

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

Please note that the agenda has been revised and that attachments have been added under Item 4-A.

Thursday, September 8, 2022

9:00 AM

via Teleconference Only. Zoom Link: <https://us06web.zoom.us/j/88219642717>

Board of Directors

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

* * * REVISED * * *

BOARD MEETING AGENDA

September 8, 2022

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 8, 2022.

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 882 1964 2717; logging in to Zoom.com and entering access code 882 1964 2717; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/88219642717>

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 7, 2022, in order to be included in the record.
- 2) Call 833-548-0282, enter access code 882 1964 2717, 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 882 1964 2717, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/88219642717>) 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 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, CA 94612; or telephone 510-464-6083.

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. REPORT OF THE BOARD PRESIDENT

3. 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.)

4. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of August 23, 2022 (Special) and August 25, 2022 (Regular).

Board requested to authorize.

(Minutes will be available on Tuesday, September 6, 2022.)

Attachments: [Approval of Minutes of the Meeting of August 23, 2022 \(Special\)](#)
[Approval of Minutes of the Meeting of August 25, 2022 \(Regular\)](#)

- B. Award of Agreement No. 6M5188 for Language Translation and Interpretation Services.

Board requested to authorize.

Attachments: [Award of Agreement No. 6M5188 for Language Translation and Interpretation Services - EDD](#)

- C. Change Orders to Agreement No. 6M3223 with Jacobs (CH2M Hill) and Agreement No. 6M3224 with Hatch LTK Consulting Services, Inc., for Vehicle Engineering Consultant Services for BART Revenue Vehicle Projects, for Period of Performance (Time Extension).

Board requested to authorize.

Attachments: [Change Orders to Agreement No. 6M3223 with Jacobs \(CH2M Hill\) and Agreement No. 6M3224 with Hatch LTK Consulting Services, Inc. - EDD](#)

- D. BART Accessibility Task Force (BATF) Membership Appointment.

Board requested to ratify.

Attachments: [BART Accessibility Task Force \(BATF\) Membership Appointment - EDD](#)

5. GENERAL MANAGER'S REPORT

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

6. 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.)

7. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Responses to the 2021-2022 Alameda County Grand Jury Report, "BART is on the Wrong Track with Independent Oversight."

Board requested to authorize.

Attachments: [Responses to the 2021-2022 Alameda County Grand Jury Report - EDD](#)
[Responses to the 2021-2022 Alameda County Grand Jury Report - Grand Jury Report](#)

- B. Amended and Restated Clipper® Memorandum of Understanding.
Board requested to authorize.

Attachments: [Amended and Restated Clipper® Memorandum of Understanding - EDD](#)

8. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. District Military Equipment Use Policy and Ordinance.
Board requested to adopt/enact. (Second Reading of Ordinance and Action)

Attachments: [District Military Equipment Use Policy and Ordinance - EDD](#)
[District Military Equipment Use Policy and Ordinance - Policy](#)
[District Military Equipment Use Policy and Ordinance - Ordinance](#)
[District Military Equipment Use Policy and Ordinance - Letter of Support](#)
[District Military Equipment Use Policy and Ordinance - Resolution](#)

- B. Award of Contract No. 15IJ-130, Fire Alarm System Replacement, Phase 3.
Board requested to authorize.

Attachments: [Award of Contract No. 15IJ-130, Fire Alarm System Replacement, Phase 3 - EDD](#)

9. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Property: Property Located at the Lake Merritt BART Station, bounded by Ninth Street to the north, Fallon Street to the east, Eighth Street to the south, and Oak Street to the west (APN # 001-0169-001-00).

District Negotiators: Carl Holmes, Assistant General Manager, Design and Construction; Val Menotti, Chief Planning & Development Officer; Abigail Thorne-Lyman, Director of Real Estate & Property Development; and Darin Smith, Economic & Planning Systems.

Negotiating Parties: LMTOD, LLC, the East Bay Asian Local Development Corporation, and San Francisco Bay Area Rapid Transit District.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

10. OPEN SESSION

A. Announcement from Closed Session, if any.

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

Director Foley, Chairperson

A. Lake Merritt BART Station Area Projects.

i. BART Police Headquarters Relocation Update.

For information.

ii. Transit-Oriented Development (TOD) Project.

a. Consider and Adopt the City of Oakland's California Environmental Quality Act Findings for the Lake Merritt BART Station TOD Project.

Board requested to adopt.

b. Lake Merritt BART Station TOD Project.

Board requested to authorize.

c. That the General Manager or His Designee be Authorized to Enter Into an Option Agreement and Other Agreements and Documents As Needed to Advance the Lake Merritt BART Station TOD, Block 1 Development.

Board requested to authorize.

d. Extension of the Exclusive Negotiating Agreement with the East Bay Asian Local Development Corporation and LMTOD, LLC for Block 2.

Board requested to authorize.

Attachments: [Lake Merritt BART Station Area Projects - Memo](#)
[Lake Merritt BART Station Area Projects - Presentation](#)
[Transit-Oriented Development \(TOD\) Project - EDD](#)

12. 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.)

13. 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: President Saltzman, Vice President Li, and Director Foley

Title: District Secretary

Government Code Section: 54957.6

14. OPEN SESSION

A. Announcement from Closed Session, if any.

B. Compensation and Benefits for District Secretary. Board requested to authorize.

April B. A. Quintanilla
Acting District Secretary