

San Francisco Bay Area Rapid Transit District

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



BOARD OF DIRECTORS MINUTES OF THE 1,962ND MEETING THURSDAY, SEPTEMBER 12, 2024

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

Adopted: October 10, 2024

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on September 12, 2024, convening at 9:03 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 9:03 a.m.

A. Roll Call.

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

Directors Present via Teleconference: None.

Absent: Directors Allen and Simon.

B. Pledge of Allegiance. President Dufty recognized the family of Robert Powers, General Manager, as his daughter is an officer in the U.S. Navy, and his wife retired as a Commander in the U.S. Coast Guard. General Manager Powers, 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 and expressed gratitude to Michael Jones, Deputy General Manager, and General Manager Powers for their hard work in maintaining operations during the two-month period with limited meetings. President Dufty also acknowledged the dedication of the entire staff during this time and shared that he had met with Liza Johansen, the new San Francisco Police Captain for the Mission District, alongside Kevin Franklin, Chief of Police, to discuss issues around vending and safety in the Mission area. President Dufty praised the proactive approach of Captain Johansen and expressed his appreciation for BART staff's continued efforts.

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 Meeting of August 15, 2024.

- B. Award of Contract No. 99CR-110, Emergency Restoration, Maintenance, Non-Emergency Repair, Relocation and Support Work of the Commercial Fiber Optic and Wireless Network.
- C. Procurement with ePlus Technology, Inc., as the Official National Association of State Procurement Officials (NASPO) Provider, for Rubrik Backup Solution and Security Services Subscription for Windows and Linux Servers with Threat Management.
- D. Amendment to Agreement No. 6M5189, with Honey Badger Consulting, for Increase in Funding.
- E. Award of Sole Source Agreement No. 6M3728 with the University of California, Berkeley, for Development of Earthquake Thresholds in the Emergency Plan for ShakeAlert.
- F. Award of Invitation for Bid No. 9136, Custom Double Ended Utility Carts.
- G. Award of Agreements for On-Call Lighting Maintenance Services.
 - i. Agreement Nos. 6M3713, 6M3714, 6M3715, and 6M3716 to Vista Universal, Inc.
 - ii. Agreement No. 6M3717 to ABM Electrical and Lighting Solutions, Inc.

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

Vice President Foley seconded the motion.

Public Comment

The following individual addressed the Board:

June Joxy
Lateefah Simon
Aleta Dupree
Debra Allen

Action

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

Vote Summary:

Moved / Seconded: Director Saltzman / Vice President Foley

Aye: Directors Ames, Foley, Hernandez, Li, 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 Meeting of August 15, 2024, were approved. *(Vote: 7-0)*
- B. The General Manager was authorized to award Contract No. 99CR-110 for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network for the Base Bid amount of \$5,377,256.00 to Phase 3, pursuant to notification to be issued by the General Manager. *(Vote: 7-0)*
- C. The General Manager was authorized to purchase from ePlus a Rubrik Software license subscription for a one (1) year term in an amount not to exceed \$590,051.00, and three (3) single year options to renew, each in an amount not to exceed \$960,000.00, subject to availability of funding. *(Vote: 7-0)*
- D. The General Manager was authorized to execute an amendment to increase the funding for Agreement No. 6M5189 for Certified Fraud Examiner Services with Honey Badger Consulting (HBC) by \$150,000.00, raising the total from \$488,300.00 to \$638,300.00. *(Vote: 7-0)*
- E. The Board authorized the General Manager to execute Agreement No. 6M3728 with the University of California, Berkeley to develop the seismic threshold for the Emergency Plan for ShakeAlert for an amount not to exceed \$639,857.00. *(Vote: 7-0)*
- F. The General Manager was authorized to award Invitation for Bid (IFB) No. 9136 for double ended utility carts to RKU Distributing Inc., Redding, CA, in the amount of \$2,811,907.50 (inclusive of all taxes), pursuant to notification to be issued by the General Manager, subject to compliance with District's Protest Procedures. *(Vote: 7-0)*
- G. The General Manager was authorized to award five (5) separate Agreements for a period of two (2) years each, subject to the District's Protest Procedures and funding requirements related to protest procedures, in a total amount not to exceed \$1,000,000.00 as follows:
- Agreement No. 6M3713 (Zone 1-South East Bay) to Vista Universal, Inc. in an amount not to exceed \$124,100.00;
 - Agreement No. 6M3714 (Zone 2-South Bay) to Vista Universal, Inc. in an amount not to exceed \$78,816.00;
 - Agreement No. 6M3715 (Zone 3-East Bay) to Vista Universal, Inc. in an amount not to exceed \$169,034.00;
 - Agreement No. 6M3716 (Zone 4-North Bay) to Vista Universal, Inc. in an amount not to exceed \$248,136.00; and
 - Agreement No. 6M3717 (Zone 5-Peninsula) to ABM Electrical and Lighting Solutions, Inc. in an amount not to exceed \$379,914.00.

The General Manager was also authorized, subject to the availability of funds, to exercise the Option to include LED lighting for each of the separate Agreements for Zones one (1), three (3), four (4), and five (5), in a total amount not to exceed \$1,408,750.00 at the following proposed prices:

- Agreement No. 6M3713 (Zone 1-South East Bay) in an amount not to exceed \$87,500.00;
- Agreement No. 6M3715 (Zone 3-East Bay) in an amount not to exceed \$196,250.00;
- Agreement No. 6M3716 (Zone 4-North Bay) in an amount not to exceed \$687,500.00; and
- Agreement No. 6M3717 (Zone 5-Peninsula) in an amount not to exceed \$437,500.00.

The General Manager was also authorized, subject to the availability of funds, to exercise up to three (3) one-year Options to renew the separate Agreements for Zones one (1), two (2), three (3), four (4) and five (5), in a total amount not to exceed \$2,750,000.01, at the following proposed prices:

- Agreement No. 6M3713 (Zone 1-South East Bay) in an amount not to exceed \$113,758.33 per one-year period for a total not to exceed amount of \$341,274.99;
- Agreement No. 6M3714 (Zone 2-South Bay) in an amount not to exceed \$72,248.00 per one-year period for a total not to exceed amount of \$216,744.00;
- Agreement No. 6M3715 (Zone 3-East Bay) in an amount not to exceed \$154,947.83 per one-year period for a total not to exceed amount of \$464,843.49;
- Agreement No. 6M3716 (Zone 4-North Bay) in an amount not to exceed \$227,458.00 per one-year period for a total not to exceed amount of \$682,374.00; and
- Agreement No. 6M3717 (Zone 5-Peninsula) in an amount not to exceed \$348,254.51 per one-year period for a total not to exceed amount of \$1,044,763.53.

(Vote: 7-0)

5. GENERAL MANAGER'S REPORT

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

General Manager Powers introduced two new members of the BART family, Kasheica McKinney, Director of Transit-Oriented Development, and Charlie Castillo, Assistant General Manager, Administration, who addressed the Board.

General Manager Powers reported on the Oakland Pride Parade, the upcoming paper ticket fashion show at Rockridge Station, the Transbay Tube 50th Anniversary activities, special prostate and cancer awareness uniform patches for BART Police Department personnel during the month of September, electric vehicle (EV) charging grant funds, ridership, and train operations and addressing the fiscal cliff.

Shane Edwards, Assistant General Manager, Operations, acknowledged the service issues that occurred during the summer; reported on the June 26th incident involving a collision between heavy rail equipment units; and commented on staff's efforts to secure infrastructure against vandalism and other risks and implement several changes, including increased managerial oversight, operator recertification, and enhanced safety checks.

General Manager Powers also reported on the progress of the new fare gate installations.

Public Comment

Aleta Dupree and Barney Smits addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Saltzman expressed appreciation for the updates provided, particularly about the progress on fare gate installations.

Director Ames inquired about the need to be more aggressive and proactive in addressing unplanned service disruptions, such as the fire incident that occurred on August 19th.

Vice President Foley acknowledged the importance of being adaptable with BART's capital projects, particularly when unexpected issues or failures arise.

Director Hernandez expressed agreement with Vice President Foley regarding the capital project approach and reiterated the importance of effective communication.

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.

The following individuals addressed the Board:

Glenn Overton
Barney Smits
Aleta Dupree

7. ADMINISTRATION ITEMS

Janice Li, Chairperson

Director Li, Chairperson of the Administration Committee, had no report and no items were presented.

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. Update on Regional Transportation Revenue Measure.

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

Val Menotti, Assistant General Manager, Planning and Development; Rodd Lee, Assistant General Manager, External Affairs; Pamela Herhold, Assistant General Manager, Performance and Budget; and Amanda Cruz, Director of Government and Community Relations, presented the item.

Public Comment

The following individuals addressed the Board:

Emily Beach
Sebastian Petty
John Arantes
Debra Allen
Aleta Dupree
Sprague
Public Advocates and Voices for Public Transportation
Dylan Finch
Warren Cushman
Jenny Michel
Emil Abraham
Adina Levin
Kathryn Hedges
Maggie Trinh
Glenn Overton
George Spies
Gina Papan
Katherine Dumont

Discussion

The item was discussed, with the following highlights:

Director Saltzman emphasized that BART's primary plan is to pursue the regional nine-county transportation revenue measure and inquired about the polling questions and data.

President Dufty praised staff for their efforts in managing BART efficiently, despite the challenges.

Director Li emphasized the critical importance of public transportation as a public good, likening it to other public services such as schools and parks.

Director Ames expressed concern about how BART can address deficits while aiming to transform transit in a post-pandemic world, especially considering the changing nature of ridership.

Vice President Foley stressed the need for a sustainable, long-term funding solution for the transit system.

Director Hernandez highlighted the importance of building trust with the public when discussing future funding measures for BART.

Director Raburn raised the idea of a citizen initiative to address BART's funding needs and inquired about its viability.

Action

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

B. BART's Role in the Region Study.

Director Raburn brought the item before the Board.

Daniel Wu, Principal Planner, and Michelle Robertson, Principal Marketing Representative, presented the item.

Public Comment

The following individuals addressed the Board:

Jerry Grace
Aleta Dupree
Adina Levin
Glenn Overton

Discussion

The item was discussed, with the following highlights:

Director Raburn commended the report, noting that it is concise yet rich in data visualizations and impactful illustrations.

Director Li expressed appreciation for BART's storytelling approach on social media, particularly Instagram.

President Dufty expressed appreciation for the presentation, and the work done on social media, describing it as upbeat.

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

Vice President Foley reported that he had delivered the Safe and Clean presentation to a local Democratic group and that he had presented a revised presentation to the Oakley City Council.

Director Li shared that she filled in for Director Simon on a panel discussing "Transit and Gender" as part of the Transit Governance theme for Transit Month, organized by the Transbay Coalition, and reported that she had spoken with Jim Spring, Chair of the MTC Select Committee, regarding transit funding. Director Li also recognized the District Secretary's Office's quarterly update newsletter and congratulated Mag Tatum, Senior Board Analyst, for obtaining her municipal clerk certification.

Director Raburn reported that he had attended the Alameda Labor Council Unity Dinner and the Silicon Valley Bike Summit in South San Francisco. Director Raburn also reported that he had made public comments to the San Leandro City Council in support of the City's Economic Development Plan, focusing on San Leandro and Bay Fair BART stations, and that he had joined BART's Progressive Policing Bureau at the Acts Full Gospel Church Health Fair and Auto Show. Director Raburn reported that he had attended the Oakland Pride event and praised the event for being a restorative experience for Oakland.

Director Raburn submitted the following Roll Call for Introductions (RCI) request:

"During the recent Next Generation Fare Gate installation at Fruitvale I observed exiting passengers queuing through a temporary gate over several days while multiple staff in yellow vests assisted to help reduce delays. Several passengers asked, 'what is BART doing to assist passengers with limited resources?' This represents an ideal time to promote Clipper START during the coming year at thirty-eight or more stations.

My request is for BART managers to work with the MTC to devise an informational campaign focused on passengers during the gate installation at each station. One idea would create badges or vests for staff working with exiting passengers that might read 'Ask me about Clipper START Discounts.' A multilingual banner with QR code could be attached to the work area barrier. During peak periods, passengers who express an interest could be directed to an individual who has Clipper START applications and can assist."

President Dufty and Director Hernandez seconded Director Raburn's RCI request.

Director Hernandez reported that she had attended a dinner event with Alameda County mayors and that she planned to host a Lunch and Learn event in San Joaquin County regarding Valley Link. Director Hernandez also expressed excitement about attending the BART Paper Ticket Fashion Show and commented on receiving a report about cities' efforts to address encampments.

President Dufty requested that the Meeting be adjourned in honor of Kevin Fisher-Paulson, Chief Deputy, San Francisco Sheriff's Department, and columnist for the *San Francisco Chronicle*. President Dufty honored Kevin's memory and extended condolences to his family.

President Dufty thanked the Media/Communications and IT staff for enhancing the public's access to Board Meetings.

11. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(1) Name of Case: Gabriel Chavez, et al v. BART

Case No.: 22-cv-06119

Government Code Section: 54956.9(d)(1)

(2) Name of Case: Jeremiah Cooper, et al v. BART

Case No.: 22-cv-09193

Government Code Section: 54956.9(d)(1)

(3) Name of Case: Bradford Mitchell v. BART

Case No.: 22-cv-07720

Government Code Section: 54956.9(d)(1)

(4) Name of Case: Jeanette Lovan v. BART

Case No.: 23CV036534

Government Code Section: 54956.9(d)(1)

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Government Code Section: 54957

President Dufty brought the item before the Board and indicated that the Board would enter Closed Session under Items 11-A (Conference with Legal Counsel—Existing Litigation) and 11-B (Public Employee Performance Evaluation).

The Board Meeting recessed at 1:12 p.m.

The Board reconvened in Closed Session at: 1:18 p.m.

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

Directors Present via Teleconference: None.

Absent: Directors Allen and Simon. Director Raburn entered the Meeting later.

Director Raburn entered the Meeting in Oakland.

The Board Meeting recessed at 2:10 p.m.

12. **OPEN SESSION**

The Board reconvened in Open Session at 2:12 p.m.

Directors Present in Oakland: President Dufty.

Directors Present via Teleconference: None.

Absent: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Simon.

A. Announcements from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session under Items 11-A and 11-B and that there were no announcements to be made.

13. **ADJOURNMENT**

The Meeting adjourned at 2:13 p.m. in honor of Kevin Fisher-Paulson.

April B. A. Quintanilla
District Secretary