

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Thursday, October 28, 2021

9:00 AM

via Teleconference Only.

Board of Directors

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 28, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-15-21, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

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

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 or logging in to Zoom.com and entering access code 869 3196 5608

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 October 27, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 869 3196 5608, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; OR log in to Zoom.com, enter access code 869 3196 5608, 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.

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>).

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 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, CA 94612; or telephone 510-464-6083.

Jacqueline R. Edwards
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 14, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of October 14, 2021](#)

- B. Resolution for Approval of a Project Funding Tax and Regulatory Agreement, with Metropolitan Transportation Commission (MTC), for BART Car Replacement Program. Board requested to adopt.

Attachments: [Resolution for approval of a Project Funding Tax and Regulatory Agreement, wi](#)

- C. Resolution of Local Support for 2022 State Transportation Improvement Program Application, for the Downtown Berkeley BART Station Elevator Modernization Project. Board requested to adopt.

Attachments: [Resolution of Local Support for 2022 State Transportation - EDD](#)

- D. Property Grants in Colma for Easements to San Francisco Public Utilities Commission (SFPUC) and Pacific Gas & Electric (PG&E). Board requested to authorize.

Attachments: [Property Grants in Colma for Easements to San Francisco Public Utilities - EDI](#)

3. 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.)

4. BOARD MATTERS

- A. Proposed Amendment to the Audit Committee Charter. (Director Duffy's request) Board requested to authorize.

Attachments: [Proposed Amendment to the Audit Committee Charter - Memo](#)

- B.** (CONTINUED from July 22, 2021 Board Meeting) Audit Committee Public Member Appointments. Board requested to appoint.

Attachments: [Audit Committee Public Member Appointments - Memo](#)

- C.** Resolution to Continue Virtual Meetings During the Pandemic. (President Foley's request) Board requested to adopt.

Attachments: [Resolution to Continue Virtual Meetings During the Pandemic - Memo](#)

5. ADMINISTRATION ITEMS

Director Li, Chairperson

- A.** Ridership and Financial Update.* For information.

Attachments: [Ridership and Financial Update - Memo](#)
[Ridership and Financial Update-Presentation](#)

6. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A.** Change Orders to Contract No. 54RR-270, Richmond Yard Fire Protection, with DMZ Builders. Board requested to authorize.

- i. Bid Item Overruns (C.O. No. 027)
- ii. Cost of Time extension (C.O. No. 018)

Attachments: [Change Orders to Contract No. 54RR-270, Richmond Yard - EDD](#)

- B.** Change Order to Contract No. 01RQ-150, Hayward Maintenance Complex Project, Central Warehouse, for Settlement of All Compensable Delay Claims (C.O. 93). Board requested to authorize.

Attachments: [Change Order to Contract No. 01RQ-150, Hayward Maintenance - EDD](#)

- C.** Roll Call for Introductions - Update on RCI # 21-839: Re-Opening BART Restrooms. For information.

Attachments: [Roll Call for Introductions – Update on RCI # 21-839 - Memo](#)
[Roll Call for Introductions – Update on RCI # 21-839 - Presentation](#)

7. PLANNING, PUBLIC AFFAIRS ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. Adoption of Goals and Objectives for El Cerrito Plaza Transit-Oriented Development. Board requested to authorize.

Attachments: [Adoption of Goals and Objectives for El Cerrito Plaza - EDD](#)
[Adoption of Goals and Objectives for El Cerrito Plaza - Presentation](#)

- B. Station Modernization Update. For information.

Attachments: [Station Modernization Update - Memo](#)
[Station Modernization Update - Presentation](#)

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

- A. 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.)

- B. 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.)

- C. In Memoriam.

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

10. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Titles: General Manager, General Counsel, Controller/Treasurer,
District Secretary, Independent Police Auditor, and Inspector General
Government Code Section: 54957

B. CONFERENCE WITH LEGAL COUNSEL:

ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to
Government Code Section: 54956.9 (d)(2): one potential case.

C. CONFERENCE WITH LABOR NEGOTIATORS:

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

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and

Municipal

Employees, Local 3993;

(3) BART Police Officers Association;

(4) BART Police Managers Association;

(5) Service Employees International Union, Local

1021;

and

(6) Service Employees International Union, Local 1021,
BART Professional Chapter

(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

11. OPEN SESSION

A. Announcement from Closed Session, if any.