

# **San Francisco Bay Area Rapid Transit District**

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688



## **BOARD MEETING AGENDA**

**Thursday, August 22, 2019**

**9:00 AM**

**BART Board Room, 2040 Webster Street, Third Floor, Oakland, California**

**Board of Directors**

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, August 22, 2019, in the BART Board Room, 2040 Webster Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a "Request to Address the Board" form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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 service/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 (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at [bart.legistar.com](http://bart.legistar.com); and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscribe/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscribe/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and [bart.legistar.com](http://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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Jacqueline R. Edwards  
Assistant District Secretary

## Regular Meeting of the

BOARD OF DIRECTORS1. CALL TO ORDER

A. Roll Call

B. Pledge of Allegiance

C. Introduction of Special Guests.

- i. BART Police Department - Presentation on Commission on Accreditation of Law (CALEA).

2. PUBLIC HEARING

- A. New Fee for the Review of Unsolicited Proposals for Property Development on District-owned Land.

**Attachments:** [New Fee for the Review of Unsolicited Proposals for Property Development on District-owned Land - Public Hearing](#)

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of July 25, 2019. Board requested to authorize.

**Attachments:** [Approval of Minutes of the Meeting of July 25, 2019](#)

- B. Fixed Property Tax Rates Fiscal Year 2019-2020 General Obligation Bonds. Board requested to authorize.

**Attachments:** [Fixed Property Tax Rates Fiscal Year 2019-2020 General Obligation Bonds - EDD Resolution](#)

- C. Invitation For Bid No. 9065, AC Traction Motor Encoder Assembly. Board requested to authorize.

**Attachments:** [Invitation For Bid No. 9065, AC Traction Motor Encoder Assembly - EDD](#)

4. PUBLIC COMMENT - 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

5. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Responses to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership". Board requested to authorize.

**Attachments:** [Responses to the 2018-2019 Alameda County Grand Jury Final Report, Crime and Quality of Life Impact on BART Ridership - EDD](#)

- B. Award of Agreement No. 6M4625, with KPMG, LLP, for the Project Portfolio Management System. Board requested to authorize.

**Attachments:** [Award of Agreement No. 6M4625, with KPMG, LLP, for the Project Portfolio Management System - EDD](#)

- C. Actuarial Report on Changes to Pension. For information.

**Attachments:** [Actuarial Report on Changes to Pension - EDD](#)

6. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Change Order to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project, with Clark Construction Group, LLC.
- i. Upgrade the Planned 10KW UPS to 40KVA (C.O. No. 33).
  - ii. Revise Overhead Power and Communication Conduits and Layout (C.O. No. 39).
  - iii. Procure Additional Fire Alarms Devices, from 73 to 229 (C.O. No. 54).
  - iv. 5 Month Delay Compensation (C.O. No. 55).
  - v. Accelerate Phase 1 of Water Intrusion Mitigation Project (C.O. No. 82).
  - vi. Retrofit Two Accessible Fare Gates (C.O. No. 90).
  - vii. Construct a New PG&E Service Meter for New Fire Pump (C.O. No. 91).
- Board requested to authorize.

**Attachments:** [Change Order to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project, with Clark Construction Group, LLC - EDD](#)

- B. Quarterly Performance Report, Fourth Quarter Fiscal Year 2019 - Service Performance Review. For information.

**Attachments:** [Quarterly Performance Report, Fourth Quarter Fiscal Year 2019 – Service Performance Review - Presentaion](#)  
[Quarterly Performance Report, Fourth Quarter Fiscal Year 2019 – Service Performance Review - Memo](#)

## 7. PLANNING, PUBLIC AFFAIRS ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. BART's Transit-Oriented Development Policy Amendment and New Review Fee: Unsolicited Proposals for Property Development. Board requested to adopt.

**Attachments:** [BART's Transit-Oriented Development Policy Amendment and New Review Fee Unsolicited Proposals for Property Development - EDD Resolution](#)  
[BART's Transit-Oriented Development Policy Amendment and New Review Fee Unsolicited Proposals for Property Development- Presentation](#)

- B. Re-Authorization of the Exclusive Negotiating Agreement for Transit Oriented Development, with Brookfield Residential, for the North Concord/Martinez BART Station Project. Board requested to authorize.

**Attachments:** [Re-Authorization of the ENA for Transit Oriented Development, with Brookfield Residential, North Concord Martinez BART Station Project- EDD](#)

- C. Federal and State Legislation for Consideration. Board requested to authorize.

**Attachments:** [Federal and State Legislation for Consideration - Memo](#)  
[Federal and State Legislation for Consideration - Bill Packet](#)  
[Federal and State Legislation for Consideration - Presentation](#)

- D. Irvington BART Station to Warm Springs Extension Project Modifications. Board requested to adopt.

**Attachments:** [Irvington BART Station to Warm Springs Extension Project Modifications - EDD](#)

- E. Update on the Proposed Implementation of FASTER Bay Area. For information.

**Attachments:** [Update on the Proposed Implementation of FASTER Bay Area - Memo](#)  
[Update on the Proposed Implementation of FASTER Bay Area - FASTER Bay Area Presentation No. 1](#)  
[Update on the Proposed Implementation of FASTER Bay Area - BART's Presentation No. 2](#)

8. GENERAL MANAGER'S REPORT

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

9. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Independent Police Auditor. For information.
- B. Revised Citizen Oversight Model Implementation Report. For information.

**Attachments:** [Revised Citizen Oversight Model Implementation - Memo](#)  
[OIPA Revised Citizen Oversight Model Implementation-Presentation](#)

10. BOARD MATTERS

- A. Resolution authorizing an amendment to the Money Pension Plan Contribution for General Manager. Board requested to adopt.

**Attachments:** [Resolution authorizing an amendment to the Money Pension Plan Contribution for General Manager - EDD Resolution](#)

- 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 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.)

11. 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.)

12. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: SF BART vs California Public Utilities Commission, California Court of  
Appeals, 1st District  
Case No.: A157312  
Government Code Section: 54956.9(a)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: State of California -Occupational Safety and  
Health Appeal Board  
Case No. 2014-RID4-2102, Inspection No: 31720357  
Government Code Section: 54956.9(a)



## C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 300 Lakeside Drive, Oakland, CA 94612  
District Negotiator: Sean Brooks, Department Manager, Property Development  
Negotiating Parties: SIC – Lakeside Drive (Swig Company LLC and Rockpoint Group LLC) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8

Property: 601 12th Street, Oakland, 94607  
District Negotiator: Sean Brooks, Department Manager, Property Development  
Negotiating Parties: Oakland T-12, LLC (Shorenstein Realty Partners and Met Life) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8

Property: 2150 Webster Street, Oakland, CA 94612  
District Negotiator: Sean Brooks, Department Manager, Property Development  
Negotiating Parties: W/L 2150 Webster Holdings VIII, L.P. (Lane Partners and Walton Street Capital) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8

13. OPEN SESSION