

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,885th Meeting
May 13, 2021

A regular meeting of the Board of Directors was held on May 13, 2021, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Foley presided; Jacqueline R. Edwards, District Secretary.

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

Absent: None. Director Dufty entered the Meeting later.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

President Foley inquired whether there were any additional written public comments to include. Jacqueline R. Edwards, District Secretary, noted that there were no additional written public comments to include.

Director Dufty entered the Meeting.

President Foley called for Introduction of Special Guests. Robert Powers, General Manager, introduced Daniel Cooperman as the new Senior Manager of Social Services Partnerships, Government and Community Relations, and Senior Manager Cooperman addressed the Board.

President Foley welcomed Senior Manager Cooperman to BART.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 22, 2021.
2. Resolution Authorizing Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects with the California Department of Transportation.
3. Resolutions of Local Support for Applications to the Metropolitan Transportation Commission Safe and Seamless Mobility Quick-Strike Program for Various Projects.
4. Agreement with Oracle America, Inc. for Renewal of Subscription for Oracle Support Services.

Director Saltzman made the following motions as unit. Director Raburn seconded the motions.

1. That the Minutes of the Meeting of April 22, 2021, be approved.

2. That Resolution No. 5480, Authorization for the Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects, be adopted.
3. That Resolution No. 5481, In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Embarcadero Station Platform Elevator Capacity and Redundancy Project; Resolution No. 5482, In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Lafayette Town Center Pathway/BART Bike Station Project; and Resolution No. 5483, In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Bicycle, Pedestrian, and ADA Improvements at Pittsburg/Bay Point BART Station project, be adopted.
4. That the General Manager or his designee be authorized to execute a one (1) year subscription in an amount not to exceed \$921,866.93, and two (2) single year options to renew, each in an amount not to exceed \$1,000,000.00, with Oracle America Inc. for Oracle Support Services.

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

The motions brought by Director Saltzman and seconded by Director Raburn carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

President Foley called for general Public Comment, announced that the order of agenda items would be changed, and called for Public Comment on Item 4-B, Clipper Update.

The following individuals addressed the Board:

Clarence Fisher
Aleta Dupree
Anonymous Caller

Director Li, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2022 Budget: Service Plan and Operating and Capital Sources and Uses, before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget; Tamar Allen, Assistant General Manager, Operations; Christopher Simi, Director of Budgets; Michael Eiseman, Director of Financial Planning; and Priya Mathur, Manager of Financial Planning, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Clarence Fisher
John Arantes
Sal Cruz

The item was discussed, with the following highlights:

Director Simon expressed excitement about the proposed budget, incentive program, and increased train service in the fall.

Director Allen inquired whether staff was capitalizing the cost of maintenance on the eBART system and the amount of revenue from the Santa Clara Valley Transportation Authority (SCVTA) included in the budget; and requested that staff provide data regarding capital spending.

Director Simon exited the Meeting.

Director Ames requested that staff provide a more detailed list of capital project expenditures; inquired about mitigating work on capital projects to reduce operating costs, the projected operating deficit, the percentage of the increase in the number of System Service Workers, and the number of employees on the scrub crews; expressed excitement about the September rider incentive; and requested that staff conduct a cost-benefit analysis of the September rider incentive to determine if similar rider incentives could be offered during other months.

Director Dufty acknowledged managerial staff for their work and targeted investments to restore train service and ridership; and expressed excitement about cleaning efforts and off-peak ridership.

Director Li expressed support for the proposed budget and investments and requested that staff evaluate adding more scrub crews.

Director Raburn expressed support for the proposed plan, fare initiative for September, increased cleaning, and enhanced policing; and inquired about the application of the Clipper® discount to all discount fare programs.

Director McPartland expressed support for the fare reduction in September.

Director Saltzman expressed excitement about increased train service and the fare incentive program in September; requested that staff present information about ridership increases, the status of hiring cleaning personnel, and data regarding capital projects at a future Board meeting; and inquired about starting the hiring process for new cleaning positions.

President Foley expressed support for the proposed budget and fare incentive in September, receiving additional information regarding the capital budget, enhanced cleaning with additional scrub crews, and enhanced weekend service based on ridership trends.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Award of Agreements for Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing (Link21) before the Board. Sadie Graham, Capital Project Manager, Link21 and Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

The following individuals addressed the Board:

Sal Cruz
Aleta Dupree
Kim Pallari
Dr. Beverly Scott
Lisbet Sunshine

Rich Walter
Aidan Hughes
Rachel Copperman

Director Dufty moved that the General Manager be authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed agreements to provide Professional Services for the Program Identification and Project Selection for the New Transbay Rail Crossing – for the Not-to-Exceed Amounts identified below for a six (6) year base period (Phase 1) for all agreements with an option to extend the term of all agreements for an additional ten (10) years (Phase 2), pursuant to notification to be issued by the General Manager; the awards are subject to the District’s Protest Procedures and the Federal Transit Administration’s requirements related to protests.

1. Agreement No. 6M6146-SC1, Service Category 1 (SC1) – Engagement and Outreach to HDR Engineering, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$105 Million for the Phase 2 option.
2. Agreement No. 6M6146-SC2, Service Category 2 (SC2) – Travel Demand and Land Use to Cambridge Systematics, Inc., in an amount Not-to-Exceed \$10 Million for Phase 1, and an amount Not-to-Exceed \$20 Million for the Phase 2 option.
3. Agreement No. 6M6146-SC3, Service Category 3 (SC3) – Planning and Engineering to ARUP/WSP Joint Venture (JV), in an amount Not-to-Exceed \$55 Million for Phase 1, and an amount Not-to-Exceed \$210 Million for the Phase 2 option.
4. Agreement No. 6M6146-SC4, Service Category 4 (SC4) – Environmental to ICF Jones & Stokes, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$140 Million for the Phase 2 option.

Director Saltzman seconded the motion.

The item was discussed, with the following highlights:

Director Dufty expressed support for the Link21 project.

Director Saltzman expressed excitement about the Link21 project.

Director Allen expressed excitement about the Link21 project and concern about approving Phase 2 in addition to Phase 1 at this time.

Director Allen made the following substitute motion:

That the General Manager be authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed agreements to provide Professional Services for the Program Identification and Project Selection for the New Transbay Rail Crossing – for the Not-to-Exceed Amounts identified below for a six (6) year base period (Phase 1) for all agreements, pursuant to notification to be issued by the General Manager; the awards are subject to the District’s Protest Procedures and the Federal Transit Administration’s requirements related to protests.

1. Agreement No. 6M6146-SC1, Service Category 1 (SC1) – Engagement and Outreach to HDR Engineering, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1.
2. Agreement No. 6M6146-SC2, Service Category 2 (SC2) – Travel Demand and Land Use to Cambridge Systematics, Inc., in an amount Not-to-Exceed \$10 Million for Phase 1.
3. Agreement No. 6M6146-SC3, Service Category 3 (SC3) – Planning and Engineering to ARUP/WSP Joint Venture (JV), in an amount Not-to-Exceed \$55 Million for Phase 1.
4. Agreement No. 6M6146-SC4, Service Category 4 (SC4) – Environmental to ICF Jones & Stokes, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1.

Director Ames seconded the substitute motion.

Discussion continued with the following highlights:

Director Ames expressed willingness to approve Phase 1 and inquired about the freight capacity problem, future growth of freight, and current challenges with freight.

Director Simon re-entered the Meeting.

Director Raburn inquired whether Chad Edison mentioned freight in his letter.

Director Ames requested that staff provide a refined problem statement at the end of the year regarding the vision for freight and the growth of freight; inquired about the stage gate process and the important issues at the decision-making points over the next decade; expressed concern about staff checking-in enough with the Board and the community and support for the substitute motion; and requested that staff present more updates to the Board.

Director Li expressed disagreement with the substitute motion and support for the original motion.

Director Raburn expressed that he would support the original motion and that he was satisfied with the direction of the Link21 project.

The substitute motion brought by Director Allen and seconded by Director Ames failed by roll call vote. Ayes: 3 – Directors Allen, Ames, and McPartland. Noes: 6 – Directors Dufty, Li, Raburn, Saltzman, Simon, and Foley.

The original motion brought by Director Dufty and seconded by Director Saltzman carried by roll call vote. Ayes: 7 – Directors Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 2 – Directors Allen and Ames.

Director Raburn brought the following matters before the Board: (1) Update on BART Headquarters Office Building; (2) Change Orders to Contract No. 6M4706, Design-Build of BART Headquarters, with Turner Construction Company; (3) BART Headquarters Surveillance Impact Report; (4) Award of Agreement No. 6M4736, BART Headquarters' ("BHQ") Property Management Services for BART's Property at 2150 Webster St., Oakland, CA; and (5) Agreement with TMG Partners to Lease Parking Spaces for BART Corporate Vehicles. Carl Holmes, Assistant General Manager, Design and Construction; Emilia Sanchez,

Group Manager, Capital Projects; Office of Civil Rights Director Wiggins; and Sean Brooks, Director of Real Estate and Property Development, presented the items.

Sal Cruz and John Arantes addressed the Board.

The items were discussed, with the following highlights:

Director Allen inquired about the bonds that are issued for the new BART Headquarters (BHQ) building; expressed concern about the accounting for a line-item that includes short-term assets; requested that the vote on Change Order No. 505, BHQ Collaboration Space Technology and Furniture, be conducted separately; and indicated that she supports all the BHQ action items before the Board, except for Change Order No. 505.

Director McPartland expressed concern about the cost, equity of availability, and safety of roof access at the new BHQ and indicated that he would not support Change Order No. 506, Roof Access Design & Construction, as written.

Directors McPartland and Allen requested that the votes on the Change Orders to Contract No. 6M4706 be conducted separately.

Director Dufty made the following motions as a unit. Director Li seconded the motions.

1. That the Board of Directors approves BHQ's Surveillance Impact Report; that the Board of Directors further finds that the benefits of the proposed additional surveillance equipment requested will outweigh the costs and concerns related thereto; and that the General Manager or his designee be authorized to proceed with the use of this additional surveillance equipment for all of the purposes described in the Closed Circuit Television (CCTV) Surveillance Use Policy.
2. That the General Manager, or their designee, be authorized to execute a professional services agreement with RiverRock Real Estate Group for property management services for District Property consisting of 244,287 square feet (sf) of space and ten (10) floors at 2150 Webster Street for five (5) years with two (2) one-year options, for a total amount of \$2,326,484.00, and allow RiverRock Real Estate Group to administer the overall budget for property management and procure related building services at a cost not to exceed a total of \$18,200,000.00.
3. That the General Manager or his designee be authorized to enter into a fifteen-year lease with TMG Partners for approximately 90 parking spaces for BART Corporate Vehicle Parking at the 300 Lakeside Garage in Oakland, with options to extend for two additional five-year periods, commencing July 1, 2021 at an initial monthly rate of \$247.00/stall for the first three years of the lease; and increasing thereafter subject to the terms of the agreement.

Director Dufty moved that the General Manager or his designee be authorized to execute Change Order No. 504, Fire Pump Code Compliance Modifications, Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) in an amount not to exceed \$720,000.00. Director Li seconded the motion.

Director Dufty moved that the General Manager be authorized to execute Change Order No. 505, BHQ Collaboration Space Technology and Furniture, in the not to exceed amount of \$3,420,000.00, to Contract No. 6M4706, for Design-Build of BART Headquarters, with Turner Construction Company. Director Li seconded the motion.

Director Dufty moved that the General Manager or his designee be authorized to execute Change Order No. 506, Roof Access Design & Construction to Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) in an amount not to exceed \$1,200,000.00. Director Li seconded the motion.

Discussion continued, with the following highlights:

Director Dufty expressed support for rooftop access at the new BHQ building and the BHQ action items before the Board.

Director Ames inquired whether fixtures, furniture, and equipment (FF&E) can be charged to a bond, whether a seismic analysis had been conducted on BART's existing facilities, and whether an analysis of how BART's existing facilities would perform under current standards had been conducted; requested that staff provide her with the seismic study of the new BHQ building and a briefing on seismic issues; and expressed willingness to support the motions brought by Director Dufty.

Director Simon expressed support for the Change Orders to Contract No. 6M4706 and excitement about the new BHQ building.

Director Li called the question on the motions brought by Director Dufty and seconded by Director Li.

Director Raburn expressed that we would support the Change Orders to Contract No. 6M4706.

The motion brought by Director Dufty and seconded by Director Li, regarding Change Order No. 504 to Contract No. 6M4706, carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

The motion brought by Director Dufty and seconded by Director Li, regarding Change Order No. 505 to Contract No. 6M4706, carried by roll call vote. Ayes: 8 – Directors Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 1 – Director Allen.

The motion brought by Director Dufty and seconded by Director Li, regarding Change Order No. 506 to Contract No. 6M4706, carried by roll call vote. Ayes: 7 – Directors Ames, Dufty, Li, Raburn, Saltzman, Simon, and Foley. Noes: 2 – Directors Allen and McPartland.

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

Director Li brought the matter of Clipper Update before the Board. Patricia Nelson, Fare Programs Administrator, Performance and Budget; Assistant General Manager Herhold; and Financial Planning Director Eiseman presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Saltzman expressed excitement about the Clipper® update, the progress on Clipper products, and the new fare flexibility that BART will have; inquired about promotion efforts in the upcoming months for the Clipper START program; and requested that the Board be provided with sharable language about Clipper START.

Director Ames inquired about the complexity of rolling out Clipper open payment.

Director Raburn inquired about potentially discontinuing paper tickets in 2022.

Director McPartland expressed satisfaction with the ability to stack fare discounts.

Director Li expressed excitement about Clipper open payment and the potential extension of Clipper START.

President Foley inquired about whether Clipper 2 provides seamless fare integration for Clipper users and a rider's ability to remove a Clipper account from a lost device.

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

President Foley called for the General Manager's Report. General Manager Powers reported on his meetings with BART's federal delegation and the A75 Interlocking Project weekend closures; acknowledged the Transit-Oriented Development (TOD) department's work with the City of Berkeley and the Berkeley City Council's funding pledge for affordable housing at the Ashby and North Berkeley stations; thanked Directors Saltzman and Simon for their support and leadership surrounding TOD in Berkeley; and highlighted Police Chief Ed Alvarez's work to increase BART Police Department presence in the system. Michael Jones, Deputy General Manager, reported on the move to the new BHQ, the employee town hall event regarding the move to the new BHQ, and BART's return to work plan.

Aleta Dupree addressed the Board.

Director Li requested that the Quarterly Performance Report (QPR) include charts outlining crimes against persons and the decrease in electronic thefts (e-thefts); inquired about the hiring and deployment of Crisis Intervention Specialists and Ambassadors; and requested that staff provide the Board with a memo regarding BART's return-to-work policy and plan and updates on returning to in-person Board meetings and Director Saltzman's Roll Call for Introductions (RCI) request regarding continued virtual access to Board meetings for members of the public.

President Foley inquired whether the safe occupancy limit for the new BHQ building had been determined.

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

Director Raburn commented his observations of BART Police Officers in the system; reported that he had participated in a presentation to the American Institute of Architects (AIA), East Bay Chapter, regarding Transit-Oriented Development (TOD); recognized Abigail Thorne-Lyman, Group Manager, Transit-Oriented Development (Real Estate and Property Development) and Phoebe Cheng, Manager of Civil and Structural

Engineering, for their assistance with the presentation to the AIA; and thanked Val Menotti, Chief Planning Development Officer, for his assistance with the presentation to the AIA.

Director Saltzman expressed excitement about the City of Berkeley's funding allocation to affordable housing at the Ashby and North Berkeley stations, and reported that she had attended a presentation to the El Cerrito City Council regarding the TOD project at El Cerrito Plaza Station and a tour of El Cerrito Del Norte Station with staff, El Cerrito Mayor Paul Fadelli, and El Cerrito City Councilmember Janet Abelson. Director Saltzman submitted the following RCI request:

It has been nearly twenty years since BART shut down underground station restrooms, and many riders have urged BART to reopen them in the decades since. Restrooms are essential to riders, which BART acknowledges by continuing to construct and operate above ground station restrooms.

This RCI requests that staff return to the Board no later than October 2021 with an informational presentation on cost estimates to reopen all underground station restrooms, excluding 19th Street and Powell, which are in the process of being reopened. These estimates should include both capital costs for reopening using the 19th Street, Powell, and El Cerrito Del Norte restroom models with multiple stalls and an open entry to the restrooms, prioritizing doing the work in house with BART workers if feasible. The estimates should also include ongoing operating costs.

My goal in introducing this RCI is for the Board to have the information needed to consider investments in reopening restrooms as soon as a mid-year budget revision, if revenue is favorable, or in the Fiscal Year (FY) 23 budget.

Directors Simon, Dufty, Raburn, Li, and Foley seconded Director Saltzman's RCI request.

Director Dufty reported on the COVID-19 testing and vaccination programs at 24th Street Mission Station and thanked staff for their assistance with the programs; and requested that the Meeting be adjourned in honor of Elizabeth "Betsy" Uprichard, member of the San Francisco community and constituent of Director Dufty.

Director Ames thanked Real Estate and Property Development Director Brooks and Chief Planning Development Officer Menotti for organizing a tour of Millbrae Station with Republic Urban Properties; reported that Citizens Committee to Complete the Refuge and other residents of southern Alameda County had contacted her regarding the South Bay Connect project and freight impacts; and thanked engineering and planning staff for their work on infrastructure projects between the South Hayward and Union City stations.

Director Simon recognized staff's work with the City of Berkeley regarding TOD at the Ashby and North Berkeley stations; acknowledged Alicia Trost, Chief Communications Officer, Jennifer Easton, Manager of Special Project (Strategic and Policy Planning), Art Department staff, the Progressive Policing and Community Engagement Bureau, and Chief Alvarez for their work with the "Not One More Girl" campaign; reported on her meeting with a major technology company and the Performance and Budget team, regarding private investment in field trip incentive programs for Title I schools, and her meetings with BART's congressional delegation members; and recognized unions and employees' contribution of resources to support the family of Shawn Rollerson, long-term employee and Train Operator at BART, and thanked Amalgamated Transit Union (ATU) leadership for their interagency outreach.

President Foley announced that the Board would enter into closed session under Items 9-A (Public Employee Performance Evaluation) and 9-B (Public Employee Employment) 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 1:22 p.m.

The Board reconvened in closed session at 1:37 p.m.

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

Absent: None.

The Board Meeting recessed at 4:05 p.m.

The Board reconvened in open session at 4:06 p.m.

Directors present: President Foley.

Absent: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Simon.

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

The Meeting adjourned at 4:06 p.m. in honor of Elizabeth “Betsy” Uprichard.

Jacqueline R. Edwards
District Secretary