

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

Board of Directors
Minutes of the 1,886th Meeting
May 27, 2021

A regular meeting of the Board of Directors was held on May 27, 2021, 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 Foley presided; Jacqueline R. Edwards, District Secretary.

President Foley gave remarks regarding the tragic mass shooting at the Santa Clara Valley Transportation Authority (SCVTA) rail yard on May 26, 2021 and requested that the Meeting be adjourned in memory of the victims of the shooting.

President Foley held a moment of silence to honor the victims of the shooting at the SCVTA rail yard.

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

Absent: None.

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

President Foley 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 Fiscal Year 2022 Budget; and that the Board would review the item under the Administration Committee portion of the agenda. President Foley requested that Board Members hold their questions and comments until the Public Hearing was closed and announced that staff would give a brief presentation on the item and that the Meeting would then be opened for comments from the public.

Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree addressed the Board.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 13, 2021.
2. 2021 Organization of Committees and Special Appointments Revision.
3. Fiscal Year 2022 Proposition 4 Appropriations Limit.

4. Agreement with Environmental Systems Research Institute for Enterprise License Agreement for Software Products.
5. Award of Contract No. 54RR-350, Construction of Turntable Replacement Project Concord Yard (OCY).
6. Reject All Bids for Invitation for Bid No. 9097, Powered Flat Maintenance Vehicle.
7. Independent Auditor's Report on Audit of Federal Awards under the Office of Management and Budget Uniform Guidance for the Fiscal Year Ended June 30, 2020.

Director Raburn made the following motions as unit and requested that Item 3-F, Reject All Bids for Invitation for Bid No. 9097, Powered Flat Maintenance Vehicle, be removed from the Consent Calendar. Director Saltzman seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

1. That the Minutes of the Meeting of May 13, 2021, be approved.
2. That the Board of Directors ratifies the proposed revisions to the 2021 Organization of Committees and Special Appointments.
3. That Resolution No. 5484, In the Matter of the Establishment of the Fiscal Year 2022 Appropriations Limit, be adopted.
4. That the General Manager or his designee be authorized to execute a 3-year Enterprise License Agreement with Environmental Systems Research Institute (ESRI) in an amount not to exceed \$465,000.00 to allow for the District's unlimited access to ESRI software products.
5. That the General Manager be authorized to award Contract No. 54RR-350 – Turntable Replacement Project Concord Yard to Clark Construction Group – California, LP for an amount not to exceed \$3,877,900.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures.

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

Director Raburn commented on the lowest bid amount for the powered flat maintenance vehicles under Item 3-F.

Director Raburn moved that the General Manager be authorized to reject all bids for Invitation for Bid (IFB) No. 9097 – Powered Flat Maintenance Vehicles. Director Saltzman seconded the motion.

Richard Mills addressed the Board.

Director Dufty requested that Richard Mills explain why the projection of the cost differed from his company's bid.

Director Li requested that staff provide an explanation of staff's recommendation and response to Director Raburn's motion.

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

Jacqueline R. Edwards, District Secretary, noted that Director Simon voted in favor of the motion regarding Item 3-F via raised hand and Director Simon confirmed her affirmative vote.

President Foley called for general Public Comment. Aleta Dupree addressed the Board.

President Foley announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Support for Regional Impact Council “Regional Action Plan” on Homelessness before the Board. Robert Powers, General Manager; Tomiquia Moss, Founder and Chief Executive of All Home; Gail Gilman, Chief Strategy Officer at All Home; and Tim Chan, Group Manager, Station Planning, presented the item.

The item was discussed.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlight:

Director Saltzman requested that staff provide regular memos to update the Board on the funding for the Regional Action Plan and how BART can assist with funding.

Director Saltzman moved that the Board is in support of the Regional Impact Council’s Statement of Emergency and Regional Action Plan. Director Li seconded the motion.

Discussion continued.

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

Director Li, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Third Quarter Financial Report before the Board. Budget Director Simi presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlight:

Director Ames requested that staff provide a list of ideas to reduce costs in the future.

Director Li brought the matter of Fiscal Year 2022 Annual Budget before the Board.

The item was discussed, with the following highlights:

Director Saltzman requested that staff provide more detailed ridership projections for the next fiscal year, other than the chart that was provided.

Director McPartland requested that staff provide information about how BART's ridership compares to ridership on other transit operators in the nation and region, and an analysis of problems encountered by regional transit operators and their efforts to address them.

Director Ames requested that staff provide the capital improvement plan.

Director Simon exited the Meeting.

On behalf of Director Simon, Chairperson of the Engineering and Operations Committee, President Foley brought the matter of Award of Contract No. 15EJ-182, 34.5 kV Cable Replacement and Fiber Optic Cable Installation, R-Line, RCP to RRY, before the Board. Avineet Garg, Project Manager, Strategic Engineering, presented the item.

Director Simon re-entered the Meeting.

Director Raburn moved that the General Manager be authorized to award Contract for R-Line Cable Replacement and Fiber Optic Cable Installation project to DMZ Builders, Concord, CA in the amount of \$54,149,787.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures. Director Simon seconded the motion.

Aleta Dupree addressed the Board.

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

Director Simon brought the matter of Quarterly Service Performance Review – Third Quarter Fiscal Year 2021 before the Board. Tamar Allen, Assistant General Manager, Operations; Ed Alvarez, Chief of Police; and Angela Averiett, Deputy Police Chief, presented the item.

The item was discussed, with the following highlight:

Director Allen requested that the auto burglary metric be changed to the number of parked cars, instead of parking places.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlight:

Director Saltzman requested that Chief Alvarez reassess the performance goals for bicycle thefts, emergency response time, and police presence on trains, and rename the police presence on trains category to remove "police" from the title.

Director Simon exited the Meeting and Director Raburn chaired the remainder of the Committee agenda.

Discussion continued.

Director Raburn brought the matter of Agreements for Improvements Supporting the Balboa Park Upper Yard Transit-Oriented Development before the Board. Nicole Franklin, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The item was discussed.

Director Li moved that the BART Board authorizes the General Manager or his designee to enter into the Affordable Housing and Sustainable Communities (AHSC) Agreement, the No-Build Easement Agreement, and the Storm Drain Easement Agreement, and authorizes the General Manager or his designee to execute any and all supporting documents in order to effectuate the foregoing agreements. Director Dufty seconded the motion, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 1 – Director Simon.

Director Allen exited the Meeting.

Director Raburn brought the matter of Affordable Housing and Sustainable Communities Grant Application Agreements before the Board. Shannon Dodge, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The item was discussed.

Director Saltzman moved that the General Manager or his designee be authorized to enter into agreements required to apply for the Fiscal Year (FY) 2019-2020 Affordable Housing and Sustainable Communities grant program, including Memoranda of Understanding and Pass-Through Agreements to receive funds; Agreements will be with the following parties:

1. BRIDGE Housing
2. Pacific West Communities with City of Richmond
3. East Bay Asian Local Development Corporation
4. MidPen Housing Corporation
5. Resources for Community Development

Director McPartland seconded the motion, which carried by unanimous roll call vote. Ayes: 7 – Directors Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 2 – Directors Allen and Simon.

Director Simon re-entered the Meeting.

President Foley called for the General Manager's Report. General Manager Powers reported on ridership, the service increases effective on June 7, 2021, the A75 Interlocking Project weekend closure, and efforts to obtain federal funding.

The General Manager's Report was discussed.

Jesse Hunt and Sal Cruz addressed the Board.

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

Director Raburn reported that he had attended the American Public Transportation Association (APTA) Legislative Conference, the California Transit Association Legislative Conference, and the Alameda-Contra Costa Transit District (AC Transit) Interagency Liaison Committee (ILC) meeting; and that the City of Oakland Planning Commission had approved the Lake Merritt transit-oriented development (TOD) master plan.

Director Saltzman reported that she had attended the virtual community meeting held by the developer of the El Cerrito Plaza TOD project with Director Simon and staff; thanked staff for their assistance with the El Cerrito Plaza TOD community event; offered her condolences to the affected families, victims of the mass shooting at the SCVTA rail yard, and the SCVTA family; indicated a desire for the BART Board to start taking positions on legislation related to gun violence; encouraged donations to the fund for the families of the victims of the shooting; and requested that District Secretary Edwards send the donation fund link to the Board and management staff.

Director Simon reported that she had attended meetings with City of Pinole City Councilmembers regarding updates on the BART system and reported on her conversation with the Friends of Adeline regarding the TOD project at Ashby Station.

Director Raburn reported that he had reviewed the BART Active Shooter video and requested that the Meeting be adjourned in honor of The Honorable John Sutter, former Alameda County Superior Court Judge and Member of the East Bay Regional Parks District Board of Directors, and Ellie Sutter, wife of Judge Sutter. Director Raburn held a moment of silence in remembrance of Judge John Sutter and Ellie Sutter.

President Foley announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel – Existing Litigation) 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 12:30 p.m.

The Board reconvened in closed session at 12:46 p.m.

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

Absent: Directors Allen and Dufty.

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

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

Directors present: President Foley.

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

President Foley announced that the Board had concluded its closed session under Item 10-A and that there was no announcement to be made.

The Meeting adjourned at 1:28 p.m. in honor of Judge John Sutter, Ellie Sutter, the SCVTA family, and the victims of the mass shooting at the SCVTA rail yard on May 26, 2021.

Jacqueline R. Edwards
District Secretary