

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,838th Meeting
April 11, 2019

A regular meeting of the Board of Directors was held April 11, 2019, convening at 9:01 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California; and Hilton Garden Inn, 4201 Genesee Street, Buffalo, New York. President Dufty presided; Patricia K. Williams, District Secretary.

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

Present in New York: Director Li.

Absent: None. Director Allen entered the meeting later.

President Dufty called for Introduction of Special Guests. General Manager Grace Crunican introduced the BART Leadership Academy Graduates.

Director Allen entered the meeting.

An overview of the program managed by the San Jose State University Mineta Institute. The following individuals introduced themselves and addressed the Board:

Wahid Amiri, Project Manager
Robert Ballard, Manager of Mechanical Engineering
Alma Basurto, Program Manager I
Angela Borchard, Research Projects Supervisor
Phaethon Brown, Manager of Transportation, Operations Support
Sadie Graham, Project Manager
Marlon Lewis, Rolling Stock Maintenance Superintendent
Eric Matthews, Transportation Operations Manager
Bradford Mitchell, Rolling Stock Maintenance Superintendent
Davide Puglisi, Transportation Operations Manager
Marshalette Ramsey, Manager of Central Control
Jennella Sambour-Wallace, Manager of Special Projects
Kate Jordan Steiner, Manager of Operating Budgets
Jeana Zelan, Attorney III

General Manager Crunican read sentiments from Leadership Academy graduate Shana Dines, Assistant Chief, Employee Relations, who was not present.

Director Raburn introduced Leah Edwards, Bond Oversight Committee Appointee.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 21, 2019 (Special) and March 28, 2019 (Regular).
2. BART Earthquake Safety Program Citizens' Oversight Committee Membership Appointments.
3. Bond Oversight Committee Appointments and Re-Appointments.
4. Employee Recruitment and Relocation for the Chief of Police and Assistant General Manager, External Affairs.
5. Invitation For Bid No. 9052, Station Agent and Foreworker Uniforms.
6. Invitation For Bid No. 9057, Procurement of Fiber – Reinforced Yard Access Ladders.

Director Saltzman requested that Item 2-D, Employee Recruitment and Relocation for the Chief of Police and Assistant General Manager, External Affairs be removed and voted on separately. Director McPartland requested that Item 2-F, Invitation For Bid No. 9057, Procurement of Fiber – Reinforced Yard Access Ladders be removed and voted on separately.

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 Meetings of March 21, 2019 (Special) and March 28, 2019 (Regular), be approved.
2. That the Board appoints the nominated candidates for BART Earthquake Safety Program Citizens' Oversight Committee and appoints the nominated candidates for membership and/or alternate seat appointments for the 2019-2021 Term. (The summary is attached and hereby made a part of these Minutes.)
3. That the Board of Directors appoints the following individuals effective May 1, 2019 to fill the two vacated League of Women Voters seats in the current term of the Bond Oversight Committee, which ends June 30, 2019:
 - 1) Catherine Newman
 - 2) Leah E. Edwards

And that the BART Board re-appoint the following individuals to serve on the Bond Oversight Committee for two years beginning July 1, 2019 and ending June 30, 2021:

- 1) Michael McGill (Chair)
- 2) John Post (Vice-Chair)
- 3) Michael Day
- 4) Mariam Breitbart
- 5) Daren Gee
- 6) Catherine Newman

7) Leah E. Edwards

4. That the General Manager be authorized to award Invitation for Bid No. 9052, an estimated quantity contract for the procurement of Station Agent and Foreworker Uniforms, to M & H Uniforms, for the amount of \$1,263,309.64, including taxes, pursuant to notification to be issued by the General Manager.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

General Manager Crunican presented Item 2-D, Employee Recruitment and Relocation for the Chief of Police and Assistant General Manager, External Affairs. The item was discussed.

Director Saltzman moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the use of executive search services to identify suitable candidates both inside and outside of California for the position of Chief of Police and Assistant General Manager, External Affairs, and that the General Manager be authorized to enter into a relocation agreement, if necessary, for each role, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement. President Dufty seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Ms. Tamar Allen, Assistant General Manager, Operations; Mr. Samuel Hoffman, Principal Mechanical Engineer; and Mr. Thomas Moloney, Senior Operations Safety Specialist, presented Item 2-F, Invitation For Bid No. 9057, Procurement of Fiber – Reinforced Yard Access Ladders. The item was discussed.

John Arantes addressed the Board.

Director McPartland moved that the General Manager be authorized to award Invitation for Bid No. 9057, to Fibergate Composite Structures, Inc. in the amount of \$165,752.13, including taxes an estimated quantity contract for purchase of fifty (50) Fiber Reinforced Plastic Access Ladders, subject to compliance with the District's protest procedures. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Dufty called for Public Comment.

The following individuals addressed the Board.

Rebecca Burke
Jay Koslowsky
Laura Klein

Director Simon, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2020 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, presented the item. The item was discussed.

Director Raburn moved that staff be directed to publish a Budget Pamphlet for Fiscal Year 2020 to be available for distribution no later than May 1, 2019 and that a Public Hearing on the Fiscal Year 2020 Preliminary Budget be set for Thursday, May 23, 2019 in the Board Room. Director Foley seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Simon brought the matter of Fiscal Year 2020 Preliminary Budget before the Board. Ms. Herhold; Ms. Tamar Allen; Mr. Robert Powers, Deputy General Manager; Ms. Kate Jordan Steiner, Department Manager, Budgets; and Mr. Michael Eiseman, Department Manager Financial Services, presented the item. The item was discussed.

Director Allen requested that a memo on the Quality of Life information be presented five working days prior to the May 9, 2019 Board meeting. Director Allen requested information regarding reimbursement for Santa Clara Valley Transportation Authority expenses, fare revenue loss, future means-based fare discounts, and the amount of resources allocated toward station hardening in Fiscal Year 2020. She requested the record reflect that she has not addressed her support of the MTAP/Ambassador program.

Director McPartland requested information on the dollar amount for station hardening.

Director Foley expressed support for additional station hardening, reduced fares during low ridership times, and CPI-based fare increases. He requested dialog with the unions when position decisions are made.

Director Saltzman expressed support for reduced fares during low ridership times, additional station hardening, and additional police officers. She requested staff look at ridership giveaways that people will actually use to incentivize weekend and night ridership, information on future budget cuts, and a memo on additional initiatives for the budget before Board approval. Director Saltzman stated she does not support additional fare inspectors due to no data showing that the program works and that she was disappointed in the memo from the General Manager regarding the MTAP/Ambassador Program.

President Dufty remarked that the elevator attendance program was one of the most successful programs at BART last year. He requested implementation of an Ambassador pilot program and more coordination with San Francisco International Airport.

Director Li expressed concerns regarding the criteria used to develop the quality of life package reflected in the budget.

Director Ames noted that total BART trips are decreasing, and expressed support for additional resources allocated to quality of life initiatives, an MTAP/Ambassador program, increased employee contributions to their pension plans, and a six-month plan to increase ridership.

Director Raburn expressed concern regarding future years' budgets. He requested evaluation of more flexibility in setting CPI-based fare increases and the possibility of adjusting fare increase

allocations and workers compensation reserves and an assessment of capital projects and future commitments. Director Raburn requested that Workers Compensation sources and uses be included in the Controller/Treasurers report, and that the Budget memo identify in the labor budget whether positions are union or non-represented.

Director Simon requested focus on Quality of Life issues and requested her fellow Board members to take into consideration the operating cost of the Ambassador program and find some of the funds themselves through other sources.

Gena Alexander addressed the Board.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Agreement No. 6M3388A, with Sperry Rail Services Inc. to provide Ultrasonic Rail Flaw Detection Testing Services before the Board. Ms. Tamar Allen; Mr. Laurence Farrell, Manager of Construction Services; and Mr. Gregory Shivy, Principal Track Engineer, presented the item. The item was discussed.

President Dufty moved that the General Manager be authorized to award Agreement No. 6M3388A to Sperry Rail Services, Inc. for Ultrasonic Rail Flaw Detection Testing Services for the two (2) year Base Agreement and two (2) one (1) year options in an amount not to exceed \$2,214,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures. Director Allen seconded the 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, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter Amendment with Scoop Technologies for Carpool Services before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; and Mr. Robert Franklin, Department Manager, Customer Access, presented the item. The item was discussed. Director Saltzman requested a memo on the Scoop data for the program. Director Saltzman moved that the General Manager be authorized to increase the not-to-exceed amount for the Scoop Technologies Integrated Carpool to Transit Program services agreement to \$327,510.00 to provide interim carpool matching services between July 1, 2018 and June 30, 2019. Director Simon seconded the motion, which carried by unanimous roll call 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 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. She announced that Shirley Qian, Senior Planner, Capitol Corridor was selected by *Progressive Railroading* magazine as one of the railroad industry's "Rising Stars" for 2019.

General Manager Crunican announced her retirement effective July 6, 2019, and spoke of the accomplishments during her tenure at BART.

Directors thanked General Manager Crunican for her years of service, honesty, and leadership while running BART.

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

Director Ames reported she had attended a study session for the Irvington BART Station.

Director Raburn reported he had attended two workshops regarding the Oakland Athletics and a dedication of Coliseum Connection housing project.

Director Simon reported she had attended a townhall meeting on Transportation for the 880 corridor with West Contra Costa Transportation Advisory Committee, BART, Mayor of Pinole and Assemblymember Buffy Wicks; and had participated in the North Richmond Community Day.

President Dufty requested a report by Chief Rojas regarding a report at the Fruitvale Station where a police officer tried to convince a victim to not make a report. Chief Rojas gave a report of the incident.

Director Saltzman reported she had attended the Wellstone Democratic Club regarding Housing, Committee of Minority Transportation Officials and Women's Transportation Seminar joint reception for Therese McMillan the new Chair of Metropolitan Transportation Commission, and Alameda County Transportation Commission Committee meeting.

Director Saltzman requested real-time arrival information for the Fleet Of The Future trains be placed on the District's website and applications.

Director Foley reported he had attended a meeting with Contra Costa Supervisor Federal Glover regarding homelessness, and the Contra Costa Mayors Conference.

Director Allen reported she had attended a townhall with Senator Glazier, Orinda Watch, a Contra Costa Realtors In Motion Breakfast meeting, and an Associated General Contractors meeting.

President Dufty made the following Roll Call For Introduction request.

That the BART Police Department make a presentation on its use of the Community Justice Center (CJC) within the San Francisco Superior Court for referral of misdemeanor and felony arrest. CJC was established over a decade ago to provide wrap around services and accountability for offenders who appear before a Judge and are required to pursue services, available on-site, that address needs for housing, health/mental health, employment and job training, and substance abuse treatment. In the past, BART Police leadership has reported difficulty processing arrested individuals into CJC. It would be helpful to know what these problems are and what can be done to improve coordination. It would be informative to have data on misdemeanor and felony arrests in the four downtown core stations and what percentage of these arrests were prosecuted and what the outcomes have been. It would also be helpful if the CJC and San Francisco Superior Court would be asked for its response on identified obstacles or problems making referrals from the BART Police Department to CJC.

President Dufty called for Public Comment. Jerry Grace addressed the Board.

President Dufty announced that the Board would enter closed session under Item 10-B (Public Employee Employment) 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 12:05 p.m.

The Board Meeting reconvened in closed session at 12:14 p.m.

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

in New York: Director Li.

Absent: None.

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

The Board Meeting reconvened in open session at 12:45 p.m.

Directors present: President Dufty.

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

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

The Meeting was adjourned at 12:45 p.m.

Patricia K. Williams
District Secretary