

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

Board of Directors
Minutes of the 1,531st Meeting
June 12, 2008

A regular meeting of the Board of Directors was held June 12, 2008, convening at 9:04 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, Radulovich, Ward Allen, and Murray.

Absent: None. Directors Fang and Sweet entered the meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 22, 2008.
2. Fiscal Year 2009 Budget: Proposition 4 Appropriations Limit.

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

1. That the Minutes of the Meeting of May 22, 2008, be approved.
2. Adoption of Resolution No. 5051, In the Matter of the Establishment of the Fiscal Year 2009 Appropriations Limit.

President Murray announced that Items 11-A and 11-B (Closed Session – Conference with Real Property Negotiator) would be continued to a future meeting.

President Murray announced that the Board would enter into closed session under Items 3-A and 3-B (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 9:07 a.m.

The Board reconvened in closed session at 9:10 a.m.

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

Absent: Director Fang.

Director Fang entered the Meeting.

The Board Meeting recessed at 10:39 a.m.

The Board reconvened in open session at 10:42 a.m.

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

Absent: None.

President Murray brought the matter of Revised Option Agreement with Walnut Creek Transit Village Lifestyles Associates, LLC, for Development at the Walnut Creek BART Station before the Board, and moved that the General Manager or her designee be authorized to complete negotiations and execute a revised Option Agreement with Walnut Creek Transit Village Lifestyles Associates, LLC, for development at the Walnut Creek BART Station, including lease of South and North parcels and lease with option to purchase the East parcel; and that the General Manager or her designee be authorized to execute any and all actions in support of the aforementioned motion, including a limit to any option to purchase of no more than 10 years. Director Sweet seconded the motion.

Director Radulovich requested that the record reflect his reasons for opposing the pending motion and the motion that would follow: that he felt that the sale of District land was irresponsible, as the land had been purchased with taxpayers' money and the sale of the assets rather than entering into long-term leases was shortchanging future generations in that the District would forego any possibility of future revenue earnings once the land was sold. Discussion followed.

The motion carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Sweet, Ward Allen, and Murray. Noes – 2: Directors Luce and Radulovich.

President Murray brought the matter of Option Agreement with MacArthur Transit Community Partners, LLC, for Development at the MacArthur BART Station before the Board.

Director Sweet moved that the General Manager or her designee be authorized to complete negotiations and execute an Option Agreement with MacArthur Community Transit Partners, LLC, for the sale of approximately 4.8 acres of land, the receipt of approximately 0.53 acres, and the lease of approximately 1.48 acres of land at the MacArthur BART Station; and that the General Manager or her designee be authorized to execute any and all actions in support of the aforementioned motion. Director Ward Allen seconded the motion.

Director Keller requested that the record reflect he was a co-owner of a condominium within 10 blocks of the proposed project, and that he had been advised by counsel that he was not precluded from voting because of his ownership interest.

The motion carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Sweet, Ward Allen, and Murray. Noes – 2: Directors Luce and Radulovich.

President Murray brought the matter of Fiscal Year 2009 Budget before the Board. Mr. Carter Mau, Executive Manager of Planning and Budgets, and Mr. Robert Umbreit, Department Manager of Operating Budgets, made a brief presentation. Discussion followed.

Director Blalock moved adoption of Resolution No. 5052, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2008, to June 30, 2009. Director Fang 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.

The Board Meeting recessed at 11:15 a.m.

The Board reconvened at 11:57 a.m.

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

Absent: Director Fang.

Consent Calendar Addenda items brought before the Board were:

1. First Amendment to the Millbrae Use, Operations and Maintenance Agreement between the Peninsula Corridor Joint Powers Board, the San Mateo County Transit District, and the San Francisco Bay Area Rapid Transit District.
2. Agreement with the California State Parks Foundation for the Yosemite Slough Project to Satisfy the BART San Francisco Airport Extension (SFO) Project Wetlands Mitigation Obligation.
3. Proposed Support for State Legislation.

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

1. That the General Manager be authorized to execute the First Amendment to the Use, Operating, and Maintenance Agreement to put in place a revised payment schedule for Fiscal Year 2009 through Fiscal Year 2013; under the revised schedule, the amount paid by the Peninsula Corridor Joint Powers Board in any fiscal year will equal the amount paid the

previous fiscal year plus a Consumer Price Index-based inflationary adjustment.

2. That the General Manager be authorized to execute the Agreement with the California State Parks Foundation for the contribution of \$1,000,000.00 to the Yosemite Slough Project to satisfy BART's San Francisco Airport Extension wetlands mitigation obligation.
3. That the Board approve the following positions for state legislation: Support for Assembly Bill (AB) 1836 (Feuer) – Infrastructure Financing Districts; Support for AB 2705 (Jones) – Mello-Roos: public transit; Support if amended for Senate Bill (SB) 375 (Steinberg) – Sustainable Communities Strategy.

Director Franklin, Chairperson of the Administration Committee, reported that the sole item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Blalock, Vice Chairperson of the Engineering and Operations Committee, reported that the Agreement with King American Ambulance Company to Provide Standby Emergency Medical Services at Specific Locations (Agreement No. 6M3093) had been continued to a future meeting, and the remaining item on the committee agenda had been forwarded to Consent Calendar Addenda.

Director Ward Allen, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the committee had received and discussed a presentation on Proposed Support for State Legislation, and that the item had been bifurcated, with the recommendation for support of three bills having already been voted on on the Consent Calendar Addenda, and the remaining bill would be voted on separately.

Director Radulovich moved that the Board approve a position of support for SB 445 (Torlakson) – Greenhouse Gas Mitigation Fees. Director Franklin seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Luce, Radulovich, and Murray. Noes – 1: Director Sweet. Abstain – 1: Director Ward Allen. Absent – 1: Director Fang.

Director Keller exited the meeting.

President Murray asked for the General Manager's Report. General Manager Dorothy W. Dugger reported that the system had experienced its sixth and seventh highest ridership days, providing over 382,000 trips on two days the previous week. Ms. Dugger reported that June 19, 2008, had been designated by the Metropolitan Transportation Commission as the regional 'Spare the Air/Ride Transit Free' day as the one day in 2008 for free transit rides for Bay Area commuters, in conjunction with Dump the Pump Day. Ms. Dugger announced that BART's Maintenance Team had earned second place in the APTA Rail Rodeo in San Francisco the previous week.

Director Sweet exited the meeting.

Ms. Dugger introduced Mr. Eugene Skoropowski, Managing Director, Capitol Corridor, who reviewed the Agenda for the Capitol Corridor Joint Powers Board Meeting of June 18, 2008.

Ms. Dugger introduced Mr. Paul Oversier, Assistant General Manager – Operations, who gave a report on the status and progress of repairing the Hayward Yard following the May 10, 2008, fire.

Director Ward Allen exited the meeting.

President Murray brought Roll Call for Introductions before the Board.

Director Franklin requested a report on the requirements and costs to load Commuter Check® value onto EZRider cards, using the current pilot program with Kaiser Permanente as a model, and the feasibility of having the District's in-station ticket agent/vendors service the benefit.

President Murray called for General Discussion and Public Comment. Mr. Jerry Grace addressed the Board.

Director Franklin exited the meeting.

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

Kenneth A. Duron
District Secretary