

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

Board of Directors
Minutes of the 1,684th Meeting
August 8, 2013

A regular meeting of the Board of Directors was held August 8, 2013, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of July 11, 2013.

Director Murray moved that the Minutes of the Meeting of July 11, 2013, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray, Chairperson of the Administration Committee, brought the matter of Agreements for the District's Self-Insured Workers' Compensation Program: Agreement with Athens Administrators for Third Party Administration Services (Agreement No. 6M4257); Agreement with GENEX Services, Inc., for Utilization and Bill Review Services (Agreement No. 6M4280); and Agreement with Professional Dynamics, Inc. (PDI), for Medical Case Management (Agreement No. 6G4281), before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. The item was discussed. Director Raburn made the following motions as a unit:

1. That the General Manager be authorized to award Agreement No. 6M4257, Third Party Administration Services for the District's self-insured Workers' Compensation Program, to Athens Administrators, for an amount not to exceed the base Proposal Price of \$2,949,911.00 for the base three-year period, and be authorized to exercise Option Year 1 for an amount not to exceed \$1,063,000.00 and Option Year 2 for an amount not to exceed \$1,105,516.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the Agreement authorize Athens Administrators to pay self-insured workers' compensation claims and losses out of a fund provided by the District to the amount required by law.
2. That the General Manager be authorized to award Agreement No. 6M4280, Utilization and Bill Review Services, for the District's self-

insured Workers' Compensation Program, to GENEX Services, Inc., for an amount not to exceed the base Proposal Price of \$826,188.50 for the base three-year period, and be authorized to exercise Option Year 1 for an amount not to exceed \$353,748.50 and Option Year 2 for an amount not to exceed \$396,807.50, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

3. That the General Manager be authorized to award Agreement No. 6G4281, Medical Case Management, for the District's self-insured Workers' Compensation Program, to Professional Dynamics, Inc. (PDI), for an amount not to exceed the base Proposal Price of \$1,984,460.00, for the base three-year period, and be authorized to exercise Option Year 1 for an amount not to exceed \$666,960.00 and Option Year 2 for an amount not to exceed \$669,940.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

Director McPartland seconded the motions.

Mr. John Arantes addressed the Board.

Discussion continued. The motions carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of Amendment to the District's Code of Conduct Policy before the Board. Mr. Benson Fairrow, Deputy Chief of Police, presented the item. The item was discussed. Director Raburn moved that the Board adopt the attached District Code of Conduct Policies. (The policies are attached and hereby made a part of these Minutes.) Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of District Whistleblower Policy before the Board. Ms. Darlene Cummins, Department Manager, Internal Audit, presented the item. The item was discussed. Director Raburn moved that the Board adopt the attached Whistleblower Policy. (The Whistleblower Policy is attached and hereby made a part of these Minutes.) Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01VM-110A, Union City Intermodal Station Phase 2 - BART Station Improvements, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, presented the item.

The following individuals addressed the Board.

Mr. Mark Evanoff

Mr. Joe Bomberger

The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 01VM-110A, for the Union City Intermodal Station, Phase 2 – BART Site Improvements, to West Bay Builders, Inc., for the Base Bid amount of \$13,543,600.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures; and that the General Manager also be authorized to exercise the Option Bid amount of \$1,300,000.00, subject to the availability of funds. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Fang brought the matter of Award of Contract No. 04SF-150, Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork, before the Board. Mr. Powers presented the item. The item was discussed.

Mr. Saul Almanza addressed the Board.

Director Blalock moved that the General Manager be authorized to award Contract No. 04SF-150, for the Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork, for L.B. Foster Company, for the amount of \$23,646,694.63, plus applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Fang brought the matter of Award of Contract No. 6M3235, Reconditioning Transit Vehicle Wheels, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. Director Mallett moved that the General Manager be authorized to award Contract No. 6M3235, for the Reconditioning of Transit Vehicle Wheels, to Penn Machine Company, LLC, for a Total Bid Price of \$4,940,552.00, plus applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager also be authorized to exercise Options A and B in the amounts of \$2,841,600.00 and \$2,983,680.00 respectively, plus applicable sales taxes, subject to the availability of funds; and that the General Manager also be authorized to procure services for up to 150 percent of the estimated quantities of the Base and Option Bid Items at the original Bid unit prices, for a total not-to-exceed value of \$16,148,748.00 plus applicable sales taxes, subject to the availability of funds. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Fang brought the matter of Agreement with King-American Ambulance Company, for Stand-by Emergency and Advance Life Support Services at the Four Downtown San Francisco Stations (Agreement No. 6M3240), before the Board. Mr. Oversier presented the item. The item was discussed. Director McPartland moved that the General Manager be authorized to enter into Agreement No. 6M3240, with King-American Ambulance Company, to provide Stand-by Emergency and Advance Life Support Services at the four (4) downtown San Francisco stations

for a term of three (3) years, for a cost of \$426,668.00, with the option to renew the Agreement for up to two (2) additional one-year terms, for a total cost not to exceed \$142,038.00 for option year one and \$141,486.00 for option year two, subject to certification by the Controller-Treasurer that funds are available. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on East Contra Costa County Extension (eBART) Next Segment Study before the Board. Ms. Ellen Smith, Planning Division Manager, presented the item. The item was discussed.

President Radulovich called for the General Manager's report. General Manager Grace Crunican thanked staff for their work in preparing the presentation to the Governor's Board of Inquiry.

President Radulovich called for Board Member Reports.

Director Saltzman reported she had attended the Contra Costa County Mayors' Conference.

Director Raburn reported he had attended the BART Accessibility Task Force meeting and their tour of the mock-up rail car at MacArthur Station, and that he had attended the Earthquake Safety Program Citizens Oversight Committee meeting.

Director Murray reported she attended a meeting in Monterey with Capitol Corridor staff to discuss improved attention, advocacy, and funding for inter-city rail; met with a student from the United Kingdom; attended the interview for BART management of the San Joaquin trains; gave a State of Good Repair presentation to the Walnut Creek Rotary; and attended the opening day mock-up rail car event.

Director Blalock reported he had toured the rail car mock-up.

Director Mallett reported he had attended various meetings with staff and constituents, city council meetings, Hercules Planning Commission meetings, shadowed a station agent, and attended the Board of Inquiry hearing.

Director McPartland reported he had attended a yellow ribbon event in Santa Clara for the 125th Air Rescue Wing.

President Radulovich called for Roll Call for Introductions.

President Radulovich requested an integrated regional set of interagency agreements and policies, covering acceptance of fare media, etc., to ensure that displaced passengers are provided with alternate service in the event of an emergency or service interruption.

President Radulovich requested a review of the Regional Coordinating Council, Financial Management Plan and annual updates referenced in the District Act.

Director Murray requested the development of applicable policies, rules and education strategies for management of passenger and bicycle spaces on new rail cars before they enter revenue service.

Director Mallett requested an extensive outreach to non-bicycle passengers during the Bicycle Access pilot to effectively gather feedback from the majority of passengers.

Director Mallett requested the development of a clear definition of 'crowded' trains as it applies to the Bicycle Access program.

President Radulovich called for Public Comment. The following individuals addressed the Board.

Mr. Michael Cunningham

Mr. Alex Evans

Mr. Tim Paulson

Ms. Jennifer Smith-Camejo

Ms. Mary Steiner

Mr. David Douglas

Ms. Yvette Felarca

Ms. Patricia Schuchardt

Mr. George Popyack

Ms. Josie Camacho

Mr. Chris Daly

Servant Brian Woodson

Rev. Sandhya Jha

Mr. William Walker

Mr. Victor Garnica

Mr. John Arantes

Ms. Roxanne Sanchez

Mr. Jerry Grace

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-B (Conference with Legal Counsel) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 11:56 a.m.

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

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, and Radulovich.

Absent: Director Saltzman. Director Raburn entered the Meeting later.

Director Raburn entered the Meeting.

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

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

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn
Radulovich.

Absent: Director Saltzman.

President Radulovich announced that the Board had concluded its meeting in closed session and there were no announcements to be made.

The Board Meeting was adjourned at 12:15 p.m.

Kenneth A. Duron
District Secretary