

# **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 1,974<sup>TH</sup> MEETING THURSDAY, FEBRUARY 13, 2025**

Members of the Board of Directors

Mark Foley, President (District 2)

Melissa Hernandez, Vice President (District 5)

Matthew Rinn (District 1)

Barnali Ghosh (District 3)

Robert Raburn (District 4)

Elizabeth Ames (District 6)

Victor Flores (District 7)

Janice Li (District 8)

Edward Wright (District 9)

## **MEETING DESCRIPTION**

A Regular Meeting of the Board of Directors was held on February 13, 2025, convening at 9:00 a.m. via simultaneous teleconference at the BART Board Room, 2150 Webster Street, 1<sup>st</sup> Floor, Oakland, California 94612 and Paseo La Marina Norte, 435, Marina Vallarta, Jalisco 48335 Mexico. President Foley presided, April B. A. Quintanilla, District Secretary.

### **1. CALL TO ORDER**

President Foley called the Meeting to order at 9:00 a.m.

#### **A. Roll Call.**

Directors Present in Oakland:

Directors Ames, Flores, Ghosh, Li, Raburn, Rinn, Wright, and Foley.

Director Present via Teleconference:

Vice President Hernandez.

Absent:

None.

#### **B. Pledge of Allegiance. Director Flores led the Pledge of Allegiance.**

#### **C. Introduction of Special Guests. No special guests were introduced.**

### **2. REPORT OF THE BOARD PRESIDENT**

President Foley reported that the Board participated in the annual advocacy trip to Sacramento where 25 meetings were held with BART's state delegation, policy committee staff, and the Governor's Office and that Director Raburn provided public comment at a hearing of the State Budget and Fiscal Review Committee. President Foley noted that BART appreciates the state's investment in transit via Senate Bill 125; has been a responsible steward of public funds; and hopes to work with the state to find new opportunities to invest in transit operation long-term. President Foley reminded everyone that the previously scheduled Brown Act training is now scheduled for March 13<sup>th</sup>. President Foley also reminded everyone about the upcoming Board Workshop on February 27<sup>th</sup> and encouraged Board Members to think ahead about topics they would like to raise for discussion during the Workshop.

#### **Public Comment**

Aleta Dupree addressed the Board.

### **3. BOARD COMMITTEE REPORTS**

There were no Board Committee Reports.

#### 4. CONSENT CALENDAR

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

- A. Approval of Minutes of the Meeting of January 23, 2025.
- B. Award of Sole Source Agreement No. 6M3748 with Bureau Veritas National Elevator Inspection Services, Inc. for Elevator/Escalator Inspection Services.
- C. Single Source Procurement with LEHR Auto Police Vehicle Equipment Installation for Police Emergency Response Vehicle Equipment and Installation.
- D. Change Order(s) to Contract No. 15EJ-180, 34.5kV Cable Replacement and Fiber Optic Cable Installation - A-Line - ACO to AUC, with DMZ Builders, for Installation of Hardened Right-of-Way Fencing and Associated Infrastructure.
- E. Appointment of BART Accessibility Task Force Member.

Director Rinn moved to approve the Consent Calendar by one motion.

Director Flores seconded the motion.

#### Public Comment

Joshua Saunders and Aleta Dupree addressed the Board.

#### Discussion

The item was discussed, with the following highlights:

Director Raburn welcomed the BART Accessibility Task Force (BATF) candidate, Joshua Saunders, and expressed the great value that he would bring to the committee.

Director Ghosh welcomed Joshua Saunders and thanked him for volunteering. Director Ghosh also requested that Joshua advise her of any specific issues in El Cerrito, which is within her district.

Director Flores welcomed Joshua Saunders to the BART family and expressed appreciation for his willingness to serve on the BATF. Director Flores also indicated that BART depends on Joshua, other BATF members, and the community to improve the rider experience and ensure that BART provides quality service.

## Action

Upon motion by Director Rinn and second by Director Flores, the Board took the following actions by unanimous roll call vote by the required two-thirds vote.

### *Vote Summary:*

*Moved / Seconded: Director Rinn / Director Flores*

*Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.*

*No: 0*

*Abstain: 0*

*Absent: 0*

*Result: 9-0, motion carried by unanimous roll call vote by the required two-thirds vote.*

- A. The Minutes of the Meeting of January 23, 2025, were approved. *(Vote: 9-0)*
- B. The General Manager was authorized to execute Agreement No. 6M3748 with Bureau Veritas National Elevator Inspection Services, Inc. to provide Elevator/Escalator Inspection Services in an amount not to exceed \$450,000.00 for a base term of three (3) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager was also authorized to exercise up to two (2) one-year options for Agreement No. 6M3748 for \$150,000.00 per option, for a maximum term of five (5) years for this Agreement. *(Vote: 9-0)*
- C. Pursuant to Public Contract Code Section 20227, the Board found by a two-thirds vote or greater, that LEHR Auto is the single source of supply for the procurement of compatible materials and technical services for the police emergency response vehicle equipment. The General Manager was authorized to enter into a single-source procurement with LEHR Auto and execute a three (3) year, plus two (2) option year procurement for police emergency response vehicles equipment and installation in the amount to not exceed \$1,500,000.00. *(Vote: 9-0)*
- D. The General Manager was authorized to execute Change Order(s) to 34.5kV Cable Replacement and Fiber Optic Cable Installation, A-Line, Contract No. 15EJ-180 (DMZ Builders), in an amount not to exceed \$4,500,000.00 for installation of hardened right-of-way fencing and associated infrastructure. *(Vote: 9-0)*
- E. The BART Board of Directors appointed the nominated candidate, Joshua Saunders, for membership to the BATF beginning February 13, 2025 for a one-year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later. *(Vote: 9-0)*

## **5. GENERAL MANAGER'S REPORT**

Michael Jones, Deputy General Manager, provided the General Manager's Report on behalf of Robert Powers, General Manager. Deputy General Manager Jones reported that the Employee Resource Group hosted a Lunar New Year event and is planning to host an event recognizing Black History Month. Deputy General Manager Jones also reported that BART celebrated the milestone of installing Next Generation Fare Gates at all downtown San Francisco stations and held a ribbon cutting press conference to celebrate the achievement; that 200 riders were expected to participate in Valentraine, a speed dating event onboard a train; that the BART Police Department was awarded one of the Top 2024 Law Enforcement Torch Run fundraising agencies for Special Olympics NorCal; and that ridership had improved.

### Public Comment

Barney Smits and Aleta Dupree addressed the Board.

### Discussion

The item was discussed, with the following highlight:

Director Ames requested more frequent updates on the Santa Clara Valley Transportation Authority (SCVTA)-BART extension to San José.

## **6. PUBLIC COMMENT**

President Foley called for 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.

The following individuals addressed the Board:

Glenn Overton  
Aleta Dupree  
Barney Smits

## **7. ADMINISTRATION ITEMS**

Janice Li, Chairperson

### **A. Fiscal Year 2025 First Quarter and Second Quarter Financial Report.**

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

Joseph Beach, Chief Financial Officer; Pamela Herhold, Assistant General Manager, Performance and Budget; and Christopher Simi, Director of Budgets, presented the item.

### Public Comment

Aleta Dupree and Barney Smits addressed the Board.

### Discussion

The item was discussed, with the following highlights:

Director Li requested that staff remind the Board about the Senate Bill (SB) 125 allocation process and the plan regarding pension funding, as it is partially dependent on market performance.

Director Raburn inquired whether the planned fare increase was incorporated in the presented data and commented on the vacant commercial buildings in San Francisco and the importance of welcoming returning commuters to the system as ridership continues to increase.

Director Ames inquired about the overtime budget and the continued increases that have been reported.

Director Li reminded the Board that the Office of Inspector General is in the final stages of a performance audit of overtime usage.

Director Ames inquired whether all investments around the federal home loan bank were receiving equal scrutiny.

Director Rinn expressed concern about overtime expenditures and unfunded liabilities and expressed a desire for the Board to have a deeper discussion around budgetary items and operations for the future at the Board Workshop.

Director Ghosh thanked staff for the report and their briefing and inquired about the strategy behind the hiring freeze, the conversations with labor partners, and the reserves.

Director Wright inquired whether there were any concerns around losing federal funding that was already appropriated, similar to what has happened to the City of New York.

Director Li acknowledged BART being ahead of the budget in the current fiscal year and the good work of the Office of Inspector General to identify and limit waste to help stabilize budgetary variances.

#### Action

No Board action was taken, as the item was presented for information only.

### **8. ENGINEERING AND OPERATIONS ITEMS**

Elizabeth Ames, Chairperson

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

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

Director Raburn, Chairperson

#### **A. Transit-Oriented Development (TOD) Program Update.**

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board and acknowledged the Nor Cal Carpenters in the room.

Val Menotti, Assistant General Manager of Planning and Development; Kasheica McKinney, Director of Transit-Oriented Development; Carli Paine, Group Manager of Transit-Oriented Development; and Darin Smith, Managing Principal, Economic & Planning Systems, presented the item.

Public Comment:

The following individuals addressed the Board:

Harvey McLeon  
Jonathan Drescher  
Joel Toscano  
Naeemah Brown  
Mathew Wardlaw  
Ruhama Taveda  
Andreas Cluver  
Alan Dones  
Jason Gumataotan  
Glenn Overton  
Martin Espinoza, Sr.  
Aleta Dupree  
Corey Smith

Discussion

The item was discussed, with the following highlights:

Director Raburn thanked everyone who provided public comment and assured them that the Board will monitor the issues that they have brought forward.

Director Li thanked the public speakers who provided public comment and noted that transit-oriented development (TOD) is only possible if BART still exists. Director Li invited the public speakers to join the fight to save BART and expressed support for BART's TOD program. Director Li also inquired about the process for changing the TOD work plan and requested more details around the TOD labor cost and cost increases, in general. Director Li thanked the Nor Cal Carpenters for participating in the Meeting and requested recommendations for improvement of the TOD program.

Director Wright thanked the TOD team for all their work and expressed a desire for more granular information. Director Wright requested a focus on units built instead of percentages, as that is the actual measure of impact. Director Wright indicated that Assembly Bill (AB) 2923 set baseline zoning standards and BART could have set more intensive standards than the base line minimums and, ultimately, build more housing. Director Wright inquired whether there are BART-owned parcels that would allow for more intensive zoning. Director Wright indicated that he would appreciate a policy discussion to help mitigate cost and move projects forward, and that he appreciates that station access and development capacity are criteria for how BART prioritizes sites. Director Wright noted that there are currently no projects planned in his district, which is the densest in the system, and expressed a desire for TOD projects to be planned in his district.

Director Ghosh thanked staff for their work and indicated that this is an area of interest for her. Director Ghosh noted that a discussion around the TOD program is warranted, as these projects are important to communities, and that she is interested in more granular details. Director Ghosh also thanked the Nor Cal Carpenters for participating in the Meeting and expressed support for transit and housing.

Director Flores thanked public commenters for providing public comment and staff for their work. Director Flores also indicated that BART is doing its part to meet housing demand and that building housing on BART land will lead to more riders in the system. Director Flores requested details around construction loans and their cost to finance, as well as, how they play a role in producing affordable housing.

Vice President Hernandez thanked staff for their work and noted how the City of Dublin has embraced housing generation by working with BART. Vice President Hernandez also underscored the importance of engaging with local jurisdictions.

Vice President Hernandez exited the Meeting.

Director Ames noted how the City of Fremont is preparing for the Irvington Station to be constructed and inquired whether there is a way to facilitate engagement between BART and the City of Fremont to move projects forward more quickly.

President Foley thanked staff for the presentation and education on the BART TOD program and emphasized that TOD needs to create revenue. President Foley also noted that if parking is removed, then that loss needs to be mitigated. President Foley indicated that he is not supportive of out-of-state modular buildings and requested that staff provide the current project stabilization agreement (PSA).

Director Rinn indicated that TOD projects are valuable to communities and that he wishes to ensure that TOD projects are financially sustainable.

Director Raburn commented on the construction slowdown the economy is experiencing and how the Board has been diligent in investing land to help with the construction of housing.

#### Action

No Board action was taken, as the item was presented for information only.

## **10. BOARD MATTERS**

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

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

Director Ames reported that she had attended the Hayward City Council meeting work session regarding plans to relocate Capitol Corridor rail service and eliminate the Hayward Capitol Corridor Station. Director Ames also reported that she had toured an accessory dwelling unit (ADU) manufacturing business in Concord and attended a Fremont Fire Department promotions ceremony. Director Ames recognized the Contra Costa County Transportation Authority for its work on Innovate 680, a four-County corridor for bus transit.



Director Wright reported that he had attended the 100<sup>th</sup> Anniversary of Teamsters event and the Mayor's Economic Forecast Summit hosted by *The San Francisco Times*. Director Wright also reported that he had attended the fire safety drill in the Transbay Tube and encouraged other Board Members to do the same, and that he had participated in the ribbon-cutting event for the new fare gates at Embarcadero Station in San Francisco.

Director Ghosh shared excitement around the Clipper® BayPass and reported that she had met with Richmond Councilmember Jamelia Brown and the Albany Dems. Director Ghosh also reported that she had participated in community outreach related to the installation of new fare gates at Downtown Berkeley Station and thanked staff for providing translators at stations during outreach events. Director Ghosh noted that she would participate in the Valentraine event.

Director Flores reported that he had attended the 100<sup>th</sup> Anniversary of Teamsters event, Assemblymember Mia Bonta's Community Awards event, and the Mayor's Economic Forecast Summit hosted by *The San Francisco Times*. Director Flores also reported that he had participated in community outreach at Rockridge Station and attended the Oakland Chinatown Lion Club's New Year dinner and the ribbon-cutting event for the new fare gates at Embarcadero Station in San Francisco. Director Flores indicated that more information would be forthcoming in his newsletter.

Director Raburn reported that he had attended the Planning and Conservation League Environmental Assembly event at University of California, Davis, and the Mayor's Economic Forecast Summit hosted by *The San Francisco Times*. Director Raburn also reported that he had attended the state legislative advocacy trip with the Board and provided public comment at a Budget Hearing. Director Raburn reported that he had visited Coliseum BART and Amtrak stations multiple times and partnered with Interim Oakland Mayor Kevin Jenkins to prepare to welcome National Basketball Association (NBA) All-Star fans over the next three days.

President Foley reported that he had attended the ribbon-cutting event for the new fare gates at Embarcadero Station in San Francisco and suggested that BART host one ribbon-cutting event per county once all stations within the county have been completed. President Foley also reported that he had attended an Antioch City Council meeting and wished everyone a Happy Valentine's Day.

Robert Franklin, Director of Customer Access, requested that the Meeting be adjourned in honor of Zona Roberts, who dedicated her life to advance the accessibility movement by empowering people to live independent lives.

#### Public Comment

Glenn Overton addressed the Board.

## **11. CLOSED SESSION**

### **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General.

Government Code Section: 54957(b)(1)

## B. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: Independent Police Auditor

Government Code Section: 54957(b)(1)

President Foley brought the item before the Board and indicated that the Board would enter Closed Session under Items 11-A (Public Employee Performance Evaluation) and 11-B (Public Employee Employment/Appointment).

### Public Comment

No comments were received.

The Board Meeting recessed at 12:55 p.m.

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The Board reconvened in Closed Session at 1:03 p.m.

Directors Present in Oakland:	Directors Ames, Flores, Ghosh, Li, Raburn, Rinn, Wright, and Foley.
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Directors Present via Teleconference:	None.
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Absent:	Vice President Hernandez.
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The Board Meeting recessed at 2:19 p.m.

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## 12. OPEN SESSION

The Board reconvened in Open Session at 2:20 p.m.

Directors Present in Oakland:	Directors Raburn, Rinn, Wright, and Foley.
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Directors Present via Teleconference:	None.
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Absent:	Directors Ames, Flores, Ghosh, and Hernandez. Director Li entered the Meeting later.
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A. Announcements from Closed Session, if any.

President Foley announced that there were no announcements to be made.

President Foley recognized and expressed gratitude to the BART Media/Communications and IT staff who facilitate the Board Meetings.

Director Li entered the Meeting in Oakland.

**13. ADJOURNMENT**

The Meeting adjourned at 2:21 p.m. in honor of Zona Roberts.

April B. A. Quintanilla  
District Secretary