

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,830th Meeting  
January 10, 2019

A regular meeting of the Board of Directors was held January 10, 2019, convening at 9:07 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty.

Absent: None.

President Dufty called for Introduction of Special Guests. Director Simon recognized the mother of Shaleem Tindle, Yolanda Banks Reed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of December 20, 2018.
2. Declaration of November 6, 2018, Election Results.
3. 2019 Organization of Committees and Special Appointments.
4. Resolution Fixing the Employer's Contribution to the California Public Employees Retirement System (CalPERS) Medical Premium for BART Police Officers' Association.
5. Transit Security Advisory Committee Membership Appointments and Reappointments.
6. Grant of Right of Way, Easement and Driveway Relocation: Pleasant Hill Transit-Oriented Development.

President Dufty requested Item 2-C, 2019 Organization of Committees and Special Appointments, be removed from Consent Calendar.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous roll-call vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes - 0.

1. That the Minutes of the Meeting of December 20, 2018, be approved.

2. That there be entered into the Minutes of the Board the official canvass of the returns for Election Districts 2, 4, 6 and 8 as taken by the Registrars of Voters of Alameda County and Contra Costa County and the Department of Elections for the City and County of San Francisco for the election of November 6, 2018, the elected candidates having received the highest number of votes cast in their respective election districts based on said official canvass; and that the following candidates are hereby declared elected to the Board of Directors of the San Francisco Bay Area Rapid Transit District:

Mark Foley, District 2  
Robert Raburn, District 4  
Elizabeth Ames, District 6  
Janice Li, District 8

3. Adoption of Resolution No. 5390, Fixing the Employer Vesting Contribution Under Section 22902 of the Public Employees' Medical and Hospital Care Act for Group 002 BART Police Officer's Association (BPOA), and Resolution No. 5391, Fixing the Employer Contribution under Sections 22892 of the Public Employees' Medical and Hospital Care Act for Group 002 BART Police Officer's Association (BPOA).
4. That the Board accept the recommendation and appoints the nominated candidates, Crystal Raine and Jessie Jones; and reappoints Janet Abelson, Chris Finn, Sue Kuipers, and Armando Sandoval to the Transit Security Advisory Committee for a term beginning January 22, 2019 for two years, or until the Board makes new appointments and/or reappointments for a new term.
5. Adoption of Resolution No. 5392, In the Matter of Authorizing the Relinquishment of Vehicular Rights of Access, the Acceptance of Vehicular Rights of Access from the County of Contra Costa, the Execution of an Agreement and Easement Deed to the Contra Costa Water District, and the Quitclaim of Right of Way to the County of Contra Costa.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2019 First Quarter Financial Report.

President Dufty brought the matter of 2019 Organization of Committees and Special Appointments before the Board. The item was discussed. Director Simon moved that the Board of Directors ratify the proposed Organization of Committees and Special Appointment for 2019, as amended. Director Foley seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes - 0.

President Dufty called for Public Comment. The following individuals addressed the Board:  
Yolanda Banks Reed  
Afiyah Chambers  
Karim Mayfield  
Tatyana East  
Laron Mayfield

Director Simon, Chairperson of the Administration Committee, had no report.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of BART Legacy Fleet Decommissioning Report before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Mr. David Hardt, Chief Mechanical Officer; and Mr. Phillip Kamhi, Manager of Special Projects, Rolling Stocks and Shops, presented the item. The item was discussed.

Robert Simon addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Fruitvale Transit Village Phase IIB: Modifications to Recorded Agreements, before the Board. Mr. Carl Holmes, Assistant General Manager, Planning, Development and Construction; Mr. Sean Brooks, Department Manager, Property Development; and Ms. Abigail Thorne-Lyman, Program Manager, Systems Development, presented the item. The item was discussed.

The following individuals addressed the Board:  
Chris Iglesias  
Noel Gallo  
Larry Gallegos  
Jack Robertson

Discussion continued.

Director Ames moved the item be continued to a future meeting. Director Allen seconded the motion.

Director Raburn requested the proposed staff motion be amended to acknowledge and retain existing agreements, place a period after delayed transfer fee requirements, and strike out everything until “in lieu of the fee”, and to add that BART is to garner income that is created, and that BART be added to the list of partners that subsidize projects and receive residual revenue.

Discussion continued.

Director Simon made a substitute motion to direct staff to work on the amended motion and return the item to the Board for consideration latter in the meeting.

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

Director Raburn brought the matter of Affordable Housing & Sustainable Communities Grant Application Agreements before the Board. Mr. Val Menotti, Chief Transit System Development Officer; and Ms. Thorne-Lyman presented the item. The item was discussed.

The following individuals addressed the Board:

Sally Greenspan

Gena Alexander

Jerry Grace

Director Saltzman made the following motion's as a unit:

1. That the General Manager or her designee be authorized to enter into agreements, including Memoranda of Understanding and Pass-Through Agreements where BART is a recipient. Agreements would be executed with the following Applicants or their affiliates (e.g. limited partnerships) for the FY2017-2018 Affordable Housing and Sustainable Communities (AHSC) grant program as required in order to apply and receive funds for Sustainable Transportation Infrastructure and Transit-Related Amenities:
  - City of Oakland with BRIDGE Housing and the Spanish Speaking Unity Council (Fruitvale)
  - City of Oakland with East Bay Asian Local Development Corporation (MacArthur)
  - City of San Francisco with the Related Companies L.P. and Mission Housing (Balboa Park)
  - City of San Francisco with Tenderloin Neighborhood Development Corporation (Civic Center)
  - Core Companies and Millbrae Transit Village L.P. (Millbrae)
  - BRIDGE Housing (North Berkeley)
  - China Harbour Engineering Corp. and Strategic Urban Development Alliance (West Oakland)
2. That the General Manager or her designee be authorized to enter into Pass-Through Agreements with the City of Oakland for successful FY2015-2016 AHSC applications.

Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes - 0.

President Dufty called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

President Dufty called for the Controller/Treasurer's Report.

Ms. Rose Poblete, Controller/Treasurer, presented the Quarterly Report of the Controller/Treasurer for the period ending September 30, 2018. The report was discussed.

President Dufty called for the Independent Police Auditor's Report. Mr. Russell Bloom, Independent Police Auditor, reported on steps he had taken and activities, investigations and meetings the Independent Police Auditor's Office had participated in. He spoke to the transition of the management of the BART Police Citizen Review Board (BPCRB) meetings the District Secretary's Office. District Secretary Patricia Williams reported on activities and steps the District Secretary's Office was taking regarding the BPCRB. The report was discussed.

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

Director Allen responded to Ms. Alexander's Public Comments. Director Allen requested a report on the trend of holiday pay for employees.

Director Foley thanked the District Secretary's Office, Communications Department and Human Resources for help with his onboarding. He reported meeting with Contra Costa Board of Supervisor Diane Burgess, Contra Costa Public Works, Contra Costa Transportation Planning, and the Highway 4 Bypass Authority. He requested information from District staff on customer service contacts and hours of availability.

Director Saltzman reported on progress with the City of Berkeley on the planning of a housing development at the North Berkeley BART Station.

Director Dufty thanked Station Agents Charlotta Wallace and Connie Rainey for working over the holidays and thanked Ms. Tamar Allen for engaging with staff on Christmas Day by visiting the stations. He reported on the e-bike pilot at the 24<sup>th</sup> Street/Mission Station and the pods installed. He reported working with the Deputy General Manager on a text alert system. Director Dufty thanked Carl Holmes and Jennifer Easton for working with the 16<sup>th</sup> Street District and requested the District Secretary to send a get-well letter to Judy Appel, President of Berkeley School Board, and Alison Bernstein, State Public Defender, who had been in a car accident in Berkeley.

Director Simon reported on the grant received for the El Cerrito del Norte Station. She reported she had attended the Oscar Grant vigil on New Year's Day. She reported working with BART staff on a presentation for West Contra Costa Transportation Advisory Committee. She thanked Government and Community Relations for working with the county on the proposed Alameda County Homeless count.

Director Li reported she had attended the Oscar Grant vigil and thanked Russell Bloom and Roddrick Lee for their participation. She thanked BART staff for her onboarding.

Director Raburn reported he had attended a 5:00 a.m. opening outreach event at Fruitvale Station, a meeting with the Capitol Corridor staff for the Oakland A's waterfront proposal, and

the Oakland Chamber of Commerce's "What's Breaking Ground" presentation a view of projects that were breaking ground.

Director Ames reported she had attended an Eco Transport Group. She reported on problems that she had experienced on her train ride and requested BART consider using a 3 digit number to report emergencies.

President Dufty brought the matter of Fruitvale Transit Village Phase IIB: Modifications to Recorded Agreements back before the Board. Mr. Carl Holmes and Ms. Thorne-Lyman presented the revised item. The item was discussed.

Director Raburn moved that the General Manager or her designee be authorized to modify the existing recorded agreements between BART and the City of Oakland for Fruitvale Transit Village Phase IIB in order to waive the Delayed Transfer Fee requirement and clarify that the terms of the agreements do not apply to this particular development for the term of the ground lease. In lieu of the fee, the developer team and City of Oakland design, build and maintain pedestrian and bicycle improvements connecting the station entrance to 37<sup>th</sup> Avenue and provide BART eligible transit passes for at least three years for residents at a cost of \$450,000. The parties will work together to explore the potential opportunity for BART to participate in residual receipts cash flow. Director Saltzman seconded the motion.

Director Ames made a substitute motion to build and maintain pedestrian and bicycle improvements connecting the station entrance to 37<sup>th</sup> Avenue. Director Allen seconded the motion, which failed by electronic vote. Ayes – 3: Directors Allen, Ames, McPartland. Noes – 6: Directors Foley, Li, Raburn, Saltzman, Simon, and Dufty.

Director Raburn's motion carried by electronic vote. Ayes – 6: Directors Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 3: Directors Allen, Ames, and Foley.

President Dufty called for Public Comment:

Gena Alexander and Jerry Grace addressed the Board.

Director Simon exited the meeting.

President Dufty announced that the Board would enter into closed session under Item 12-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 12:45 p.m.

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The Board Meeting reconvened in closed session at 12:50 p.m.

Directors present: Directors Allen, Ames, Li, Raburn, Saltzman, and Dufty.

Absent: Directors Foley, McPartland and Simon.

Directors Foley and McPartland entered the meeting.

The Board Meeting recessed at 1:25 p.m.

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The Board Meeting reconvened in open session at 1:27 p.m.

Directors present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and  
Dufty.

Absent: Director Simon.

President Dufty reported there were no announcements to be made.

The Meeting was adjourned at 1:28 p.m.

Patricia K. Williams  
District Secretary