

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

Board of Directors
Minutes of the 1,689th Meeting
October 10, 2013

A regular meeting of the Board of Directors was held October 10, 2013, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None. Director Fang entered the Meeting later.

President Radulovich announced that the order of the agenda items would be changed and that the item on Board Meeting Schedule would be continued to a future meeting.

Director Fang entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 26, 2013.
2. Audit of Directors' Use of District Property for Fiscal Year 2013.
3. Special Appointments: Emeryville Berkeley Oakland Transportation Study Policy Advisory Committee.

Director Mallett made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meeting of September 26, 2013, be approved.
2. That the Audit of Directors Use of District Property for Fiscal Year 2013 be accepted.
3. That the Board of Directors ratify the appointment of Director Saltzman as the District's representative to the Emeryville Berkeley Oakland Transportation Study Policy Advisory Committee and Director Mallett as the alternate.

President Radulovich called for Public Comment on Item 9-C (Conference with Labor Negotiators) only. The following individuals addressed the Board.

Mr. John Kozlosky

Mr. George Perica
Ms. Marilyn Wann
Yusuf
Ms. Antonette Bryant
Ms. Josie Mooney
Ms. Roxanne Sanchez
Mr. John Arantes

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-C (Conference with Labor Negotiators) of the agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 9:43 a.m.

The Board reconvened in closed session at 9:48 a.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich

Absent: None.

Director Fang exited the Meeting.

The Board Meeting recessed at 11:27 am.

The Board reconvened in open session at 11:30 a.m.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich

Absent: Director Fang.

President Radulovich announced that the Board had met in closed session and there were no announcements to be made.

Director Murray, Chairperson of the Administration Committee, had no report.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Authority to Enter into Multiple Agreements for Temporary Bus Services before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Bob Franklin, Department Manager of Customer Access, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Jerry Grace
Mr. Chris Daley
Ms. Josie Camacho
Mr. Chris Finn
Ms. Josie Mooney

Director Raburn moved that the General Manager be authorized to enter into multiple agreements with various charter bus carriers to engage and provide temporary bus transportation services for the public in a total amount not to exceed \$400,000 per day. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Fang.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Station Modernization Program Update before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, and Mr. Val Menotti, Department Manager, Planning, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

President Radulovich called for the General Manager's report.

Ms. Marcia deVaughn, Deputy General Manager, reported on steps the General Manager had taken and activities and meetings she had participated in. She announced that the Governor had signed SB142 into law; that the California Transportation Commission (CTC) had awarded BART \$140 million in Proposition A High Speed Rail Bond Funds to be used in the local match requirement for the next phase of the Rail Car Program; that more than 700 visitors had stopped by the railcar seat labs over three days in Union City, Pittsburg/Bay Point and Downtown Berkeley Stations; and that the effort would continue at Pleasant Hill, Lake Merritt, El Cerrito Del Norte, Balboa Park, and Powell Street Stations.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Mallett reported that he had attended the American Public Transportation Association (APTA) Conference in Chicago, Illinois.

Director Blalock reported that he had attended the APTA Conference and participated in a BART seat lab.

Director Keller reported that he had attended the APTA Conference and had participated in a BART seat lab.

Director McPartland reported that he met with county supervisors and mayors on local issues and that he would be traveling to Portland, Oregon, to inspect the Oakland Airport Connector railcars.

Director Raburn reported he had attended the Oakland Chamber of Commerce Pulse of Oakland event and the Sierra Club David Bauer dinner, and that he had participated in the East Bay Greenway groundbreaking.

Director Raburn recommended that Directors and staff conduct lighting audits throughout the District for the safety of passengers.

Director Saltzman reported she had attended the Oakland Chamber of Commerce Pulse of Oakland event.

President Radulovich called for Public Comment. The following individuals addressed the Board.

Mr. Robert S. Allen
Mr. Paul Junge
Mr. Jerry Grace

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-A and 9-B (Conference with Real Estate Negotiators) 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 1:05 p.m.

The Board reconvened in closed session at 1:16 p.m.

Directors present: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

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

Director Keller entered the meeting.

Director McPartland exited the meeting.

The Board Meeting recessed at 2:47 p.m.

The Board reconvened in open session at 2:49 p.m.

Directors present: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Fang and McPartland.

President Radulovich announced that the Board had concluded its meeting in closed session, and that there were no announcements to be made for Items 9-A and 9-B.

President Radulovich brought the matter of Walnut Creek Transit-Oriented Development Project before the Board.

Director Murray moved that after review and consideration of the Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan adopted by the City of Walnut Creek, the Board (1) Adopts the City of Walnut Creek's Final EIR, Findings and Mitigation Monitoring and Reporting Plan for the Walnut Creek BART Transit Village and (2) Finds that for the sale and lease of BART property at the Walnut Creek Station, there are no significant environmental effects which have not been mitigated to less than significant and no further environmental review is required.

Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

Director Murray made the following motions as a unit:

1. 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 East parcels and an option to purchase the North parcel.
2. That the District continue to study bike and pedestrian access solutions on and off District property along with transportation demand strategies with affected stake holders both near and long term.
3. That the Board remove the prevailing wage requirement for development of the East parcel in recognition that a Project Labor Agreement has been executed with UA Plumbers and Steamfitters Union, Local 159, Brotherhood of Electrical Workers Union, Local 302, and Sheet Metal Workers Union, Local 104.
4. That the General Manager or her designee be authorized to execute any and all actions in support of the aforementioned motions.

Director Keller seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

President Radulovich brought the matter of Approve Modification of Ground Lease of BART Property in Pleasanton at the West Dublin/Pleasanton BART Station before the Board. Director Blalock moved that the General Manager or her designee be authorized to complete negotiations and execute agreements for the lease of approximately 6.98 acres in Pleasanton to Workday, Inc.

Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

The Board Meeting was adjourned at 2:53 p.m.

Kenneth A. Duron
District Secretary