

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,899th Meeting  
January 27, 2022

A regular meeting of the Board of Directors was held on January 27, 2022, convening at 9:00 a.m. via teleconference, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361. President Saltzman presided; April B. A. Quintanilla, Assistant District Secretary.

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

Absent: None. Directors Allen, Dufty, and Simon entered the Meeting later.

Director Dufty entered the Meeting.

Director Simon entered the Meeting.

Director Allen entered the Meeting.

President Saltzman commented on accessing presentation materials online and gave instruction regarding Public Comment.

President Saltzman announced that the full schedule of evening Board meetings was created and noted that the schedule would be sent to Board Members and posted online. President Saltzman announced the following evening Board meeting dates: March 24<sup>th</sup>, May 26<sup>th</sup>, July 28<sup>th</sup>, September 22<sup>nd</sup>, and November 17<sup>th</sup>. President Saltzman also noted that the open session portion of the evening Board meetings will begin at 5:00 p.m. and that Public Comment will be heard at the beginning and end of the evening meetings.

President Saltzman called for Introduction of Special Guests. President Saltzman gave opening remarks; introduced the Bay Adapt Joint Platform; and thanked the San Francisco Bay Conservation and Development Commission (SFBCDC) for attending the Meeting. Carl Holmes, Assistant General Manager, Design and Construction, introduced the item and acknowledged SFBCDC and Zachary Wasserman, Chair of SFBCDC. SFBCDC Chair Wasserman gave remarks and introduced Jessica Fain, Director of Planning, SFBCDC, who presented the item.

Aleta Dupree addressed the Board.

The item was discussed with the following highlights:

Director Raburn thanked SFBCDC Chair Wasserman and SFBCDC Director of Planning Fain for their presentation to the Board; acknowledged Tian Feng, District Architect, for serving on the Leadership Advisory Board with SFBCDC and the efforts that led to a resilience plan at BART; mentioned the three areas of the adaptation actions: protect, accommodate, and avoid; and inquired if SFBCDC had taken action to restrict development that is vulnerable to sea level rise.

Director Ames expressed support and appreciation in the efforts to address climate change.

Director McPartland expressed support and enlightenment for the item.

Director Allen thanked SFBCDC Chair Wasserman and SFBCDC Director of Planning Fain for their presentation and expressed support for the item.

Director Raburn moved that Resolution No. 5502, Resolution In the Matter of Support for Bay Adapt Joint Platform, be adopted. Vice President Li seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Simon, and Saltzman. Noes: 0.

Aleta Dupree addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 13, 2022.
2. Resolution of Local Support for an Application to the Metropolitan Transportation Commission Safe and Seamless Mobility Quick-Strike Program for the BART Fare Equipment Collection (for East Bay Greenway Segment II) Project.
3. Resolution for Amended and Restated Flexible Benefits Plan.
4. Award of Contract No. 6M3499, Uniform Procurement for Station Agents and Foreworkers.
5. Award of Contract No. 6M3502, Uniform Procurement for Train Operators.
6. Resolution for Authorization of Property Exchange Between BART and Bocci Enterprises Near Colma BART Station.

President Saltzman called for Public Comment on the Consent Calendar. No comments received.

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

1. That the Minutes of the Meeting of January 13, 2022, be approved.

2. That Resolution No. 5503, In the Matter of Adoption of a Resolution of Local Support for the Safe and Seamless Mobility Quick-Strike Program for the BART Fare Equipment Collection (*for East Bay Greenway Segment II*) Project, be adopted.
3. That Resolution No. 5504, In the Matter of Approving the Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan, be adopted.
4. That the General Manager be authorized to award Contract No. 6M3499 for the procurement of Station Agent and Foreworker Uniforms, to M & H Uniforms for the Bid price of \$4,464,027.60, including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures.
5. That the General Manager be authorized to award Contract No. 6M3502 for the procurement of Train Operator Uniforms, to Galls, LLC for the Bid price of \$1,657,938.92, including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures.
6. That Resolution No. 5505, In the Matter of Authorizing the Conveyance of the San Francisco Bay Area Rapid Transit District's Fee Simple Interest in BART Parcel No. D-1012X-1 to Bocci Enterprises.

President Saltzman called for general Public Comment. Clif Harrison and Aleta Dupree addressed the Board.

Director Simon, Chairperson of the Administration Committee, had no report.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 07EA-120, 19th St./Oakland Station Modernization Project, with Proven Management, Inc., for Global Settlement, Including Project Delay and Acceleration (C.O. No. 37) before the Board. Assistant General Manager Holmes and Michael Wong, Project Manager, presented the item.

Aleta Dupree addressed the Board.

Director Raburn moved that the General Manager be authorized to execute Change Order No. 37, in an amount not to exceed \$4,000,000.00 to Contract No. 07EA-120, 19th St./Oakland Station Modernization with ProVen Management for global settlement of project delays and acceleration costs including pending Notice of Potential Claims (NOPCs) and certain Change Notices in the future. Director Dufty seconded the motion.

The item was discussed, with the following highlights:

Director Raburn mentioned the history of the 19th St./Oakland Station Modernization project and expressed excitement about the station modernization updates and the reopening of the restrooms.

Director Dufty thanked Project Manager Wong for his leadership in this project.

Director Allen expressed support for the project; inquired whether staff could change the way they present these kind of change orders to the Board; commented on information in the Executive Decision Document (EDD); and suggested that staff provide the Board with a list that includes the dollar amount assigned to each change order in the future.

Director McPartland commented on his concerns regarding the cost amount during the original staff briefing; commended Assistant General Manager Holmes for his collaboration; requested that department collaboration and the project planning be institutionalized to reduce the amount of change orders; and expressed support for the item.

Director Ames echoed the comments made by Directors Allen and McPartland and requested accountability for the accounts used for the change order and the cause of the change order.

Director Raburn expressed appreciation for comments made by Director McPartland regarding the disruption that the BART Operations Department experienced, and expressed concern regarding the change orders and the disruption progress of station modernization.

The motion brought by Director Raburn and seconded by Director Dufty, carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Simon (Director Simon made a “yes” gesture to the Assistant District Secretary and the Assistant District Secretary made the announcement verbally) and Saltzman. Noes: 0.

Director Foley, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to 2022 State Legislative Advocacy Program before the Board. Amanda Cruz, Manager of Government and Community Relations, and Harriet Richardson, Inspector General, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

President Saltzman expressed support for adding the pursuit for additional funding to help bolster the audit and investigative function of BART’s Office of the Inspector General to the 2022 State Legislative Advocacy Program, and indicated that the BART Board and staff should seek funding.

Director McPartland expressed support for the amendment to the 2022 State Legislative Advocacy Program and thanked Inspector General Richardson for the detailed budget presentation.

Director Allen expressed support for an increase in the budget for the Office of the Inspector General.

Director Ames inquired about other sources of funds that BART could seek and commented on the importance identifying other sources funding.

Director Raburn commented on the performance of the Office of the Inspector General and expressed that he could not support the amendment to the 2022 State Legislative Advocacy Program.

Director Allen responded to Director Raburn’s comment.

Vice President Li expressed agreement with Director Raburn’s comments; commented on the new approved Audit Plan; and indicated that she would vote against approval of the amendment to 2022 State Legislative Advocacy Program.

Director Simon expressed excitement about the increase in staffing for the Office of the Inspector General and the continued advocacy for the urgent needs for the system.

Director Dufty expressed support for the amendment to the 2022 State Legislative Advocacy Program, and commented on Audit Committee members support for additional funding for the Office of the Inspector General, and the difficulty in creating a new department at BART.

Director Foley expressed support for additional funding for the Office of the Inspector General and inquired whether advocacy efforts were a onetime solution or a systemic continuous revenue stream.

President Saltzman moved that the Board amends the 2022 State Legislative Advocacy Program to include the pursuit of additional funding for the Office of the Inspector General. Director Allen seconded the motion, which carried by roll call vote. Ayes: 6 – Directors Allen, Ames, Dufty, Foley, McPartland, and Saltzman. Noes: 2 – Directors Li and Raburn. Abstentions: 1 – Director Simon.

President Saltzman called for the General Manager's Report and announced that the General Manager's Report will be heard at the beginning of future Board Meetings following general Public Comment. Robert Powers, General Manager, reported on meeting with the Mayor and Vice Mayor of Berkeley, the approved award of the Affordable Housing and Sustainable Communities (AHSC) grants, reopening the restrooms, the installation of 680 feet of cables, the COVID-19 vaccination rate among employees, and ridership; and recognized Shannon Dodge, Principal Property Development Officer for her work.

President Saltzman called for Public Comment on the General Manager's Report and reopened general Public Comment.

Aleta Dupree and Bonnie Hall addressed the Board.

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

Director Foley reported on attending the BART Redistricting Public Outreach meetings, the Contra Costa Transportation Authority meeting, and the BART Police Citizen Review Board meeting; and commended Karl Carpio, BART Police Officer, and Anthony Borg, BART Police Officer, for their efforts to save the life of a BART passenger.

Director Ames reported on attending the BART Redistricting Public Outreach meeting; thanked the staff in the Engineering and Public Relations departments for their work; and requested that the Meeting be adjourned in honor of Michelle Alyssa Go, former Fremont resident.

Director Raburn reported on the BART Redistricting Public Outreach meetings and requested that the District Secretary's Office repost redistricting data on the BART Redistricting web page.

Director McPartland reported on attending public meetings with the City of Hayward in relation to track work and BART Police Citizen Review Board meeting; and acknowledged the work of Kerry Hillis, Principal Government and Community Relations Representative.

Director Simon reported on attending the BART Redistricting Public Outreach meetings and the meeting with the Mayor of Berkeley and the Berkeley City Council's staff regarding progressive policing; thanked President Saltzman for bringing the redistricting conversation to the Board; and commented on reopening of restrooms.

Vice President Li thanked Director Ames for the In Memoriam request and acknowledgement of Michelle Alyssa Go; commented on BART's the Resolution condemning acts of racism against the Asian American and Pacific Islander (AAPI) community; and commended the work of Edgardo Alvarez, Chief of Police, and all of the BART Police Officers.

Director Allen reported on attending the Contra Costa County Transportation Authority meeting and the BART Redistricting Public Outreach meeting; commented on the issues with the redistricting mapping tool; and inquired whether city managers within the BART District were contacted about the BART Redistricting Public Outreach meetings.

President Saltzman reported on speaking at the Albany Community Leaders meeting, and commented on the BART Progressive Policing Model and correcting issues at Bayfair BART Station.

President Saltzman announced that the Board would enter into closed session under Item 9-A (Public Employee Performance Evaluation) 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 11:02 a.m.

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The Board reconvened in closed session at 11:12 a.m.

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

Absent: None. Directors Allen and Ames entered the Meeting later.

Director Ames entered the Meeting.

Director Allen entered the Meeting.

Director Ames exited the Meeting.

The Board Meeting recessed at 1:22 p.m.

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The Board reconvened in open session at 1:23 p.m.

President Saltzman announced that the Board had concluded its closed session under Item 9-A and that there was no announcement to be made.

The Meeting adjourned at 1:23 p.m. in honor of Michelle Alyssa Go, former Fremont resident.

April B. A. Quintanilla  
Assistant District Secretary