

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

Board of Directors  
Minutes of the 1,611th Meeting  
December 2, 2010

A regular meeting of the Board of Directors was held December 2, 2010, convening at 9:13 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Fang presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Franklin, McPartland, Murray, Sweet, and Fang.

Absent: Directors Keller and Ward Allen. Directors Blalock and Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 18, 2010.
2. Cost-Sharing Agreement between BART and the City and County of San Francisco for Paratransit Services.
3. Leases on BART-Owned Properties.
4. Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2010.

Consent Calendar motions, as follow, were moved as a unit by Director McPartland. Directors Franklin and Murray seconded the motions, which carried by unanimous roll call vote. Ayes – 5: Directors Franklin, McPartland, Murray, Sweet, and Fang. Noes – 0. Absent – 4: Directors Blalock, Keller, Radulovich, and Ward Allen.

1. That the Minutes of the Meeting of November 18, 2010, be approved.
2. That the General Manager be authorized to execute the Cost-Sharing Agreement for Paratransit Services between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District.
3. That the General Manager or her designee be authorized to issue new leases to San Pablo Property Investments – Richmond (Parcel Number O-RA73); Tri Valley Quarter Midget – Livermore (Parcel Numbers L-5003 and L-5004); Joseph Welch – Daly City (Parcel Number D-1020); Cintas – San Leandro (Parcel Number O-A713); Pacific Supermarket – South San Francisco (Parcel Number O-M370); John Gandolfo – Livermore (Parcel Number L-4002); Robert Faussner – Richmond (Parcel Number O-R802); Sylvia Figueroa – El Cerrito (Parcel Number O-R807); Peninsula Pines – South San Francisco (Parcel Number D-3152); The

Hignell Companies – South San Francisco (Parcel Number D-3151); and Park Lane Apartments – South San Francisco (Parcel Number D-3152), for terms of up to five years, plus an option term for up to five years; to increase existing fees 3% or to market rates; to increase fees at 3% for the remaining non-option years; and to increase rents 3% to 5% for each option year.

4. That the Board accept the Independent Auditor's Reports on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2010.

President Fang announced that the order of agenda items would be rearranged.

Director Murray, Vice Chairperson of the Engineering and Operations Committee, had no report.

President Fang called for the General Manager's report. General Manager Dorothy W. Dugger reported on holiday ridership, holiday parking programs, and a holiday shopping promotion.

Director Sweet gave a brief report on the activities of the BART Police Department Review Committee. The application process for Citizen Review Board membership was discussed.

Director Radulovich entered the Meeting.

President Fang brought Roll Call for Introductions before the Board.

President Fang requested the consideration of an extension of time for the receipt of proposals for Request for Proposals No. 6M8042, Community Relations Services for BART Construction Projects (scheduled for January 11, 2011).

Director Sweet, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of MacArthur Station Transit Village Development Project Access Strategies before the Board. Mr. Jeffrey P. Ordway, Department Manager, Property Development, presented the item.

Director Blalock joined the Meeting via teleconference from Union City Council Chambers, 34009 Alvarado-Niles Road, Union City, California.

The item was discussed.

Director Blalock, Chairperson of the Administration Committee, requested that Director McPartland, as Vice Chairperson, preside over the Administration Items portion of the Meeting. Director McPartland brought the matter of Approval of Non-CalPERS (California Public Employees Retirement System) Medical Plan Structure and Rates for Calendar Year 2011 before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. The item was discussed.

Director McPartland moved adoption of Resolution No. 5151, In the Matter of the Non-CalPERS Medical Plan Structure and Rates for Calendar Year 2011. Director Blalock seconded the

motion, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Franklin, McPartland, Murray, Radulovich, Sweet, and Fang. Noes – 0. Absent – 2: Directors Keller and Ward Allen.

Director McPartland brought the matter of Condemnation of Real Property for the Warm Springs Extension Project: BART Parcel Nos. J-2060-1A and J-2060-3A, before the Board. Mr. Joseph Basuino, Real Estate, presented the item.

Director Franklin exited the Meeting.

The item was discussed.

Director Blalock moved adoption of Resolution No. 5152, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels J-2060-1A and J-2060-3A; Draw and Deposit Warrant. Director McPartland seconded the motion, which carried by unanimous roll call vote by the required two-thirds majority. Ayes – 6: Directors Blalock, McPartland, Murray, Radulovich, Sweet, and Fang. Noes – 0. Absent - 3: Directors Franklin, Keller, and Ward Allen.

Director Franklin re-entered the Meeting.

Director Blalock exited the Meeting and the teleconference was ended.

President Fang recognized and welcomed Director-elect Robert Raburn.

President Fang brought the matter of Training Session: Training in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code Section 53235, before the Board.

Mr. Jack Hughes, of Liebert Cassidy Whitmore, conducted the training.

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

The Board Meeting was adjourned at 12:28 p.m.

Kenneth A. Duron  
District Secretary