

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

Board of Directors
Minutes of the 1,855th Meeting
January 9, 2020

A regular meeting of the Board of Directors was held on January 9, 2020, convening at 9:05 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: Director Ames.

President Simon called for Introduction of Special Guests and noted that a special guest would be introduced later in the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of December 5, 2019 and December 19, 2019.
2. 2020 Organization of Committees and Special Appointments.
3. BART Accessibility Task Force (BATF) Membership Appointment.
4. Award of Invitation for Bid No. 9067A, Automated External Defibrillator (AED) Devices.

Director Dufty requested that Item 2-B, 2020 Organization of Committees and Special Appointments, be removed from the Consent Calendar and Director McPartland requested that Item 2-D, Award of Invitation for Bid No. 9067A, Automated External Defibrillator (AED) Devices, be removed from the Consent Calendar.

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

1. That the Minutes of the Meetings of December 5, 2019 and December 19, 2019 be approved.
2. That the recommendation of the BATF be accepted and the nominated candidate, Marjorie McWee, be appointed for membership to the BATF for a term beginning January 23, 2020 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2020 First Quarter Financial Report.

President Simon brought the matter of 2020 Organization of Committees and Special Appointments before the Board.

Directors Dufty, Allen, McPartland, Saltzman, and Simon discussed amendments to the proposed 2020 Organization of Committees and Special Appointments. Specific changes to the Santa Clara Valley Transportation Authority Partnership Special Committee and Alameda County Transportation Commission (ACTC) were discussed. Director Saltzman suggested that the appointments to the ACTC be discussed and brought before the Board for consideration at a later time.

Director Dufty presented an amendment to the proposed 2020 Organization of Committees and Special Appointments to substitute Director Allen's appointment to the Santa Clara Valley Transportation Authority Partnership Special Committee with Director McPartland's appointment. Director Dufty moved that the 2020 Organization of Committees and Special Appointments, with the substitution of Director McPartland's appointment for Director Allen's appointment to the Santa Clara Valley Transportation Authority Partnership Special Committee, be ratified. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Ames.

President Simon brought the matter of Award of Invitation for Bid No. 9067A, Automated External Defibrillator (AED) Devices before the Board.

Director McPartland moved that the General Manager be authorized to award Invitation for Bid No. 9067A, for the Automated External Defibrillator (AED) Devices, to Mithril Enterprises DBA, FC Safety for an amount of \$224,891.12, pursuant to notification issued by the General Manager, subject to compliance with the District's Protest Procedures and the Federal Transit Administration's (FTA) requirements related to Protest Procedures.

(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.)

Director McPartland commented on the history of cardiopulmonary resuscitation in Northern California and the impact of AEDs on the success rate for cardiopulmonary resuscitation. Director McPartland recognized Mr. Robert Powers, General Manager; Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. Jeffrey Lau, Chief Safety Officer, for their work associated with the implementation of AEDs and commented on the life-saving importance of the AEDs.

Director Foley expressed support for the implementation of AEDs and commented that every District employee should be trained to use the AEDs.

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

President Simon called for Public Comment. Al Miller and Trish Casey addressed the Board.

President Simon returned to Introduction of Special Guests and welcomed Sammy Wredberg, who was a victim of theft while riding a BART train. Ms. Wredberg addressed the Board. President Simon thanked Ms. Wredberg and commented on safety and reliability within the BART system.

Del Seymour addressed the Board.

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

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Memorandum of Understanding for Transit Oriented Development at Ashby and North Berkeley Stations before the Board. Mr. Carl Homes, Assistant General Manager, Design and Construction; Ms. Abigail Thorne-Lyman, Manager of Transit Oriented Development; and Ms. Rachel Factor, Principal Planner, Systems Development, presented the item.

The following individuals addressed the Board:

Mayor Jesse Arreguin
Councilmember Rashi Kesarwani
James Chang on behalf of Councilmember Ben Bartlett
Richie Smith
Tony Wilkinson
Betsy Thagard
Deborah Matthews
Jeff Hobson
Willie Phillips

President Simon thanked community members for attending the meeting; commented on community members' efforts to achieve equity in the South Berkeley and Ashby neighborhoods, the affordability crisis in the neighborhoods, affordable housing, and BART's actions regarding developers, subsidies, and funding for the housing developments; and expressed support for community members' attendance at the Meeting and moving forward with the developments.

Director Saltzman commented on her experience with the North Berkeley development process; thanked Mayor Jesse Arreguin, Councilmember Rashi Kesarwani, former Councilmember Linda Maio, and Councilmember Bartlett for their leadership; and expressed appreciation for the Berkeley City Council's unanimous approval of the Memorandum of Understanding (MOU).

Director Saltzman moved that the General Manager or his designee be authorized to execute the Memorandum of Understanding with the City of Berkeley to cooperatively pursue transit oriented development (TOD) and the implementation of Assembly Bill 2923 at the Ashby and North Berkeley BART Stations. Director Saltzman commented on support for the MOU from the City of Berkeley and community members and joint efforts to create developments that will be beneficial to the community and alleviate the housing and climate crises. President Simon seconded the motion.

Director Li thanked President Simon and Director Saltzman for their leadership, Ms. Thorne-Lyman and BART staff for their work, and Assemblymember David Chiu for co-authoring Assembly Bill (AB) 2923. Director Li suggested that other cities across the BART region view Berkeley as an example of AB 2923 implementation and expressed support for the MOU. Director Li urged the City of Berkeley to find creative ways to identify and allocate significant funding to the project and commented on the City's resources, voter-approved funds, political unanimity surrounding the project, affordable housing percentages, public housing in Hong Kong, China, BART's accountability to the public, and public housing on BART's public land.

Director Raburn expressed support for the MOU and thanked the public speakers and President Simon and Director Saltzman for their leadership in the community. Director Raburn commented on Mayor Arreguin's expression of gratitude for BART staff, staff's work, BART's resources, and the MOU and recognized the City of Berkeley for working with BART to determine funding availability for the transit oriented development and affordability goals by 2021. Director Raburn commented on efforts to work

with the Berkeley community members after BART adopted policies for transit oriented development and access; recognized Will Travis, former Executive Director of the Bay Area Conservation and Development Commission, and Peter Waller; addressed child-care related barriers to utilizing BART; and expressed full support for the MOU.

Director McPartland expressed full support for the MOU and commented on the job versus housing divide and the need for a mechanism that addresses the core issues that precipitate the current housing conditions.

Director Foley thanked members of the public for offering comments and staff, Ms. Thorne-Lyman, Ms. Factor, Mr. Holmes, and Val Menotti, Chief Planning and Development Officer, for their assistance with the MOU. Director Foley expressed full support for the MOU; commented on the affordable housing crisis; cautioned that not every community is ready to adopt a similar plan; discussed BART's effort to address challenges and support riders' ability to limit vehicle use and balancing the revenue displacement caused by transit oriented development; and expressed support for the MOU.

Director Allen commented on the Berkeley community's collaboration; the Berkeley City Council's unanimous approval of the MOU; the exemplary method of bringing transit oriented development projects forward; transit oriented development at Walnut Creek Station; support for development around the Station; the height of the buildings surrounding North Berkeley Station; references to the BART Transit Oriented Development Guidelines in the MOU; AB 2923; and guidelines for Board consideration. Director Allen expressed support for the MOU.

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

Director Saltzman brought the matter of Update on El Cerrito Plaza Transit Oriented Development before the Board. Mr. Holmes, Ms. Factor, and Ms. Thorne-Lyman presented the item.

Director Saltzman asked for clarification of parking availability.

Mayor Pro Tem Paul Fadelli addressed the Board.

Director Saltzman commented on her experience as a resident in El Cerrito and the opportunity for transit oriented development at El Cerrito Plaza Station; expressed appreciation for the El Cerrito City Council and community's openness to transformative development at the Station; and discussed the development of the cities of El Cerrito and San Pablo and public comments regarding housing at El Cerrito Plaza Station and access to the Station. Director Saltzman also commented on identifying solutions to the access issues, demand for parking, parking availability, working with the community, creating a new city library, and the El Cerrito City Council's vetting of and amendments to the goals and objectives. Director Saltzman reiterated that no decisions have been made to eliminate parking at El Cerrito Plaza Station.

Director Li commented on affordability rates and public land; expressed support for the Request for Qualifications approach; encouraged BART to work with El Cerrito and ACTC on the San Pablo Avenue Corridor Project; requested that future presentations include updates on the Project; and discussed parking replacement and vehicle access at El Cerrito Plaza Station.

Director Raburn asked for clarification of the diagrams presented by staff; commented on the diagrams, transit oriented development designs, and the library concept; expressed support for elements of the goals presented by staff; addressed the access study; and discussed the implementation of e-lockers at BART stations and parking management. Director Raburn expressed support for El Cerrito to move forward and thanked Mayor Pro Tem Fadelli and El Cerrito City Councilmembers for their efforts.

Director Allen asked for clarification regarding loss of parking revenue, leasing revenue, payment for the costs accrued prior to hiring a developer, and the amount and allocation of the Caltrans planning grant received by BART. Director Allen commented on providing transparent budget information; asked for clarification of the access study and related decision-making; and discussed transparency and changes to the access study and implementation process.

Director Foley expressed that BART should cautiously move forward with the project and commented on the potential loss of parking at multiple stations within the Berkeley Corridor, the use of residential streets for parking, and the loss of parking revenue.

Director Saltzman requested an informational update regarding revenue generated by transit oriented development projects and commented on the access study process, parking, and community engagement.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction, presented the item.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Award of Digital Railway's Master Program License Agreement (MPLA), with Mobilitie Services, LLC before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Ravi Misra, Assistant General Manager, Technology/Chief Information Officer; and Mr. Travis Engstrom, Director of Technology, Office of the Chief Information Officer, presented the item.

Christos Karmis, President and Chief Executive Officer of Mobilitie Services, LLC, addressed the Board.

Director Dufty asked Mr. Karmis to address workforce aspects of the project. Director Dufty mentioned Mr. Maceo Wiggins, Director of the Office of Civil Rights, and suggested that Mobilitie Services, LLC coordinate with BART to retain skilled labor and workers from within the BART district.

President Simon asked when passengers would be able to utilize Wi-Fi on the trains and commented on informing the public about Wi-Fi availability, if the Board approved the project.

Director Li asked for clarification of decisions regarding potential pricing for Wi-Fi service for riders and the availability of free Wi-Fi service; commented on tiers for charging for access to Wi-Fi service and revenue-generating elements of the project; expressed support for the project; noted concerns regarding coverage throughout the entire system; and commented on the expenditure of public funds.

Director Raburn expressed support for Director Dufty's comments; indicated that BART should help build new skills in the community; asked whether the free tier of Wi-Fi service is available in Las Vegas; indicated support for the project; asked for the level of revenue currently received for cellular and fiber optic services; and commented on the development of providing cellular and Wi-Fi service for riders,

the management benefits of the project, the addition of fiber optic strands, the equity of the project, and training of future employees.

Director Raburn moved that (1) the BART Digital Railway Project be approved; and (2) the General Manager or his designee be authorized to execute a Master Program License Agreement (MPLA), and associated License Agreements with Mobilitie Services, LLC (Mobilitie), for development of the BART Digital Railway, including (a) Underground Cellular Services for the San Francisco Municipal Transportation Agency (SFMTA), (b) Wayside and Fleet of the Future Wireless Services, (c) In-Station Wireless Services, and (d) Fiber Optic Telecommunication Services for both BART and SFMTA. President Simon seconded the motion.

Director Foley expressed support for the project; asked for confirmation of guaranteed Wi-Fi service; expressed support for Director Li's comments; requested that staff identify a model in which BART would not charge for Wi-Fi service; and commented on access to Wi-Fi service.

Director Saltzman expressed support for the project; shared her experience with using her cellular phone while riding BART; and suggested Board consideration of charging for a higher level of Wi-Fi service. Director Saltzman proposed an amendment to the motion brought by Director Raburn to add that any future decision to charge for a higher tier of wireless access would require a Board vote.

Director Raburn and President Simon accepted Director Saltzman's proposed amendment.

Director McPartland noted that the Wi-Fi service would not be secure; asked whether the Wi-Fi service agreement would notify users that the Wi-Fi network is not secure when they sign into the network; commented on the implementation of communication technology at BART; and indicated a desire for first responders to have access to live feeds into trains.

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

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Fiscal Year 2019 Quality of Life Reserve Expenditure Plan before the Board. Director Dufty commented on the progress of his previous Roll Call for Introductions request for staff to analyze Muni and explore the possibility of an ambassador program for BART, and thanked Mr. Robert Powers, General Manager; Mr. Michael Jones, Deputy General Manager; Director Allen, and Master Police Officer Keith Garcia, BART Police Officers' Association (BPOA), for their contributions. Mr. Jones, Chief of Police Ed Alvarez, and Ms. Clara Tsang, Supervisor of Human Resources Programs, presented the item.

Master Police Officer Keith Garcia and Police Sergeant Jason Ledford, BART Police Managers' Association (BPMA), addressed the Board.

Director Dufty asked for additional information regarding BART Police Department staffing; congratulated Chief Alvarez, Mr. Powers, and former General Manager Grace Crunican for their development of a police contract that has incentivized people to become BART Police Officers; and asked for additional information regarding recruitment of Community Service Officers.

Director Raburn expressed support for station hardening at Coliseum Station and indicated that additional officers and faregate testing at Coliseum Station represent priorities that would address safety issues faced by BART passengers and personnel.

Director Raburn moved that the General Manager be authorized to implement the BART Quality of Life initiatives to include: (1) \$690,000.00 to fund the BART Ambassador Program and (2) \$810,000.00 to fund Station Hardening; with the agreement not to exceed \$1,500,000.00 through Fiscal Year (FY) 2021. Director Dufty seconded the motion.

Director Allen expressed support for the program; commented on her proposals for additional police presence on trains, the development of the proposed Ambassador Program, and support for passengers regarding safety and security in the system; thanked Master Police Officer Keith Garcia, Police Sergeant Jason Ledford, staff, and Chief Alvarez for their work on the Program; noted that the Board would vote on the Program on National Law Enforcement Day; thanked sworn and unsworn BART Police Department employees for their efforts to keep BART safe; expressed appreciation for the additional allocation to Coliseum Station; and indicated that BART should be cautious and keep hiring police officers and implementing station hardening.

President Simon commented on the development of an ambassador program, community members' engagement with the Ambassador Program, commitment to 21st Century policing and understanding disparity, collaboration between sworn officers and laymen to provide help to riders; expressed support for the Program and the data that will be derived from the Program; and discussed efforts to address mental health issues.

Director Dufty thanked Director Saltzman for her effort to reserve funds.

Director Saltzman thanked Director Dufty and President Simon for their efforts and flexibility in developing the Program and their leadership; commented on the data that would be derived from the Program; requested that staff provide options in the Fiscal Year 2020-2021 budget that include continuation or potential expansion of the Program; expressed agreement with comments from Directors and the public; commented on her experience in the BART system at night and feeling safe and developing creative workforce solutions to address safety; and expressed strong support for the program.

Director Dufty expressed appreciation for Director McPartland's openness during the development of the Program.

Director McPartland commented that he had been skeptical about the potential liability due to lack of training and possibly worsening the situation and that utilizing Community Service Officers absolved his reservations about the Program; and recognized Director Dufty for his leadership and congratulated him for his success with the Program.

Director Dufty thanked Director Li for her leadership and support.

Director Li thanked Director Dufty for his Roll Call for Introductions Request that led to the Program; commented on her motivation for running for election to the BART Board of Directors and enthusiasm for bringing ambassadors to BART, listening to riders' comments, particularly regarding safety and the need for presence, BART Police Officer staffing, Director Li and riders' desire for unarmed ambassadors, and the history and development of the program; thanked BART staff, Mr. Powers, Mr. Jones, and the unions for their efforts to implement an ambassador program; indicated that the Program should be setup for success; discussed concerns regarding the Ambassador Program's placement within the BART Police Department, monitoring the impact of the Program, including the Program in future budgets, and providing resources for ambassadors; and expressed her support for the Program.

Director Dufty thanked Director Li for her support and commented on the timing for the program.

Director Foley thanked labor unions, management, and Board Members for their assistance with identifying and supporting an alternative solution; commented on the Program's benefit to riders who ride the train in the evenings, on weekends, or alone; suggested that the teams ride the last train to the end of the line; and expressed support for the Program.

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

Director Dufty brought the matters of Award of Contract No. 15EI-181, Willow Pass Road High Voltage Substation (CWS) Transformer Replacement Project, and Award of Contract No. 15II-120A, Station Emergency Lighting, before the Board. Mr. Reza Hessabi, Principal Electrical Engineer, Maintenance and Engineering, and Mr. Balvir Thind, Project Manager, Maintenance and Engineering, presented the items.

Directors Allen and Dufty exited the Meeting.

Director Raburn commented on the Disadvantaged Business Enterprise (DBE), Women's Business Enterprise (WBE), and Small Business Enterprise (SBE) participation levels reported by Shimmick Construction, Inc. (Shimmick) for Contract No. 15II-120A and Shimmick's history with BART; expressed his support for the award to Shimmick; and indicated that future investments of BART Safety, Reliability and Traffic Relief Program (Measure RR) funds should be reflective of providing opportunities for the community.

Director Saltzman made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous electronic vote. Ayes: 6 – Directors Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 3 – Directors Allen, Ames and Dufty.

1. That the General Manager be authorized to award Contract No. 15EI-181, Willow Pass Road High Voltage Substation (CWS) Transformer Replacement Project, to Blocka Construction, Inc. of Fremont, California for the Bid Price of \$6,164,500.00, pursuant to notification to be issued by the General Manager, and compliance with the District's Protest Procedures.
2. That the General Manager be authorized to award Contract No. 15II-120A, Station Emergency Lighting, to Shimmick Construction, Inc. of Irvine, CA for the Bid Price of \$14,840,942.00, pursuant to notification to be issued by the General Manager, and compliance with the District's Protest Procedures.

Director Foley brought the matter of Award of Contracts for Communications Based Train Control: Contract No. 49GH-110, Communications Based Train Control, and Contract No. 49GH-120, Train Control Performance Support Services, before the Board. Mr. Holmes, Mr. Scott Van Dussen, Project Manager II, Extensions, and Mr. Powers presented the item.

Directors Allen and Dufty re-entered the Meeting.

Director Dufty thanked Mr. Van Dussen for his briefing and asked him to discuss his career background and experiences at BART. Director Dufty commented on Mr. Powers' experience with the project and asked him to discuss the project's process, including the FTA's involvement and the project management oversight consultant's role.

Lori Colangelo, Communications Based Train Control Technical Director for Parsons Corporation, addressed the Board.

The following individuals addressed the Board:

Tristan Blotzer
Ron Clarkson
Sal Cruz
John Arantes

President Simon commented on including union partners in the project development process and thanked senior leadership staff for continuing to be in consistent conversations with workers, and thanked Mr. Sal Cruz, President of the BART Chapter of the American Federation of State, County and Municipal Employees (AFSCME) and Mr. John Arantes, President of the BART Chapter of the Service Employees International Union (SEIU), for working with management.

Director Raburn commented on the magnitude of the project; applauded the bidders for developing their proposals; noted that the proposed motions were contingent on the Controller-Treasurer identifying the funds; and asked clarifying questions regarding the funding timeline for the options and the base bid, the Santa Clara Valley Transportation Authority's contributions to the project, and the contract price. Director Raburn commented on accountability for the project and proposed that the following amendment be added after the first sentence in each of the proposed motions: "The magnitude and long-term nature of the contract requires that BART provide annual accountability reports to the public and our partners." President Simon seconded the proposed amendment to the motions.

Director Raburn gave remarks regarding oversight and transparency.

Director Li commented on the history and modernization of the BART system; asked for clarification of the delivery timeline for the project; expressed support for the project; and requested semi-annual updates on timeliness, key milestones, and budget.

Director Foley expressed full support for the project and asked clarifying questions regarding the stipend agreement.

Director Saltzman expressed support for the project; commented on the project's benefit to riders; suggested more communication with riders about the project and progress updates; and requested that future reports to the Board include understandable information about the impact of the project at each station.

Director McPartland commented on the magnitude and impact of the project; expressed gratitude for the work spent on the project's development; thanked Hitachi Rail STS USA, Inc.; and indicated that Board Members would visit worksites to obtain explanations of the work completed.

Director Allen asked clarifying questions regarding the inclusion of a reserve and liquidated damages clause in the contract and the projected BART soft costs; expressed congratulations for the project; and indicated support for the project.

President Simon echoed the comments of the Board Members, colleagues, and staff.

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

1. That (1) the General Manager be authorized to award Contract No. 49GH-110 for the Design-Build of a Communications Based Train Control System to Hitachi Rail STS USA, Inc. for the price of \$798,551,928.00 (including all taxes), upon certification by the Controller-Treasurer that funding is available, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures and the Federal Transit Administration's (FTA) requirements related to protests; (2) the magnitude and long-term nature of the contract requires that BART provide annual accountability reports to the public and our partners; (3) the General Manager be further authorized to exercise Option 3, Silicon Valley Berryessa Extension, and Option 4, Silicon Valley Santa Clara Extension, to Contract No. 49GH-110, for \$56,168,590.00 and \$25,736,514.00, respectively, subject to escalation and upon certification by the Controller-Treasurer that funding is available; and (4) the General Manager be authorized to execute a Stipend Agreement with Alstom Signaling, Inc. in the amount of \$1,000,000.00, subject to compliance with the conditions specified in the Request for Qualifications and Proposals, and upon certification by the Controller-Treasurer that funding is available.
2. That (1) the General Manager be authorized to award Contract No. 49GH-120 for Train Control Performance Support Services to Hitachi Rail STS USA, Inc. for the price of \$8,630,000.00 (including all taxes), subject to escalation, and subject to the District's Protest Procedures; (2) the magnitude and long-term nature of the contract requires that BART provide annual accountability reports to the public and our partners; and (3) the General Manager be further authorized to exercise Option A and Option B to Contract No. 49GH-120, for two 5-year extensions for \$3,150,000.00 each, subject to escalation, and upon certification by the Controller-Treasurer that funding is available.

President Simon called for the General Manager's Report. Mr. Powers asked the Board Members to seek assistance on behalf of BART to address mental health and drug abuse issues and asked Ms. Tamar Allen and Chief Alvarez to report on the incident that occurred on January 8, 2020 outside Concord Station. Chief Alvarez and Ms. Tamar Allen reported on the incident.

Director McPartland asked a clarifying question regarding the amount of time that patrons were stranded on trains.

Director Foley asked whether staff could reflect on areas for improvement regarding the incident.

Director Li asked whether staff could issue a memo to the Board of Directors to summarize their review and analysis of the incident.

President Simon requested consistent reporting on police officer staffing and models for working with onsite mental health providers, and commended and thanked first responders, including the BART Police Department, for their response to the incident.

Director Raburn asked clarifying questions regarding the station at which the individual involved in the January 8th incident boarded a train; whether the individual paid fare; and the individual's activities prior to entering the station.

Mr. Powers asked Mr. Roddrick Lee, Assistant General Manager, External Affairs, to provide an update about the Oscar Grant Vigil that occurred on January 1, 2020. Mr. Lee reported on the event.

President Simon recognized Mr. Lee for his assistance at the Oscar Grant Vigil; commented on community building and the Office of External Affairs and Mr. Lee's involvement with the community; and thanked Mr. Lee for his work with the community.

President Simon brought the matter of Amendment to Consent Calendar Guidelines before the Board. Mr. Jones presented the item.

Director Saltzman expressed support for the resolution.

Director Saltzman moved that Resolution No. 5431, In the Matter of Establishing Guidelines for Consent Calendar Items Which Are Referred Directly to the Board of Directors, be adopted. Director Allen seconded the motion.

Director Raburn commented on Disadvantaged Business Enterprise (DBE) goals and exposure of bidders that do not satisfy the goals.

President Simon requested that information regarding amounts and DBE qualifiers be bolded in Executive Decision Documents (EDD), that staff highlight DBE information during Board Members' Board preparation, and that staff indicate to the Board and the public whether DBE goals have been satisfied in EDDs.

Director Raburn expressed agreement with President Simon's requests regarding EDDs.

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

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

Director McPartland reported that he had attended the Tri-Valley-San Joaquin Valley Regional Rail Authority meeting.

Director Dufty thanked Mr. Tian Feng, District Architect, for the installation of real-time arrival and departure information for trains at the 16th Street Mission and 24th Street Mission stations.

Director Li asked about New Year's Eve ridership data and the revenue generated from the time extension on New Year's Eve and commented on prior free rides for Spare the Air days.

Director Saltzman commented on her efforts to coordinate funding for Spare the Air days.

Director Raburn reported that he and the Office of External Affairs had met with Supervisor Nate Miley, the Homeless Task Force from Alameda County, and the Mayor's Office and that he had met with this group again with Capitol Corridor Joint Powers Authority staff.

Director McPartland requested that the meeting be adjourned in honor of the victims of the Transbay Tube Fire on January 17, 1979.

President Simon requested that the meeting be adjourned in honor of Mr. Arthur B. Shanks, Chief Executive Officer of Cypress Mandela Training Center, Inc. and BART partner.

President Simon called for Public Comment. Suzanne Gamble addressed the Board.

The Meeting was adjourned at 2:11 p.m.

Patricia K. Williams
District Secretary