

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

Board of Directors
Minutes of the 1,865th Meeting
June 11, 2020

A regular meeting of the Board of Directors was held on June 11, 2020, convening at 9:04 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Simon gave opening remarks and instructions on the virtual meeting, accessing presentation materials online, and Public Comment.

President Simon announced that the order of agenda items would be changed, noting that Item 6-A, Update on Fare Gates, would be heard immediately after the Consent Calendar.

President Simon announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a Public Hearing on the final Fiscal Year 2021 Budget; that staff would give a brief presentation on the item; that the Meeting would then be opened for comments from the public; and that the Board would review the item under the Administration Committee portion of the agenda. President Simon requested that Board Members hold their questions and comments until the Public Hearing was closed.

Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, and Mr. Christopher Simi, Director of Budgets, presented the item.

The following individuals addressed the Board via telephone:

Aleta Dupree
Molly Kennedy
Peter H.
Dylan
Anna Krasner
Simón Manganelli
Shawn Lee
Gigi Gamble
Victoria Fierce
Eden
BART Worker
Councilmember Lynette Gibson McElhaney
Pete Wyote

There being no further Public Comment, the Public Hearing was closed.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of May 28, 2020.
2. Extension of Software License Agreement with TriTech Software Systems for BART's Regional Anti-Terrorism and Integrated Law Enforcement System (RAILS) (Agreement No. 79HP-120).

President Simon called for Public Comment on the Consent Calendar. No comments were received.

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

1. That the Minutes of the Meeting of May 28, 2020 be approved.
2. That the General Manager or his designee be authorized to extend the software license support contract Agreement No. 79HP-120 for an additional three (3) years with TriTech Software Systems in an amount not to exceed \$926,139.00 for dispatch and records management software support.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Update on Fare Gates before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Mitra Moheb, Manager of Engineering Programs, Strategic Engineering; Ms. Herhold; Ms. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; and Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

Director Dufty exited the Meeting and Director Raburn chaired the remainder of the Engineering and Operations Committee.

The following individuals addressed the Board via telephone:

Pat Piras of Sierra Club
Aleta Dupree
Peter H.

Director Raburn asked staff to comment on the BART Accessibility Task Force's feedback regarding Richmond Station and asked for clarification of bicycle access in relation to the new fare gate design.

The item was discussed, with the following highlights:

Director Li commented on BART's financial resources and law enforcement strategies, the fare gate prototype at Richmond Station, support for removing double-decker fare gates, the proposed funding strategy, proposed deferment of projects, and her desire for information about the impacts of proposed efforts to fund the new fare gates.

Director Saltzman commented on the proposed funding plan, flexibility with the project, funding for the project, allocation of operating funds to the project, her desire for information about the impact of deferring Maintenance and Engineering projects, and counties' prioritization of new fare gates; and requested that staff obtain feedback from funding sources regarding BART's receipt of funding and give informational presentations to county commissions to solicit feedback.

Director Allen commented on support for the project, constituents' requests for fare evasion to be addressed, ridership decline, safety, fare gates, BART Safety, Reliability and Traffic Relief Program (Measure RR) funding for projects, capital budget funding, the proposed funding sources, support for public outreach to agencies, her desire for the project to be completed in two to three years, and public safety; and requested that she be notified of public outreach presentations to agencies.

Director Ames commented on and/or inquired about support for the new fare gate design, contactless payment, mobile phone payments, de-coupling software, cost savings, the cost of the fare gates, grand jury reports, the project and funding needs timeline, support for requesting funding from counties, the project timeline, reprioritization of projects, riders' desire to feel safe, free transit, and the priority of projects.

President Simon requested that staff address Director Ames' question regarding the priority of projects in an e-mail.

Director McPartland expressed agreement with Board Members' comments and commented on utilizing one equipment manufacturer.

Vice President Foley commented on progress of the project, the lower cost of the project, BART's independence, agreement with the Contra Costa County Grand Jury's recommendation regarding fare gates, balancing the perception of safety and fear, the purpose of a fare gate, deferring elevator modernization projects, system access, and support for the recommended approach.

Director Raburn commented on and/or inquired about Alameda County funding sources, support for moving forward, whether the station modernization at 19th Street Station will include new fare gates if no funding is received from Alameda County, and funding for new fare gates in other stations.

President Simon called for general Public Comment.

Ms. Williams announced that in addition to the approximate 200 customer comments that were e-mailed to the Board on June 10, 2020 and the 50 public comments that were e-mailed to the Board on June 10, 2020 and June 11, 2020, three public comments had been received.

President Simon requested that the three written public comments be submitted to the Board via e-mail and made a permanent part of the Meeting file.

The following individuals addressed the Board via telephone:

Alan Dones
Aleta Dupree
Manan Shah
Mallory Wall
Julia Campbell
Peter H.
Vinta Iosemi

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Annual Budget before the Board. Mr. Robert Powers, General Manager; Ms. Herhold; and Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, presented the item.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about public comments regarding defunding the BART Police Department (BPD), presentation of the Fiscal Year (FY) 2021 budget to the public, the targeted ridership level on July 1, 2020 and the expected ridership level on June 30, 2021, presentation and characterization of budget information, recovery of expenses from the Santa Clara Valley Transportation Authority (SCVTA), other aspects of the FY 2021 budget, and her opposition to the presented budget.

Director Ames commented on and/or inquired about the presented budget's ability to address risks, employees' wages, reducing non-labor expenses by 10%, ridership, social distancing, reducing labor expenses to fund improvements, the ventilation system, new technologies, and her opposition to the presented budget; and requested a comparison of the FY 2020 and FY 2021 budgets.

Director Li thanked individuals who submitted written comments to the Board and commented on public comments, BPD reforms, public comments regarding defunding the BPD, her support for the presented budget, and other aspects of the FY 2021 budget.

Director Raburn commented on and/or inquired about the projected expense of power, the solar and wind projects, and the projects' incorporation in the FY 2021 budget.

Director Saltzman commented on and/or inquired about the current social climate and Board Members' responses to public comments, public comments regarding defunding the BPD, utilizing Ambassadors to monitor social distancing and compliance with the face covering requirement, and support for the presented budget excluding the additional Fare Inspector and Police Officer personnel; and requested information about staffing and the cost of utilizing Ambassadors to monitor social distancing and compliance with the face covering requirement at the next Board Meeting.

Director Raburn asked for information regarding the renewable energy projects and the impact of the projects on the FY 2021 budget, and requested an update on the projects.

Director McPartland commented on the current social climate, ridership and BART employees, work on capital projects, fiscal responsibility, public comments regarding fare gates and defunding the BPD, changes in law enforcement, developing a response that summarizes the need for law enforcement; requested a meeting with Director Allen to discuss finances; and requested a report from staff addressing a BART worker's comments on the 15 Step Welcome Back Plan.

Vice President Foley expressed support for the presented budget and commented on police reform, the BPD, and re-focusing priorities; and requested regular updates on the budget at Board Meetings in between the quarterly updates and an update on ensuring that additional staff is available to keep riders and employees safe.

President Simon expressed support for the presented budget and commented on police accountability, law enforcement and safety, and racism.

The Board Meeting recessed at 11:58 a.m.

The Board Meeting reconvened at 12:15 p.m.

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

Absent: Director Dufty. President Simon entered the Meeting later.

Director McPartland brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board.

Ms. Tamar Allen; Chief of Police Ed Alvarez; Ms. Herhold; Ms. Alicia Trost, Chief Communications Officer; Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations; Mr. Val Menotti; and Ms. Gia Ilole, Assistant General Manager, Administration, presented the item. The presentation contained sections on Front Line and Public Safety, Ridership, Advocacy, and Employee and Labor Partner Engagement.

President Simon re-entered the Meeting.

The item was discussed, with the following highlights:

Director Ames commented on and/or inquired about the potential costs of technologies, rebuilding ridership, system improvements, funding for fare gates and heating, ventilation and air conditioning (HVAC) systems, capital funding programs, and sending a letter of support requesting infrastructure funding to federal legislators.

Director Li expressed appreciation for BART employees and commented on ridership, rebuilding trust in the system, gratitude for Shanghai Metro's mask donation, and support for hiring additional Ambassadors to assist with compliance with the face covering requirement; and requested that information about Ambassadors' work regarding compliance be included in future COVID-19 Update presentations.

Director Raburn thanked BART employees and their families and commented on and/or inquired about efforts to provide assistance to the families of employees who have tested positive for the COVID-19 virus, providing personal protective equipment (PPE) to employees, ensuring social distancing among employees, heat maps, increasing service levels, and federal funding for transit; and requested that staff investigate new grant application programs that would be available to BART.

Director Saltzman thanked BART employees and commented on and/or inquired about outreach to employers and e-mails submitted by BART employees regarding the 15 Step Welcome Back Plan; and requested that staff update the Board on outreach to employers and respond to employees and provide feedback to the Board in a memo or at the next Board Meeting.

Director McPartland thanked Director Saltzman for her request regarding engagement with employees and commented on and/or inquired about online sale of personal hand straps, the online BART store, consumption rate and distribution of masks, availability of masks with increased ridership, daily decontamination of trains with fifteen-minute headways, psychological counseling for employees, criminal citation data, damage to property amidst civil disturbances, and BART Police Officers' stress levels.

Vice President Foley commented on and/or inquired about managing capacity of stations and platforms, sustaining social distancing guidelines, social distancing within the new BART Headquarters at 2150 Webster Street, Oakland, CA, and the supply of N95 masks.

The following individuals addressed the Board via telephone:

Roland Lebrun
Aleta Dupree
Joe Kunzler

President Simon called for Public Comment on Item 8-A, West Oakland BART Station Transit-Oriented Development Project.

The following individuals addressed the Board via telephone:

Alan Dones
Dirk Hallemeier
Victor MacFarlane
Jun Ji
Sarah Webster

Ms. Williams read a written comment submitted by Councilmember Lynette Gibson McElhaney into the record.

President Simon announced that the Board would enter into closed session and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 1:26 p.m.

The Board Meeting reconvened in closed session at 1:28 p.m.

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

Absent: Director Dufty.

The Board Meeting recessed at 2:00 p.m.

The Board Meeting reconvened in open session at 2:02 p.m.

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

Absent: Director Dufty.

President Simon announced that the Board had concluded its closed session and that there were no announcements to be made.

President Simon announced that the order of agenda items would be changed and brought the matter of Resolution in Support of the Establishment of a United States Commission on Truth, Racial Healing and Transformation before the Board.

Director Li moved that Resolution No. 5442, In the Matter of Support of the Establishment of a United States Commission on Truth, Racial Healing, and Transformation, be adopted. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Dufty.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of West Oakland BART Station Transit-Oriented Development Project before the Board. Mr. Sean Brooks, Director of Real Estate and Property Development, Systems Development, presented the item.

Director Ames commented on job development at the proposed West Oakland Transit-Oriented Development location and working with the developer to ensure job development in the ten-year development proposal.

President Simon made the following motions as a unit. Director Raburn seconded the motions.

1. That, after review and consideration of the environmental effects of the West Oakland BART Transit-Oriented Development Project as shown in the West Oakland Specific Plan Final Environmental Impact Report (WOSP EIR) and Addendum #1 adopted by the City of Oakland, the lead agency, on February 6, 2019, the Board adopts the City's CEQA WOSP EIR Findings

and Statement of Overriding Considerations that apply to this project, and the City's CEQA Findings in Addendum #1 and Standard Conditions of Approval Mitigation Monitoring and Reporting Program set forth in Addendum #1. (The City of Oakland's CEQA Findings are attached and hereby made a part of these Minutes.)

2. That China Harbour Engineering Company, Ltd.'s assignment of their Exclusive Negotiating Agreement with BART to Mandela Station Partners, LLC, be approved.
3. That the West Oakland Transit-Oriented Development (TOD) Project be approved.
4. That the General Manager or his designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion.

Director Ames made a substitute motion with the first three motions as outlined above and proposed that the fourth motion be amended to state that any and all agreements and other documents in order to effectuate the third motion be presented to the Board prior to execution by the General Manager or his designee. Director Allen seconded the motions as proposed by Director Ames, which failed by roll call vote. Ayes: 3 – Directors Allen, Ames, and McPartland. Noes: 5 – Directors Foley, Li, Raburn, Saltzman, and Simon. Absent: 1 – Director Dufty.

The original motions brought by President Simon and seconded by Director Raburn carried by roll call vote. Ayes: 6 – Directors Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Ames. Absent: 1 – Director Dufty.

President Simon exited the Meeting and Vice President Foley chaired the remainder of the Meeting.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes and Ms. Trost presented the item.

Director Saltzman asked whether the online link for the ribbon-cutting ceremony livestream had been circulated and directed members of the public to BART's website and social media to find the link.

Roland Lebrun and Aleta Dupree addressed the Board via telephone.

Director Ames applauded staff for their work and commented on public comments regarding reducing the cost of Phase 2, collaboration between BART and the SCVTA on Phase 2, the tunnel for Phase 2, and revenue service decline; and requested information about meeting expectations.

Vice President Foley called for the General Manager's Report. Mr. Powers reported that staff would address BART's continuous commitment to police reform, oversight, and accountability at the next Board Meeting; that staff is developing a public document outlining reforms implemented over the past ten years and BART's continued commitment to anti-racism, community engagement, expanded training, and robust oversight; that BART has some of the strongest hybrid oversight models in the nation; that BART is engaged in the Government Alliance on Race and Equity (GARE) training series; that BART will be collecting and analyzing enforcement demographic data to screen for potential racial disparities; that BPD Police Officers receive training in fair and impartial policing, crisis intervention, and community-oriented policing; that BART exceeds state standards; that BDP Police Officers have

been and continue to be trained on use of force requirements; and that various stakeholders within the District are engaged.

Director Saltzman thanked staff for creating space for a discussion of policing at the next Meeting and asked for information about the upcoming Special BART Police Citizen Review Board (BPCRB) meeting.

Director Raburn applauded Chief Alvarez and the Office of the Independent Police Auditor for their joint statement of May 29, 2020, denouncing the killing of George Floyd.

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

Director Allen clarified her previous comments related to defunding and eliminating the BPD.

Director Ames commented on police reform and defunding police, Tom Bradley, former police officer and mayor of Los Angeles, and the BPD.

Director Li reported that she had attended the Labor Negotiations Review Committee (LNRC) meeting on May 29, 2020, thanked staff and union leaders for attending the LNRC meeting, and commented on the feelings expressed by those affected by police brutality and racism.

Director McPartland commented on the public comments offered at the beginning of the Meeting, his experience in emergency management, law enforcement reforms, and control of fare evasion.

Director Raburn reported that he had attended a California Transit Association discussion of promoting well-being amongst front line workers, BART's Employment Assistance Program (EAP), resurgence of the COVID-19 virus, and combatting the spread of the COVID-19 virus.

Director Saltzman reported that the first Audit Ad Hoc Committee meeting was held on June 4, 2020 and that the Committee would meet prior to bringing recommendations to the Board.

Vice President Foley commented that Black Lives Matter and that George Perry Floyd, Jr.'s life mattered, and he addressed racial equality.

The Meeting was adjourned at 2:42 p.m.

Patricia K. Williams
District Secretary

The City of Oakland's CEQA Findings

1. Although the proposed project adds project-level details to a site identified in the WOSP for development and leverages the State Affordable Housing Density Bonus Law (Government Code Section 65915 et seq., City of Oakland Municipal Code Chapter 17.107) to allow for the increased density and heights proposed, these project changes would not result in new significant environmental effect or substantial increase in the severity of impacts identified in the WOSP EIR.
2. Although the Environmental Checklist was completed to take into account current conditions, including updated Plan Area development, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to changes in circumstances.
3. Although the Environmental Checklist was completed to take into account new information, including updated transportation and emissions assessments per current guidelines and implementation of current Standard Conditions of Approval, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to new information.