

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 1,932ND MEETING THURSDAY, APRIL 27, 2023

Members of the Board of Directors

Janice Li, President (District 8)

Mark Foley, Vice President (District 2)

Debora Allen (District 1)

Rebecca Saltzman (District 3)

Robert Raburn (District 4)

John McPartland (District 5)

Elizabeth Ames (District 6)

Lateefah Simon (District 7)

Bevan Dufty (District 9)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on April 27, 2023, convening at 9:01 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Li presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Li called the Meeting to order at 9:01 a.m.

A. Roll Call.

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

Directors Present via Teleconference: None.

Absent: None.

B. Pledge of Allegiance. Ed Alvarez, Chief of Police, led the Pledge of Allegiance.

C. Introduction of Special Guests.

President Li acknowledged the presence of several special guests and invited Board Members to recognize any additional guests. No additional special guests were introduced.

President Li announced that the order of agenda items would be changed.

2. REPORT OF THE BOARD PRESIDENT

Item 2 was heard before Item 6, Public Comment.

President Li brought the Report of the Board President before the Board. President Li reported on the status of the appointment of the next Inspector General and the tragic suicide of a displaced resident of the Coliseum Connections building. President Li emphasized the need to create space for public comments and expressed condolences to the affected family and commended Director Simon for her leadership and communication with city leaders and residents.

Director Simon expressed her concerns and empathy for the families affected by the Coliseum Connections situation. Director Simon also highlighted the challenges faced by displaced residents who have been seeking help and the difficulties they encountered with government agencies. Director Simon stressed the responsibility of BART and city agencies to support the affected families and create stability.

Public Comment

The following individuals addressed the Board:

Jasmine Braggs
Sean Gillane

Tommie Wheeler
Janette Johnson
Antoinette Thomas
JenaJanet Johnson
Alejandra Vila
Miesha Williams
Davina Brown
Pepper Hoskins
Anglyn Sasser
Genoa
LaConnie
Jedidiah Burton
Faviola
L.
Hezekiah Burton
Cynthia

3. **BOARD COMMITTEE REPORTS**

President Li called for Board Committee Reports.

Director Saltzman, Vice Chairperson of the Financial Structure Ad Hoc Committee, reported on the Financial Structure Ad Hoc Committee meeting held on April 17, 2023, noting that the Committee reviewed financial structure options based on the Financial Structure Audit recommendations. Director Saltzman also indicated that the proposed timeline aims to implement changes by the Fiscal Year 2026 budget cycle.

Director Dufty, Chairperson of the Audit Committee, reported on the Audit Committee meeting held on April 18, 2023, noting that the Committee received presentations on capital audit and review activities, Office of Inspector General activities, and distribution of promotional items using internal BART funds. Director Dufty also indicated that the Inspector General's report outlined ongoing investigations and corrective actions.

Public Comment

Aleta Dupree addressed the Board.

4. **CONSENT CALENDAR**

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

- A. Resolution Authorizing the Submittal of BART to Antioch Operating Funds (Year 5) Application, and Supporting Documents, for the Fiscal Year 2022-2023 Low Carbon Transit Operations Program (LCTOP).
- B. Renewal of Software Subscription with Acquia, Inc. for Website Platform Management Software.
- C. Amendment to Agreement No. 6M7307, with Ripple Effect Media, for Continued Audio/Visual Support for Live Streaming of Board Meetings, Committee Meetings, and Events.

- D. Change Order to Contract No. 15CQ-208, K-Line Interlocking Replacement K23/K25 Special Trackwork Procurement, with voestalpine Railway Systems Nortrak LLC, for Additional Turnouts and Standard Concrete Ties.
- E. Authorization to Execute Amendment to Lease Agreement with Union Pacific Railroad Company for Yard Space Near 601 8th Street, Oakland, CA.

Director Dufty moved to approve the Consent Calendar by one motion. Director Simon seconded the motion

Public Comment

No comments were received.

Action

Upon motion by Director Dufty and second by Director Simon the following actions were approved by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Dufty / Director Simon

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

No: 0.

Abstain: 0.

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

- A. Resolution No. 5556, In the Matter of Authorizing the Submittal of BART To Antioch Operating Funds (Year 5) Application, and Supporting Documents, for FY 22-23 Low Carbon Transit Operations Program (LCTOP), was adopted. *(Vote: 9-0)*
- B. The General Manager was authorized to execute a Purchase Order to obtain a cloud software subscription from Acquia, Inc., for website platform management software, in an amount not to exceed \$656,000.00 over four (4) years. *(Vote: 9-0)*
- C. The General Manager was authorized to amend Professional Services Agreement 6M7307 with Ripple Effect Media to add \$20,000.00 to continue audio/visual support for continued live streaming of Board meetings, committee meetings and other live events through Fiscal Year 2023. *(Vote: 9-0)*
- D. The General Manager was authorized to execute Change Order No. 1 to Contract No. 15CQ-208, K-Line Interlocking Replacement K23/K25 Special Trackwork Procurement, in the amount of \$933,534.00. *(Vote: 9-0)*
- E. The General Manager or his designee was authorized to execute a First Amendment to Lease with Union Pacific Railroad Company for an initial term of one year with two automatic one-year renewals. *(Vote: 9-0)*

5. **GENERAL MANAGER'S REPORT**

Items 5-A and 5-B were heard together.

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

Robert Powers, General Manager, reported on the Grand Opening of the Transit-Oriented Development (TOD) project, named Gateway, at Millbrae Station, attending the second Transit Chief Executive Officer ridership event, BART hosting the Community of Metros event, BART's award of \$11.3 million from the Transit and Intercity Rail Capital Program (TIRCP) for the Link21 program, ridership, and the upcoming retirement of Ed Alvarez, Chief of Police, after over 25 years of service to BART.

General Manager Powers gratitude for Chief Alvarez's leadership, community engagement, and commitment to making BART better. General Manager Powers presented Chief Alvarez with commemorative engraved book end BART rails.

- B. Resolution Commending Edgardo Alvarez.

Discussion

The item was discussed with the following highlights:

President Li commended Chief Alvarez's leadership; reminisced about when he was named and promoted to the role of Chief of Police in January 2020; and commented on his responsiveness, listening acumen, and openness to partnership with the community at the first-ever Chinese media press conference with Chinese media outlets to discuss public safety because of concerns around the rise of COVID-19. President Li noted that Chief Alvarez's time as Chief of Police was defined by that press conference and the many policies the BART Board has supported to modernize the BART police force in rethinking what transit safety looks like in 2023.

Director Simon commended Chief Alvarez's leadership, highlighting his action-oriented approach and demonstrated readiness to drive change. Director Simon also commented on Chief Alvarez's deep empathy, evident in his background, upbringing, and genuine care for others, and strategic acumen, evident in his storytelling and leadership that shifted perceptions of law enforcement. Director Simon acknowledged Chief Alvarez's comradeship, integrity, and positive impact on the community, and his impact on implementing the Progressive Policing strategy, fostering community engagement, and promoting a diverse and effective management team.

Director Dufty acknowledged Chief Alvarez's dedication to community policing and the positive impact this had on BART and the surrounding areas. Director Dufty also appreciated Chief Alvarez's partnership and collaboration with the San Francisco Police Department and the BART Police Department. Director Dufty pledged continued efforts to work together for better outcomes, particularly in addressing homelessness and partnering with cities and counties.

Vice President Foley commended Chief Alvarez for his dedicated service to BART, acknowledged the challenges he faced as Chief, and the willingness he exhibited to embrace innovative approaches to policing. Vice President Foley also noted that Chief Alvarez's tenure had been marked by accomplishments such as text messaging communication, fare gate improvements, and other forward-

thinking measures.

Director Raburn reflected on the many roles Chief Alvarez held during his career and praised his exceptional leadership during difficult times. Director Raburn commented on Chief Alvarez's commendable work with the Center for Policing Equity, his commitment to progressive policing, and his ability to lead the department through challenging times.

Director Ames commented on Chief Alvarez's ability to balance both conservative and progressive values, which made him an effective leader. Director Ames expressed appreciation for Chief Alvarez's initiatives, such as implementing text messaging communication and innovative policing strategies. Director Ames indicated that Chief Alvarez's legacy would continue to inspire the BART community.

Director McPartland shared memories of Chief Alvarez's collaboration during safety drills and acknowledged Chief Alvarez's unwavering support and partnership in ensuring the safety of the BART community. Director McPartland also conveyed his gratitude and warm wishes for Chief Alvarez' in his retirement.

Director Allen commended Chief Alvarez's ability to lead the BART Police Department through challenging times and his dedication to balancing both conservative and progressive values regarding policing, highlighting the deployment of progressive policing. Director Allen also acknowledged Chief Alvarez's role in building community trust through empathy and innovative policing strategies.

Director Saltzman echoed the sentiments expressed by Director Simon and commended Chief Alvarez's accomplishments during his tenure. Director Saltzman also commented on Chief Alvarez's collaboration with the Office of the Independent Police Auditor and the Police Citizen Review Board to implement essential reforms and highlighted his contributions to progressive policing and community engagement.

President Li thanked Chief Alvarez for his exceptional service and leadership throughout his career, expressed gratitude for his commitment to implementing crucial reforms and fostering community trust, and commended him for leaving a lasting positive impact on the BART community.

Director Saltzman moved that Resolution No. 5557, Resolution Commending Edgardo Alvarez, be adopted.

Director Simon seconded the motion.

Preside Li read the Resolution aloud into the record.

Action

Upon motion by Director Saltzman and second by Director Simon, Resolution No. 5557, Resolution Commending Edgardo Alvarez, was adopted by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Saltzman / Director Simon

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

No: 0.

Abstain: 0.

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

Public Comment

Shane Reiss and Aleta Dupree addressed the Board.

Chief Alvarez addressed the Board.

A group photo was taken following Chief Alvarez’s remarks.

6. PUBLIC COMMENT

President Li 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 address the Board:

Glenn Overton
Clarence Fischer
Mark Mollineaux
Aleta Dupree
Joshua Hawn
Davina Brown
Tracy Peterson

7. INDEPENDENT POLICE AUDITOR’S REPORT

A. Independent Police Auditor Quarterly Update.

President Li brought the item before the Board.

Russell Bloom, Independent Police Auditor, presented the item and expressed gratitude to Chief Alvarez for his collaborative efforts and dedication to improving the police department, highlighting the Positive Outcome Award and the recognition of exemplary work.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Dufty expressed appreciation for the detailed report presented by Independent Police Auditor

Bloom, affirmed support for a study by the Office of Independent Police Auditor (OIPA), and highlighted that the study's budget would cover non-labor expenses, including data analysis services from the company Stout, Inc. Director Dufty also emphasized the importance of data accessibility for the project's success.

Director Simon commended the presentation's quality, teamwork across departments, the efforts to enhance transparency and collaboration with external partners, and the intention to address both positive and challenging aspects of the project.

Director Raburn expressed support for a new study by the Center for Policing Equity (CPE) on fare enforcement and inquired about progress regarding recommendations from a previous report.

Director Allen inquired about the Department of Justice (DOJ) review, commented on the previous CPE report and findings, and expressed hope that the new study would be more comprehensive in its analysis of all types of citations issued by both sworn and civilian officers.

Director Ames sought clarification about changes to the policy on drawing or displaying firearms and its relevance to the CPE study, as well as the term "substantial risk."

President Li commended the quality of the presentation and expressed appreciation for the comprehensive report. President Li expressed support for continuing the partnership with CPE to address racial disparities in policing and highlighted that the data used for the previous CPE report was dated, noting the importance of conducting analyses with up-to-date data.

Action

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

8. ADMINISTRATION ITEMS **Director Dufty, Chairperson**

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

9. ENGINEERING AND OPERATIONS ITEMS **Director Foley, Chairperson**

A. Reimagined Service Plan Concept for Ridership, On-Time Performance, and Cost Efficiency.

Vice President Foley, Chairperson of the Engineering and Operations Committee, brought the item before the Board.

Deputy General Manager Michael Jones, Deputy General Manager; John McCormick, Director of Operations Planning; Shane Edwards, Assistant General Manager, Operations; and Tera Stokes-Hankins, Acting Chief Transportation Officer, presented the item.

Public Comment

The following individuals addressed the Board:

Clarence Fisher
Aleta Dupree
Richard Newton
Laura Hill
Ian Griffiths
Derek Sagehorn
Bryan Culbertson

Discussion

The item was discussed, with the following highlights:

Director Saltzman expressed gratitude to staff for their efforts in improving weekend and evening service and acknowledged staff's dedication. Director Saltzman also expressed amazement at the revenue-neutral approach the staff devised and commended their innovation. Director Saltzman shared that robust and positive engagement from the public was received after posting about the service changes on Twitter®. Director Saltzman indicated that beyond increasing ridership, these changes would enhance the overall quality of life for many in the Bay Area and referenced data from the Bay Area Council that supports the need for evolving BART's service model. Director Saltzman also stressed the importance of effective communication to build confidence among riders about the service changes.

Director McPartland expressed optimism for the changes and thanked the team. Director McPartland also expressed agreement with Director Saltzman regarding the Bay Area Council and highlighted that schedule changes can be adjusted based on ridership trends. Director McPartland expressed appreciation for the new schedule's clarity for the public and emphasized the improved reliability and consistency of service with the service plan.

Director Allen thanked staff for their analysis and inquired about the cost implications of the proposed change. Director Allen also expressed interest in receiving data on current ridership for different time segments such as weekdays, nights, and weekends, and emphasized the importance of focusing on high-demand areas given the financial challenges the organization is facing.

Director Raburn expressed enthusiasm about the proposal and commended the responsiveness to Board Members and the public's demand for improved weekend and evening service. Director Raburn sought more details about the impacts of the change on weekdays and inquired about the Title VI analysis conducted by BART's Office of Civil Rights.

President Li expressed gratitude to the team for their work on developing a cost-neutral plan to increase service during weekends and evenings. President Li also commented on the historical context of the Board's desire for increased service during these hours and noted that this aligned with ridership trends during the COVID-19 pandemic. President Li acknowledged the success of recalibrating service in other regions, emphasized the need for BART to be open to service adjustments, and highlighted the importance of closely monitoring the changes and adjusting if needed. President Li expressed support

for the increased service plan to and from San Francisco International Airport and commented on BART's efforts to address concerns from the Bay Area Council.

Director Ames expressed appreciation for the creative plan and considered it suited for the "new normal" of transit patterns. Director Ames also expressed excitement about experimenting with ridership growth and concerns about transfer times, especially at Bay Fair Station, where riders might miss connections by a minute.

Vice President Foley expressed support for the increased frequency plan due to overcrowding and safety concerns. Vice President Foley also suggested maximizing train lengths during peak hours to accommodate increased ridership, commented on opportunities for earlier and later trips to the San Francisco International Airport, and emphasized the need for seamless transit coordination with bus feeders.

Action

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

President Li announced that the order of agenda items would be changed.

10. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS **Director Saltzman, Chairperson**

A. Legislation for Consideration.

Item 10-A was continued to a future Board Meeting.

Director Allen exited the Meeting.

B. Parking Pricing Policy Update.

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

Robert Franklin, Group Manager, Customer Access, and Ryan Greene-Roesel, Parking Program Manager, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

President Li noted that there have been incremental increases in rider fares for inflation over many years without equivalent increases in parking costs and expressed support for the staff-proposed changes and option B1, as that is consistent with Clipper® Start and the planned 50% fare discount.

Director Raburn suggested considering a downward adjustment of the 90% threshold for pricing changes and introducing a new category for event-based parking fees.

Vice President Foley inquired about the fee adjustments based on weekends and weekdays and the mechanism for adjusting fees at stations that are 90% full.

Director Saltzman expressed support for the proposed changes and the means-based parking study. Director Saltzman also recommended a sustainable long-term policy and requested more information about how the proposed fees compare to those of other transit agencies.

Action

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

Director Saltzman exited the Meeting.

Director Simon exited the Meeting.

11. BOARD MATTERS

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

Item 11, Board Matters, was heard before adjournment, after Item 13, Open Session.

President Li called for Items 11-A, Board Member Reports; 11-B, Roll Call for Introductions; and 11-C, In Memoriam, and invited April Quintanilla, District Secretary, to comment on the District Secretary's Office (DSO) Quarterly Update Newsletter.

District Secretary Quintanilla provided a brief update on the DSO Quarterly Update Newsletter, noting that the newsletter highlights major activities from the past and upcoming projects and includes clickable links to various resources such as Form 700, BART News, BART merchandise, district financials, and staff contacts. District Secretary Quintanilla also introduced Louis Ósémwegie, the new Assistant District Secretary.

President Li thanked District Secretary Quintanilla for the update, acknowledged enthusiastically receiving communications from the DSO, and welcomed Assistant District Secretary Ósémwegie to BART.

Vice President Foley reported on attending the American Public Transportation Association (APTA) Mobility Conference and acknowledged Jennifer Easton's, Manager of Special Projects, presentation on making public transportation safe and welcoming for everyone.

Director Ames reported on attending Solidarity Week at Logan High School in Union City.

Director Raburn reported on participating in an Easter event in Cherryland Park, where Amanda Cruz, Director of Government and Community Relations, was present to engage with the community. Director Raburn also reported on meeting with officials from the City of Hayward to discuss transit-oriented development, participating in discussions about addressing homeless encampments near Coliseum Station, and attending the Capitol Corridor Joint Powers Authority Board meeting.

12. **CLOSED SESSION**

A. PUBLIC EMPLOYMENT

Title: Inspector General

Government Code Section: 54957

B. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: President Li, Vice President Foley, Director Saltzman

Title: Inspector General

Government Code Section: 54957.6

C. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: Robert Powers, General Manager; Michael Jones,
Deputy General Manager; David Coleman, Director of Labor Relations

Employee Organizations: (1) BART Police Officers' Association;
(2) BART Police Managers' Association

Government Code Section: 54957.6

Item 12 was heard before Item 11, Board Matters.

President Li brought the items before the Board and announced that the Board would enter into Closed Session under Items 12-A (Public Employment), 12-B (Conference with Labor Negotiators), and 12-C (Conference with Labor Negotiators) 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 1:53 p.m.

The Board reconvened in Closed Session at approximately 2:00 p.m.

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

Directors Present via Teleconference: None.

Absent: Directors Allen, Saltzman, and Simon.

Director McPartland exited the Meeting.

The Board Meeting recessed at 2:35 p.m.

13. **OPEN SESSION**

The Board reconvened in Open Session at 2:39 p.m.

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

Directors Present via Teleconference: None.

Absent: Directors Allen, McPartland, Saltzman, and Simon.

A. Announcements from Closed Session, if any.

President Li announced that the Board had concluded its Closed Session under Items 12-A, 12-B, and 12-C and that there were no announcements to be made.

B. Compensation and Benefits for Inspector General.

Item 13-B was not heard or presented.

ADJOURNMENT

The Meeting adjourned at 2:43 p.m.

April B. A. Quintanilla
District Secretary