

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

The Board Meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612 with an option for public participation via teleconference.

Thursday, September 14, 2023

1:00 PM

BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612.

Zoom Link: <https://us06web.zoom.us/j/83644955288>

Board of Directors

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

BOARD MEETING AGENDA

September 14, 2023

1:00 p.m.

A regular meeting of the Board of Directors will be held at 1:00 p.m. on Thursday, September 14, 2023, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. Please note that regular business is not expected to begin before 2:00 p.m., following Closed Session.

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612 with an option for public participation via teleconference.

You may watch the Board Meeting live or archived at <https://bart.gov/boardtv>

Presentation and agenda materials will be available via Legistar at <https://bart.legistar.com>

You may attend the Board Meeting in person or join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 836 4495 5288; logging in to Zoom.com and entering access code 836 4495 5288; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/83644955288>

Members of the public may address the Board of Directors regarding any matter on this agenda. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using “public comment” as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on September 13, 2023, in order to be included in the record.
- 2) Complete a “Request to Address the Board of Directors” form (available at the entrance to the Board Room) and give it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 836 4495 5288, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code 836 4495 5288, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/83644955288>) and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<https://www.bart.gov/about/bod>).

Meeting notices and agendas are available at bart.legistar.com; via email (<https://cloud.info.bart.gov/signup>); or via regular mail upon request submitted to the District Secretary.

Complete agenda packets (in PDF format) are generally available for review at bart.legistar.com no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 2150 Webster Street, 10th Floor, Oakland, California 94612; or telephone at 510-464-6083.

April B. A. Quintanilla
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.
2. CLOSED SESSION
 - A. (CONTINUED from August 24, 2023 Board Meeting)

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organizations: Amalgamated Transit Union, Local 1555; American Federation of State, County and Municipal Employees, Local 3993; BART Police Officers' Association; BART Police Managers' Association; Service Employees International Union, Local 1021, BART Chapter; Service Employees International Union, Local 1021, BART Professional Chapter; and Unrepresented Employees (Positions: All)

Government Code Section: 54957.6

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(1) Property: 415 20th Street, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: 415 20th Street LLC (Hines) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

(2) Property: 1919 Webster Street, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: 1919 Webster Owner LLC (Ellis Partners) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

(3) Property: 2000 Broadway, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: Kaiser Foundation Health Plan Inc. and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

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

Case No.: 22-cv-06119

Government Code Section: 54956.9(a)

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

Case No.: 22-cv-09193

Government Code Section: 54956.9(a)

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

Case No.: 22-cv-07720

Government Code Section: 54956.9(a)

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

Case No.: 23CV036534

Government Code Section: 54956.9(a)

D. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: Interim General Counsel

Government Code Section: 54957(b)(1)

E. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: President Janice Li, Director Rebecca Saltzman, and Vice President Mark Foley

Title: Interim General Counsel

Government Code Section 54957.6

3. OPEN SESSION

A. Announcements from Closed Session, if any.

B. Compensation and Benefits for Interim General Counsel.
Board requested to authorize.

4. REPORT OF THE BOARD PRESIDENT**5. BOARD COMMITTEE REPORTS**

(An opportunity for Committee Chairpersons to report out on the activities of Board Committees that have met since the last Board Meeting.)

6. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 27, 2023 (Special).
Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of March 27, 2023 \(Special\)](#)

- B. Authorization to Award the Order to Purchase for Resale of HO Scale Electric Model BART Train Cars to Rapido Trains, Inc.
Board requested to authorize.

Attachments: [Authorization to Award the Order to Purchase for Resale of HO Scale Electric Model BART Train Cars to Rapido Trains, Inc. - EDD](#)

- C. Review of Directors' Use of District Property for Fiscal Year 2023.
Board requested to accept.

Attachments: [Review of Directors' Use of District Property for Fiscal Year 2023 - Memo](#)
[Review of Directors' Use of District Property for Fiscal Year 2023 - Report](#)

- D. Award of Agreement No. 6M3659A with San Francisco Elevators, LLC, for Emergency Elevator Repair Services.
Board requested to authorize.

Attachments: [Award of Agreement No. 6M3659A - EDD](#)

- E. Procurement with W.W. Grainger, Inc., as the official National Association of State Procurement Officials (NASPO) Provider, for Light Fixtures for the North Berkeley Access Improvements Project.
Board requested to authorize.

Attachments: [Procurement with W.W. Grainger, Inc. - EDD](#)

7. GENERAL MANAGER'S REPORT

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

8. 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. Public comment is limited to three (3) minutes per person.)

9. ADMINISTRATION ITEMS

Director Dufty, Chairperson

NO ITEMS.

10. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Next Generation Fare Gates Update.
For information.

Attachments: [Next Generation Fare Gates Update - Memo](#)
[Next Generation Fare Gates Update - Presentation](#)

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

Director Saltzman, Chairperson

- A. System Development Policy Update.
For information.

Attachments: [System Development Policy Update - Memo](#)
[System Development Policy Update - Redlined Policy](#)
[System Development Policy Update - Policy](#)
[System Development Policy Update - Presentation](#)

12. BOARD MATTERS

- A. Vaccination Policy Update and Discussion.
For action.

Attachments: [Vaccination Policy Update and Discussion - Memo](#)
[Vaccination Policy Update and Discussion - Redlined Amended Policy](#)
[Vaccination Policy Update and Discussion - Amended Policy](#)

- B. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through

the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since the last Board Meeting.)

C. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

D. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

13. ADJOURNMENT