

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

Board of Directors
Minutes of the 1,872nd Meeting
October 22, 2020

A regular meeting of the Board of Directors was held on October 22, 2020, convening at 9:01 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.

President Simon expressed condolences to BART Police Sergeant Nick Mavrakis and requested that the Meeting be adjourned in honor of Sheri Mavrakis, Sergeant Mavrakis' wife.

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

Absent: None.

President Simon gave instructions on viewing the Meeting and accessing presentation materials online, the virtual meeting, Public Comment, and Board Members' remarks.

President Simon brought Item 1-C-i, Resolution to Rename South Station Road to Harriet Tubman Way at Millbrae BART Station, before the Board, and thanked Director Dufty for bringing the item forward.

Patricia Williams, District Secretary, read a letter from U.S. Congresswoman Jackie Speier into the record.

City of Millbrae Councilmember Gina Papan; Michael Van Every, President and Chief Executive Officer of Republic Urban Properties; and Alexis Lewis, San Mateo National Association for the Advancement of Colored People (NAACP) Executive Board Member and Political Action Committee Chair, addressed the Board.

Director Dufty expressed appreciation for the support of Alexis Lewis and the San Mateo NAACP in the effort to rename the roadway in honor Harriet Tubman.

Director Dufty moved that Resolution No. 5457, In the Matter of Renaming a roadway at the Millbrae BART Station Property, be adopted. President Simon seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

President Simon announced that the order of agenda items would be changed, brought Item 8-A, Report out from Board Meeting Closed Session on September 24, 2020, before the Board, and announced that there was no announcement to be made.

District Secretary Williams announced that the audio for the livestream video on bart.gov was not functioning and provided instructions for members of the public to call into the Meeting to hear the audio.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of September 24, 2020.
2. Audit of Directors' Use of District Property for Fiscal Year 2020.
3. District Base Pay Schedule.
4. Award of Information Technology Hardware and Support Agreement with SHI International Corp., for Telecommunications Equipment.
5. Award of Information Technology Software Support Agreement with Transource Services Corp., for Firewall Software Support.
6. Award of Information Technology Hardware and Software Agreement with DLT Solutions, for Cloud Software Hosting.
7. Award of Hardware and Software Support with Oracle America Inc., for Oracle Exadata platform.
8. Procurement of a Battery String for Metro Center Ground Floor for 450kVA Uninterruptible Power Supply (UPS) System.
9. Agreements for Temporary Bus Bridge Services 2021-2023.

President Simon called for Public Comment on the Consent Calendar. District Secretary Williams read a written comment from Clarence Fischer into the record.

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

1. That the Minutes of the Meeting of September 24, 2020, be approved.
2. That the report of the Audit of Directors' Use of District Property for Fiscal Year 2020, be accepted.
3. That the Board approve the base pay schedule in effect July 1, 2020.
4. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with SHI International Corp. for an amount not to exceed \$526,091.48.
5. That the General Manager or his designee be authorized to execute an information technology software support contract with Transource Services Corp. for an amount not to exceed \$270,182.00.

6. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with DLT Solutions for an amount not to exceed \$1,000,000.00.
7. That the General Manager or his designee be authorized to execute a three (3) year subscription with Oracle America Inc. for Oracle Exadata Hardware and Software Support in an amount not to exceed \$422,981.64.
8. That the General Manager be authorized to issue a Purchase Order for the Battery String for UPS System to T&S Trading for the amount of \$124,513.00 (including shipping and applicable sales tax), pursuant to a notification to be issued by the General Manager.
9. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$150,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; and these authorizations will expire on December 31, 2023.

Director Ames inquired about incentive pay, salary increases, and pension contribution from staff in relation to Item 2-C, District Base Pay Schedule and inquired about emergency bus bridge service for route 89 from Fremont to Richmond.

Director Ames indicated she would vote to approve all items on Consent Calendar except 2-C.

Director Allen thanked Director Ames for highlighting the salary increases and inquired about the salary increases.

Consent Calendar motions, except Item 2-C, carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

The motion for Item 2-C carried by roll call vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Ames.

President Simon called for general Public Comment. The following individuals addressed the Board:

Roland Lebrun
Aleta Dupree
Eli Epperson
Yuri Hollie
Hayden Miller

Director McPartland commented on implementing public service announcements (PSA) on trains regarding mask compliance.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year (FY) 2021 Budget Update before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget; Christopher Simi, Director of Budgets; and Tamar Allen, Assistant General Manager, Operations, presented the item.

The following individuals addressed the Board:

Hayden Miller
Aleta Dupree
Roland Lebrun
Alan Smith
Daniel Golinski
Nathan Ison

The item was discussed, with the following highlights:

Director Ames inquired about and/or commented on staff reassignments, revenue and ridership data, BART's financial situation, and 60-minute headways on weekends; and requested that staff provide a budget update in December, weekly ridership data, and data regarding 60-minute headways on weekends at the November Board meeting.

Director Li inquired about and/or commented on the service bidding process, changes to service, federal relief, impacts of service scenarios, support for quarterly budget revisions and staff's recommendation, and weekend service.

Director Li moved to direct staff to identify additional revenue enhancement and cost saving measures in order to balance the FY21 operating budget by fiscal year end; staff will report back to the Board by February 2021.

Discussion continued, with the following highlights:

Director Dufty expressed support for Director Li's motion and opposition to discussing bankruptcy in relation to BART and commented on transit across the country, federal relief, the need for a program to ensure mask compliance, and not implementing 60-minute service on weekends.

Director McPartland inquired about and/or commented on potential cost savings from station closure and running less than 10-car consists, ownership of Clipper® cards, agreement with Director Dufty regarding headways greater than 30 minutes, impacts of closing stations, support for staff's recommendation, federal relief, and public transit across the country.

Director Raburn commented on and/or inquired about the February service bid, reductions to service or workforce changes beyond retirements, temporary station closure and the additional costs of closure, equity and passengers with disabilities, utilizing bus bridge services, support for Director Dufty's comments regarding masks, mask compliance, MacArthur Station utilization data; and requested that station utilization data be posted on bart.gov.

Director Saltzman commented on the preservation of weekend service, avoiding layoffs, potential federal relief, support for staff's recommendation, and expanding the Ambassador program to ensure mask compliance on trains; and requested that staff provide information about increasing staff in the future and that staff share the staffing information with congressional, state, and Metropolitan Transportation Commission (MTC) leaders.

Director Saltzman seconded the motion brought by Director Li.

Director Allen inquired about and/or commented on the projected deficit for the current fiscal year, load-shedding, ridership projection data, staff's recommendation, and right-sizing the agency.

Director Allen proposed an amendment to Director Li's motion to replace "staff will report back to the Board by February 2021" with, "this item shall be brought back to the Board for potential action at the next November 19th meeting."

Director Li did not accept Director Allen's amendment.

Director Allen made the following substitute motion: Direct staff to identify additional revenue enhancement and cost saving measures in order to balance the FY21 operating budget by fiscal year end; staff will return to the Board by November 19, 2020, for possible action. Director Ames seconded the substitute motion.

Discussion continued, with the following highlights:

Director Allen commented on the FY21 and FY22 budget deficits, the FY21 budget, support for staff's plan to address retirements first, and agreement with Director Dufty that bankruptcy is not pending.

Director Foley expressed support for Director Li's motion and openness to Director Allen's substitute motion with concerns about staff's ability to present useful information by November; and commented on retirement opportunities, reduced headways, mask enforcement, temporary station closures, weekend closures, and 45-minute headways with 10-car trains on weekends.

President Simon commented on the development of the budget, the seven-point budget plan, full Board participation in creating solutions, retirement incentives and increasing administrative efficiencies, and the need for data, thoughtful partners, and understanding of peers' similar actions; and requested support for staff's recommendation and keeping trains moving while making decisions using data.

President Simon requested that General Manager Robert Powers comment on the seven-point budget plan.

Director Saltzman commented on staff's inability to provide a more formal budget revision in November, Director Allen's substitute motion, and opposition to the substitute motion.

Director Allen commented on addressing the budget, the Board's ability to direct staff, and not limiting the Board's options by not agendizing the ability to act.

The substitute motion brought by Director Allen and seconded by Director Ames failed by roll call vote. Ayes: 3 – Directors Allen, Ames, and McPartland. Noes: 6 – Directors Dufty, Foley, Li, Raburn, Saltzman, and Simon.

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

President Simon brought Item 8-B, Response to Roll Call for Introductions Item (RCI) No. RCI 20-834, Continuing Virtual Public Participation for Board Meetings, before the Board. District Secretary Williams presented the item.

The item was discussed, with the following highlights:

Director Saltzman requested a discussion of the technical issues with staff; commented on the importance of continuing to provide virtual participation; and inquired about adopting a policy regarding virtual participation.

Director Li thanked Director Saltzman for introducing the RCI and commented on attendance at the virtual Board meetings, her tour of the new BART Headquarters, and the importance of incorporating technology in the new Board Room.

President Simon brought Item 8-C, Resolution in Opposition to the Metropolitan Transportation Commission Plan Bay Area 2050 Final Blueprint Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers, before the Board. Directors Saltzman and Li presented the item.

Director Saltzman moved that Resolution No. 5458, In the Matter of Opposition to Plan Bay Area (PBA) 2050 Strategy EN7: “Institute Telecommuting Mandates for Major Office-Based Employers,” be adopted. Director Raburn seconded the motion.

Director Raburn commented on opposition to converting homes to workplaces, the progress of the Resolution, and ensuring the ability to continue providing environmentally sustainable service to transit hubs.

Director Foley expressed support for the Resolution, telecommuting, and the ability to work from home.

President Simon called for Public Comment on Items 8-B and 8-C. Aleta Dupree addressed the Board.

Director Ames expressed opposition to the Resolution and support for telecommuting and commented on public transportation system infrastructure and workforce housing.

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

President Simon announced that the Board would enter closed session under Items 9-A (Conference with Labor Negotiators) and 9-B (Conference with Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

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

The Board reconvened in closed session at 12:29 p.m.

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

Absent: None. Director Allen entered the Meeting later.

Director Allen entered the Meeting.

The Board Meeting recessed at 1:31 p.m.

The Board reconvened in open session at 1:35 p.m.

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

President Simon brought Item 8-D, Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing, before the Board. Roddrick Lee, Assistant General Manager, External Affairs, presented the item.

Director Saltzman commented on the stakeholder meeting held in District 3.

Director Ames thanked Be the Change Consulting, commented on the outreach meeting held on October 19, 2020; requested that an outreach meeting be held on a Saturday and that the meeting be well advertised; and commented on engagement and funding partnerships with county behavioral health departments.

President Simon thanked Director Saltzman for her leadership.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of BART Police Department Ambassador Program before the Board. Chief of Police Ed Alvarez; Veronica Thomas, Director of Human Resources, Talent Acquisition; and Assistant General Manager Herhold presented the item.

Director Dufty welcomed Veronica Thomas and inquired about the education requirement for the Community Outreach Specialist position.

Jacqueline Edwards, Assistant District Secretary, read a written comment from Andrew Klein into the record.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames commented on public outreach and feedback from counties regarding behavioral health.

Director Li congratulated Deputy Chief Averiett on her promotion and commented on the positive impact of the Ambassador Program, quantitative data, agreement with Director Dufty's comments regarding face covering compliance, support for formalizing the Ambassador Program, and funding to address "quality-of-life" issues; and requested more detailed data regarding violent crimes and more information about the Ambassador Program after one year of operation.

Director Raburn commented on the increased uniformed presence on trains and resources to address homelessness through the Ambassador Program, increasing the Ambassador Program, reallocation of police resources, and support for formalizing the Ambassador Program.

Director Saltzman expressed support for formalizing the Ambassador Program.

Director Saltzman moved that the Board authorizes the General Manager to formalize the BART Ambassador Program.

Discussion continued, with the following highlights:

Director Allen inquired about and/or commented on drug use, service calls regarding mental crisis and homeless individuals, dispatch of BART Police Officers, clarification of the recommended motion, and the Crisis Intervention Specialist position.

President Simon requested that staff comment on the safety package included in the budget.

Director Allen inquired about allocation of \$1.3 million to pilot Transit Ambassador positions and opposition to formalizing the Ambassador Program.

Director McPartland commented on collaboration among Ambassadors, Crisis Intervention Specialists, and BART Police Officers; addressing homelessness, poverty, mental health issues, and drug abuse issues in the Bay Area; and the Crisis Intervention Specialist position.

Director Foley commented on support for the Ambassador Program concept, new faregates, engaging with subject matter experts to define positions, and the perception of safety; and requested that Ambassadors ride the last train of the day to the end of the line, that Ambassadors be partnered with a BART Police Officer, and the importance of focusing resources on evenings and weekends.

President Simon commented on support for formalizing the Ambassador program, trust in Chief Alvarez and his staff, the increase in safety staff during operating hours, and the success of the Ambassador program pilot, prioritizing safety.

President Simon seconded the motion brought by Director Saltzman.

The motion brought by Director Saltzman and seconded by President Simon carried by roll call vote. Ayes: 7 – Directors Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Ames.

Director Dufty brought the matters of Change Order to Contract No. 01RQ-110, Hayward Maintenance Complex Project - Maintenance Facilities, with Clark Construction Group California, LP, for the Final Close-out for the Component Repair Shop (C.O. No. 400); and Award of Contract No. 01RQ-101, Hayward Maintenance Complex (Phase 2) Trackwork Procurement, before the Board.

Director Saltzman exited the Meeting.

Director McPartland made the following motions as a unit. Director Foley seconded the motions, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

1. That the General Manager be authorized to execute Change Order No. 400, Final Close-out for the Component Repair Shop, for an amount not to exceed \$3,000,000.00 for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.
2. That the General Manager be authorized to award Contract No. 01RQ-101, for Hayward Maintenance Complex (Phase 2) Trackwork Procurement to Voestapline Railway Systems Nortrak, Inc., for the total Bid Price of \$11,989,984.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures and Federal Transit Administration (FTA) requirements related to protests.

Director Dufty brought the matters of Change Order to Contract No. 15CQ-110, C35 Interlocking Renewal, with DMZ Builders, for Revisions to the Proposed Train Control Layout (C.O. No. 26); Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc., for Time Extension (C.O. No. 8); and Change Orders to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Corporation, before the Board.

Director Ames made the following motions as a unit and requested and inquired about budget information regarding capital projects. Director McPartland seconded the motions.

1. That the General Manager be authorized to execute Change Order No. 26, Revisions to the Proposed Train Control Layout, for Contract No. 15CQ-110, C35 Interlocking Renewal, in the amount of \$596,364.00.
2. That the General Manager be authorized to execute Change Order No. 8 for Contract No. 20LT-110, NS MUX Project, in the amount of \$4,345,615.00.

3. That the General Manager be authorized to execute Change Order No. 047 for changes to the Fleet of the Future (FOTF) Bicycle and Luggage Areas under Contract No. 40FA-110, Procurement of Transit Vehicles, in the not-to-exceed amount of \$1,366,852.00, plus applicable escalation and sales tax.
4. That the General Manager be authorized to execute Change Order No. 048 for changes to the Vehicles' Side to Side Plank under Contract No. 40FA-110, Procurement of Transit Vehicles, in the not-to-exceed amount of \$846,232.00, plus applicable escalation and sales tax.

Aleta Dupree addressed the Board.

The motions brought by Director Ames and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

Director Allen, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Award of Federal and State Legislative Advocacy Service Agreements before the Board.

Director Allen made the following motions as a unit. President Simon seconded the motions, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

1. That the General Manager be authorized to award Agreement No. 6M7297 to CJ Lake, LLC to provide federal legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$1,260,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
2. That the General Manager be authorized to award Agreement No. 6M7299 to California Strategies & Advocacy, LLC to provide state legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$846,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

Emily Bacque and Jim Lites addressed the Board.

President Simon called for the General Manager's report. General Manager Powers reported on the highest ridership level since the implementation of the Shelter-in-Place mandate.

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

President Simon requested that Chief Alvarez give remarks regarding Sheri Mavrakis; thanked Sergeant Mavrakis for his service; and expressed condolences for the passing of Sergeant Mavrakis' wife.

Director Ames reported that she had attended the Alameda County Transportation Commission (ACTC) policy meeting and the BART Public Safety discussion in her district. Director Ames reported that Bay

Area Community Health conducted COVID-19 testing at Union City Station and recognized Gary Sue, Real Estate Officer, Real Estate and Property Development, for his work.

Director Dufty requested that the Meeting be adjourned in honor of Jason Cortez, San Francisco Firefighter, and Tom Taylor, LGBTQ activist.

Director Li thanked staff for organizing a tour of the new BART Headquarters, reported that she had participated in the M-Line lighting tour, and requested that staff ensure that BART Police Citizen Review Board (BPCRB) members are engaged in the progress of RCI 20-832.

Director McPartland thanked Director Dufty for submitting an *In Memoriam* request for Jason Cortez, reported that he had participated in the M-Line lighting tour, and requested information about inspection of cross-passage doors.

Director Raburn reported that he had participated in the Sanandos Juntos press conference at Fruitvale Station.

Director Foley expressed condolences to the Mavrakis family and thanked Director McPartland and others for their military service in light of Veterans Day.

The Meeting adjourned at 3:15 p.m. in honor of Sheri Mavrakis, Jason Cortez, and Tom Taylor.

Patricia K. Williams
District Secretary