

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,842nd Meeting
June 13, 2019

A regular meeting of the Board of Directors was held June 13, 2019, convening at 9:09 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None. Director McPartland entered the Meeting later.

President Dufty called for Introduction of Special Guests.

General Manager Grace Crunican announced the retirements of David Kutrosky, Managing Director, Capitol Corridor; Martin Gran, Chief Relations Labor Officer; and Kerry Hamill, Assistant General Manager, External Affairs, and thanked them for their service to BART and Capitol Corridor.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 23, 2019.
2. BART Police Citizen Review Board Appointments and Re-Appointments

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meeting of May 23, 2019, be approved.
2. That the Board of Directors ratify the appointment or reappointment of the following individuals for a term of 2 years, beginning on July 1, 2019, and expiring on June 30, 2021:

Dwaine Pete Longmire, District 2
Darren White, District 4
Les Mensinger, District 6
David Rizk, District 8

President Dufty called for Public Comment.

The following individuals addressed the Board:

Aleta Dupree
Logan Williams
Ariella Granett

Debra Matthews
Betsy Thagard
Vicki Sommer
Matthew Lewis
John Lau
Peter Waller
Libby Lee-Egen

President Dufty announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on Implementation Approach for Assembly Bill 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development before the Board. Ms. Crunican; and Ms. Abigail Thorne-Lyman, Program Manager I, Systems Development, presented the item.

The following individuals addressed the Board:

Rashi Kesarwani
James Chang
Victoria Fierce
Seth Mazou
Darrell Owens
Phyllis Orrick
Paul Brickmore
Peter Mui

The item was discussed.

Director Raburn brought the matter of Request to Extend the Exclusive Negotiating Agreement for Transit-Oriented Development, with China Harbour Engineering Company, Ltd., for the West Oakland BART Station Project before the Board. Mr. Sean Brooks, Department Manager, Property Development, presented the item. The item was discussed.

The following individuals addressed the Board:

June Ji
Alan Dones
Regina Davis
Joe Bolte

Director Simon moved that the General Manager or her designee be authorized to enter into an amendment to the Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station extending the ENA's term through December 31, 2019 and, if necessary, enter into a subsequent amendment to the ENA extending its term through June 30, 2020. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland.

President Dufty brought the matter of Resolutions Commending Grace E. Crunican before the Board. The full Board moved adoption of Resolution No. 5399, Resolution Commending Grace E. Crunican, and it was unanimously seconded and carried by electronic vote. Ayes – 8:

Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland. Ms. Crunican addressed the Board.

Director Simon, Chairperson of the Administration Committee, brought the matter of Participation in a Regional Means – Based Transit Fare Discount Pilot Program before the Board. Ms. Crunican; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Michael Eiseman, Department Manager Financial Services, presented the item. The item was discussed.

The following individuals addressed the Board.

Bob Feinbaum
Aleta Dupree

Director McPartland entered the meeting.

Arielle Fleicher addressed the Board.

Discussion continued.

President Dufty moved adoption of Resolution No. 5400, In the Matter of Adopting Modified Fare Rates and Charges: Discount for Adult BART Riders who participate in the Metropolitan Transportation Commission’s Regional Means-Based Transit Fare Discount Pilot Program. Director Saltzman seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

The motion carried by electronic vote by the required two-thirds vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matter of Resolution Approving the Fiscal Year 2020 Annual Budget before the Board. Ms. Crunican; Ms. Herhold; Ms. Kate Jordan Steiner, Department Manager, Budgets; and Ms. Tamar Allen, Assistant General Manager, Operations, presented the item.

President Dufty moved adoption of Resolution No. 5401, 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, 2019 to June 30, 2020. Director Raburn seconded the motion.

The following individuals addressed the Board:

Bob Feinbaum
Tom Rubin
Joe Bolte
Aleta Dupree

Director Allen made a substitute motion to prioritize an additional \$2 million for the Fiscal Year 2020 budget to station power washing so that every station is power washed at a minimum of once per quarter, and to re-prioritize \$25 million not related to station hardening from the existing capital budget for Fiscal Year 2020 budget to the following projects:

- enclose the Coliseum Station elevator
- raise station railings to six feet

- install electronic control locks on emergency swing gates
- enclosing of other station elevators.

Director McPartland seconded the substitute motion with an amendment to let the staff prioritize the elevator enclosures. Director Allen accepted the amendment to the substitute motion.

Director Saltzman made a second substitute motion, to adopt Resolution No. 5401, with the additional commitment to fund a pilot ambassador program with up to \$500,000 from the anticipated small positive net result of the Fiscal Year 2019 budget. Director Li seconded the second substitute motion.

The item was discussed.

The second substitute motion failed by electronic vote. Ayes – 4: Directors Li, Saltzman, Simon, and Dufty. Noes – 5: Directors Allen, Ames, Foley, McPartland, and Raburn.

The first substitute motion failed by electronic vote. Ayes – 4: Directors Allen, Ames, Foley, and McPartland. Noes – 5: Directors Li, Raburn, Saltzman, Simon, and Dufty.

The original motion carried by electronic vote. Ayes – 8: Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Ames.

Director Simon brought the matter of Fares for the Silicon Valley Berryessa Extension before the Board. Mr. Eiseman presented the item. The item was discussed. Director Raburn moved that the Board adopt Resolution No. 5402, In the Matter of Adopting Fare Rates and Charges: Silicon Valley Berryessa Extension. President Dufty seconded the motion, which carried by unanimous electronic vote by the required two-thirds vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Simon brought the matter of Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028 before the Board. Ms. Herhold and Mr. Eiseman presented the item. The item was discussed. Director Raburn moved that the Board adopt a resolution, In the Matter of Adopting New Fare Rates and Charges: Series 3, 2022-2028, Productivity – Adjusted Inflation Based Fare Increase Program. President Dufty seconded the motion, which failed to carry by electronic vote by the required two-thirds vote. Ayes – 5: Directors Li, McPartland, Raburn, Simon, and Dufty. Noes – 4: Directors Allen, Ames, Foley, and Saltzman.

Director Simon brought the matter of Increase to the Per Trip Magnetic Stripe Ticket Surcharge before the Board. Ms. Crunican; Ms. Herhold; and Mr. Eiseman presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Simon moved that the Board adopt a resolution, In the Matter of Adopting Modified Fare Rates and Charges: Increase the Per-Trip Surcharge to Fares Paid with Magnetic – Stripe Tickets. Director McPartland seconded the motion, which carried by electronic vote. Ayes – 6: Directors Allen, Ames, Foley, McPartland, Raburn, and Simon. Noes – 2: Directors Li and Saltzman. Abstain – 1: Director Dufty.

Director Simon asked for a vote to reconsider. President Dufty moved the item be reconsidered. Director Saltzman seconded the motion to reconsider, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

The motion to adopt Resolution In the Matter of Adopting Modified Fare Rates and Charges: Increase the Per-Trip Surcharge to Fares Paid with Magnetic – Stripe Tickets was re-voted on electronically and failed to carry by the required two-thirds vote. Ayes - 5: Directors Allen, Ames, Foley, McPartland, and Raburn. Noes – 3: Directors Li, Saltzman and Simon. Abstain - 1: Director Dufty.

Director Simon brought the matters of Issuance and Sale of General Obligation Bonds (Election of 2004), 2019 SERIES F (Green Bonds) and 2019 Refunding Series G and Issuance and Sale of General Obligation Bonds (Election of 2016), 2019 SERIES B (Green Bonds) before the Board.

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

1. That the Board adopt Resolution No. 5403, In the Matter Authorizing and Approving the Issuance and Sale of not to exceed \$240 Million aggregate principal amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2019 Series F; Authorizing the execution and delivery of a first supplemental trust agreement pursuant to which such bonds are to be issued, a bond purchase agreement pursuant to which such bonds are to be sold by negotiated sale; approving an official statement relating to such bonds; authorizing execution and delivery of the official statement and certain documents in connection with the issuance and sale of such bonds, including a continuing disclosure agreement; delegating to the Controller/Treasurer of the District power to determine issuance of refunding bonds and final terms of such bonds and complete said documents and authorizing certain other matters relating thereto.
2. That the Board adopt Resolution No. 5404, In the Matter Authorizing and Approving the Issuance and Sale of not to exceed \$360 Million aggregate principal amount of San Francisco Bay Area Rapid Transit General Obligation Bonds (Election of 2016), 2019 Series B; Authorizing the execution and delivery of a first supplemental trust agreement pursuant to which such bonds are to be issued, A bond purchase agreement pursuant to which such bonds are to be sold by negotiated sale; approving execution and delivery of the official statement and certain documents in connection with the issuance and sale and such bonds, including a continuing disclosure agreement; delegating to the Controller/Treasurer of the District power to determine final terms of such bonds and complete said documents and authorizing certain other matters relating thereto.

Director Raburn brought the matter of BART Headquarters Workplace Strategy and Option Analysis before the Board. Mr. Carl Holmes, Assistant General Manager, Development and Construction; Mr. Brooks; and Mr. Tom Maloney of Jones, Lang, Lasalle, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Dufty announced that the Board would enter into closed session under Items 11-A (Conference with Labor Negotiators), 11-B and 11-C (Public Employee Employment), and 11-D (Conference with Real Property Negotiators) 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 1:52 p.m.

The Board reconvened in closed session at 2:04 p.m.

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

Absent: None.

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

The Board reconvened in open session at 4:05 p.m.

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

Absent: None. Director Saltzman entered the meeting later.

President Dufty announced that there were no announcements to be made from the closed session.

Director Raburn asked for a vote to reconsider the matter of Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028. President Dufty seconded the motion to reconsider. The motion carried by unanimous roll call vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Simon, and Dufty. Noes:– 0. Absent - 1: Director Saltzman.

Director Saltzman entered the meeting.

Director Foley requested an amendment to the original motion to drop the fourth-year increase in the series. Director Foley moved that that the Board adopt Resolution No. 5405, In the Matter of Adopting New Fare Rates and Charges: Series 3, 2022-2026, Productivity – Adjusted Inflation Based Fare Increase Program. President Dufty seconded the motion.

Aleta Dupree and Jerry Grace addressed the Board.

The motion carried electronically by the required two-thirds vote. Ayes – 6: Directors Foley, Li, McPartland, Raburn, Simon, and Dufty. Noes – 3: Directors Allen, Ames, and Saltzman.

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

1. That the Board adopt Resolution No. 5406, In the Matter of Ratifying the 2018-2022 Collective Bargaining Agreement between the District and the BART Police Managers' Association (BPMA).
2. That the Board adopt Resolution No. 5407, In the Matter of Fixing the Employer Contribution at an equal amount for employees and annuitants under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
3. That the Board adopt Resolution No. 5408, In the Matter of Fixing the Employer Contribution at an equal amount for employees and annuitants under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
4. That the Board adopt Resolution No. 5409, In the Matter of Fixing the Employer Vesting Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
5. That the Board adopt Resolution No. 5410, In the Matter of Fixing the Employer Vesting Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).

President Dufty exited the meeting.

Director Saltzman made the following motions as a unit. Director Li seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes – 0. Absent -1: President Dufty.

1. That the General Manager be authorized to award the following agreements for On Call Professional Services in an amount not to exceed \$1,000,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures:

Procurement/Materials Management.

- a. Agreement No. 6M4643 to Accenture LLP.
- b. Agreement No. 6M4644 to Slalom, LLC.
- c. Agreement No. 6M4645 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4646 to AEKO Consulting.

Capital Budget

- a. Agreement No. 6M4647 to Sperry Capital Inc.
- b. Agreement No. 6M4648 to InnoFin Solutions, LLC.
- c. Agreement No. 6M4649 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4650 to Slalom, LLC

Performance & Audit

- a. Agreement No. 6M4655 to Accenture LLP.
- b. Agreement No. 6M4656 to Cambridge Systematics, Inc.
- c. Agreement No. 6M4657 to Moss Adams LLP.
- d. Agreement No. 6M4658 to Sjoberg Evashenk Consulting, Inc.

Finance

- a. Agreement No. 6M4659 to Accenture LLP.
- b. Agreement No. 6M4660 to Moss Adams, LLC.
- c. Agreement No. 6M4661 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4662 to Slalom, LLC.

Director Simon brought the matter of Amendment No. 2 to Concession Permit M342-12 with Imperial Parking Corporation for Administration of Parking Permit Programs before the Board. Robert Franklin, Department Manager Customer Access, presented the item. The item was discussed.

Director Saltzman moved that the General Manager or her/his designee be authorized to execute a second amendment to Concession Permit M342-12 with Imperial Parking Corporation to extend the term of the permit for six-months, with three options for subsequent three-month extensions, through September 30, 2020 and establish new rates for the provision of services during the extension term. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes – 0. Absent -1: President Dufty.

President Dufty re-entered the meeting.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15TD-260, Production Rail Grinder Upgrade and Repair, before the Board. Ms. Tamar Allen: Mr. Laurence Farrell, Group Manager, Maintenance and Engineering; and Mr. Gregory Shivy, Principal Track Engineer, presented the item. Director Raburn moved that the General Manager be authorized to award Contract No. 15TD-260 to Loram Maintenance of Way, Inc., for Rail Grinder Upgrade and Repair, for an amount not to exceed \$8,698,600 pursuant to notification to be issued by the General Manager. President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0

Director Foley brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2019 – Service Performance Review before the Board. Ms. Tamar Allen and Interim Police Chief Ed Alvarez presented the item.

Jerry Grace addressed the Board.

The Report was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Award of Agreement No. 6M8159, with HNTB Corporation, for Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project before the Board. Ms. Crunican; Mr. Holmes; Mr. Robert Padgett. Managing Director,

Capitol Corridor; and Ms. Ellen Smith, Group Manager, Planning, presented the item. The item was discussed.

Director Allen moved that the General Manager be authorized to award Agreement No. 6M8159 to HNTB Corporation to provide Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project, for a period of five years, in an amount not to exceed \$50,000,000, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be further authorized to exercise an Option for an additional five-year term. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Raburn brought the matter of Update on Irvington BART Station before the Board. Mr. Holmes; Mr. Paul Medved, Group Manager, Capital Projects; and Ms. Susan Poliwka, Senior Planner, presented the item. The item was discussed.

Hans Larsen and Jim Pierson addressed the Board.

President Dufty called for the General Managers Report.

Ms. Tamar Allen reported on progress made during recent weekend closures and the work that was completed. General Manager Crunican reported that Bombardier had announced their plans for a facility in the Bay Area, that the BART to Antioch Extension had received an award, and that an event had been held to commemorate the Oscar Grant Mural unveiling and Street Naming. Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, Police Department staffing numbers, Fleet of the Future Car availability, Clipper® card utilization numbers, and outstanding Roll Call for Introductions items.

Ms. Crunican thanked staff at BART for their support over the years.

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

Director McPartland reported he had attended Memorial Day events, a BART Santa Clara Valley Transportation Authority (VTA) Briefing with staff, a retreat at Alameda County Transportation Commission, the BART/VTA Joint Meeting, a meeting at Hayward Station related to taxi parking, a tabletop mass casualty evacuation exercise, Alameda County Emergency Management table top exercise, a Concord Yard meeting on new train cars, the BART Police Citizen Review Board Meeting, and a Valleylink Tri-Valley-San Joaquin Valley Regional Rail Authority meeting in Tracy. Director McPartland thanked Ms. Crunican for her service. Director McPartland reminded meeting attendees that June 14, 2019 would be Flag Day.

Director Simon thanked Ms. Crunican for her service.

Director Simon exited the meeting.

Director Allen thanked Ms. Crunican for her service at BART.

Director Ames thanked BART staff for support at the Hayward Station and thanked Ms. Crunican for her work on the Oscar Grant Mural and her leadership.

Director Raburn reported he had attended the Children's Fairyland Gala, Chaired the BART/VTA joint meeting, and had attended the San Leandro Cherry Festival and the Alameda Mayors Conference. Director Raburn thanked Ms. Crunican for her community outreach.

Director Li reported she had attended a BART Board Ambassador Forum, the Oscar Grant Mural unveiling, a meeting of the North Beach neighborhood association, and had toured Powell Street, Civic Center, 16th/Mission and 24th/Mission Street Stations. She thanked Molly Burke and Armando Sandoval for the coordination of an event and thanked Ms. Crunican for her service at BART and Women in Leadership for Transit Agencies.

Director Saltzman thanked Ms. Crunican and noted that her achievements were immense and would be felt for generations.

Director Foley reported he had attended an Association of Bay Area Governments and Metropolitan Transportation Commission Bay Area Metro Awards event, the Oscar Grant Mural and Oscar Grant III Way unveiling, and a meeting of the Economic Development Task Force for Contra Costa County.

Director Foley requested that stations and train cars have more detail provided during emergencies.

Director Foley thanked Ms. Crunican for her honesty, advice and guidance and wished her a happy retirement.

President Dufty thanked Ms. Crunican for her humor and reflected on her focus on the organization's culture, ensuring people feel valued, setting clear expectations, and serving as a unifying figure for the organization.

President Dufty requested that the meeting be adjourned in honor of Sululagi Palega, Director of Muni Transit Assistance Program.

President Dufty called for Public Comment. Jerry Grace and Aleta Dupree addressed the Board.

The Meeting was adjourned at 5:38 p.m. in honor of Sululagi Palega.

Patricia K. Williams
District Secretary