

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

Please note that Item 2-A will be heard prior to Closed Session and the remainder of regular business will not begin before 5:00 p.m.

Thursday, July 28, 2022

4:00 PM

via Teleconference Only. Please note that this meeting is an EVENING meeting.

Zoom Link: <https://us06web.zoom.us/j/81239983285>

Board of Directors

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

BOARD MEETING AGENDA

July 28, 2022

4:00 p.m.

A regular meeting of the Board of Directors will be held at 4:00 p.m. on Thursday, July 28, 2022. Please note that Item 2-A will be heard prior to Closed Session and the remainder of regular business will not begin before 5:00 p.m.

Please note, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361, public participation for this meeting will be via teleconference only.

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

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

You may also join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 812 3998 3285; logging in to Zoom.com and entering access code 812 3998 3285; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/81239983285>

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 12:00 p.m. on July 28, 2022, in order to be included in the record.
- 2) Call 833-548-0282, enter access code 812 3998 3285, 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 812 3998 3285, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/81239983285>) 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.

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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. BOARD MATTERS

- A. Resolution to Continue Virtual Meetings During the Pandemic. Board requested to adopt.

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

3. 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 LABOR NEGOTIATORS:

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

4. OPEN SESSION

A. Announcement from Closed Session, if any.

5. REPORT OF THE BOARD PRESIDENT6. CONSENT CALENDAR

A. Approval of Minutes of the Meetings of May 26, 2022, June 9, 2022, and
June 23, 2022. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of May 26, 2022](#)
[Approval of Minutes of the Meeting of June 9, 2022](#)
[Approval of the Minutes of the Meeting of June 23, 2022](#)

B. Employee Relocation Assistance for the District Secretary. Board requested to
authorize.

Attachments: [Employee Relocation Assistance for the District Secretary -
EDD](#)

- C. Procurement of Internet, Telecommunications Services, and Information Technology Products from AT&T through the California Network and Telecommunications (CALNET) Program. Board requested to authorize.

Attachments: [Procurement of Internet, Telecommunications Services, and Information Technology Products from AT&T - EDD](#)

- D. Agreement with Cubic Transportation Systems, Inc. for Continuation of Europay Mastercard Visa. Board requested to authorize.

Attachments: [Agreement with Cubic Transportation Systems, Inc. - EDD](#)

- E. Reject All Bids for Invitation for Bid No. 9111, For the Procurement of Skid Mounted Ventilation Unit. Board requested to reject.

Attachments: [Reject all Bids for Invitation for Bid No. 9111, For the Procurement of Skid Mounted Ventilation Unit - EDD](#)

- F. Award of Agreement No. 6M4739 with Associated Right of Way Services, Inc. and Smith & Associates, Inc., for Real Property Appraisal Services. Board requested to authorize.

Attachments: [Award of Agreement No. 6M4739 - EDD](#)

- G. Award of Agreement No. 6M4778 with Associated Right of Way Services, Inc., Monument ROW, Inc., and Overland, Pacific and Cutler, LLC, for Real Property Comprehensive Acquisition, Relocation, and Title Services. Board requested to authorize.

Attachments: [Award of Agreement No. 6M4778 - EDD](#)

- H. Quitclaim of Subsurface Easement at Groom Street in Hayward, CA. Board requested to authorize.

Attachments: [Quitclaim of Subsurface Easement at Groom Street in Hayward, CA - EDD](#)

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Resolution to Reinstigate the Inclusion of a Mask Requirement in the Customer Code of Conduct. Board requested to adopt.

Attachments: [Resolution to Reinstigate the Inclusion of a Mask Requirement in the Customer Code of Conduct - Memo](#)
[Resolution to Reinstigate the Inclusion of a Mask Requirement in the Customer Code of Conduct - Resolution](#)

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

10. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements (CBAs) and Create Successor Agreements. Board requested to adopt.
- i. CBA with the American Federation of State, County and Municipal Employees, Local 3993.
 - ii. CBA with the Amalgamated Transit Union, Local 1555.
 - iii. CBA with the Service Employees International Union, Local 1021.
 - iv. CBA with the BART Police Officers' Association.
 - v. CBA with the BART Police Managers' Association.

Attachments: [Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - EDD](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - AFSCME](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - ATU](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - SEIU](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - BPOA](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - BPMA](#)
[Resolutions Ratifying the Agreements to Extend the Collective Bargaining Agreements - Presentation](#)

11. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Sole Source Procurement with Shimmick/California Engineering Contractors Joint Venture for Maintenance Vehicle Consist. Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

Attachments: [Sole Source Procurement with Shimmick-California Engineering Contractors Joint Venture for Maintenance Vehicle Consist - EDD](#)

- B. Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Alstom Group North America, for Design Engineering for Communications Based Train Control Vehicle Interface (C.O. 52). Board requested to authorize.

Attachments: [Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles - EDD](#)

- C. BART Progressive Policing Update. For information.

Attachments: [BART Progressive Policing Update - Memo](#)
[BART Progressive Policing Update - Presentation](#)

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

Director Foley, Chairperson

- A. Assembly Bill 2923 Transit-Oriented Development Conformance Findings. For information.

Attachments: [Assembly Bill 2923 Transit-Oriented Development Conformance Findings - Memo](#)
[Assembly Bill 2923 Transit-Oriented Development Conformance Findings - July 8th Memo](#)
[Assembly Bill 2923 Transit-Oriented Development Conformance Findings - Presentation](#)

- B. 2021 Annual Report - Sustainability. For information.

Attachments: [2021 Annual Report – Sustainability - Memo](#)
[2021 Annual Report – Sustainability - Presentation](#)

13. 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.)

April B. A. Quintanilla
Acting District Secretary