

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,895th Meeting
November 18, 2021

A regular meeting of the Board of Directors was held on November 18, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-15-21. President Foley presided; Jacqueline R. Edwards, District Secretary.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

Directors Present: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 18, 2021.
2. Award of Invitation to Bid No. 9110A, For Mobile Generators and Equipment.
3. Award of Agreement No. 6M9014, for Basic Life Support (BLS) Services at West Oakland Station.
4. Resolution to Continue Virtual Meetings During the Pandemic.

Director Dufty made the following motions as a unit. Director Allen seconded the motions.

Director McPartland requested that Item 2-C, Award of Agreement No. 6M9014, for Basic Life Support (BLS) Services at West Oakland Station, be removed from the Consent Calendar.

Director Dufty made the following motions as a unit. Director Allen seconded the motions, which were carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the Minutes of the Meeting of October 14, 2021, be approved.
2. That the General Manager is authorized to award Invitation for Bid No 9100-A to Cummins Inc. of San Leandro, CA, for the purchase of one (1) 100kW Mobile Generator and one (1) 275kW Mobile Generator, associated equipment, testing, and training for the bid price of \$346,093.75, pursuant to a notification to be issued by the General manager, and subject to compliance with the District's protest procedures.

4. That the Board of Directors adopt the Matter of Re-Authorizing Resolution, the District's legislative and subordinate legislative bodies to utilize the provisions enacted by AB 361 to meet remotely with teleconferenced meetings during a re-proclaimed emergency as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act for an additional period of thirty (30) days from the adoption of this Resolution.

Item 2C was discussed, with the following highlights:

Vice-President Saltzman mentioned that this item is time-sensitive, and asked staff if the Board has time to bring back this item in December or if it needed to be moved forward in the current Meeting.

Director McPartland expressed that the Executive Decision Document (EDD) was flawed; touched on the differences between an Emergency Medical Technician (EMT), Paramedic, Basic Life Support (BLS), and Advanced Life Support (ALS); and requested a legal clarification for this.

Director Allen thanked Director McPartland for voicing his concerns; and mentioned that this item can be brought to the December Meeting; and supported Director McPartland in revisiting the item at a later date.

Director Raburn inquired about the response from staff and what BART is currently doing at West Oakland, whether it was EMTs or Paramedics.

Director Ames inquired about the plan if there are no Advanced Life Support Services at West Oakland.

Director Li stated that the Board has to approve in time for the January 1st deadline; mentioned that when she had the briefing with staff and those concerns were not brought up; and acknowledged Vice-President Saltzman's comment about much not changing if the Board waits.

Director McPartland stated he will not vote for this because of the potential of being in violation of the law; and touched on his background and history on the item.

Director Allen mentioned if there is not a requirement for BART to provide Basic Life Support services and is willing to move forward to approve the motion.

Director Raburn sympathized with Director McPartland's comments; and suggested to table the item and exploring all legal ramifications.

Vice-President Saltzman requested Item 2-C, Award of Agreement No. 6M9014, for Basic Life Support (BLS) Services at West Oakland Station, be revisited later in the meeting.

President Foley called for Public Comment on the Consent Calendar. No comments were received.

President Foley called for general Public Comment.

The following individuals addressed the Board:

Aleta Dupree

Angelo Arminio
Rhiannon Doyle
Scott
Joe

President Foley brought the matter of Quarterly Report of the Controller/Treasurer for the Period Ending June 30, 2021, before the Board. Christopher Gan, Interim Controller/Treasurer, presented the item.

President Foley called for Public Comment. Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Raburn thanked Interim Controller/Treasurer Gan for the report; inquired about the parcel tax drop in revenue for the general obligation bonds, a dollar amount that the Board could look at, and the decline in all three counties; and mentioned the limitation on the bonds.

Director Allen thanked Interim Controller/Treasurer Gan for his report; suggested that two columns be added to the Summary of Trust Assets; commented on the Section 115 Pension Trust, the Funding Summary, Retiree and Health Benefits Trust; inquired about how the 73 Day Maturity will be managed going forward with respect to the longer duration securities, if LEFI would be managing that, if they are measured short term; and the operating reserve for eBART Operations.

Vice-President Saltzman requested information about what the CalPers Board Vote means for BART, and what the projected expenses will be for CalPers in upcoming years.

President Foley stated that the Board would return to Consent Item 2C, Award of Agreement No. 6M9014, for Basic Life Support (BLS) Services at West Oakland Station.

Discussion continued, with the following highlight:

Director Dufty mentioned that there is not a statutory requirement that BART provides these services; agreed with the Directors who spoke previously about the importance of these services for the passengers that have health crises; mentioned it would be wise to postpone this item until December; and asked to move forward.

The motions brought by Director Saltzman and seconded by Director Simon were carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

3. That the General Manager is authorized to enter into Agreement No. 6M9014 with Royal Ambulance to provide stand-by Basic Life Support Services at one (1) West Oakland Station for a term of three and one-half (3.5) years for a total cost of \$1,547,538.00 from January 2022 through June 2025 with the option to renew the Agreement for up to two (2) additional one-year terms for a total five and one-half (5.5) year cost not to exceed \$2,476,431.00, subject to certification by the Controller-Treasurer that funds are available.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matters of (1) Award of Contract No. 54RR-260, Hayward Yard Fire Protection Project; and (2) BART's Annual Surveillance Report – 2021, before the Board.

Director Simon made the following motions as a unit. Director McPartland seconded the motions.

Director Dufty exited the Meeting.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Vice-President Saltzman expressed happiness for Item B, BART's Annual Surveillance Report – 2021, and the discontinuance for the Public Video Monitors; mentioned how the Emergency Phone Towers at Coliseum Station have not been effective; and inquired about the commitment to the towers.

Director Li echoed the comments made by Vice-President Saltzman, and further inquired about additional technology that would be installed; and expressed gratitude about the Annual Surveillance Report coming to the Board every year.

Director Raburn mentioned the Phone Tower Report data and how the Phone Towers provide an intangible comfort to passengers; commented on the Automated License Plate Readers (ALPRs) that would be deployed for enforcement; inquired about parking enforcement with ALPRs; and asked if the ALPRs would be fixed or mobile.

The motion brought by Director Simon and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0. Absent: 1 – Director Dufty.

Director Simon brought the matter BART's Progressive Policing Update before the Board. Director Simon gave opening remarks. Angela Averiett, Deputy Police Chief, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Raburn thanked Deputy Chief Averiett; commented on the early deployments of staff; stated the second part of the Police Departments Mission Statement; touched the Oakland Chinatown Community and local volunteer ambassadors; and inquired about engaging local ambassadors.

Director Li welcomed the new BART employees; mentioned being proud of what the BART Police Department has done for the Progressive Policing Bureau and their engagement with the public; touched on how the San Francisco Board of Supervisors were impressed with how BART is addressing safety; requested that future presentation focuses on data; and spoke about ending the fare checks as the commute ridership occurs.

Vice-President Saltzman thanked staff; expressed excitement about the new teams; suggested that outreach should also come from Community and Relations, so that they could reach out to the people who were previously a part of the Outreach Meetings; mentioned that she would like to see some data; and requested that the staff look into the fare checks and the plans for what to do from there.

Director McPartland mentioned his skepticism; commended Deputy Chief Averiett; and expressed appreciation for the program.

President Foley thanked Deputy Chief Averiett for the informative update; mentioned that safety on BART included both, progressive policing and sworn officers; expressed appreciation for the evolution of policing; inquired about the coordination of the end of day services with the CORE and HOT Teams; and asked when the Board will see new statistics on calls sent to a team and not the BART Police Department.

Director Allen thanked the entire team, Deputy Chief Averiett, and Chief Alvarez for the presentation; liked the new uniforms; inquired about the data driven benchmarks for the program, how will the data be tracked and measured, the challenges filling the Crisis Intervention Specialist (CIS) positions, who is training the Crisis Intervention Specialists, drug testing for the CIS positions, and what kind of services are available to people; and touched on fare check programs.

Director Li mentioned a conversation that she had with Dr. Hillary Kunins, San Francisco Director of Behavioral Health Services and Mental Health, to lead the transformation of mental health in San Francisco; expressed that conversations are needed to move forward; echoed Vice-President Saltzman's comments.

Director Ames stated that exploring services that are available to help BART to deliver results is needed and collaboration is key.

Director Simon exited the Meeting.

Vice-Chairperson Ames brought the matter Quarterly Service Performance Review- First Quarter Fiscal Year 2022 before the Board. Shane Edwards, Interim Assistant General Manager, Engineering and Operations, and Edgardo Alvarez, Police Chief, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director McPartland inquired about the persons/trespassers in the Right of Way, plans to reduce the number of persons/trespassers; requested staff to research if there is any parallel between increases in homelessness, activities in relationship to the homeless, and the increase in employee trauma.

Director Raburn thanked Interim Assistant General Manager, Engineering and Operations Edwards and Chief Alvarez for their reports; touched on quality transit service and the trains that were delayed; inquired if the broken collector shoes broken by faulty third rail; and commented on the Fleet of The Future.

Director Ames inquired about the staffing shortages that are the cause of the train delays.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Electric Vehicle (EV) Charging Policy before the Board. Carl Holmes, Assistant General Manager, Design and Construction, introduced Monica Meagher, Manager of Special Projects, Sustainability, who presented the item.

Director Raburn thanked Assistant General Manager, Design and Construction Holmes, Chief Planning and Development Officer, Val Menotti, and Manager of Special Projects, Sustainability Meagher; and requested a revision to the policy.

The City of Oakland's Letter of Support for BART's Electric Vehicle Charging Policy was read to the Board and made a part of the permanent record.

The following individuals addressed the Board:

Aleta Dupree
Em My
Michael Randolph

The item was discussed, with the following highlights:

Director Li inquired if there were any concerns with Director Raburn's edits to the policy; thanked Assistant General Manager, Design and Construction Holmes, and Manager of Special Projects, Sustainability Meagher; expressed support for the item; additionally thanked Michael Randolph; mentioned that the policy is to express what the EV Stations could look like and to help BART secure State and Federal funds for developing; and requested that staff return to the Board prior to making any decisions about EV implementation.

President Foley inquired if the approval of the policy removes staff's requirement to come to the Board for any EV Policy in the future or a policy that will still come to the Board for input; and asked if charging will be for non-BART riders and how that would work and if staff looked at the cost of a BART owned and operated option.

Director Ames mentioned how this is promoting people driving to the station and we want to encourage the walking and biking to the station; and asked about the cost neutrality.

Director Raburn mentioned the issue of pricing over equity; asked staff if BART could use a Smart Clipper 20% Discount to identify people who are a means-based fare, apply that to parking, and if BART would deploy electric vehicles as part of the non-revenue fleet.

Director McPartland expressed a concern about the providers, pricing, and being cost neutral.

The motion brought by Director Raburn and seconded by Director Li carried by unanimous roll call vote. Ayes: 7 – Directors Allen, Ames, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 2 – Directors Dufty and Simon.

Director Raburn brought the matter of System Expansion Policy Update before the Board. Assistant General Manager, Design and Construction Holmes introduced Val Menotti, Chief Planning and Development Officer, and Hannah Lindelof, Group Manager, Policy Planning, who presented the item.

Ben Kaufman addressed the Board.

The item was discussed, with the following highlights:

Vice-President Saltzman expressed enthusiasm about being inclusive with infill stations; and mentioned the study from many years ago, the next steps would be to think and look seriously for infill stations, and hopes to involve the public, not just stakeholders; showed excitement; and suggested to be inclusive with technologies.

Director Ames mentioned the infill station in Fremont; and asked staff about the funding from the Infrastructure Bill, if they could be used to build an infill station, and what is the funding for the new stations.

Director Raburn expressed excitement about identifying a process and using a business case model; supported the removal of the word expansion; mentioned the multimodal or multi-agency integration; and suggested ideas for infills.

Gordon Douglas addressed the Board.

President Foley called for the General Manager's Report. General Manager Powers mentioned the new Holiday Service schedule; reported on the Toy Drive and the East Contra Costa Community Alliance recipients of all the gifts donated by BART, the trip with Alicia Trost, Chief Communications Officer, at San Francisco State University; and mentioned that there will be a media event at the Hayward Shop on BART's filtration system.

President Foley called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Li thanked Director Ames for going to San Francisco State; reported on the Groundbreaking Celebration for the Balboa Park Upper Yard 100% Affordable Housing Development; and inquired about the Redistricting Committee Meeting highlights.

Vice-President Saltzman reported that the City of Berkeley is moving forward with Zoning at North Berkeley BART and Ashby for housing developments, the Community Meeting that she held with Berkeley Council Member Kesarwani to get further input on developments.

Director Raburn reported on his participation in the first street fest in 20 months, Día De Los Muertos, in the Fruitvale District, the California Transit Association Fall Convention, Fruitvale Transit Village, and Capitol Corridor Joint Powers Authority Board Meeting.

Director Ames gave a shout out to Director Raburn and Abigail Thorn-Lyman, Group Manager, Transit Oriented Development; and commented on her meeting with Daniel Cooperman, Senior Manager of Social Services Partnership, and Alameda County, about integrating the county's services.

President Foley thanked David Martindale, Director of Marketing and Research, Roderick McFarland, Manager of Creative Services, and Joe Lash, Senior marketing Representative, for their on the Toy Drive graphics.

Director Raburn and Vice-President Saltzman requested that the Meeting be adjourned in honor of Wilma Chen, Alameda County Supervisor; stated she should be remembered and honored as a champion of the community, a fierce leader, and a trusted colleague; and touched on how she was the first Asian American to serve on our Board of Supervisors, and also the first Asian American to serve as majority leader in the California State Assembly; mentioned that to pay tribute to her legacy, the Board extends their thoughts to her two adult children and two grandchildren.

The Board Meeting recessed at 1:26 p.m.

The Board reconvened in closed session at 1:44 p.m.

Directors present: Directors Allen, Li, Raburn, Saltzman, and Foley.

Absent: None. Directors Ames, Dufty, McPartland, and Simon entered the Meeting later.

Director Ames entered the Meeting.

Director McPartland entered the Meeting.

Director Dufty entered the Meeting.

Director Simon entered the Meeting.

The Board reconvened in open session at 2:55 p.m.

President Foley announced that the Board had concluded its closed session under Items 10-A and 10-B and that there were no announcements to be made.

The Meeting adjourned at 2:55 p.m. in honor of Wilma Chen.

Jacqueline R. Edwards
District Secretary