

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 1,985TH MEETING THURSDAY, JULY 10, 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 July 10, 2025, convening at 9:00 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Foley presided, with Bob Franklin as Interim District Secretary.

1. CALL TO ORDER

President Foley called the meeting to order at 9:00 a.m. and welcomed attendees to the July 10, 2025 BART Board Meeting.

A. Roll Call.

Directors Present in Oakland:

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

Directors Present via Teleconference: None.

Absent:

None.

B. Pledge of Allegiance:

Director Rinn led the Pledge of Allegiance.

C. Introduction of Special Guests.

There were no special guests in attendance.

2. REPORT OF THE BOARD PRESIDENT

President Foley provided the following updates:

- Meeting Cancellations:
 - The July 24th and August 28th Board meetings are canceled, as is customary during the summer.
- Schedule Adjustment:
 - The November 20th meeting is rescheduled to November 13th to better manage the fall calendar.
- Public Comment Duration:
 - Beginning with the next Board meeting, public comment time will be reduced to two minutes per speaker on a trial basis.

President Foley then opened the floor for public comment on the report.

Public Comment

There was no public comment for this item.

3. BOARD COMMITTEE REPORTS

There was no Board Committee Reports for this meeting.

4. CONSENT CALENDAR

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

A. Approval of Minutes of the Meetings of July 10, 2025.

Director Rinn moved approval of the Consent Calendar.

Vice President Hernandez seconded the motion.

Public Comment

There was no public comment for this item.

Action

Upon motion by Director Rinn to approve the Consent Calendar, and seconded by Vice President Hernandez, the Board took the following action by unanimous roll call vote:

Vote Summary:

Moved / Seconded: Director Rinn / Vice President Hernandez.

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

No: 0

Abstain: 0

Absent: 0

Result: 9-0-0, motion carried by unanimous roll call vote.

A. The Minutes of the Meetings of July 10, 2025, were approved. (Vote: 9-0)

5. GENERAL MANAGER'S REPORT

Report of Activities, including updates of Operational, Administrative, and Roll Call for Introductions Items.

General Manager Bob Powers provided the following updates.

A. Ridership Update

- BART ended the previous fiscal year 2% above budget and 6.3% higher than FY 2024, signaling positive ridership trends.
- On Sunday, July 6, 2025 at the Pride event, BART carried just under 140,000 trips, the second-highest Sunday ridership since the pandemic.

B. National Night Out – August 5th

- BART Police Department will host National Night Out events at two stations: Hayward and Pittsburg/Bay Point, from 4:00 to 7:00 PM.
- The General Manager wanted to make Vice President Hernandez, Director Raburn, and President Foley specifically aware of these events, as it does involve stations that they represent, although all Directors are welcome to attend.
- The BART Police Chief and executive staff will be present; events will include food, fun, and festivities.

C. Legislative Update: S.B. 63

- The bill was heard and passed by the Assembly Transportation Committee on July 7th with an 11–4 vote.
- Acknowledgment and appreciation were given to all nine BART Directors for their advocacy in Sacramento.
- Amendments accepted by Senator Wiener:
 - County Connection, Tri-Delta, LAVTA, Union City Transit, WESTCAT, and WETA moved "above the line" to become direct recipients of funding, no longer just eligible to receive funds from the County
 - Funding allocation for transit transformation initiatives reduced from up to 10% to up to 5%, freeing up more funds for operators.
- Next hearing is scheduled for July 14th at the Assembly Revenue and Taxation Committee, with Director Raburn providing lead testimony for BART.
- A comprehensive update on S.B. 63 will be presented to the Board on August 14th.

D. APTA Rail Conference Recap

Presented by Marie Benton, Assistant Chief Infrastructure Delivery Officer

- BART co-hosted the APTA Rail Conference with Muni, drawing over 2,000 attendees.
- BART received widespread positive feedback for its involvement, including:
 - Hosting and moderating educational sessions and committees.
 - Providing volunteers at the airport and event.
 - Creating visible wayfinding tools and marketing pop-up stores.
- The conference pop-up store and station decals at Powell Street were particularly well received and are expected to inspire future events.
- Agencies hosting future APTA conferences, including those in Boston, took note of BART's innovations and engagement.
- Board members received conference gift bags as a token of the event.

General Manager Bob Powers concluded his report and turned the floor back to President Foley for questions.

President Foley thanked General Manager Powers and opened the floor to public comment on the report.

Public Comment

Barney Smits addressed the Board.

Discussion

The item was discussed with the following highlights:

Director Raburn expressed appreciation for the General Manager's positive report and thanked fellow Board members and leadership for their joint advocacy trip to Sacramento. He noted increasing regional support for S.B. 63, and that several cities have formally endorsed the bill. Alameda Mayor voiced strong support at the Alameda County Mayors' Conference and encouraged other mayors to do the same.

Director Raburn also noted that Oakland Councilmember Zac Unger is preparing a Resolution of support, and emphasized that the passage of S.B. 63 is critical for BART's future funding.

Director Ames thanked BART for hosting National Night Out in Hayward, expressing her intent to attend, and requesting an update on the joint BART-VTA oversight meeting, which was recently canceled due to lack of quorum. Director Ames clarified she was referring to the VTA-managed oversight meeting, not the joint BART-VTA meeting scheduled for August 15th.

Action

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

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.

Barney Smits, Ariana Casanova and Jaime San Nicholas addressed the Board.

7. ADMINISTRATION ITEMS

Janice Li, Chairperson

NO ITEMS.

8. ENGINEERING AND OPERATIONS ITEMS

Elizabeth Ames, Chairperson

NO ITEMS.

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

Robert Raburn, Chairperson

A. BART Transit-Oriented Development Research Findings on Ridership.

Chairperson, Raburn brought the item before the Board and welcomed Professor Robert Cervero, UC Berkeley Professor Emeritus and renowned expert in Transit-Oriented Development (TOD), noting his pioneering role in shaping national perspectives on the integration of land use and transportation.

Val Menotti, Assistant General Manager for Planning and Development, Rachel Factor, Principal Planner, and Robert Cervero -- UC Berkeley Professor Emeritus, and Transportation Specialist, presented the item.

Public Comment

Glen Overton and Michai Freeman addressed the Board.

Discussion

The item was discussed with the following highlights:

Director Flores thanked Professor Cervero for his work and presentation; asked whether there is specific demand for TOD housing beyond general housing needs, whether there's data comparing monthly travel costs for those living near transit vs. those farther away, and if any studies estimate how much TOD development would be needed to reduce congestion.

Director Li thanked Professor Cervero for the informative presentation and asked whether financial aspects and results of TOD projects—like Exclusive Negotiating Agreements (ENAs) and term sheets—can ensure that TOD outcomes match their intended goals.

Director Ghosh expressed gratitude to Professor Cervero and the planning team. She inquired that, despite high ridership rates among TOD residents (both affordable and market-rate), what more can be done to increase transit usage among TOD residents? What are the barriers?

Director Wright thanked Professor Cervero for his decades of influential TOD research, acknowledged its value in turning intuitive insights into evidence-based policy, and asked what impacts mixed-income housing ratios (market-rate vs. below-market) had on transit ridership, as well as impacts of different density levels. Director Wright expressed an interest in how behaviors change for residents who live in TODs with respect to their transit usage.

Director Ames called for shifting toward pedestrian mobility and multimodal connectivity; noted a suburban imbalance: too much housing, not enough office or commercial development, and requested a toolkit or strategies to help suburbs like hers build functional TOD villages. Director Ames expressed hope that the upcoming TOD survey results would inspire more innovative decisions going forward.

President Foley shared a personal story about his wife, who does not drive and emphasized that transit accessibility has been central to his choice of the location for his housing, and underscored the importance of TOD's for people with disabilities or limited mobility, to ensure independence and access. While maintaining a fiscally cautious perspective, President Foley expressed appreciation for how the data helped expand his view on TOD's broader impact.

Vice President Hernandez expressed appreciation to Professor Cervero and staff for their data-driven insights that validated many common-sense understandings about TOD, asked how long TODs typically take to come to fruition, and what's required to align various stakeholders and infrastructure to make TODs a reality. She stressed the importance of local government roles, especially since most BART stations lie in incorporated areas where cities have zoning control.

Director Raburn emphasized the critical importance of the upcoming TOD survey, encouraging staff to return with results and inviting Board input on future survey questions, reiterating that TOD is not anti-car, but is focused on expanding mobility options and enabling informed, intentional mode shift decisions.

Director Raburn shared a personal anecdote from 1984, when a guidebook led him to discover and purchase his Oakland home—highlighting the power of accessible information in shaping transit-oriented housing choices.

Action

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

Robert Raburn, Chairperson

B. Ashby BART Transit-Oriented Development.

a. Authorization to Enter into Exclusive Negotiation Agreement.

b. Resolution on California Surplus Land Act Declaration of Exempt Surplus Land.

Chairperson, Raburn brought the item before the Board.

Val Menotti, Assistant General Manager for Planning and Development, Kasheica McKinney, Director of Transit-Oriented Development, and Shannon Dodge, Principal Property Development Officer, presented the item.

Public Comment

In his opening remarks, Chairperson Raburn acknowledged 11 letters of support from members of the Ashby and South Berkeley community. The letters challenged the 49% participation of the Black-led SUDA in the development partnership, and Called for a 50/50 partnership between SUDA and Pacific Development, asserting equitable leadership representation.

Individuals and organizations endorsing 50/50 representation include:

1. Kameka Goodwin (South Berkeley resident) – on behalf of Healthy Black Families and supporting the Adeline Alliance
2. Ruby Ferguson – Executive Project Manager, East Bay Community Law Center
3. Pastor Michael McBryde – Executive Director, Live Free USA
4. Todd James – Co-founder, Full Spectrum Labs
5. Jeremy Madsen – Executive Director, Build It Green
6. Wilhelmenia Wilson– Member, Healthy Black Families
7. Tracy Parent – Bay Area Community Land Trust
8. Willie Phillips
9. Linda Olivenbaum
10. Richie Eugene Turitz – Friends of Adeline
11. Ayanna Davis, The African American Holistic Resource Center
12. Elisa Orona – Partnership for the Bay's Future (San Francisco Foundation)

These supporters urged BART to reconsider the partnership structure to ensure racial equity and community-rooted leadership. Director Raburn reminded speakers that if a comment has already been expressed, they may associate themselves with those remarks rather than repeating them. This would help streamline the public comment process.

The following individuals addressed the Board:

Alan Dones, SUDA

Dan Sawislak

Justin Smith

Mayor Adena Ishii, City of Berkeley

Councilmember Ben Bartlett, City of Berkeley

Caleb Roope, The Pacific Company
Ronnie Turner
Betsy Morris
Gail McGuire
Andreas Cluver
Jason Gumataotao
Rohama Turata
Anya Quals
Glen Overton
Barney Smits
Vinita Goyal
Elana Auerbach
George Lipman
Michai Freeman
Linda Olivenbaum
Deb
Greg Merrill, (Andrea Pritchett)
Willie Phillips
Dr. Derethia Duval

Discussion

The item was discussed with the following highlights:

Director Ghosh acknowledged her deep involvement in the Ashby project through her roles on the Berkeley Transportation and Planning Commissions, and her 18-month participation in the Community Advisory Group, (CAG), emphasizing that "affordable housing" is a technical, structured concept. She thanked the community and all the leaders over the past decade who have worked hard to make this project possible through listening and working and developing together. She also thanked Senator Jesse Arreguin, Mayor Ishii, Councilmember Bartlett and other members of the Berkeley City Council. . Director Ghosh supported proceeding with the selected development team, committed to continued oversight and ensuring the community benefits and values are delivered.

Director Li thanked all who commented publicly, wrote letters, attended the meeting, and recognized labor representatives, highlighting strong oversight concerns, especially around timeliness, cost control, and labor standards. Director Li supported the TOD proposal, while also establishing key Board-level safeguards during the ENA phase to ensure project accountability.

Director Li expressed support for future discussions around t Project Labor Agreements (PLA), adding contractual guardrails in the term sheet, sought clarification, if those items could be addressed later in the term sheet, and requested explicit Board approval if the 18-month optional extension to the ENA term is exercised.

Director Ghosh made the motion to approve staff's recommendation with Director Li's amendment that:

“Any optional 18-month ENA extension must be brought back to the Board for approval.”

Director Li seconded the motion.

Val Menotti, Assistant General Manager for Planning and Development, clarified that the amendment applies to both parts of the motion, (authorization to enter into the ENA and the Surplus Land Act resolution).

Director Raburn expressed support, noting he had raised similar concerns about internal-only ENA extensions.

President Foley thanked public commenters, letter writers, and labor representatives for their participation and engagement, and voiced strong support for the Ashby TOD project while ensuring Board oversight at key decision points, especially regarding labor provisions and the execution of the ENA. He emphasized transparency, process integrity, and the importance of honoring concerns raised by labor stakeholders.

Director Li clarified that any extension of the ENA (up to 18 months) must also return to the Board for approval.

Director Flores confirmed his questions were addressed by President Foley's inquiry regarding when the PLA details would return to the Board, emphasizing local hiring, union jobs, and California-based housing production. He called for clear policies and oversight to ensure that future TOD projects prioritize local workers and prevent outsourcing, while also affirming his support for the Board's continued role in oversight of the Ashby TOD project.

Director Wright expressed measured support for the Ashby TOD project, acknowledging community concerns about ownership structure and labor issues, but emphasizing the need to move forward with a team that brings local engagement and deliverability. He called for the project's development phase to meaningfully address labor input and public expectations, reaffirming his commitment to increasing ridership and housing access through TOD.

Director Ames strongly supported the Ashby TOD project, citing both the urgent need for housing in Berkeley and satisfaction with how BART ensured legal compliance through the RFP process. She praised the collaboration with the City of Berkeley, the adaptive solution to the developer ownership structure, and the increased transparency through future review of the ENA.

Vice President Hernandez strongly supported moving forward with the Ashby TOD project, highlighting the importance of legal and procedural integrity, while emphasizing that early labor negotiations and a commitment to local workforce hiring will be critical to the project's success. She praised the Board's unified clarity on keeping jobs local and urged developers to engage constructively with labor to ease future approval stages.

Director Raburn expressed appreciation to all speakers and attendees, supported changing the ENA process to require Board approval after 24 months, as a way to ensure transparency and address labor's concerns. Director Raburn effectively summed up the Board's consensus—balancing community needs, legal integrity, labor standards, and practical deliverability—and celebrated the advancement of a major TOD project that aims to serve both riders and residents.

Action

Upon motion by Director Ghosh to approve staff's recommendation with Director Li's amendment, and seconded by Director Li, by unanimous roll call vote, the Board:

1. Authorized the General Manager or his designee to enter into an Exclusive Negotiating Agreement (ENA) with the Adeline Alliance Partners Team, for a term of 24 months, with a requirement for the General Manager

to obtain additional Board authorization to execute an optional extension of up to 18 months at BART's sole discretion.

2. If BART and the Adeline Alliance Partners Team could not in good faith negotiate an ENA, or if the ENA terminated without reaching terms for development of a project, the Board authorized the General Manager or his designee to enter into an ENA with the Ashby BART Strategic Alliance Team for a term of 24 months, with a requirement for the General Manager to obtain additional Board authorization to execute an optional extension of up to 18 months at BART's sole discretion.

3. Adopted Resolution No.-----, In the matter of declaring land owned by the San Francisco Bay Area Rapid Transit District to be exempt surplus land pursuant to Government Code section 54221(f)(1)(G).

Vote Summary:

Moved / Seconded: Director Ghosh/ Director Li.

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

No: 0

Abstain: 0

Absent: 0

Result: 9-0, motion carried by unanimous roll call vote.

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 Raburn reported attending the following events:

- June 26: Attended the Lake Merritt Paseo groundbreaking, joined by other Board Members.
- July 7: Participated in a meeting with Oakland Mayor Barbara Lee, Fruitvale merchants, and Deputy Chief Gina Galetti.
- July 9: Represented BART at the Alameda Mayors' Conference at Bayfair Speedway:
 - Gave updates on BART, including Senate Bill 63 and TOD pre-development on BART's Bay Fair lot.
 - Learned about:
 - Drone manufacturing
 - The upcoming Asian Health Center's clinic
 - A potential incubator space in a 200,000 sq. ft. former Macy's facility

Director Flores – reported on the following events:

- June 26: Attended the ribbon-cutting ceremony with Director Raburn
- June 27 Attended an event in honor of Ms. Margaret Gordon for an affordable housing building named after an iconic West Oakland environmental advocate and community champion, in partnership with EBALDC.
- July 2:

Met with the new Executive Director and Board President of the Oakland Chinatown Chamber of Commerce to:

- Present BART's regional role
- Discuss ongoing and future partnerships.
- July 4:
Participated with the BART family in the City of Alameda Fourth of July Parade, described as the longest in the nation.

Director Ghosh reported attending the following events:

- June 26:
Attended the EBALDC ribbon-cutting ceremony with Directors Flores, Raburn, and Ames, honoring Ms. Gordon, a West Oakland community leader.
- June 29:
Participated in Pride celebrations alongside Directors Flores and Wright.
 - Praised the enthusiastic public support of BART: *"I love BART"* chants from the crowd.
 - Thanked Staff for organizing and providing fun materials (e.g., "bag of goodies").
 - Marched with fellow officials, including the City Auditor and City Council members.
- July 7:
Participated in a pre-briefing with the Richmond NAACP ahead of one of their major membership meetings to:
 - Present a "role in the region" update.
 - Discuss the upcoming ballot measure.
- July 8:
Gave a presentation to the Solano Avenue Association, engaging with stakeholders from Berkeley and Albany.
 - Heard support for TOD projects.
 - Noted concerns about BART's fiscal cliff.
 - Emphasized BART's importance to the business community.

Director Wright:

- Extended thanks to BART Staff for their hard work during Pride Month:
 - Acknowledged safe and reliable BART service that enabled large numbers of attendees to participate in Pride activities.
 - Commended Staff for organizing BART's contingent in the San Francisco Pride Parade.
- Expressed appreciation for:
 - Director Flores for joining the Pride event.
 - The positive public response, particularly to:
 - BART mascot "Barty"
 - BART-branded stickers and pride flags
 - Reflected that the enthusiastic reaction affirmed how much BART's presence and service mean to the community.

Public Comment

Glen Overton and Jerry Grace addressed the Board.

11. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Property Located at the North Berkeley BART Station at 1750 Sacramento Street, Berkeley, CA 94702, including APNs 58-2147-18-5, 58-2148-17-4, 58-2146-16-5, and 58-2149-19-4.

District Negotiators: Val Menotti, Assistant General Manager, Planning and Development; Kasheica McKinney, Director of Transit Oriented Development; Carli Paine, Group Manager Transit Oriented Development; Melissa Jeng, Principal Property Development Officer; and Darin Smith, Economic & Planning Systems

Negotiating Parties: Bridge Housing Corporation; Insight Housing; East Bay Asian Local Development Corporation; AvalonBay Communities; and San Francisco Bay Area Rapid Transit District

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Titles: Independent Police Auditor and District Secretary

Government Code Section: 54957(b)(1)

C. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: President Foley, Vice President Hernandez, Director Flores

Title: Independent Police Auditor

Government Code Section: 54957.6

President Foley brought the item before the Board and indicated that the Board would enter Closed Session under Item 11-A, (Conference With Real Property Negotiators), 11-B, (Public Employee Employment/Appointment), and 11-C, (Conference With Labor Negotiators).

President Foley noted that the Board would reconvene to continue the public agenda after closed session.

Public Comment

There was no public comment for this item.

The Regular Board Meeting recessed into Closed Session at 1:07 p.m.

The Board reconvened in Closed Session at approximately 1:09 p.m.

Directors Present in Oakland: Directors Ames, Li, Raburn, Rinn, Wright, Flores, Ghosh, Vice President Hernandez and President Foley.

Directors Present via Teleconference: None.

Absent: None.

The Board Meeting Closed Session recessed at 2:50 p.m.

12. OPEN SESSION

The Board reconvened in Open Session at about: 2:51 p.m.

Directors Present in Oakland: Directors Ames, Li, Raburn, Rinn, Wright, Flores, Ghosh, and Vice President Hernandez and President Foley

Directors Present via Teleconference: None.

Absent: None.

A. Announcements from Closed Session, if any.

Upon returning to Open Session, President Foley reported that the Board concluded discussion on items 11b and 11c during Closed Session. The Board appointed Inez Gonzalez as Independent Police Auditor, effective August 1, 2025, pending completion of a background check. The vote was unanimous.

B. Compensation and Benefits for Independent Police Auditor.

Vice President Hernandez presented the approved terms as follows:

- Start Date: August 1, 2025
- Salary: \$240,000 per year
- Term: Indefinite, at the pleasure of the Board
- Severance: 12 months for involuntary termination (excluding death or gross misconduct)
- Benefits:
 - Same as other non-represented employees and retirees
 - Retiree medical/dental/vision option upon retirement
 - Relocation benefit: alternative plan coverage if outside District plan area
- Mandatory arbitration of employment disputes

Action

Upon motion by Vice President Hernandez to authorize, and seconded by Director Rinn, by unanimous roll call vote, the Board appointed Inez Gonzalez as Independent Police Auditor, effective August 1, 2025.

Vote Summary:

Moved / Seconded: Vice President Hernandez / Director Rinn.

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

No: 0

Abstain: 0

Absent: 0

Result: 9-0, motion carried by unanimous roll call vote.

President Foley extended appreciation to Media, Communications, and I.T. staff for their ongoing support in facilitating the meeting, wished everyone well, and noted no upcoming meetings in the next two weeks.

13. **ADJOURNMENT**

President Foley adjourned the meeting at 2:54 p.m.

Bob Franklin
Interim District Secretary