

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,949TH MEETING THURSDAY, JANUARY 25, 2024

Members of the Board of Directors
Bevan Dufty, President (District 9)
Mark Foley, Vice President (District 2)
Janice Li (District 8)
Debora Allen (District 1)
Rebecca Saltzman (District 3)
Robert Raburn (District 4)
John McPartland (District 5)
Elizabeth Ames (District 6)
Lateefah Simon (District 7)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on January 25, 2024, convening at 9:02 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Dufty presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Dufty called the Meeting to order at 9:02 a.m.

A. Roll Call.

Directors Present in Oakland: Directors Ames, Foley, Li McPartland, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: None.

Absent: Director Simon. Director Allen entered the Meeting later.

B. Pledge of Allegiance. Director McPartland led the Pledge of Allegiance.

C. Introduction of Special Guests. No Special Guests were introduced.

2. REPORT OF THE BOARD PRESIDENT

President Dufty brought the item before the Board. President Dufty reported that the Bond Oversight Committee met to discuss the 2024 BART Safety, Reliability and Traffic Relief Program (Measure RR) Annual Report and received a presentation on the status of the Measure RR Rebuilding Program which includes 157 projects and expenditures of \$1.7 billion. President Dufty also reported that the Committee noted the resignation of one of the committee members and discussed the new Deep Dive Ad Hoc Subcommittee.

President Dufty reported that the Labor Negotiations Special Review Committee met on January 16th to discuss the Inspector General's Charter and referred the matter to the Audit Committee for further review. President Dufty noted that this topic was also discussed during Board Members' visit to the State Capitol.

Discussion

The item was discussed, with the following highlights:

Director Raburn thanked staff for their efforts with BART's elected representatives in Sacramento and noted that BART is achieving 30 percent of Measure RR expenditures with Small Businesses.

Director Saltzman noted that the Board Members' visit to Sacramento was one of the most positive receptions they have had in the recent years.

Director Ames noted that she met with Senator Aisha Wahab and discussed her proposal for transit consolidation.

Director Li echoed the good work from Rodderick Lee's, Assistant General Manager, External Affairs, team and indicated that Senators were supportive of a regional transit measure for BART.

3. BOARD COMMITTEE REPORTS

There were no Board Committee Reports.

4. CONSENT CALENDAR

President Dufty brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meetings of September 28, 2023, and October 12, 2023.
- B. Amendment to Agreement No. 6M5189, with Honey Badger Consulting, for Extension of the Agreement and Increase in Funding.
- C. Resolution of Project Compliance and Approval of Updated Initial Project Report and Allocation Request for Regional Measure 3 Funds for BART Expansion Cars.
- D. Award of Agreement No. 6M2090 with Alliant Insurance Services, for Insurance Brokerage Services.
- E. Award of Agreement No. 6M5208 with Hinderliter de Llamas and Associates, for Recovery of Sales Tax Revenue Collection Services for BART's Internal Audit Department.
- F. Sponsor Payment Letter Agreement with the U.S. Department of Transportation Build America Bureau.
- G. Award of Agreements for On-Call Hazardous Tree Removal Services.
 - i. Agreement No. 6M3704 with Evergreen Tree Care Inc.
 - ii. Agreement No. 6M3705 with Hamilton Tree Services Inc.
 - iii. Agreement No. 6M3706 with Julian Tree Care Inc.
- H. Award of Agreement No. 6M3693 with Elite Pressure Washing Services, LLC (Area 3) and Agreement No. 6M3694 with WEBCO Sweeping, LLC (Area 2), for Systemwide High Pressure Power Washing Services for BART's Maintenance and Engineering Project.
- I. Award of Invitation for Bid No. 9135, Wheel Reconditioning.
- J. Appointment of BART Accessibility Task Force Member.
- K. Resolution of Local Support to Apply to the Metropolitan Transportation Commission for Transit Station Public Charging Grant Funds.
- L. Funding Agreement with the Metropolitan Transportation Commission for BART Station Profile Survey.

Public Comment

The following individuals addressed the Board:

Daniel Kodmur
Glenn Overton
Aleta Dupree
Clarence Fisher

Vice President Foley moved that all items on the Consent Calendar be approved by one motion.

Director Saltzman seconded the motion.

Action

Upon motion by Vice President Foley and second by Director Raburn, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Vice President Foley / Director Saltzman

Aye: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, and Dufty.

No: 0.

Abstain: 0.

Absent: Directors Allen and Simon.

Result: 7-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Minutes of the Meetings of September 28, 2023, and October 12, 2023, were approved. *(Vote: 7-0)*
- B. The General Manager was authorized to execute an amendment to extend Agreement No. 6M5189 for Certified Fraud Examiner Services with Honey Badger Consulting (HBC) to June 30, 2025, and increase the funding from \$288,300.00 to \$488,300.00. *(Vote: 7-0)*
- C. Resolution No. 5578, In the Matter of the Approval of A Resolution of Project Compliance and an Updated Initial Project Report and Allocation Request for Regional Measure 3 Funds For BART Expansion Cars was adopted and the Updated Initial Project Report and Allocation Request attached thereto was approved. This action approved acceptance of Regional Measure 3 funds in the amount of \$500 million for BART rail cars. *(Vote: 7-0)*
- D. The General Manager was authorized to award Agreement No. 6M2090 to Alliant Insurance Services for insurance brokerage services for a base term of three (3) years with two (2) one-year options for a total not to exceed amount of \$850,000.00. Furthermore, the General Manager was authorized to exercise one or both options at his discretion, subject to notification to be issued by the District and in compliance with the District's Protest Procedures. *(Vote: 7-0)*

- E. The General Manager was authorized to award Agreement No. 6M5208 to Hinderliter de Llamas and Associates to provide sales tax revenue collection services for an initial term of three (3) years, and was authorized to exercise two (2) one-year options, based on a contingency fee of eighteen percent (18%) of tax revenue recovered for the District, pursuant to the notice to be issued by the General Manager. *(Vote:7-0)*
- F. The General Manager or his designee was authorized to enter into a Sponsor Payment Letter(s) to pay fees and expenses for legal services to be provided to the United States Department of Transportation Build America Bureau related to a Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) and/or Railroad Rehabilitation and Improvement Financing Act (RRIF) loan(s). *(Vote:7-0)*
- G. The General Manager was authorized to award On-Call Hazardous Tree Removal Services agreements to three (3) firms: Evergreen Tree Care Inc., Hamilton Tree Services Inc., Julian Tree Care Inc. Each proposer will be awarded an agreement in a not-to-exceed amount of \$266,666.66 for a term of one (1) base year, with two (2) one-year options to extend, subject to the availability of funding and to the District's Protest Procedures. *(Vote:7-0)*
- H. The General Manager was authorized to award Agreement No. 6M3693 to Elite Pressure Washing Services, LLC for Systemwide High Pressure Power Washing Services at Station Plazas and Parking Structure Stairwells (Areas 3) for a total compensation of \$948,600.00, and award Agreement No. 6M3694 to WEBCO Sweeping, LLC for Systemwide High Pressure Power Washing Services at Station Plazas and Parking Structures Stairwells (Area 2) for a total compensation of \$851,760.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. In addition, the General Manager was authorized to exercise two (2) one-year options to Agreement No. 6M3693, each in an amount not to exceed \$316,200.00, and two (2) one-year options to Agreement No. 6M3694, each in an amount not to exceed \$283,920.00, subject to availability of funding *(Vote: 7-0)*
- I. The General Manager was authorized to award Invitation for Bid (IFB) No. 9135 Wheel Reconditioning, to Penn Machine Company LLC, Johnstown, PA, for an amount of \$5,686,908.40 (includes all applicable taxes), pursuant to notification to be issued by the General Manager. *(Vote:7-0)*

(The foregoing action was taken on the basis of analysis by the staff and certification by the Controller-Treasurer that funds are available for this purpose.)

- J. The BART Board of Directors appointed the nominated candidate, Daniel Kodmur, for membership to the BART Accessibility Task Force (BATF) beginning January 25, 2024 for a one year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later. *(Vote:7-0)*
- K. Resolution No. 5579, In the Matter of Adoption of a Resolution of Local Support for the Transit Station Public Charging Grant Program for Electric Vehicle Charging at BART Stations Project, was adopted. *(Vote:7-0)*
- L. The General Manager, or his designee, was authorized to execute an Agreement with Metropolitan Transportation Commission (MTC) for a joint MTC/BART transit passenger survey, with BART to contribute an amount not to exceed \$180,000.00. *(Vote:7-0)*

5. GENERAL MANAGERS REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

Robert Powers, General Manager, reported on new participants in the Clipper® Bay Pass pilot program; installation of 200 Level 2 car charging stations; ridership; and the BART teen poetry contest.

Director Allen entered the meeting in Oakland.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

6. PUBLIC COMMENT

President Dufty called for general Public Comment, an opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.

Public Comment

The following individuals addressed the Board:

Barney Smits
Glenn Overton
Aleta Dupree

7. ADMINISTRATION ITEMS

Janice Li, Chairperson

- A. Quarterly Report of the Controller-Treasurer for the Periods Ending June 30, 2023 and September 30, 2023.

Director Li, Chairperson of the Administration Committee, brought the item before the Board.

Pamela Herhold, Assistant General Manager, Performance and Budget, and Chris Gan, Interim Controller-Treasurer, presented the item.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Allen inquired about why two quarterly reports were presented at once and requested that this information be included in the quarterly financial reports. Director Allen also commented on the \$1.3 billion

of unfunded liabilities, the loss of funds from the 115 Trust, and the high number of dollars not collected via accounts receivable and insurance reserves.

8. ENGINEERING AND OPERATIONS ITEMS

Lateefah Simon, Chairperson

Director Simon, Chairperson of the Engineering and Operations Committee, had no report and no items were presented.

9. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Robert Raburn, Chairperson

A. Regional Transit Coordination Update.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Hannah Lindelof, Group Manager of Policy and Planning; Michael Eiseman, Director of Financial Planning; and Ryan Reeves, Principal Planner, presented the item.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
Glenn Overton
Clarence Fischer

Discussion

The item was discussed, with the following highlights:

Director Li commented on her experience with serving on the Metropolitan Transportation Commission (MTC) Regional Network Management Committee and the insight she contributes to the this very diverse group.

Director Saltzman expressed enthusiasm about reviewing the results from the Clipper® Bay Pass pilot program, the free and reduced cost transfers while traveling between agencies, and the timeline for providing these features to customers.

Vice President Foley inquired about Phase 1 of the Clipper® Bay Pass pilot program involving educational institutions and how many unique users resulted from including educational institutions. Vice President Foley also expressed concern about metrics for success and requested that staff consider an increase in the number of riders as a key metric.

Director McPartland congratulated staff on the progress they have made with coordinating with the multitude of transit agencies in the Bay Area.

Director Ames expressed enthusiasm about all the agencies coming together and commented on the value in this transformation. Director Ames also inquired about how institutions that are not able to fund the program can participate in the Clipper® Bay Pass pilot program and expressed concern about equity regarding program participants.

Director Allen expressed support for fare integration with agencies and concern about equity, as no institution in Contra Costa County is participating in the Clipper® Bay Pass pilot program. Director Allen inquired whether there is a projection of revenue lost due to the Clipper® Bay Pass pilot program and requested that the Board be more involved in the development of Memoranda of Understanding and agreements.

Director Raburn commented on the Board's approval of the base line survey that will allow BART to collect reliable information. Director Raburn also commented on expanding opportunities for educational institutions to participate in the Clipper® Bay Pass pilot program and expressed support for the new signage that will be placed at BART stations.

B. BART Station Retail Update.

Director Raburn brought the item before the Board.

Chief Planning and Development Officer Menotti presented the item.

Public Comment

The following individuals addressed the Board:

Gina Papan
Barney Smits
Aleta Dupree
Glenn Overton

Discussion

The item was discussed with the following highlights:

President Dufty offered to work with local communities to develop a plan regarding retail opportunities at BART stations.

Director McPartland indicated that retail has historically not been successful at BART stations for a multitude of reasons; requested that staff exercise due diligence; and wished staff success.

Director Li indicated that this is an important topic to discuss and suggested starting with one or two examples of retail at BART stations instead of trying to develop a systemwide solution. Director Li also expressed support for the station retail initiative.

Director Saltzman expressed agreement with considering the creation of a pilot program instead of a systemwide solution and desire to implement the program over the coming years as ridership grows.

Vice President Foley commented that world-class transit includes retail and expressed support for exploration of a station retail pilot program.

Director Allen indicated that BART should not work on this initiative and should instead focus on the rider experience. Director Allen also noted that retail in stations would require additional Police Officers, that BART is experiencing challenges with filling existing Police Officer vacancies, and that there are many other priorities that need to be addressed before focusing on this initiative.

Director Ames expressed agreement with Director Allen and noted that establishing food vendors at stations is an expensive process. Director Ames also indicated that this goal should be considered further in the future.

Director Raburn indicated that retail can activate a space and draws in people. Director Raburn also suggested that staff create a Master Vendor Agreement and utilize more vending machines across all stations.

10. **BOARD MATTERS**

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Dufty called for Items 10-A, Board Member Reports; 10-B, Roll Call for Introductions; and 10-C, In Memoriam.

Director Ames reported on her visit to a camp of unhoused individuals that had received a trespassing notice from BART, noting that she was able to observe the work of BART Crisis Intervention Specialists. Director Ames also thanked the BART Police Department for their work.

Vice President Foley reported that he had attended the Contra Costa County Transportation Authority Board meeting and provided an update on the new fare gates at the meeting. Vice President Foley also reminded Board Members that their Form 460s were due the following week.

Director Raburn reported that he had given two Safe and Clean presentations to San Leandro Councilmember Victor Aguilar and Oakland Councilmember Kevin Jenkins. Director Raburn also reported that he had complimented a BART crew that was cleaning the Coliseum Station parking lot and assisted with cleaning the area on Martin Luther King, Jr. Day.

11. **ADJOURNMENT**

The Meeting adjourned at 12:28 p.m.

April B. A. Quintanilla
District Secretary