

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

January 24, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, January 24, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors and Standing Committees regarding any matter on these agendas. 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” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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.

2. **CONSENT CALENDAR**

- A. Approval of Minutes of the Meeting of January 10, 2008.* Board requested to authorize.

- B. Change Order to Agreement No. 6H3177, Graffiti Removal Services Systemwide, with Able Building Maintenance Company, for Extension of Time.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Director Franklin, Chairperson

NO REPORT.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Board Meeting recess

Director Fang, Chairperson

- B-1. Earthquake Safety Program: Appointment of Citizens' Oversight Committee.*
- a. Seismic Engineering Seat.
 - b. Auditing Seat.
 - c. Engineering Seat.
 - d. Project Manager Seat.
 - e. Community at Large Seat.
- Board requested to appoint.

- B-2. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Radulovich, Chairperson

- C-1. Approval of Fees for Bicycle Lockers.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- C-2. Authorize Exclusive Negotiations with City of San Leandro and Westlake Development Partners, LLC for San Leandro BART Station.* Board requested to authorize.
- C-3. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

NO REPORT.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Earthquake Safety Program: Appointment of Citizens' Oversight Committee.*

- a. Seismic Engineering Seat.
 - b. Auditing Seat.
 - c. Engineering Seat.
 - d. Project Manager Seat.
 - e. Community at Large Seat.
- Board requested to appoint.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

C-1. Approval of Fees for Bicycle Lockers.* Board requested to authorize.
(TWO-THIRDS VOTE REQUIRED.)

C-2. Authorize Exclusive Negotiations with City of San Leandro and Westlake Development Partners, LLC for San Leandro BART Station.* Board requested to authorize.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Ratification of 2008 Standing Committee and Special Appointments.*
Board requested to ratify.

B. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

8. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property:	Property Located at the Pleasant Hill BART Station
District Negotiators:	Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties:	Contra Costa County, Contra Costa County Redevelopment Agency, and San Francisco Bay Area Rapid Transit District
Under Negotiation:	Price and Terms
Government Code Section:	54956.8

B. PUBLIC EMPLOYEE APPOINTMENT:

Title: General Counsel
Gov't. Code Section: 54957(b)(1)


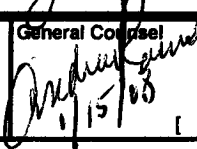
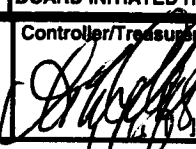

C. CONFERENCE WITH NEGOTIATORS:

Designated Representatives: Directors Blalock, Franklin, and Murray
Title: General Counsel
Gov't. Code Section: 54957.6

9. OPEN SESSION

- A. 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). Board requested to authorize.
- B. Compensation and Benefits for General Counsel.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c 11/16/2008		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anita C Sanchez Dept: Transportation & System Service Dept.	General Counsel  11/15/08	Controller/Treasurer  11/15/08	District Secretary	BARC  11/15/08
Signature/Date:				

PROFESSIONAL SERVICES AGREEMENT NO. 6H3177, GRAFFITI REMOVAL SERVICES SYSTEMWIDE (TIME EXTENSION ONLY)

NARRATIVE:

PURPOSE:

To authorize the General Manager to extend the term of Agreement 6H3177 with Able Building Maintenance for twelve months, from February 1, 2008 to January 31, 2009.

DISCUSSION:

In January 2003 the Board authorized award of Agreement 6H3177 for a period of three years, with a two year option, in an amount not to exceed \$2,453,912. The option was exercised. Staff renegotiated a lower hourly rate for the agreement for years three (3) through five (5). A change order was issued to the initial agreement in the amount of (\$149,575.68) to reflect the projected cost savings. This Agreement will expire on January 31, 2008. Staff estimates that there will be approximately \$700,000 of the authorization remaining at the time of the expiration date. Given the quality of services provided by the vendor and the remaining funds available under the agreement, staff has concluded that it is in the District's best interest to extend the term of the agreement through January 31, 2009. This extension will assure that graffiti removal services will continue while completing the procurement process for selection of a new vendor.

FISCAL IMPACT:

Authorized funding in the Transportation and System Service FY 08 operating budget is \$359,538; and staff projects FY 08 expenditures to come within the budget at approximately \$328,500.

ALTERNATIVES:

1) Not extend the existing agreement but rather proceed on a month-to-month basis until completion of new procurement for graffiti removal services. Implementation of this alternative could adversely affect the stability of the graffiti removal services and the current favorable rate structure. 2) Not extend the existing agreement which would affect passenger satisfaction by creating unsightly conditions throughout the system for the next several months until a new contract is awarded.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is 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.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: January 17, 2008

FROM: Dorothy Duggan 

SUBJECT: Earthquake Program Citizen's Oversight Committee Selection

Previously you received a package of applications and resumes for individuals seeking appointment to the Earthquake Safety Program Citizen's Oversight Committee. You will be asked to make your selections for the 2008 – 2010 Committee at the January 24 Board meeting.

Fifteen interested residents of the District have submitted applications. Each applicant has been invited to attend the meeting on the 24th and make a brief statement conveying their interest in becoming a member of the Committee.

As you recall, the Committee is comprised five members, and five alternates as back up, in the following areas:

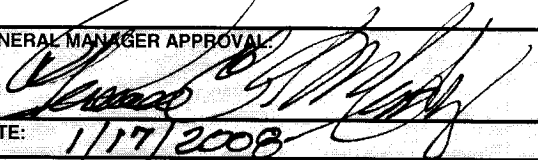

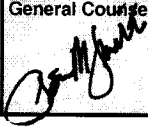
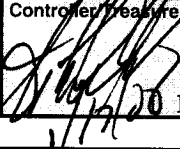
- ☐ Seismic Retrofitting
- ☐ Auditing
- ☐ Engineering
- ☐ Public Finance or Project Management
- ☐ Community at Large

If you would like additional information regarding the Citizen's Oversight Committee, please contact Molly McArthur at 510-464-6176.

cc: Board Appointed Officers
Deputy General Manager



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors January 24, 2008		
DATE: 1/17/2008		BOARD INITIATED ITEM: No		
Originator/Prepared by: Laura Timothy Dept: Customer Access  Signature/Date:	General Counsel  []	Controller/Treasurer  []	District Secretary []	BARC []
Status: Routed		Date Created: 11/20/2007		

TITLE:

APPROVAL OF FEES FOR BICYCLE LOCKERS

NARRATIVE:

PURPOSE:

To adopt new fee structures for electronic and non-electronic keyed bicycle lockers.

DISCUSSION:

At the September 13, 2007 meeting, the Board approved Contract No. 91CW-110 to provide 198 electronic bicycle lockers at eight (8) stations as part of a comprehensive project to upgrade bicycle lockers.

The District currently provides only keyed bicycle lockers. Existing fees for keyed bicycle lockers are \$15 for three months or \$30 per year (excluding \$25 key deposit). Pending availability, customers paying the locker fee receive a key to an assigned locker that is reserved exclusively for their use. If a locker is not available at a particular station, customers are placed on a waiting list for the next available space.

The current procedure of assigning keyed bicycle lockers exclusively to individual customers limits full utilization of the 1,006 lockers that the District provides. An assigned locker that is unused by a rental customer cannot be used by others, often resulting in empty lockers at stations that have numerous customers on waiting lists for available lockers. Currently, 409 customers are on waiting lists for lockers to become available to rent at 21 stations.

Customers will be able to more fully utilize the storage space provided by the new electronic bicycle lockers than the space provided by keyed bicycle lockers. The new electronic bicycle lockers will be available "on-demand." On-demand availability is enabled by a smart card access system that allows more than a just a single user to access an available electronic bicycle locker space over a given period of time. Using a smart card, any customer will be able to rent any unoccupied electronic bicycle locker space at any BART station.

A public hearing was held on January 10, 2008 regarding bicycle locker fees. At the public hearing, staff presented a proposal for hourly fees for the electronic lockers, as well as an

increase annual rental fee for the districts keyed lockers. Following public comments and discussion by the Board, the recommendation was revised as follows.

For electronic bicycle lockers, staff recommends adoption of an initial \$.03 hourly fee for peak and off-peak rental periods. The intent of the fees is to create a pricing mechanism that will support on-demand availability by discouraging customers from storing their bicycles in lockers for unnecessarily long durations. The proposed fees would cost a customer that stores a bicycle frequently at BART approximately \$40-\$60 per year depending on duration of use. The proposed fees are similar to those imposed by other agencies such as the City of Oakland and the City of El Cerrito for electronic bicycle lockers (\$.05 hourly fee for peak and off-peak periods, first five hours free). Staff also recommends that the Board authorize the General Manager to revise the proposed fee from time to time within a range of \$.01-\$.07 for peak and off-peak periods, by station, to maximize utilization. Fee revisions would be based upon occupancy thresholds. Staff will collect occupancy and usage data on a quarterly basis for the first year that electronic bicycle lockers are available and on a biannual basis in subsequent years.

For keyed bicycle lockers at stations where no electronic lockers are installed, staff initially recommended a fee of \$60 per year. Based on Board comments and public input, staff now recommends retaining the existing rental rates of \$15 for three months or \$30 per year. For stations where electronic bicycle lockers are installed, offering an alternative for those who seldom use a locker, staff recommends a modest fee increase to \$40 per year. The three-month rate would continue at \$15. The new fees would be similar to the cost of an electronic bicycle locker for a moderate user and would be much more than the cost of infrequent use of the electronic lockers. This increase of fees for keyed bicycle lockers may provide a pricing incentive for customers who rarely use their locker space to relinquish their space to customers on the waiting list and use the electronic bicycle lockers instead. Turnover in rental agreements will be tracked following the increase in fees and revisions to the rates may be proposed if utilization patterns appear to remain unchanged.

Since the project involves the establishment or modification of bicycle locker rates for the purpose of meeting operational and maintenance expenses, BART staff has determined that the project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15273.

FISCAL IMPACT:

A \$.03 hourly fee for electronic bicycle lockers is estimated to initially generate between \$6,500 and \$10,800 in new annual gross revenue, based on 30-50% of lockers being occupied for an average of 10 hours per day. Revenue is expected to grow as usage grows. It is expected that annual gross revenues for electronic bicycle lockers will be entirely used to cover fees to fabricate, distribute, and support smart cards for electronic bicycle lockers, based on data received from other agencies that provide electronic bicycle lockers in the Bay Area.

The fee increase of \$10 per year for keyed bicycle lockers is estimated to generate approximately \$1,500 in additional annual gross revenue. No additional expenses are likely to be incurred to

implement revised fees. It is expected that annual net revenues for the keyed bicycle locker fee increase will be entirely used to pay for operating and maintenance expenses of District bicycle parking facilities.

ALTERNATIVES:

(1) Do not authorize hourly fees for electronic bicycle lockers; (2) do not authorize the General Manager to revise fees for electronic bicycle lockers; and (3) do not authorize increased fees for non-electronic keyed bicycle lockers at stations where electronic bicycle lockers are installed. Failure to authorize the hourly fees would leave the District without an appropriate way to charge for these electronic bicycle lockers. Failure to increase the annual charge for keyed bicycle lockers at stations with electronic bicycle lockers would eliminate the incentive for infrequent users to move out of keyed bicycle lockers and start using the electronic bicycle lockers.

RECOMMENDATION:

Adoption of the following Resolution. 

MOTION:

Adoption of the attached Resolution. **(2/3 vote required)**

Exhibit A – FEES FOR BICYCLE LOCKERS

A. Initial \$.03 hourly peak period and \$.03 hourly off-peak period fees for electronic bicycle lockers.

The peak period fee would apply during weekdays from 8am to 8pm. The General Manager is authorized to revise fees for electronic bicycle lockers for each peak and off-peak periods, by station, within a range of \$.01-\$.07. Fee revisions would be based upon defined occupancy thresholds.

The initial \$.03 hourly peak period and \$.03 hourly off-peak period fees would apply until after the first evaluation of demand. Twice per year, once in the spring and once in the fall, staff would evaluate the use of electronic bicycle lockers at each station. Based on the following criteria, peak and off-peak period fees for the next six months would stay the same, or would be adjusted up or down. Changes in bicycle locker fees at any station would be made no more frequently than once every six months. Customers would be given at least 30 days notice of any changes in fees.

The respective hourly fees for peak and off-peak period locker rentals, by station, would be determined according to the following fee schedule:

Peak Occupancy Rate	Peak Period Hourly Fee	Off-Peak Period Hourly Fee
<= 20%	\$.03	\$.01
>= 20%	\$.03	\$.02
>= 40%	\$.03	\$.03
>= 60%	\$.04	\$.04
>= 75%	\$.05	\$.05
>= 85%	\$.07	\$.07

Customers who leave their bicycle in the locker longer than the time for which they paid will be charged for every hour beyond their pre-paid time period at three times the peak period rate of that station. The application of expired rental fees provides the customer with more accurate information regarding locker use and availability.

B. \$15 quarterly fee and \$40 annual fee for keyed bicycle lockers at stations where electronic bicycle lockers are implemented.

Following the implementation of electronic lockers at a particular station, the fee for rental agreements for keyed lockers at the station would be \$15 quarterly or \$40 annually.

Exhibit A – FEES FOR BICYCLE LOCKERS (continued)

C. \$15 quarterly fee and \$30 annual fee for keyed lockers at station with no electronic bicycle lockers at the same station.

At stations with no electronic lockers, the rental fees would be unchanged from the current rates.

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

In the Matter of Adopting
Fees for Bicycle Lockers

Resolution # _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges for rapid transit service to be furnished by the District: and

WHEREAS, the District will be providing electronic bicycle lockers at 8 East Bay stations to replace existing keyed bicycle lockers upon completion of Contract 91CW-110 and has secured funding to replace additional keyed bicycle lockers at other stations.

WHEREAS, until the District has replaced all keyed bicycle lockers with electronic bicycle lockers, both types of lockers will be provided.

WHEREAS, in order to maximize locker utilization rates, new fees are proposed for electronic bicycle lockers and keyed bicycle lockers at stations where electronic bicycle lockers are provided, respectively.

WHEREAS, a public hearing has been held at a meeting of the Board to consider Fees for Bicycle Lockers.

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) After careful study of staff recommendations, the opportunity for public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service set forth in Exhibit A hereto are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
 - (a) Provide for the fabrication and distribution of smart cards for electronic bicycle lockers; and
 - (b) Pay for operating and maintenance expenses of District bicycle parking facilities.
- (2) The rates and charges set forth in Exhibit A hereto are for the purposes of:

- (a) Creating a pricing mechanism that will support on-demand availability of electronic bicycle lockers by discouraging customers from storing their bicycles in lockers for unnecessarily long durations and maximize utilization.


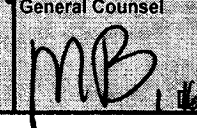

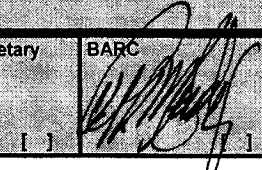
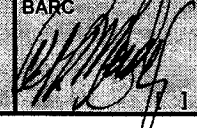
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The General Manager is authorized to implement Fee for Bicycle Lockers including rates and charges as set forth in Exhibit A.
- (2) The rates and charges for service set forth in Exhibit A are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. §15273 and that Notices of Exemption shall be filed in the affected counties.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: 1/16/2008		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Property Development	General Counsel 	Controller/Treasurer 	District Secretary 	BARC 
Signature/Date: _____		_____		
Status: Routed		Date Created: 01/09/2008		

TITLE:

Authorize Exclusive Negotiations with City of San Leandro and Westlake Development Partners, LLC for San Leandro BART Station

NARRATIVE:

PURPOSE: To request Board authorization to enter into an Exclusive Negotiating Agreement (ENA) with Westlake Development Partners, LLC (WDP) and the City of San Leandro to pursue a transit-oriented development project located at the downtown San Leandro BART Station.

DISCUSSION: In 1998, the San Leandro Redevelopment Agency (RDA) initiated a planning process for the Central San Leandro Area. The plan promoted quality infill development in the downtown area and encouraged the improvement of pedestrian linkages to adjacent neighborhoods. The BART station area was included as part of the overall strategy. In May of 2000, the strategy was amended to include development to specifically targeted sites (opportunity sites) with housing, office and mixed use development. A draft of the Revitalization Strategy was approved in January 2001 and the City of San Leandro (the City) asked BART to offer its property for private development. In June 2001, the BART Board of Directors authorized staff to conduct a private development solicitation for BART property. Subsequent to this Board action, the City, in efforts to broaden the footprint of their station area plan, initiated discussions with the Chang family representatives (private landowner of a six-plus acre parcel west of the BART station – see Attachment 1) to include the Chang parcel in the City's development plan. The City also requested that BART defer issuing a development solicitation for its property until discussions concerning the Chang parcel could be concluded.

In early 2006, the City initiated a follow-up study of the potential for transit-oriented development (TOD) in their greater downtown. After a 20-month planning effort, the City adopted a Downtown Transit-Oriented Development Strategy to address the development and re-development of the 502-acre area in and around the downtown, centered at the intersection of East 14th and Davis Streets. The strategy seeks to develop public improvements to infrastructure, civic building projects and private sector-sponsored residential, commercial and other developments. The TOD Strategy is aimed at stimulating new development within downtown San Leandro, including at and around the San Leandro BART Station.

The TOD Strategy area contains a diverse mix of land uses, development intensities, building

heights and circulation patterns. To preserve the character of these neighborhoods while guiding appropriate development, the TOD Strategy contains a land use plan that includes several Mixed-Use Districts, including the BART Station Area. The area immediately adjacent to the BART station presents an opportunity to maximize the transit ridership potential of residential land use by developing at high densities. Density ratios in these areas have a minimum of 80 dwelling units /acre with no limits on building heights.

Inclusion of the Chang property in the City's TOD efforts led to numerous discussions between BART, the City and representatives of the Chang property. One key topic of discussion involved determining if greater physical and financial flexibility could be achieved by combining the BART property with the Chang property and the City property (Martinez Street) separating the BART and Chang properties. The preliminary conclusion reached was that greater development and transit access flexibility could be achieved by combining these properties.

Westlake Development Partners, LLC (WDP) represents the Chang family and has been authorized by the Changs to pursue development of their property. WDP is one of several Westlake Companies engaged in real estate. Collectively, Westlake Companies have acquired, developed and managed a large portfolio that includes over three million square feet of commercial and residential properties with over seven hundred multi-family units and over one hundred acres of land. WDP is currently expanding and diversifying its development activities to include mixed-use office, retail and residential projects. Currently, WDP has six active projects totaling more than \$500 million in development value. Project equities are typically funded by WDP's capital and its revolving credit lines with global banks in excess of \$250 million. Selective projects are funded through a combination of joint venture equity and conventional debt financing. WDP has decided to pursue development of the San Leandro/BART station area project, subject to appropriate approvals by the affected entities.

Staff recommends entering into an Exclusive Negotiating Agreement (ENA) with WDP and the City. WDP, as Master Developer, would construct a transit-oriented mixed-use development located on multiple parcels adjacent to the San Leandro BART station. Upon full completion, the development will bring a total of 700+ residential units and up to 200,000 square feet of commercial office and retail space to the area.

The development is expected to be completed in four phases. The first phase consists of approximately 200 residential units and up to 20,000 square feet of commercial retail space on the existing BART parking lot on the east side of San Leandro Blvd. (Attachment 1). Displaced BART parking from this east side lot will be replaced, temporarily, on a surface lot controlled by WDP. Future phases of development will be pursued on property controlled by WDP as well as the remaining BART property at the San Leandro Station. Approximately 500 residential units, commercial development and a parking structure to accommodate the displaced BART parking are anticipated for the future phases of development.

BART's TOD Policy stipulates, in part, that the District will generally solicit proposals for joint development of District-owned property through a competitive selection process, except in cases where sole source negotiations would result in more favorable conditions for the District. In this

case, staff recommends that a sole source relationship be established with WDP for the following reasons:

- WDP owns a large parcel of land (approximately 4.8 acres) to the west of the BART station, that when combined with BART and City land will create a larger area within which transit-oriented development can more flexibly be pursued.
- WDP has the financial resources and development capabilities to meet the City and BART's various transit-oriented development objectives.
- WDP is in agreement with the City's plan for transit-oriented development and has indicated a strong desire to work with the City and BART to implement the City's Downtown Transit-Oriented Development Strategy.

During the eighteen-month period of the ENA, the following issues would be addressed, among others:

- Terms and conditions for the use of BART property, including lease and/or sale;
- Evidence that requisite funding has been obtained;
- Due diligence efforts to ensure that a proposed project represents the highest and best use of the property and fulfills BART's and the City's development objectives; and
- Discussions with the City to determine its requirements and a schedule for its approval of a project.

The ENA would include a right to extend for an additional eighteen months, subject to mutual agreement. The Office of the General Counsel will approve the ENA as to form.

WDP has agreed to pay BART a \$25,000 fee for the ENA, and the parties will negotiate an additional payment if the ENA is extended beyond the initial eighteen months.

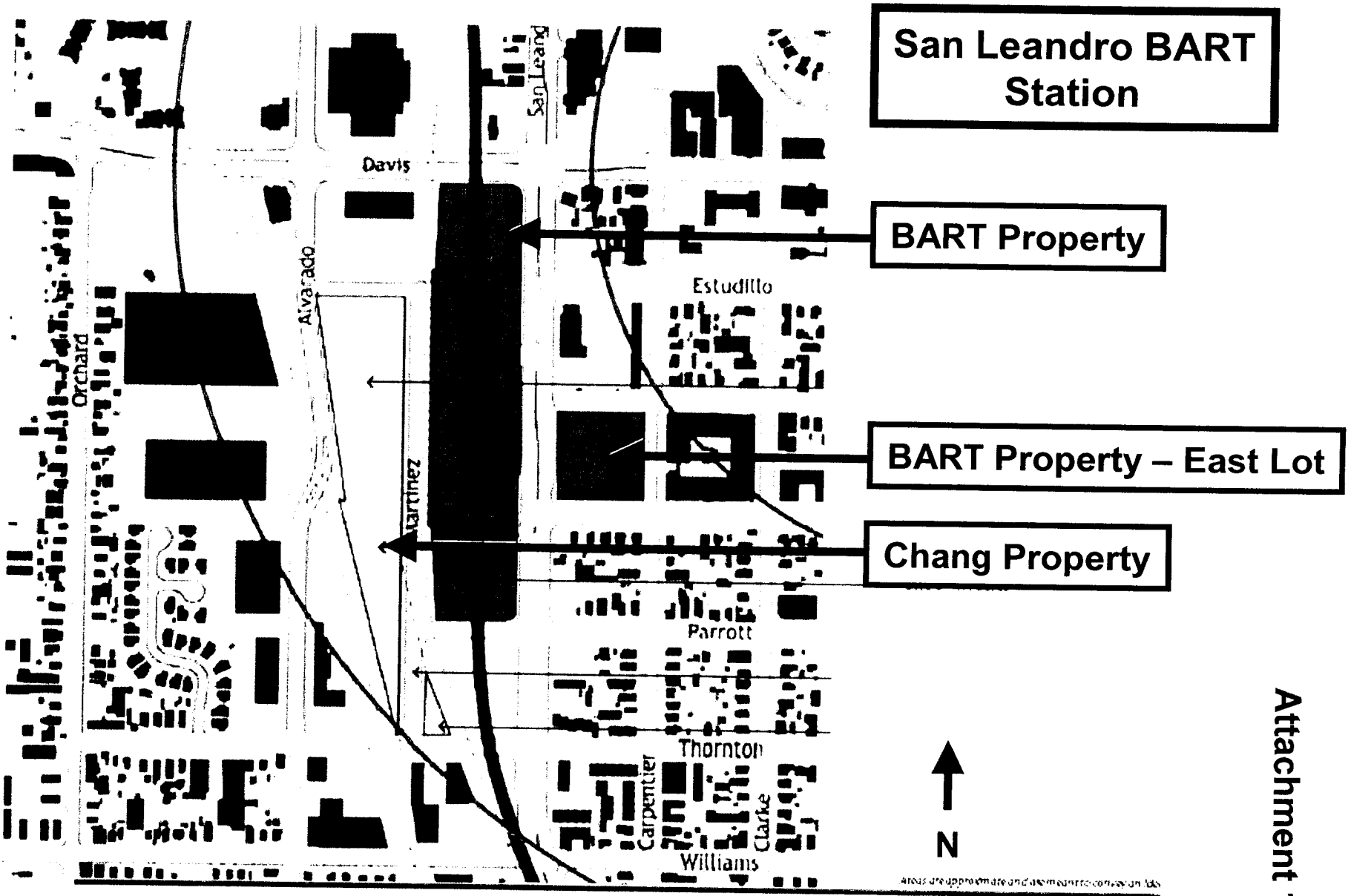
Upon completion of negotiations, staff will return to the Board for approval of the ultimate transaction with WDP and the City.

FISCAL IMPACT: BART will absorb all Property Development staff costs. The \$25,000 ENA fee will be used for project-related BART consultant costs, including outside counsel, incurred by BART during the negotiating process.

ALTERNATIVES: Do not award an ENA to WDP and the City of San Leandro and direct staff to prepare and release a Request for Development Proposals. This would significantly delay consideration of a development project at the San Leandro BART Station.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION: The General Manager or his designee is 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. The ENA would be for a period of 18 months, with the right to extend for an additional 18-month period, subject to mutual agreement.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 17, 2008
FROM: District Secretary
SUBJECT: 2008 Standing Committee and Special Appointments

Attached for your consideration are President Murray's proposed Standing Committee and Special Appointments for 2008.

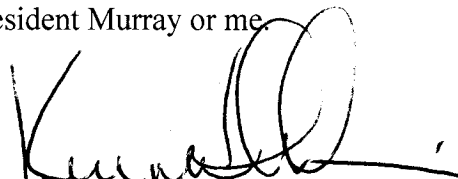
Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Murray is bringing the 2008 Standing Committee and Special Appointments before the Board of Directors for ratification on January 24, 2008.

The Committee and Special Appointments list has been reformatted this year with the goal of being more useful by clearly delineating appointments focused on internal District business (District) and those supporting activities of our partner agencies and the communities we serve (External).

Attached for your reference are a list of the four committees subsumed by new committees or abolished, a documented scope for a continuing committee, and scopes for three of the four new committees. The scope for the Sustainability/Green Committee is being finalized and will be provided under separate cover in the next few days.

Should you have any questions, please contact President Murray or me.



Kenneth A. Duron

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Item No. 6-A.

RATIFICATION OF 2008 STANDING COMMITTEE
AND SPECIAL APPOINTMENTS

MOTION:

That the Board of Directors ratifies the proposed Standing Committee and Special Appointments for 2008 (attached).

SUMMARY OF CHANGES TO STANDING COMMITTEE AND SPECIAL APPOINTMENTS

ABOLISHED OR COMBINED WITH NEW COMMITTEE

Joint Development Liaison Committee: Scope for this committee merged with new Access and Transit Oriented Development Committee.

San Mateo County Policy Committee: With the conclusion of the District's negotiations with the San Mateo County Transit District for financing of the operating and capital costs of the San Francisco Airport Extension in 2007, this committee has been abolished.

Santa Clara County Policy Committee: The policy and strategy development and advisory scope of this committee have been merged with the Silicon Valley Rapid Transit Project Policy Advisory Board responsibilities. These responsibilities will be carried out by the members of the Board of Directors on the Policy Advisory Board.

Strategic Finance Advisory Committee: The scope for this committee, involving the consideration of potential approaches and solutions of major project and/or program related funding and financing issues confronting the District has been merged with the Finance, Budget and Internal Audit Committee.

EXISTING COMMITTEE – Documented Scope

District Security Advocacy Committee

Objective: To lend advocacy support to District efforts to increase the amount of local, state and federal grants awarded to BART for projects that improve security within the system. The District Security Advocacy Committee will also serve as the initial Board point of contact for discussion of security policy issues.

Focus: The District Security Advocacy Committee will focus on security funding and policy issues. Security policy issues relate to the protection of District patrons, employees and property against acts of intentional harm.

Led by the Board Committee Chairperson, the Committee shall:

- Meet periodically with the Manager of Security Programs;
- Review status of security projects and needs;
- Identify available funding from local, state and federal sources and participate in funding advocacy activities with legislators, funding agencies;
- Periodically review the progress achieved by past and current projects in reducing threats/risks identified in Threat Vulnerability Assessments;
- Review standards, policy and procedure for response to acts of terrorism;
- Review programs to improve physical, information and operational security.

NEW COMMITTEES – District

Access and Transit Oriented Development Committee

Objective: To coordinate comprehensive planning and development around station sites.

Led by the Board Committee Chairperson, the Committee shall

- Incorporate the goals and objectives of the previous Joint Development Liaison Committee. The overall goal will continue to be promoting high quality, more intense development through cooperative public/private sector development projects on or near District-owned properties which will increase ridership, support long term system capacity and generate new sources of revenue (and/or capital offsets).
- Review the plans and activities of the Station Modernization program.
- Review the progress toward implementation of the Station Access Plans and to the extent possible, in coordination with the Station Modernization program.
- Develop plans to improve external wayfinding signage through partnerships with Caltrans and BART's host cities.
- Review efforts to improve access to the stations and make recommendations to the Board about physical and financial improvements that may be needed. Consider access by all modes, including pedestrian walkways, bicycle paths and parking, bus circulation and automobile parking, particularly the opportunities for increased use of attendant assisted parking.

Finance, Budget, and Internal Audit Committee

(Established by the Board of Directors June 21, 2007 as recommended by the District Organizational Review Ad Hoc Committee)

Committee Make-Up: The Chair of the Board of Directors Administration Committee and two to three members of the Board.

Objective: To provide detailed focus on policy issues in order to inform the full Board on strategic financial issues, which will position the District's future course.

Focus areas: The following are the two primary areas of Committee inquiry. While Committee review of on-going reports and processes will benefit the District and its Board of Directors, the greatest need for direction and focus is on policy and strategic financing related issues. The policy items listed below strike a delicate balance between the future operational viability of the system and the District's ability to maintain a skilled and efficient workforce.

Policy

Short Range Transportation Plan/Capital Improvement Plan

25-30 Year Capital Plan

District Financial Reserves

Quarterly Bonding & Debt Service Report

Smart Cards (Revenue Collection Vehicle) Public Private Partnerships

On-Going (annually)

Controller-Treasurer Monthly Report Quarterly

Financial Report

Annual Budget Process

- Pro Forma Budget
- Preliminary Budget
- Detailed Budget Presentation (Sources & Uses/Operations/Capital Budget)
- Board Adoption

Independent Financial Audit (December)

Internal Audit

- Quarterly Audit Report
- Annual Work Plan

Draft Official Statements (Bond Issues)

Sustainability/Green Committee

Scope: To be provided under separate cover.

NEW COMMITTEE – External

Alameda County Transportation Improvement Authority (ACTIA) – Warm Springs Extension

Scope: The BART Warm Spring Extension Project Policy Advisory Committee (WSX PAC) was formed to advise and advocate the need for adequate and reliable funding for the delivery of this regionally significant project to extend BART to Warm Springs in Alameda County. The PAC provides a forum for policy discussion regarding project funding for project delivery.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS
STANDING COMMITTEES**

Proposed Draft, 01/17/08

ADMINISTRATION COMMITTEE */**

Bob Franklin, Chairperson
Tom Radulovich, Vice Chairperson

ENGINEERING AND

OPERATIONS COMMITTEE */**

James Fang, Chairperson
Joel Keller, Vice Chairperson

**PLANNING, PUBLIC AFFAIRS, ACCESS,
AND LEGISLATION COMMITTEE */****

Carole Ward Allen, Chairperson
Lynette Sweet, Vice Chairperson

SPECIAL APPOINTMENTS - DISTRICT

**ACCESS AND TRANSIT ORIENTED
DEVELOPMENT COMMITTEE**

Tom Radulovich, Chairperson Gail Murray
Bob Franklin Lynette Sweet

AC TRANSIT LIAISON

Bob Franklin, Chairperson Carole Ward Allen

**ALAMEDA COUNTY CONGESTION
MANAGEMENT AGENCY LIAISON**

Thomas M. Blalock Bob Franklin, Alternate

**AMERICANS WITH DISABILITIES
ACT (ADA) LIAISON**

Bob Franklin, Chairperson Zoyd Luce

**CONTRA COSTA TRANSPORTATION
AUTHORITY LIAISON**

Gail Murray Joel Keller, Alternate

**DISTRICT ORGANIZATIONAL
REVIEW AD HOC COMMITTEE**

Thomas M. Blalock, Chairperson Gail Murray
Bob Franklin Tom Radulovich

**DISTRICT SECURITY ADVOCACY
AD HOC COMMITTEE**

Zoyd Luce, Chairperson Carole Ward Allen
Joel Keller

eBART POLICY ADVISORY COMMITTEE

Joel Keller Gail Murray

**FINANCE, BUDGET, AND
INTERNAL AUDIT COMMITTEE**

Lynette Sweet, Chairperson Zoyd Luce
James Fang, Vice Chairperson Gail Murray

**I-580 LIVERMORE STUDY POLICY
ADVISORY COMMITTEE LIAISON**

Zoyd Luce

**METROPOLITAN TRANSPORTATION
COMMISSION LIAISON COMMITTEE ¹**

Gail Murray, Chairperson James Fang
Thomas M. Blalock Lynette Sweet

**OAKLAND AIRPORT CONNECTOR - COLISEUM
STATION AREA DEVELOPMENT LIAISON**

Carole Ward Allen, Chairperson Thomas M. Blalock

**PLEASANT HILL BART STATION
COMMUNITY LIAISON**

Gail Murray

REGIONAL LATE NIGHT SERVICE LIAISON

Bob Franklin Tom Radulovich

REGIONAL RAIL COMMITTEE

Tom Radulovich, Chairperson Bob Franklin
Thomas M. Blalock

**SAN FRANCISCO TRANSPORTATION
AUTHORITY LIAISON COMMITTEE**

Tom Radulovich, Chairperson Zoyd Luce
James Fang Lynette Sweet

SUSTAINABILITY/GREEN COMMITTEE

Bob Franklin, Chairperson James Fang
Thomas M. Blalock Zoyd Luce

WARM SPRINGS POLICY COMMITTEE

Thomas M. Blalock, Chairperson Zoyd Luce
Carole Ward Allen, Vice Chairperson

**WEST CONTRA COSTA TRANSPORTATION
ADVISORY COMMITTEE LIAISON (WCCTAC)**

Bob Franklin
Joel Keller

* All Directors are members of this Committee (Thomas M. Blalock, James Fang, Bob Franklin, Joel Keller, Zoyd Luce, Gail Murray, Tom Radulovich, Lynette Sweet and Carole Ward Allen)

** Brown Act Committee, subject to public meeting requirements.

*** Brown Act Board, subject to public meeting requirements.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS
SPECIAL APPOINTMENTS - EXTERNAL**

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ALAMEDA COUNTY TRANSPORTATION
IMPROVEMENT AUTHORITY CONSUMER
POLICY ADVISORY COMMITTEE LIAISON
Carole Ward Allen

ALAMEDA COUNTY TRANSPORTATION
IMPROVEMENT AUTHORITY – WARM
SPRINGS EXTENSION COMMITTEE LIAISON
Thomas M. Blalock

ALTERNATE REPRESENTATIVE TO THE
AMERICAN PUBLIC TRANSPORTATION
ASSOCIATION BOARD OF DIRECTORS
Lynette Sweet

BAY FAIR TRANSIT ORIENTED
DEVELOPMENT AND ACCESS PLAN
POLICY ADVISORY COMMITTEE LIAISON
Bob Franklin

CAPITOL CORRIDOR JOINT POWERS BOARD ***

Thomas M. Blalock	Joel Keller
James Fang	Gail Murray
Bob Franklin	Lynette Sweet
Zoyd Luce, Alameda County Alternate	

FRUITVALE POLICY COMMITTEE **

Carole Ward Allen, Chairperson

PLEASANT HILL BART STATION LEASING
AUTHORITY BOARD OF DIRECTORS

Joel Keller	Gail Murray
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SILICON VALLEY RAPID TRANSIT
PROJECT POLICY ADVISORY BOARD

Thomas M. Blalock, Chairperson
Bob Franklin, Vice Chairperson
Gail Murray
James Fang, Alternate
Scott Haggerty, Supervisor, Alameda County
Bob Wasserman, Mayor, City of Fremont

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other Organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

¹ The President may appoint an Alternate to serve on this committee on an as-needed basis.

Ratified _____