

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

Board of Directors
Minutes of the 1,893rd Meeting
October 14, 2021

A regular meeting of the Board of Directors was held on October 14, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-15-21. President Foley presided; Jacqueline R. Edwards, District Secretary.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

Directors Present: Directors Ames, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: None. Director Dufty entered the Meeting later.

Director Dufty entered the Meeting.

President Foley called for Introduction of Special Guests. Director Raburn introduced Jeff Morales, Managing Principal at InfraStrategies, LLC. After college, Jeff Morales worked as an aide to the late US Senator from New Jersey, Frank Lautenberg. There he cut his professional teeth on transforming US transportation policy by contributing to the landmark Intermodal Surface Transportation Efficiency Act of 1991. He continued his career in Washington DC by serving at the US DOT under Secretaries Federico Peña and Rodney Slater. Starting his move westward in 1998 Jeff helped guide the Chicago Transit Authority to reverse years of decline through reinvestment and better serve the agency's riders. One initiative mandated that managers forgo company cars and ride transit.

Under California Gov. Gray Davis, Jeff led the nation's largest state transportation agency. As Director of Caltrans, he moved the agency to a greater emphasis on multi-modal approaches and sustainability. It was my pleasure to first meet Jeff after traveling to Sacramento by train and bicycle to discuss access to the Richmond-San Rafael Bridge during this period. Unfortunately, the highway lobby did not appreciate his vision and foresight, and he left after the election of Gov. Schwarzenegger¹.

Jeff's leadership was recognized as he was appointed to the Transportation Transition Team for the incoming Obama Administration. Most recently, as the appointed CEO of the CHSRA, Jeff led the first-ever construction of high-speed rail infrastructure in the United States. He currently serves as a Senior Fellow at the Institute of Transportation Studies at UC Berkeley and is on the board of the Mineta Transportation Institute at San José State University. Director Raburn greatly anticipated hearing Jeff's contributions to the Link-21 presentation later the meeting; and asked everyone to please join him in giving Jeff Morales a warm welcome!

¹ Editorial, "Mistake on Caltrans," Contra Costa Times, Jan. 28, 2004

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 23, 2021.
2. Agreement with GEOinovo Solutions Inc., for Consulting Services for Assistance in Redistricting of Election Districts (Agreement No. 6M1126).
3. Procurement with Transource Services Corp., as the Official National Association of State Procurement Officials (NASPO) Provider, for Information Technology Software Support Services.
4. Procurement with SHI International Corp., as the Official National Association of State Procurement Officials (NASPO) Provider, for Information Technology Software of Single-Sign-On OneLogin.
5. Renewal of District's Workers' Compensation Program Contract No. 6M4599A, for Workers' Compensation Medical Case Management Services.
6. Change Order to Computer Software Agreement with Dell Marketing LLP, for Microsoft Enterprise Software (C.O. No. 01).
7. Award of Invitation for Bid No. 9111, For the Purchase of Two (2) Skid Mounted Ventilation Units.
8. Award of Invitation for Bid No. 9114, Transit Rail Car Switcher.
9. Procurement with Advantech Corporation for Windows 7 Embedded Security Updates Renewal for Ticket Vending and Add Fare Machines.

Director Dufty made the following motions as a unit. Director Raburn seconded the motions.

1. That the Minutes of the Meeting of September 23, 2021, be approved.
2. That the General Manager is authorized to award Agreement No. 6M1126 to GEOinovo Solutions Inc., to provide Consulting Services for Assistance in Redistricting of Election Districts, in an amount to not exceed \$185,000.00.
3. That the General Manager or his designee is authorized to execute an information technology software support contract with Transource Services Corp. for an amount not to exceed \$226,377.00.
4. That the General Manager or his designee is authorized to execute an information technology software contract SHI International Corp. for an amount not to exceed \$452,208.00 over three years.
5. That the General Manager is authorized to exercise the two (2) one-year options to Agreement No. 6M4599A for Medical Case Management Services to Genex Services, LLC not to exceed the amount of \$1,992,260.00.
6. That the General Manager or his designee is authorized to execute Changer Order No. 01 to the Microsoft Enterprise License Agreement with Dell Marketing LLP for an amount not to exceed \$982,986.55.

7. That the Board authorizes the General Manager to award IFB No. 9111 for (2) two Skid Mounted Ventilation Units to Doc Bailey Construction Equipment Inc., for an amount of \$428,652.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to protests.
8. That the Board authorizes the General Manager to award IFB No. 9114: Transit Rail Car Switcher to Bejac Corporation for an amount of \$671,422.50, pursuant to notification to be issued by the General Manager, and subject to compliance with the Districts' Protest Procedures and FTA's requirements related to protests.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

9. That the General Manager is authorized to award an agreement to Advantech Corporation for Windows 7 Embedded Security Updates with an option to renew for an additional year of support, for an amount not to exceed \$611,319.71 subject to the availability of funding.

President Foley called for Public Comment on the Consent Calendar. Aleta Dupree addressed the Board.

The motions brought by Director Dufty and seconded by Director Raburn carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

President Foley called for general Public Comment.

The following individuals addressed the Board:

Scott Jerden
Aleta Dupree
Clarence Fisher
Roland Lebrun
Karen Reis
Rhiannon Doyle

President Foley requested staff to follow up on the concerns that were raised by Ms. Doyle.

President Foley announced that the Board would enter into Closed Session under Items 4-A (Conference with Labor Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

District Secretary Edwards announced there was one more public comment. John Arantes addressed the Board.

The Board Meeting recessed at 9:35 a.m.

The Board reconvened in open session at 10:37a.m.

President Foley announced that the Board had concluded its closed session under Item 4-A and that there were no announcements to be made.

President Foley brought the matter of Policy Statement Regarding Mandatory COVID-19 Vaccination of District Employees, Board Members, and Contractors before the Board.

President Foley called for Public Comment.

The following individuals addressed the Board:

Aleta Dupree
Roland Lebrun
Shane Reece
George (BART Police Department)
Steven Clark
Jason
Klaus
Kathy
Mark
D

Vice-President Saltzman presented the item. Vice-President Saltzman thanked all BART workers; introduced the policy; expressed how the statement is to protect the health and safety of BART workers and BART riders; touched on how the COVID-19 pandemic has been a deadly tragedy, with more than 700,000 people dying nationwide, an more than 70,000 in California; mentioned that BART has been working hard since the beginning of the year to get workers vaccinated and how the Board, management, and labor partners have worked together to get transit workers prioritized for vaccinations, which was successful; voiced that vaccine mandates have worked at other government agencies and businesses, the BART Board is responsible for ensuring continued reliable BART service for riders, and COVID-19 puts reliable service in danger; further expressed that it is BART's responsibility to pass the policy statement on vaccine mandates for employees, the BART Board, and contractors to protect health, safety, and to ensure continued reliable BART services; and thanked Directors Simon, Dufty, and Li for also introducing the policy statement.

The item was discussed, with the following highlights:

Director Simon thanked staff who came together during the Covid crisis; reflected on a Latino Grandmother and Granddaughter who would take BART with a compromised immune system; stated people have entrusted the Board members to create policy to keep the public safe; encouraged the vaccine; and expressed support for vaccination.

Director Ames expressed concern about the draft policy, the lack of mandated testing mentioned, and meeting with unions; commented on the need for mandatory Covid testing; disagreed with how the policy is written; and hoped that staff and the unions can work together on a compromise.

Director Li echoed the comments that were previously made; thanked Aleta Dupree for her consistent engagement with the BART Board; expressed support for the comments made by Vice-President Salzman, Director Simon, and Director Dufty that put forth the policy; commented on how

San Francisco has nearly 7,000 residents vaccinated; stated the policy will be discussed between General Manager Powers, labor partners, and employees; and mentioned how BART cares about the safety of their employees, riders, and the general public.

Director Dufty thanked Vice-President Saltzman, Directors Simon, and Li; expressed support for the policy; touched on how the Federal Government has made an investment to help and support BART; brought up appreciation for front line employees and the greatness of these employees; thanked BART's Labor Partners and John Arantes' for their partnership between management and labor organizations; conveyed the science behind the Covid Vaccine; and additionally thanked the General Manager, Robert Powers, Deputy General Manager, Michael Jones, and Assistant General Manager, Administration, Alaric Degrafinried, for collaborating with community health partners.

Director Raburn sided with Directors Saltzman, Simon, Li, and Dufty; communicated the unprecedented collaboration to protect the health and safety of workers; commented on the various backgrounds that suffered from Covid; expressed the desired outcome for the vaccination to allow for health and safety of all and a full re-opening without fear; and mentioned on the support for the vaccination.

Director McPartland thanked Vice-President Saltzman and Director Simon for the coverage on the topic and the need for this policy; suggested that BART will be on the right side of history; touched on the Spanish Flu; and expressed that it is BART's responsibility for employee safety and welfare.

Director Allen asked staff to confirm a couple of data points: how many unvaccinated workers do we have at this time and to confirm the racial demographic of people who remain unvaccinated; asked staff to briefly outline what happens if this policy passes and the logistics; thanked BART essential workers for their hard work; mentioned being a Covid survivor and how she educated herself on the vaccine; commented on how each person should have the right to research and make their own medical decisions; encouraged a testing option for unvaccinated BART workers and antibodies exemptions; and stated she does not support the policy.

Director Simon expressed how it is important to concede as a Board; specified that each county of the State of California and the Directors of Public Health have expressed the importance of government workers being vaccinated; expressed encouragement for mandatory vaccinations and for Board members to vote yes.

Vice-President Saltzman inquired about the outreach that was conducted thus far with contractor partners and what would be done if this policy passed.

General Manager Robert Powers addressed the Board.

Discussion continued with the following highlight:

President Foley mentioned that it is his duty as the Director to ensure BART can provide reliable service and protect the workforce and riding public; expressed his perspective; and mentioned his support for this policy.

District Secretary Edwards announced that there was a public comment. D addressed the Board.

The motion brought by Director Saltzman and seconded by Director Simon carried by roll call vote. Ayes: 8 – Directors Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 1 – Director Allen.

Director Li, Chairperson of the Administration Committee, brought the matters of Agreement with Securian Financial Group, Inc., for Life and Accidental Death and Dismemberment Insurance (Agreement No. 6M4500) before the Board.

The motion brought by Director Raburn and seconded by Director Dufty carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Li brought the matter of Fiscal Year 2021 Year-End Budget Revision before the Board. The item was discussed, with the following highlight:

Director Raburn thanked Pamela Herhold, Assistant General Manager, Performance and Budget, and staff, that gave BART the ability to balance the budget, and commended staff for their hard work.

The motion brought by Director Raburn and seconded by Director Dufty carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Li brought the matter of Fare Coordination and Integration Study Update and Preliminary Recommendations before the Board. Michael Eiseman, Director of Financial Planning, presented the item.

The following individuals addressed the Board:

Clarence Fisher
Aleta Dupree
Derrick Sagehorn
Ben Keller
Dave Sorrell
Roland Lebrun
George Spies
Sarah Greenwald
Ian Griffiths
Adina Levin
Rafa Sonenfield
Joe Kunzler

The item was discussed, with the following highlights:

Director Raburn thanked all the speakers that took the time to contribute to the discussion about Fare Coordination; mentioned that importance of geography; inquired about what distinguishes fare capping and the monthly pass, fare capping and transfers; liked the idea about the most expensive trip being the trip you pay for; inquired about the Portland Model; questioned if BART is looking to integrate a seamless fare mechanism for passenger rail and connecting services into the model; and voiced his support with the individual pass and excitement for the next steps.

Vice-President Saltzman expressed excitement to see the results of the report and the recommendations; thanked BART staff, MTC Staff, and the advocates who worked on the project; mentioned a great appreciation for moving the project along and the identified funding; supported the recommendations;

commented on reduced transfer fees between BART and AC Transit; echoed Edina Levin's comments on how ridership is changing; and further expressed excitement.

Director Ames mentioned how travel patterns have changed; inquired further about a public comment made by Roland Lebrun, who mentioned the regional-to-regional transfer and connectivity and funding; and communicated on how Link21 could expand the discounted service from other systems to BART.

Director Dufty vocalized appreciation for Director of Financial Planning Eiseman and Assistant General Manager, Herhold's briefing and skillful work; expressed excitement about the steps that are being taken to create integration; voiced support with Vice-President Saltzman, Directors Li and Simon about a resolution; and expressed being committed.

Director Simon expressed excitement about the recommendations, presentation, and the study; touched on a study that discussed the impact on neighborhoods, intergenerational mobility, and the time tax; and further expressed her excitement about the recommendations.

Director Li expressed full support for the recommendations; echoed the comments made by the previous Directors; thanked BART for taking the regional leadership role; touched on her support; and voiced concern for the quickness to move forward with the pilot based on logistics.

District Secretary Edwards announced that there was a public comment. Joe Kunzler addressed the Board.

President Foley announced that the Board would enter into a Recess.

The Board Meeting recessed at 1:09 p.m.

Director Dufty exited the Meeting.

The Board reconvened in open session at 1:31p.m.

Director Simon, Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Link21 Program – Update on Value Capture before the Board. Carl Holmes, Assistant General Manager, Design and Construction, introduced Sadie Graham, Capital Project Manager, Managing Principal at InfraStrategies Morales, and Abigail Thorne-Lyman, Group Manager, Transit Oriented Development, who presented the item.

Director Dufty entered the Meeting.

The following individuals addressed the Board:

Roland Lebrun
Rafa Sonenfield
Mark Maleno

Derrick Sagehorn
Aleta Dupree
Josh Hahn

The item was discussed, with the following highlights:

Vice-President Saltzman thanked staff for all their work that explored all options and the public speakers for speaking about value capture; commented on how the project has moved forward and coming back to make a real strategy; mentioned that advocacy is needed to make this project happen; and expressed commitment in making this happen.

Director Ames expressed concern about the private sector, how to get most of the value capture, and suggested BART do a joint development; and mentioned a partnership for freight to be used as an income revenue.

President Foley thanked Jeff Morales, Managing Principal at InfraStrategies, Capital Project Manager Graham, and the public commenters; and expressed concerned about displacement with families.

Abigail Thorne-Lyman, Acting Manager of Real Estate and Jeff Morales, Managing Principal at InfraStrategies addressed the Board.

Discussion continued with the following highlight:

Director Raburn expressed how much he has learned from the speakers and from the comments made from the Board; touched on value capture and how it would be an opportunity for notable climate goals and displacement; referred to the Transit Oriented Development (TOD) plans; recommended to have an antidote for displacement and gentrification by building; asked to continue the discussion; and commended staff.

Director Allen exited the Meeting.

Director Raburn brought the matter of Silicon Valley BART Extension, Phase II, Project Update before the Board. Assistant General Manager, Design and Construction Holmes presented the item.

The following individuals addressed the Board:

Aleta Dupree
Roland Lebrun

The item was discussed, with the following highlights:

Director Ames inquired about the design-build process with Santa Clara Valley Transportation Authority (VTA) and the expense of it; commented on transparency; and further inquired if the construction inflation would be included and factored into the proposal, and how the system ties into the airport.

Director McPartland inquired about the fire protection engineer in relation to the safety and evacuation rate ability and the width of walkways.

Director Raburn shared appreciation for the map shown in the presentation; inquired about the exits on each of the platforms and if the knockout panels would be expanded to provide access on both sides of the street; and asked if people were embedded from BART down in San Jose.

Director McPartland mentioned a discussion he previously had that planned a knockout for the future, but it would end up being adopted into the current plan; and requested clarification.

President Foley called for the General Manager's Report. General Manager Powers thanked Vice-President Saltzman, Directors McPartland and Raburn for their participation in the Oakland-Berkeley Firestorm Event that commemorated the 30th Anniversary; reported that he and Director Li attended the San Francisco Labor Council Banquet; gave a shout out to Vice-President Saltzman and Director Simon for the workshop that discussed the TOD Project and navigating the discussions; announced that he and Vice-President Saltzman attended the "Sound Tracks" that is a partnership with External Affairs and the Art Program at four stations; touched on the upcoming meetings with the San Francisco board of Supervisors, a Workshop at the Metropolitan Transportation Commission (MTC) with Nancy Whelan, Marin Transit, the Listening Tour; Ridership; and mentioned Marcia Fudge, Secretary, from United States Secretary of Housing and Urban Development (HUD) visited the Fruitvale Station that was a part of the nationwide tour by President Biden's Administration and thanked Group Manager, Transit Oriented Development Thorne-Lyman for attending.

President Foley called for public comments. Aleta Dupree addressed the Board.

Director Li expressed great appreciation for the General Manager Powers and top executives who attended the San Francisco Labor Council COPE Banquet; shouted out Assistant General Manager of Administration Degrafinried and expressed excitement that he joined the BART team; reported that BART was able to present before the Board of Supervisors at the San Francisco County Transportation Authority; and thanked General Manager Powers, Assistant General Manager, External Affairs, Rodd Lee, his team, and Assistant General Manager, Performance and Budget Herhold and her team.

Director Dufty touched on the General Manager Report; mentioned the visit at the 24th Street as it related to the cleanliness; gave a shout out to PUMA Power Washing; commended BART's Police Chief Edgardo Alvarez; thanked Captain Rachel Moran, Mission Station; requested the General Manager to comment and to commit to plaza cleanliness; and thanked staff for their help.

President Foley called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Vice President Saltzman reported on attending a housing roundtable organized by Assembly Members Tim Greyson and Buffy Wicks; mentioned the El Cerrito BART TOD Community Meeting that was focused on access, the parking range, and showed appreciation to the BART Staff that attended; and noted the BART Restroom tour that disclosed what needed to be done and some issues in re-opening the restrooms.

Director Raburn reported on attending the City of Alameda Economic Forecast and the North American Chinese Volleyball Tournament in Oakland's Chinatown in Lincoln Square Park; mentioned the new Lake Merritt Station signs; and led a Tour of San Jose State Urban Planning student in their graduate course in Urban Planning.

Director Ames reported she participated in a Bike East Bay Tour of Fremont on October 2nd; mentioned she made comments on the Union City 2021 Bike Pedestrian Master Plan; and expressed that she hopes that projects should stray away from roadway projects, but instead create a greenway, a linear park design.

Director Li commented on September being Transit Month; mentioned the San Francisco Transit Rider Awards and that BART and the Not One More Girl Campaign was one of the award recipients; and gave a shout out to the Not One More Girl Campaign and the BART Team.

Director Simon thanked Assistant General Manager, External Affairs Lee, and his team; reported on her presentation to the San Francisco Chamber of Commerce to their Policy Committee; commended Molly Burke, Principal Government and Communications Relations Representative, and the team for their very pointed and thoughtful deck; received feedback; and mentioned how we are moving ahead.

Director McPartland reported that he attended the 30th Anniversary of the Oakland Hills Fire; and mentioned the resources it provided.

President Foley mentioned his attendance at the Contra Costa Transportation Authority meeting about the change in the Governor's Ruling around the Brown Act and virtual meetings; reported on the meeting with Tri Delta Transit CEO, Janeen Craig, and Chair, Ken Gray, about collaboration; commented on improved location and schedule changes; thanked Assistant General Manager, External Affairs Lee; and expressed great appreciation to Ariel Mercado, Principal Government and Community Relations Representative.

The Meeting adjourned at 3:16 p.m.

Jacqueline R. Edwards
District Secretary