

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

Board of Directors
Minutes of the 1,839th Meeting
April 25, 2019

A regular meeting of the Board of Directors was held April 25, 2019, convening at 9:04 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Dufty called for Introduction of Special Guests. General Manager Grace Crunican introduced Daschal Tinianow, 5th grader at Burton Valley School, visiting for Take Our Daughters and Sons to Work Day.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of Meeting of April 11, 2019.
2. Appointment of BART Police Citizen Review Board Member.
3. Delegation of Recruitment Activity and Relocation.
4. Amendment to Agreement No. 6M4636 with Krauthamer & Associates, Inc. to Provide Executive Recruitment Services.
5. Mandatory Amendment to the Non-Federal Small Business Program to Include a Policy to Prevent Fraud and Abuse.
6. Resolution Authorizing Execution of a Master Funding Agreement with the California Department of Transportation for State Funded Projects.

President Dufty requested that Item 2-C, Delegation of Recruitment Activity and Relocation, be continued to a future meeting.

Director Raburn made the following motions as a unit. Director Saltzman 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 Minutes of the Meeting of April 11, 2019, be approved.
2. That the Board ratify the appointment of Robert Pirone – District 5, to the BART Police Citizen Review Board, for a term expiring on June 30, 2020.

3. That the General Manager be authorized to execute an amendment to Agreement No. 6M4636, Provide Executive Recruitment Services, awarded to Krauthamer & Associates, Inc., to increase funding by \$125,000 from \$99,000 to \$224,000, and to extend the timeframe until June 30, 2020.
4. That the Board adopt proposed modifications to BART's Small Business Program for Non-Federal Contracts, to include a policy to prevent potential fraud and abuse on the part of contractors or suppliers as required by Public Contract Code Section 2002.
5. Adoption of Resolution No. 5396, In the Matter of Authorizing the General Manager to Execute the Master Agreement, and Program Supplements for State-Funded Transit Projects.

President Dufty called for Public Comment. L. Autumn King addressed the Board.

Director Simon, Chairperson of the Administration Committee, brought the matter of Title VI Fare Equity Analysis for BART Participation in Regional Means – Based Fares Pilot Program before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Maceo Wiggins, Department Manager, Office of Civil Rights; and Ms. Jennella Sanbour-Wallace, Manager of Special Projects, presented the item. The item was discussed.

Lieutenant Lance Haight introduced his daughters Avery and Riley Haight visiting for Take Our Daughters and Sons to Work Day.

Director Saltzman moved that the Board authorize the Title VI Fare Equity Analysis and Public Participation Report for BART Participation in the Metropolitan Transportation Commission's Regional Means-Based Transit Fare Discount Pilot Program. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Simon brought the matter of Performance and Audit Department Overview before the Board. General Manager Grace Crunican; Ms. Herhold; Mr. Dennis Markham, Chief Performance Audit Officer; and Ms. Tricia Yang, Senior Manager, Performance Analytics, presented the item. The item was discussed.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01VM-120, Union City Intermodal Phase 2A - BART Station Improvements, before the Board. Mr. David Hardt, Chief Mechanical Officer; and Ms. Shirley Ng, Group Manager Capital Programs, presented the item.

The following individuals addressed the Board:

Mark Evanoff
Joan Malloy
Fei Tsen

The item was discussed.

Director Ames moved that the General Manager be authorized to award Contract No. 01VM-120, Union City Intermodal Phase 2A – BART Station Improvements, to Clark Construction Group – California, LP, for the Bid Price of \$18,492,910.00 pursuant to notification to be issued by the General Manager. President Dufty seconded the motion, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

President Dufty 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 General Manager be authorized to award Contract No. 6M4549 for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of Commercial Fiber Optic and Wireless Networks for the Base Bid amount of \$1,561,814.00 to Phase 3 Communications, Inc., pursuant to notification to be issued by the General Manager.
2. That the General Manager be authorized to execute Change Order No. 002 to Contract Number 15TD-250, Track Geometry Car, in the not to exceed amount of \$458,730.00, and to extend the Contract completion date by 90 calendar days.

Director Foley brought the matter of Asset Management Policy Update before the Board. Mr. John McCormick, Department Manager, Operations Planning, presented the item. The item was discussed. Director Saltzman moved that the Board authorize the update to the Asset Management Policy. 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.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter Surveillance Policy: Automated License Plate Readers (ALPR) before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Mimi Bolaffi, Manager of Security Programs; and Lieutenant Kevin Franklin presented the item. The item was discussed.

The following individuals addressed the Board:

Mike Katz-Lacabe

J.P. Massar

Tracy Rosenberg

Discussion continued.

Director McPartland moved that the Board find, pursuant to District Ordinance No. 2018-1:

1. That the benefits to the community arising from the implementation of ALPR Technology outweigh the costs, and thereby the General Manager or her designee be authorized to proceed with the ALPR implementation and data collection thereof.

2. That the Surveillance Use Policy for ALPR Technology will reasonably safeguard civil liberties and civil rights, and thereby approves the Surveillance Use Policy, Impact Report, and Annex for ALPR Technology.

Director Allen seconded the motion.

Director Saltzman made a substitute motion that that the Board find, Pursuant to District Ordinance No. 2018-1:

1. That the benefits to the community arising from the implementation of ALPR Technology outweigh the costs, and thereby the General Manager or her designee be authorized to proceed with the ALPR implementation and data collection thereof.
2. That the Surveillance Use Policy for ALPR Technology will reasonably safeguard civil liberties and civil rights, and thereby approves the Surveillance Use Policy, Impact Report, and Annex for ALPR Technology.
3. That the Surveillance Use Policy for ALPR Technology will be brought back to the Board for reconsideration and potential amendments before or at the same time as contract award for ALPR technology.

Jerry Grace addressed the Board.

Director Allen seconded the substitute motion, which carried by unanimous electronic vote.
Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty.
Noes – 0.

Director Raburn brought the matter of Federal and State Legislation for Consideration before the Board. Mr. Roddrick Lee, Department Manager of Government and Community Relations; and Ms. Amanda Cruz, Program Manager I, Government and Community Relations, presented the item.

Director Allen moved that the Board support the following Federal bills:

S. 654 I H.R. 1517 The Transportation Connecting Efficiencies Opportunities Act through
Mobility Metrics and Unlocking
S.793/H.R. 1782 Apprenticeship Act
S. 923/H.R. 1978 The Fighting Homelessness Through Services and Housing Act
H.R. 1507 The Bicycle Commuter Act of 2019

President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9:
Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director McPartland exited the Meeting.

The State bills were presented to the Board. The item was discussed.

President Dufty moved that the Board defer taking a position on Senate Bill (SB) 40 - Conservatorship: serious mental illness and substance use disorders. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland.

Director Saltzman moved that the Board support SB 128 - Enhanced infrastructure financing districts: bonds. Director Li seconded the motion, which carried by electronic vote. Ayes – 5: Directors Foley, Li, Saltzman, Simon, and Dufty. Noes – 3: Directors Allen, Ames, and Raburn. Absent - 1 : Director McPartland.

Director McPartland re-entered the Meeting.

Director Li moved that the Board defer taking a position on SB 152 - Active Transportation Program. Director Raburn 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 brought the matter of Earthquake Safety Program Citizens Oversight Committee Annual Report before the Board. Mr. Derek Schaible, Chairperson of the Committee, presented the report. The item was discussed, and the Directors thanked Mr. Schaible for his dedication and the service of the Committee.

President Dufty brought the matter of 2019 Organization of Committees and Special Appointments Revision: Creation of General Manager Ad Hoc Committee before the Board. Director Raburn moved that the Board ratify the following appointments to the General Manager Recruitment Ad Hoc Committee: Bevan Dufty, Chairperson; Rebecca Saltzman, Vice Chairperson; Debora Allen; and Mark Foley. 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 Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Saltzman made the following request.

BART created a time lapse video from the operator's cab on a BART train, but BART's security committee did not allow this video to be shared publicly. I request a memo to the Board on why the committee decided against sharing the video and for the committee to reconsider, including considering mitigations to security concerns, such as blurring some images, speeding up parts, or overlaying text or images when necessary.

Director Foley seconded the request.

President Dufty acknowledged an email from Aleta Dupree praising General Manager Grace Crunican and requested the comments be included in the record. (The email is attached and hereby made a part of these Minutes.)

President Dufty requested the Meeting be adjourned in memory of Ernie Asten, owner of Cliff's Variety store, a landmark in San Francisco.

President Dufty reported he had participated with the 4 a.m. Fare Evasion team at all four downtown San Francisco stations.

Director Simon thanked the External Affairs staff and their support in working with Richmond Mayor Tom Butt, and Contra Costa Supervisor John Gioia regarding the Richmond Station end of line issues.

Director Li acknowledged the District's "Get on Board Day" promotion and thanked Chief Rojas for his service.

Director Raburn reported he had met with the American Planning Association and Fruitvale Business Improvement Group and had toured the Hayward Maintenance Complex with Latitude 38.7 ° Oakland High School students.

Director Ames thanked the External Affairs staff for their support with the Earth Day celebration in Fremont and Rolling Stocks and Shops staff for a tour of the Hayward Maintenance Complex.

Director Raburn requested the Meeting be adjourned in memory of former Mayor of San Leandro, Tony Santos.

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, outstanding Roll Call for Introductions items, and weekend closure and bus bridge weekend dates. She reported that the District had won the National Government Finance Officers Association Award for the District's Fiscal Year 2019 Adopted Budget Manual.

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

President Dufty announced that the Board would enter closed session under Item 10 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 11 :55 a.m.

The Board reconvened in closed session at 12:00 p.m.

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

Absent: None.

Director Saltzman exited the meeting.

Director Simon exited the meeting.

The Board Meeting recessed at 2:31 p.m.

The Board reconvened in open session at 2:32 p.m.

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

Absent: Directors McPartland, Saltzman, and Simon

President Dufty announced that the Board had concluded its closed session and that on Item No. 10 – C, Public Employee Employment/Appointment, the Board had voted unanimously 9-0 to appoint Robert Powers as the Interim General Manager at such time as General Manager Grace Crunican completes her service to the District.

The Meeting was adjourned at 2:35 p.m. in honor of Ernie Asten and Tony Santos.

Patricia K. Williams
District Secretary

Sent: Friday, April 19, 2019 4:49 PM
To: board_BoardofDirectors <BoardofDirectors@bart.gov>
Subject: BART Board of Directors Comment from Aleta Dupree

Secretary Williams, thank you, please forward this message to the full BART Board for the Regular Meeting of 25 April 2019.

Greetings again President Dufty and Members of the Board.

Aleta Dupree for the record.

Today I write to you with General Public Comment concerning BART related matters that are not on the posted Agenda.

First I write this. I was watching the video archive of the Meeting of 11 April, 2019, and during the General Manager's Report, I watched our GM, Grace Crunican, announce her retirement. I mention to you that I am indeed saddened by this.

I first met Grace when I attended and spoke at my first BART Board Meeting on 25 May, 2017, the same Meeting where Carlos Rojas was sworn in as Chief of Police, such was the first of many Meetings where I had a front row seat to the most important public Proceedings of BART business, and frequently conversed with you in Public Comment periods.

Grace has always been approachable and responsive to my concerns, an attentive listener, and generous with her time, we have met up in stations and ridden on trains together, discussing diverse subject matters.

Grace has indeed exemplified true leadership in this most challenging endeavor that is Public Transportation, and spoke on many subjects with reason and clarity, using understandable language. I always enjoy pulling up the archives of her brief and succinct GM reports when I am not present at Meetings to hear them in person.

Grace I think most of all in her time at BART has advanced the cause and conversation for making BART a welcoming System. For I am a person who does not particularly meet societally established definitions, but I am just as much a person. Grace has helped make BART a more welcoming system for all who set foot on Bay Area Soil.

I wish Grace the best in her retirement and future endeavors.

There are some Title VI matters which I can comment about in separate messages, briefly it is essential that we keep Clipper in mind as a means to advance equity for all of our patrons, especially in communities of concern.

Parking at BART facilities must not be Cash Only, but allow diverse options for payment.

As summer and warmer weather approaches it is essential to have a conscious mindset of energy costs, keeping demand spikes down, to keep a 40+ million dollar electric bill under control.

Be a voice in banking and electronic payments, especially as we approach a day when open source payment becomes commonplace.

Incentivize prepayment and Clipper website and auto loading.

And so it goes.

I leave you with this.

Be willing to think outside the box.

Be pragmatically futuristic in your mindset and decision making.

I look forward to attending a Meeting in person with you soon.

Thank you.