jeffrey Ordway, Department Manager, Real Estate, and Ms. Barbara Inaba, Real Estate, presented the item.

Mr. Donald Parachini addressed the Board.

The item was discussed.

Director Keller made each of the following motions separately, noting that the Board had determined in each case that the public interest and necessity required the proposed Project; that the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the Property described in each resolution is necessary for the proposed Project; and that either the offer required by California Government Code Section 7267.2 has been made to the owner or owners of record, or the offer has not been made because the owner could not be located with reasonable diligence.

1. Adoption of Resolution No. 5176, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcel Nos. P-5020-1, P-5020-2A, P-5020-2B, P-5020-3A, P-5020-3B, P-5020-3C and P-5020-4; Draw and Deposit Warrant.
2. Adoption of Resolution No. 5177, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcel No. P-5030-1; Draw and Deposit Warrant.
3. Adoption of Resolution No. 5178, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcel No. P-5040-1; Draw and Deposit Warrant.
4. Adoption of Resolution No. 5179, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcel No. P-5050-1; Draw and Deposit Warrant.
5. Adoption of Resolution No. 5180, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for

BART Parcel Nos. P-5060-1, P-5060-2A, and P-5060-2B; Draw and Deposit Warrant.

Director Blalock seconded each of the motions separately, and each of the motions carried separately unanimously by the required two-thirds majority by electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Execution of Project Stabilization Agreement for eBART before the Board. Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Greg Feere

Mr. Kevin VanBuskirk

Mr. Eddie Dillard

Director Keller moved that the General Manager be authorized to execute the Project Stabilization Agreement with the Contra Costa Building and Construction Trades Council for the eBART Project. (The Project Stabilization Agreement is attached and hereby made a part of these Minutes.) Director Blalock seconded the motion, which carried unanimously by electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Radulovich, Sweet, and Franklin. Noes – 0.

Vice President McPartland brought the matter of BART Participation in Urban Shield 2011 before the Board. Deputy Chief Daniel Hartwig, BART Police Department, presented the item.

Director Radulovich exited the Meeting.

Director Blalock brought the matter of Small Business Bonding Assistance Program before the Board. Mr. James Bridgeman, Department Manager, Insurance, presented the item.

Director Blalock exited the Meeting.

The item was discussed.

The following individuals addressed the Board.

Mr. James Bealum

Ms. Lina Tan

Ms. Bernida Regan

Ms. Ingrid Merriwether

Mr. Eddie Dillard

Mr. Ali Altaha

Mr. Edward Cannon

Director Fang brought the matter of Two Agreements to Provide Sustaining Systems Engineering Services for BART Projects before the Board. Ms. Katy Wong presented the item.

President Franklin exited the Meeting.

The item was discussed.

Ms. Faye Smothers addressed the Board.

Director Sweet moved that the General Manager be authorized to award Agreement No. 6M8049 to B&C Transit, Inc., and Agreement No. 6M8055 to Acumen Building Enterprise, to provide sustaining systems engineering services for BART projects, each in an amount not to exceed \$3,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Fang, Keller, McPartland, Murray, Raburn, and Sweet. Noes – 0. Absent – 3: Directors Blalock, Radulovich, and Franklin.

Director Fang brought the matter of Memorandum of Understanding with Metropolitan Transportation Commission regarding Operations and Maintenance of Clipper Fare Collection System before the Board. Ms. Chris Quinn, Chief Extensions Officer, Transit System Development, presented the item.

President Franklin entered the Meeting.

The item was discussed.

Director Murray moved that the General Manager be authorized to execute the Memorandum of Understanding regarding Operations and Maintenance of Clipper Fare Collection System and Amendment No. 1 to the Memorandum of Understanding. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Fang, Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0. Absent – 2: Directors Blalock and Radulovich.

President Franklin called for the General Manager's report.

General Manager Grace Crunican introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly reviewed the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of November 16, 2011.

Director Fang exited the Meeting.

Ms. Crunican reported on steps she had taken and meetings she had participated in, and reminded the Board of the upcoming Workshop on November 4 and 5, 2011.

President Franklin brought the matter of Consideration of Letter to Metropolitan Transportation Commission Proposing Funding for Regional Pre-Apprenticeship Program before the Board. Director Keller presented the item. The item was discussed.

Mr. Eddie Dillard addressed the Board.

Director Sweet moved that a letter be sent to MTC advocating funding for regional pre-apprenticeship programs, and that all members of the Board who wished to sign the letter be able to do so. Director Keller seconded the motion, which carried by unanimous electronic vote.

Ayes – 6: Directors Keller, McPartland, Murray, Raburn, Sweet, and Franklin. Noes – 0.  
Absent – 3: Directors Blalock, Fang, and Radulovich.

President Franklin and Ms. Elaine Kurtz, Acting Assistant General Manager, Administration, gave a brief report on the Board Workshop – Business Advancement Program (BAP) – of October 20, 2011.

President Franklin brought Board Member Reports before the Board.

Director Keller reported the West Contra Costa Transportation Advisory Committee was discussing the possibility of launching a study for a rail extension to Crockett.

Director McPartland reported he had delivered BART tickets to returning veterans, participated in the Urban Shield exercise, attended the Alameda County Board of Supervisors meeting, and had participated in an MTC disaster preparedness exercise.

Director Murray reported that she had attended both BAP workshops and the labor-to-labor dinner in Contra Costa County, gone to the Transit Sustainability Research Center at the University of California, Berkeley, and that she would meet with homeowners in the Contra Costa Crossover area on November 1.

Director Raburn reported that he had participated in the Fruitvale community clean-up, attended the Northern Alameda County Transportation Forum, met with Oakland City officials regarding the 19<sup>th</sup> Street Station, Coliseum Station transit-oriented development, and the Lake Merritt Station, and attended the Firestorm commemoration at the Rockridge Station.

President Franklin reported he had met with an expert on requirements for new seating material.

President Franklin brought Roll Call for Introductions before the Board.

Director Murray requested an investigation and solutions for an issue raised in a customer complaint regarding automobiles running a stop sign at the Pleasant Hill Station, including traffic-calming measures for the parking structure.

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

The Board Meeting was adjourned at 1:38 p.m.

Kenneth A. Duron  
District Secretary