

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

Board of Directors
Minutes of the 1,841st Meeting
May 23, 2019

A regular meeting of the Board of Directors was held May 23, 2019, convening at 9:01 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Dufty 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 2020 Budget; Silicon Valley Berryessa Extension fares; BART participation in the Regional Means-Based Transit Fare Discount Pilot Program; Extension of BART's Productivity-Adjusted Inflation-Based Fare Increase Program between 2022 and 2028; and an increase to the magnetic-stripe ticket surcharge, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Ms. Pamela Herhold, Assistant General Manager, Performance and Budgets; and Ms. Kate Jordan Steiner, Department Manager, Budgets; and Mr. Michael Eiseman, Department Manager Financial Services presented the item.

There being no public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of April 25, 2019 and May 9, 2019.
2. Amendment to Legal Services Agreement with Glynn & Finley, LLP.
3. Fiscal Year 2020 Proposition 4 Appropriations Limit.
4. Award of Agreement No. 6M5147, with Avenu Insights and Analytics, LLC, for Sales Tax Revenue Collection Services.
5. Award of Contract No. 15QN-110, Installation of Safety Barriers and Right of Way Fencing Systemwide.
6. Reject All Bids for Contract No. 15II-120, Station Emergency Lighting.
7. Invitation for Bid No. 9059, Brushes for Vehicle Traction Motors.

8. Authority to Submit a Grant Application to the California Department of Water Resources for Proposition 1 Funding for the Hayward Maintenance Complex Rainwater Catchment, Bio-Retention Basins, and Solar Wastewater Treatment Project.

Director Allen requested that Item 3-I, Lease with Caltrans for BART Employee Parking and Sublease a Portion of Excess Parking to the Metropolitan Transportation Commission, be removed from Consent Calendar.

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

1. That the Minutes of the Meetings of April 25, 2019 and May 9, 2019, be approved.
2. That the Board approve the amendment of this agreement with Glynn & Finley, LLP to continue its representation of the District to handle the Cal/OSHA Cab Windows matter as necessary.
3. Adoption of Resolution No. 5397, In the Matter of the Establishment of the Fiscal Year 2020 Appropriations Limit.
4. That the General Manager be authorized to execute Agreement No. 6M5147, with Avenu Insights and Analytics, to provide sales tax revenue collection services for a five-year period based upon a contingency fee of 20% determined by the amount of tax revenue recovered on open claims for the District, pursuant to the notice to be issued by the General Manager; and pursuant to Revenue and Taxation Code Section 7056, adoption of Resolution No. 5398, In the Matter of Authorizing Consultant Avenu Insights & Analytics, LLC (also known as MuniServices, LLC) to Examine Sales and Use Tax Records at the California Department of Tax and Fee Administration on behalf of the District.
5. That the General Manager be authorized to award Contract No. 15QN-110, Installation of Safety Barrier and Right-of-Way Fencing Systemwide, Phase III, to Golden Bay Fence Plus Iron Works, Inc. for the Bid price of \$899,493.45 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be also authorized to exercise the single Option for the Bid Price of \$163,130.52 for replacement of right-of-way perimeter fence and gate at CHB.
6. That the General Manager be authorized to reject all bids for Contract No. 15II-120, Station Emergency Lighting, and be authorized to re-advertise the work of this contract.
7. That the General Manager be authorized to award Invitation for Bid No. 9059, for the purchase of Brushes for Vehicle Traction Motors, to Mersen USA BN Corp., for the Bid price of \$508,888.80 including tax, 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.)

8. Resolved by the Board of Directors of the San Francisco Bay Area Rapid Transit District that proposal be made to the California Department of Water Resources to obtain a Round 1 Integrated Regional Water Management Implementation Grant pursuant to the Water Quality Supply, and Infrastructure Improvement Act of 2014 (Water Code § 79700 et seq.), and to enter into an agreement to receive a grant for the: BART Hayward Maintenance Complex (HMC) Rainwater Catchment, Bio-retention Basin, and Solar Wastewater Treatment Project. The General Manager of the San Francisco Bay Area Rapid Transit District, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such proposal, and execute a grant agreement with California Department of Water Resources.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2019 Third Quarter Financial Report.

Ms. Grace Crunican, General Manager, and Mr. Sean Brooks, Department Manager, Property Development presented Item 3-I, Lease with Caltrans for BART Employee Parking and Sublease a Portion of Excess Parking to the Metropolitan Transportation Commission. The item was discussed.

The following individuals addressed the Board.

Gena Alexander
Sal Cruz

Director Li moved that the General Manager or her designee be authorized: (1) to enter into a five-year lease with Caltrans, with an option to extend the lease for an additional five-year period, for an employee parking area bounded by Fifth, Sixth, Oak and Madison Streets in Oakland commencing July 1, 2019 for an amount not to exceed \$477,740.00 for the first five-year term of the lease; and (2) to enter into a five-year year sublease with the Metropolitan Transportation Commission (MTC) for a portion of the Lease Area for approximately \$47,780.00, with an option for MTC to extend for an additional five-year period, pending BART's extension of its lease with Caltrans. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

President Dufty called for Public Comment. Ace Washington addressed the Board.

Director Simon, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2020 Annual Budget, including the following items, before the Board.

- i. Fiscal Year 2020 Annual Budget.
- ii. Fares for the Silicon Valley Berryessa Extension.
- iii. Participation in a Regional Means – Based Transit Fare Discount Pilot Program.
- iv. Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028.

v. Increase to the Per Trip Magnetic Stripe Ticket Surcharge.

Ms. Crunican; Mr. Ed Alvarez, Interim Chief of Police; Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Herhold; Ms. Steiner, and Mr. Eiseman presented the item. The item was discussed.

The following individuals addressed the Board.

Gena Alexander
Ace Washington

Discussion continued.

President Dufty announced that agenda items would be taken out of order.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Next Generation Fare Gates, Conceptual Design before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Mitra Moheb, Manager of Engineering Programs, and Mr. Steven Dietrich, Principal Computer Systems Engineer presented the item. The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Survey Results for Fleet of the Future and Bicycle Accommodation before the Board. Ms. Crunican; Mr. Carl Holmes, Assistant General Manager, Design and Construction; Mr. Aaron Weinstein, Manager of Marketing and Research; and Ms. Maureen Wetter, Principal Research Project Analyst, presented the item. The item was discussed.

The following individuals addressed the Board:

Jon Spangler
Alan Smith
Dave Campbell

Discussion continued.

President Dufty announced that the Board would take multiple action items at once.

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

1. That the Board approve the Silicon Valley Berryessa Extension Title VI Service and Fare Equity Analysis and Public Participation Report.
2. That the Board approve the Title VI Fare Equity Analysis for the Proposed 2020 Productivity-Adjusted Inflation-Based Fare Increase; Series 3, 2020-28, of the Productivity-Adjusted Inflation-Based Fare Increase Program; and Magnetic-Stripe Surcharge Increase and Public Participation Report.

3. That the General Manager be authorized to award Agreement No. 6M4639 to Accenture LLP, Agreement No. 6M4640 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4641 to Shalom, LLC to provide on-call professional services for Human Resources, each in an amount not to exceed \$1,000,000 pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to award Agreement No. 6M4651 to Accenture LLP, Agreement No. 6M4652 to InnoFin Solutions, LLC, Agreement No. 6M4653 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4654 to Slalom, LLC, to provide on-call professional services for the Operating Budgets Division, each in an amount not to exceed \$1,000,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Contract No. 15CQ-115, C25 Interlocking Renewal, to Proven Management Inc. of Oakland, CA for the Bid Price of \$9,869,643.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
6. That the General Manager be authorized to award Contract No. 54RR-250 to DMZ Builders for Concord Yard Fire Protection in the amount of \$3,940,800.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.
7. That the General Manager be authorized to execute Change Order No. 25 to Contract No. 04SF-140, Procurement of eBART Vehicles, with Stadler Bussanang, AG, to provide eBART vehicle spare parts inventory, in an amount not to exceed \$270,000.
8. That the General Manager be authorized to execute Change Order No. 004 for Contract No. 15EJ-171, 34.5 KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, with DMZ Builders Co., Inc. in the amount not to exceed \$3,900,000.00 and to extend the Contract completion date by 69 calendar days.

President Dufty announced that the Board would enter into closed session under Items 12-A (Conference with Labor Negotiators), 12-B (Public Employee Employment), and 12-C (Conference with Legal Counsel) 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 12:52 p.m.

The Board reconvened in closed session at 12:55 p.m.

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

Absent: None.

The Board Meeting recessed at 1:30 p.m.

The Board reconvened in open session at 1:32 p.m.

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

Absent: None. Director Foley entered the meeting later.

President Dufty announced that there were no announcements to be made from the closed session.

Director Raburn brought the matter of Metropolitan Transportation Commission, Plan Bay Area 2050 Update before the Board. Mr. Holmes; Mr. Val Menotti, Chief Transit System Development Officer; Mr. Richard Fuentes, Manager of Special Projects; and Mr. Ken Kirkey, Integrated Planning Department Director, Metropolitan Transportation Commission, presented the item. The item was discussed.

Director Saltzman exited the meeting.

Director Raburn brought the matter of Agreements for General Environmental and Planning Services for BART Projects before the Board. The item was discussed.

Director Foley re-entered the meeting.

Director Simon moved that the General Manager be authorized to award the below listed Agreements to provide General Environmental and Planning Services in support of BART projects, in an amount not to exceed \$8,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and Federal Transit Administrations requirements related to protest procedures.

- i. Agreement No. 6M6136 to Arup North America, Ltd;
- ii. Agreement No. 6M6137 to Fehr & Peers;
- iii. Agreement No. 6M6138 to HNTB Corporation; and
- iv. Agreement No. 6M6139 to Raimi + Associates.

Director Raburn seconded the motion.

Director McPartland made a substitute motion to have a committee formed to review the potential projects. Directors Allen and Ames seconded the substitute motion.

President Dufty made a second substitute motion that the General Manager be authorized to award the listed Agreements to provide General Environmental and Planning Services in support of BART projects, in an amount not to exceed \$8,000,000 each, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal

Transit Administrations requirements related to protest procedures; and that staff be directed to provide a presentation to the Board in July 2019 a list of capital projects and their values.

Director Simon seconded the substitute motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Simon, and Dufty. Noes – 0. Absent – 1: Director Saltzman.

Director Raburn brought the matter of Revisions to BART's Transit-Oriented Development Policy before the Board. Ms. Crunican; Mr. Holmes; Ms. Abigail Thorne-Lyman, Program Manager, Systems Development; and Ms. Kimberly Koempel, Principal Planner, Systems Development, presented the item. The item was discussed.

President Dufty brought the matter of Actuarial Report on Changes to Pension and Other Postemployment Benefits (OPEB) under Consideration by the District before the Board. Mr. Michael Jones, Assistant General Manager, Administration; and Ms. Diane Iwata, Human Resources Division Manager, presented the item.

Director Foley brought the matter of BART Silicon Valley Phase I Update before the Board. Ms. Tamar Allen; Mr. Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer, and Ms. Crunican presented the item. The item was discussed.

President Dufty called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, the progress made during recent weekend closures, activities held during Take Our Daughters and Sons to Work Day, Police Department staffing numbers, Fleet of the Future Car availability, Clipper card utilization numbers, and outstanding Roll Call for Introductions items.

Ms. Herhold gave an update on ridership numbers.

President Dufty called for the Controller/Treasurer's Report.

Ms. Rose Poblete, Controller/Treasurer, presented the Quarterly Report of the Controller/Treasurer for the period ending March 31, 2019. The item was discussed. Ms. Herhold gave a brief update on pension reserve numbers.

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

Director Foley thanked District staff on his BART briefings, Ric Rattray and Val Menotti for assistance with the meeting with the Hillcrest neighbors of Antioch, Tim Chan for the MTAP Tour and Ariel Mercado for assistance with the Rebuilding BART presentation to the Marsh Creek Democratic Club.

Director McPartland reported he had attended the Workday Tour ribbon cutting, BART Police Citizen Review Board meeting, Fire Liaison Committee meeting, Tri Valley San Joaquin Rail Authority meeting, East Bay Municipal Utilities District quarterly meeting in Castro Valley, and Bay Area Mass Evacuation table top.

Director Allen reported she had attended the Northern Waterfront Forum in Antioch.

Director Ames reported she had attended the BART Police Citizen Review Board Meeting, and an Irvington BART Station briefing, and thanked the District Secretary's Office on their assistance with the BART Police Citizen Review Board recruitment.

Director Raburn reported he had attended the California Transportation Authority Legislative conference in Sacramento, American Institute of Architects East Bay Transit Oriented Development, and MacArthur Station Transit Oriented Development installation of panels.

Director Raburn requested the Board meeting be adjourned in honor of Walter Davis Miles who served over 50 years on the MacArthur Station advisory committee.

Director Li reported she had attended the Quality California Gala in San Francisco, Telegraph Hill Dwellers Transportation Committee meeting, and had spoke at the BART Employee Resource Group Asian Pacific Islander History Month Luncheon, and the San Francisco Council of District Merchants Association Gala, and had assisted with the Civic Center Station Salvation Army Harbor Lights program.

Director Simon reported she had attended the Office of Independent Police Auditors Regional Oversight Board meeting, and the Richmond ground floor merchants ribbon cutting. She thanked Val Menotti for his assistance with the Richmond community.

President Dufty reported he had attended a Salesforce Accessibility group meeting with District staff.

President Dufty called for Public Comment. No comments were received.

The Meeting was adjourned at 3:27 p.m. in honor of Walter Davis Miles.

Patricia K. Williams
District Secretary