

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

Board of Directors  
Minutes of the 1,892nd Meeting  
September 23, 2021

A regular meeting of the Board of Directors was held on September 23, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-08-21. 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, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: None. Director Allen entered the Meeting later.

Director Allen entered the Meeting.

President Foley called for the Introduction of Special Guests. Director Li expressed gratitude and recognized two BART Community Service Officers, Michele Lazaneo and Jordan Averiett; commended each of them for their hard work when they located a young boy, Sam, who was missing; acknowledged each of them for their dedication to providing quality community service to BART riders and their attention to detail; and thanked the staff.

President Foley recognized staff and thanked Community Service Officers, Lazaneo and Averiett, for their dedication to serving the public.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 9, 2021.
2. Agreement with Oracle America, Inc. for Renewal of Subscription for Oracle Analytics Cloud Support Services.
3. Award of Invitation for Bid No. 9112, for Purchase of Three (3) Crew Cab Trucks with Crane, One (1) Crew Cab Truck Without Crane, and One (1) Track Inspection Truck.
4. Procurement with United Rentals (North America) Inc., for Boom Lift 60 – 64' Capabilities for Silicon Valley Berryessa Extension.
5. Amendment to Agreement No. 6M3312, with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Services.

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

1. That the Minutes of the Meeting of September 9, 2021, be approved.
2. That the General Manager or his designee be authorized to execute a one (1) year renewal subscription in an amount not to exceed \$210,307.12 and two (2) single year options to renew, each in an amount not to exceed \$300,000, with Oracle America Inc., for the Oracle Analytics Cloud Platform and Services.
3. That the Board authorizes the General Manager to award Invitation for Bid No. 9112 to Doc Bailey Construction Equipment Inc., San Lorenzo, California in the amount of \$1,003,222.53, including taxes for the purchase of three (3) crew cab trucks with crane, one (1) crew cab truck without crane, and one (1) track inspection truck, pursuant to notification to be issued by the General manager, subject to the District's Protest Procedures and FTA's requirements related to protests.
4. That the Board authorizes the General Manager to issue a purchase order to United Rentals (North America) Inc. in the amount of \$111,592.85 including taxes for one boom lift for BART Silicon Valley Berryessa Extension, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures and FTA's requirements related to protests.
5. That the Board authorizes the General Manager to execute an amendment to Agreement No. 6M3312 with ACR Glazing Contractors, Inc., for on-call glass repair and replacement services, to extend the term of the Agreement to June 30, 2022.

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

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. Aleta Dupree addressed the Board.

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

Director Simon exited the Meeting.

Director Ames, Vice -Chairperson of the Engineering and Operations Committee, brought the matter of Reject All Bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works before the Board. Javier Martinez, Group Manager of Capital Projects, presented the item.

The item was discussed, with the following highlight:

Director Raburn expressed concerned about the 48% that was over the engineers estimate and the magnitude of the contract; and inquired about the prospects of accomplishing the work by unbundling the number of small operations.

Director Raburn made the following motion. Director Li seconded the motion.

1. That the General Manager be authorized to reject all Bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works Contract.

President Foley called for Public Comment. An Anonymous Caller addressed the Board.

Director Simon entered the Meeting.

The motion brought by Director Raburn 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.

President Foley returned to Public Comment. An Anonymous Caller addressed the Board.

President Foley requested that staff to provide information to the Board about the claims that were mentioned by the anonymous caller.

Roland Lebrun addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on Renewable Power Purchase Agreements before the Board. Carl Holmes, Assistant General Manager, Design and Construction, introduced Paul Bostrom, Manager of Energy, who presented the item.

The item was discussed, with the following highlight:

Director Raburn thanked Manager of Energy Bostrom for his informative report and work.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Ames expressed her shared her research on the subject and expressed concern with hydropower and asked to have it further investigated; commented on the wind power, solar power, and how the job sites are selected; inquired if the Board had received environmental reports on the impacts; and requested that staff be conscientious on the sites that are invested in.

Director McPartland expressed excitement and appreciation for the project and the greenhouse gas renewable energy; and is delighted about the relationship with the Board, senior staff, and the environment.

Vice president Saltzman thanked staff and commended staff for their work; communicated appreciation for the work that has been completed thus far; and expressed excitement about the program.

Director Dufty thanked Manager of Energy Bostrom for his work and presentation; expressed excitement for BART; and conveyed appreciation for Manager of Energy Bostrom leading the program and being part of the team.

Director Raburn echoed Director Dufty's comments; inquired if BART was the leader for greenhouse gas; expressed excitement about the redevelopment Sky River Wind Project Construction site; commented on how it is monumental; and further expressed excitement for the South Feather Hydro project; and requested that staff report back on progress that has been made.

President Foley called for the General Manager's Report. General Manager Powers reported on ridership and recognized Pamela Herhold, Assistant General Manager, Performance and Budget, and Alicia Trost, Chief Communications Officer, for their ridership fare efforts, the upcoming event of the 30<sup>th</sup> anniversary to commemorate the Oakland Fire Storm with Vice-President Saltzman, the City of Oakland, and the Oakland Fire Department at the Rockridge Station, his Metropolitan Transportation Commission (MTC) Event celebrating a milestone with the Blue Ribbon Transit Recovery Task Force (BRTF) and their strategic action plan that was adopted by the MTC, his next event with Alaric Degrafinried, Assistant General Manager, Administration, and Rodd Lee, Assistant General Manager, External Affairs, at the San Francisco Labor Council; touched on Clean Air Day on October 6<sup>th</sup>, 2021; and recognized Chief of Communication Officer Trost for being selected to participate in the Class 2022 American Public Transportation Association (APTA) Leadership Program.

Aleta Dupree addressed the Board.

Director Ames commented on the ridership; and inquired if General Manager Powers would be extending the 50 % off of fare or other incentives.

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

Vice President Saltzman thanked staff, Directors Simon and Raburn, for celebrating the community celebration at El Cerrito Del Norte Station; reported that she had traveled to a different transit system, the Livermore Amador Valley Transit Authority (Wheels) transit services; and commented on the lack of bus driver's crisis. Vice- President Saltzman shared a story about BART Police Department and thanked the police department for being responsive.

Director Raburn reported that he had attended the East Bay Asian Local Development Commission Gala; participated in a transit month rally in Latham Square in Downtown Oakland; joined the Chinatown Community Benefit District initial meeting to plan how to combat the crime; mentioned the Capitol Corridor Joint Powers Authority meeting; and commented on the digital monitors on the BART platforms, co-promotions, and suggested stopping by Lake Merritt to see the digital monitors.

Director Li reported that she had a great time at the Equality California San Francisco awards on September 10, 2021, mentioned that she and Director Dufty made a shout out about the 50% off September fares, and honored a Bay Area Reporter and the new Attorney General Rob Bonta; acknowledged and thanked Molly Burke, Principal Government and Community Relations Representative, for her attendance at the Auto Moon Festivals; and requested that the Meeting be adjourned in honor of Gail Patrick Seagraves, a well-known volunteer who supported many electoral campaigns and helped inspire the Moving on Initiative.

Director Simon reported that she had visited the new BART Headquarters (BHQ); commended staff, and Assistant General Manager, Design and Construction Holmes for their work at BHQ; conversated with Carroll Fife, Councilmember for Oakland's District 3, along with BART's Government and Community Relations team about public safety, the TOD Project, and housing affordability; and thanked staff for their celebrative efforts.

Director Dufty echoed Director Simon's comment and thanked Assistant General Manager, External Affairs Lee and his team; expressed public service campaigns would help highlight messages that would promote ridership for BART, hotels, restaurants, and small businesses; acknowledged Laurie Thomas, Golden Gate Restaurant Association, Dave Martindale, Director of Marketing and Research, Catherine Westphall,

Manager of Ad Franchise Program, Roderick McFarland, Manager of Creative Spaces, Ada King, Marketing Representative, and Joe Lash, Senior Market Representative for their contributions in the creation of the vaccination message; and thanked the transit advertising partner, Out Front, Ryan Brooks, Lead of Out Front, and Heather Thompson, Director of Transit Production Services.

Director McPartland requested that General Manager Powers provide the date for the Rockridge Fire Storm Anniversary Event; and requested that the Meeting be adjourned in honor of Battalion Chief Jim Riley.

President Foley mentioned California Clean Air Day is Wednesday, October 6<sup>th</sup>, 2021, and encouraged people to help the environment; commented on the challenges BART has recently faced; and requested that we reflect on what can be done differently and preventative measures to better ensure the safety of the riders and employees.

President Foley announced that the Board would enter into closed session under Items 9-A (Public Employee Performance Evaluation), 9-B (Conference with Legal Counsel – Existing Litigation), and 9-C (Conference with Labor 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 10:28 a.m.

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The Board reconvened in closed session at 10:42 a.m.

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

Absent: None. Directors Dufty and Simon entered the Meeting later.

Director Dufty entered the Meeting.

Director Simon entered the Meeting.

The Board Meeting recessed at 1:54 p.m.

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The Board reconvened in open session at 1:55 p.m.

President Foley announced that the Board had concluded its closed session under Items 9-A, 9-B, 9-C, and that there were no announcements to be made.

The Meeting adjourned at 1:55 p.m.

Jacqueline R. Edwards  
District Secretary