

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

Board of Directors
Minutes of the 1,673rd Meeting
March 14, 2013

A regular meeting of the Board of Directors was held March 14, 2013, convening at 9:16 a.m. The meeting was held via simultaneous teleconference in the Board Room, 344 20th Street, Oakland, California; and the Chicago Union Station, Amtrak Metropolitan Lounge, 225 South Canal Street, Chicago, IL. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Fang (In Oakland) and Raburn (In Chicago) entered the Meeting later.

President Radulovich brought Introduction of Special Guests before the Board. General Manager Grace Crunican introduced and welcomed BART Police Officers Jennifer O'Connell and Scott Hamilton who accepted an award on behalf of the Police Department from the Northern California Special Olympics. Officer Hamilton addressed the Board.

Director Fang entered the meeting in Oakland.

President Radulovich announced that under the provisions of the rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District now was the time set to hold a public hearing on the South Hayward Parking Fee Program, that staff would give a brief presentation and that the meeting would then be opened for comments from the public.

Mr. Jeffrey Ordway, Department Manager of Real Estate and Property Development presented the item.

The following individual addressed the Board.

Mr. John De Clercq

The public hearing was closed at 9:29 a.m.

President Radulovich announced that the Board would enter into closed session under Item 2-A (Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

Board meeting recessed at 9:33 a.m.

The Board Meeting reconvened in closed session at 9:36 a.m.

Directors present in Oakland: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Saltzman, and Radulovich.

Absent: Director Raburn

The Board Meeting recessed at 10:46 a.m.

The Board Meeting reconvened in open session at 10:47 a.m.

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

Absent: None. Director Raburn entered the meeting later in Chicago.

President Radulovich announced that the Board had concluded its closed session under Item 2-A and that there were no announcements to be made.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 28, 2013.
2. Reject All Bids for Invitation for Bid No. 8918, Seat Cushions and Covers.

Director Mallett requested that Item 3-A, Approval of Minutes of the Meeting of February 28, 2013, be removed to reflect his amended language in Resolution No. 5208, In the Matter of Adopting New Fare Rates and Charges, introduced at the February 28, 2013 Board Meeting. Discussion followed.

Director Raburn entered the meeting in Chicago.

Director Mallett also requested a revision to Roll Call for Introduction in the Minutes to reflect his request of estimated cost per mile for the construction of the sound walls along the alignment between the Concord and North Concord/Martinez Stations. Director Blalock moved approval of the minutes with Director Mallett's Roll Call for Introductions revision. Director Keller seconded the motion, which carried by roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett.

Director Mallett stated for the record that when he seconded the motion and voted yes on February 28, 2013 to approve the Resolution Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation-Based Fare Increases, his understanding was that his colleagues were aware when he mentioned changing the language from revenue generation base to efficiency base they recalled his multi minute lecture from the parking matters and understood that it meant it would be applied to the Resolution on fares. He would not approve the minutes because it was

inconsistent with what he understood and approved and is adamantly opposed to revenue generation based justification for fares and parking.

Director Blalock moved that the bids for Invitation for Bid No. 8918, For the procurement of Seat Cushion Assemblies be rejected and that the General Manager be authorized to re-advertise the procurement. Director Keller seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Raburn exited the meeting in Chicago.

Director Murray, Chairperson of the Administration Committee, brought the matter of Metropolitan Transportation Commission Regional Transit Sustainability Project: Proposed Operating Performance Measures and Targets, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, and Mr. Robert Mitroff, Manager of Fleet and Capacity Planning, presented the item. The item was discussed. Director Blalock moved that the Board of Directors adopt the proposed Performance Measures and Targets intended to achieve the Performance Measures and Targets adopted by the Metropolitan Transportation Commission (MTC) as part of its Transit Sustainability Project (TSP) on May 23, 2012, MTC Resolution No. 4060. Director Mallett seconded the motion, which carried by roll call vote. Ayes – 7: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, and Saltzman. Noes – 1: Radulovich. Absent – 1: Director Raburn.

President Radulovich announced that the Planning, Public Affairs, Access, and Legislation Committee order of agenda items would be changed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State and Federal Legislative Advocacy before the Board. Ms. Kerry Hamill, Acting Assistant General Manager, External Affairs, presented the item. The item was discussed.

Director Raburn entered the meeting in Chicago.

Motions, as follow were moved as a unit by Director Saltzman. Director Murray seconded the motions, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

1. That the General Manager be authorized to award Agreement No. 6M7152 to Schott & Lites Advocates, LLC to provide State Legislative Advocacy services in an amount not to exceed \$353,850.00.
2. That the General Manager be authorized to award Agreement No. 6M7153 to CJ Lake, LLC to provide Federal Executive Advocacy services in an amount not to exceed \$756,000.00.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of the Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas

Dunscombe, Project Manager of the Oakland Airport Connector, presented the item. The item was discussed.

Director Raburn exited the meeting in Chicago.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter South Hayward BART Station Access Authority Implementation of Access Study Action Plan, Including Parking Fees, before the Board. Mr. Jeffrey Ordway, Department Manager Real Estate and Property Development, presented the item. The item was discussed.

Director Radulovich asked that the record reflect that the District would re-visit the need for and number of on-street parking spaces in the future.

The following individual addressed the Board.
Mr. Jerry Grace

Director Raburn entered the meeting in Chicago.

Motions, as follow were moved as a unit by Director Murray. Director Mallett seconded the motions, which carried by unanimous roll call vote and the required two-thirds vote for the first motion. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

1. Adoption of Resolution No. 5209, In the Matter of Adopting Parking Fees at and adjacent to the South Hayward BART Station, with the following insertion, “In recognition that the South Hayward parking fee program is not consistent with the parking fee program adopted by the Board on February 28, 2013, staff is directed to analyze the inconsistencies and return to the Board within six months with a recommended reconciliation plan.”
2. The Board approves an amendment to the Joint Powers Authority (JPA) Agreement to provide that a simple majority of the Directors (three Directors) shall constitute a quorum for the purposes of conducting JPA meetings; that the unanimous votes of all of the Directors then present as a quorum shall be required to approve agenda, amend agenda, and approve minutes; and that the unanimous vote of all four Directors shall be required for all other actions.
3. The Board approves an amendment of the JPA agreement to allow the designation of a substitute BART Board Director to serve on the JPA Board.
4. The Board approves the designation of Rebecca Saltzman as a substitute BART Board Director to serve on the JPA Board.

Director Blalock brought the matter of Property Transactions with Washington Township Healthcare for the Transfer of Land at the Fremont Station, Grant of an Access Easement, and Lease of Office Space, before the Board. Mr. John Rennels, Principal Property Development Officer, presented the item. The item was discussed.

Director McPartland exited the meeting in Oakland.

The following individual addressed the Board.
Mr. Jerry Grace

Motions, as follow were moved as a unit by Director Blalock. Director Radulovich seconded the motions, which carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.
Absent – 1: Director McPartland.

1. Adoption of Resolution No. 5210, In the Matter of authorizing the grant of a fee simple interest to Washington Township Healthcare District – Portion of BART Parcel 0-AD01, 0-AD02 (Portion of APN 507-0465-001-52) and Resolution No. 5211, In the Matter authorizing the grant of an emergency vehicle access easement to Washington Township Healthcare District – Portion of BART Parcel O-AD01, O-AD02 (Portion of APN 507-0465-001-52).
2. Authorize the General Manager or her designee to execute an office lease with Washington Township Healthcare District for 2,000 net square feet at \$1.00 per year for 30 years, and for an additional 500 net square feet at 50% of market rate for 30 years, for office space at Washington Hospital in Fremont. Market rate rent for purposes of the lease shall be determined by an appraisal performed by an independent appraiser who is mutually acceptable to Washington Hospital and the District.
3. Authorize the General Manager or her designee to execute any agreements and documents that are necessary in connection with the motions above.

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in. Ms. Crunican announced that the Bike Pilot Testing would begin for a week starting March 18, 2013.

President Radulovich called for Board Member Reports.

Director Saltzman reported she had attended the American Public Transportation Association (APTA) Legislative Meeting in Washington D.C.

Director Raburn reported he had attended the APTA Legislative Meeting in Washington D.C.

Director Fang reported he met at the Governor's Office over the Sister Transit Agreement with Shanghai with Director Murray, attended the Chinese New Year's parade and thanked Kerry Hamill, Acting Assistant General Manager, External Affairs and Julie Yim, Department Manager,

Customer Services for finding a private sponsorship for BART's entry into the parade, and attended a Small Business Outreach meeting.

Director Murray reported she had attended with the General Manager meetings with the Mayors of Moraga, Lafayette, Walnut Creek and Pleasant Hill.

Director Blalock reported he had attended the APTA Legislative Meeting in Washington D.C.

Director Mallett reported he had attended meetings with local officials.

President Radulovich called for Roll Call for Introductions.

Director Blalock requested Operations to investigate a potential rail wheel where the tire is steel and can be tuned to not make any noise (steel on steel).

Director Fang requested the District to develop criteria for sponsorship of community parade participation recognizing those of regional significance.

Director Fang requested the District follow up on a suggestion by a member of the Federal Small Business Administration for a partnership with the District.

Director Fang requested the District to develop a strategy for addressing the \$7 billion capital funding shortfall, including a structure for what the District can afford and potential sources of revenue.

Director Fang requested a summary of the ridership increases realized during the period when a recent fare increase was postponed.

Director Keller requested staff bring information back in two weeks for consideration for the Board to restate the intent of Resolution No. 5208, In the Matter of Adopting New Fare Rates and Charges, adopted February 28, 2013.

Director Mallett requested a future Board agenda topic for a comprehensive review of the District's fare structure.

Director Radulovich requested a discussion on a future agenda of the revision of policy and facilities standards for parking structures on District property to require their design to enable their convertibility to other uses.

President Radulovich noted Public Comment had been opened at the start of the agenda.

The following individuals addressed the Board.

Ms. Yuri Hollie

Mr. Keith Galtney Sr.

Mr. Jerry Grace

Mr. Chris Finn

President Radulovich announced that the Board would enter into closed session in Room 303, Board Conference Room, under Item 10-A (Conference with Real Property Negotiator) and Item 10-B (Conference with Labor 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 1:28 p.m.

The Board reconvened in Closed Session at 1:36 p.m.

Directors present in Oakland: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Saltzman, and Radulovich.

Absent: Director Raburn.

The Board Meeting was recessed at 4:01 p.m.

The Board reconvened in open session at 4:02 p.m.

Directors present in Oakland: President Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

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

The Board Meeting was adjourned at 4:02 p.m.

Kenneth A. Duron
District Secretary