

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

Board of Directors
Minutes of the 1,682nd Meeting
July 11, 2013

A regular meeting of the Board of Directors was held July 11, 2013, convening at 9:07 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.

President Radulovich announced that the Meeting would be adjourned in honor of former Director Willie B. Kennedy.

President Radulovich announced that the item on Agreement with Athens Administrators for Workers' Compensation Third Party Administration Service for the District's Workers' Compensation Program (Agreement No. 6M4257) would be continued to a future meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of June 13, 2013 (Regular), June 18, 2013 (Special), and June 28, 2013 (Special).
2. Agreement with MuniServices, LLC, for Sales and Use Tax (Sales Tax) Revenue Collection Services (Agreement No. 6M5059).

Director Murray made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meetings of June 13, 2013 (Regular), June 18, 2013 (Special), and June 28, 2013 (Special), be approved.
2. That the General Manager be authorized to award Agreement No. 6M5059, to MuniServices, LLC, to provide sales tax revenue collection services, pursuant to the notice to be issued by the General Manager, and subject to the District's protest procedures; the Agreement covers an initial term of three years with options for two additional one-year terms; and a contingency fee of 20 percent will be paid to MuniServices, LLC, based upon the amount of tax revenue recovered.

Director Murray, Chairperson of the Administration Committee, brought the matter of Agreement with San Francisco Municipal Transportation Agency for Fast Pass Payments for the

Period January 1, 2010, through June 30, 2014, before the Board. Ms. Pamela Herhold, Financial Planning, presented the item. The item was discussed. Director Saltzman moved that the General Manager be authorized to execute the Special Transit Fare (Fast Pass®) Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for the period January 1, 2010, through June 30, 2014. Director Blalock seconded the motion. Director Mallett requested that the motion be amended to include direction previously given to staff to perform additional analysis and bring the results back to the Board. Directors Saltzman and Blalock accepted the amendment. The motion, as amended, 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 Title VI Policies: Major Service Change Policy and Disparate Impact and Disproportionate Burden Policy, before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, Mr. Robert Mitroff, Manager of Fleet and Capacity Planning, and Ms. Herhold presented the item. The item was discussed.

Mr. Guillermo Mayer addressed the Board.

Director Raburn moved that the Board approve the Major Service Change Policy and Disparate Impact and Disproportionate Burden Policy. Directors Saltzman and Mallett seconded the motion.

Discussion continued. The motion 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 Draft Amendment to the District's Code of Conduct Policies before the Board. Ms. Marcia deVaughn, Deputy General Manager, and Mr. Benson Fairrow, Deputy Chief of Police, presented the item. The item was discussed.

Director Murray brought the matter of Draft District Whistleblower Policy before the Board. Ms. deVaughn and Ms. Darlene Cummins, Department Manager of Internal Audit, presented the item. The item was discussed.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-110, Traction Power Substation Replacement ACO/KOW Installation 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. 15EK-110, Traction Power Substation Replacement ACO/KOW Installation, to Shimmick Construction Company, Inc., for the Bid amount of \$2,761,000.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Blalock seconded the motion. Discussion continued.

Director McPartland exited the Meeting.

The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Change Order to Contract No. 15PJ-110B, Earthquake Safety Program Four Station Structures – A Line, with Robert A. Bothman, for Seismic Retrofit of Pier P-238 (C.O. No. 2), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

Director Keller exited the Meeting.

The item was discussed. Director Murray moved that the General Manager be authorized to execute Change Order No. 2 to Contract No. 15PJ-110B, BART Earthquake Safety Program Station Structures – A Line, for the retrofit of Pier P-238, in an amount not to exceed \$1,300,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Fang brought the matter of Response to Request for Proposals for Management and Administrative Services for the San Joaquin Joint Powers Authority before the Board. Director Blalock recused himself from the discussion, stating that he sat on the San Joaquin Joint Powers Authority, the awarding body.

Mr. David Kutrosky, Managing Director, Capitol Corridor, presented the item.

Director Keller re-entered the Meeting.

The item was discussed. Director Raburn moved that the General Manager be authorized to submit a response to the Request for Proposals for Management and Administrative Services for the San Joaquin intercity passenger trains, on behalf of the District, to the San Joaquin Joint Powers Authority. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Blalock and McPartland.

Director Blalock re-entered the Meeting.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in.

President Radulovich called for Board Member Reports.

Director Mallett reported he had attended Hercules Planning Commission meetings, a Democratic Central Committee meeting, the opening of the Richmond Station parking garage, meetings with staff and Directors, West Contra Costa Transportation Advisory Committee meetings, a meeting with a prospective developer, and a Richmond neighborhood council meeting.

Director Blalock reported he had attended a meeting of the South Hayward BART Station Access Authority and had visited the Fremont Station to speak with employees and riders.

Director Murray reported she had attended a small business presentation for the Hispanic Chamber of Commerce and had met with a constituent about Capitol Corridor.

Director Keller reported he had visited three stations to speak with employees and riders.

Director Raburn reported he had attended a briefing with police leadership on crime reduction strategies in the Coliseum parking area and the Citizens Review Board meeting.

Director Saltzman reported she had attended the South Hayward BART Station Access Authority meeting and had visited the Rockridge Station to speak with employees and riders.

President Radulovich called for Roll Call for Introductions.

Director Saltzman requested a discussion of evening Board Meetings be agendaized.

Director Saltzman requested the verbal announcement of Board votes when there is other than unanimity, to include at a minimum identification of those voting in the minority, in order to better inform those in the overflow room and those monitoring meetings via streaming or on demand.

Director Blalock requested the District evaluate the feasibility of installing windmills at stations for power generation, with the report to include costs and potential revenue sources for acquisition/installation/operation.

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

Mr. Saul Almanza
Mr. Anthony Zielonka
Mr. Oscar David
Mr. Kewal Singh
Ms. Rose Sandoval
Mr. Andrew Shaifer
Ms. Gailene Gaines
Ms. Carmen Williams
Mr. Joe Bomberger
Mr. Robert Fernandez
Ms. Rhea Davis
Mr. John Arantes
Mr. James Riddle
Ms. C. J. Hirschfield
Ms. Jean Gomez
Mr. Michael Parker
Mr. Steve Arhontes
Mr. Chris Daly
Mr. Rickey Rideout

Ms. Jennifer Smith-Camejo
Mr. Maurie Peaslee
Mr. Paul Junge
Ms. Roxanne Sanchez
Ms. Sarah Bump
Mr. Ken Hargreaves
Mr. Alan Hollie
Mr. Chris Finn
Ms. Antonette Bryant
Ms. Yuri Hollie

The Board Meeting was adjourned at 12:27 p.m. in honor of Willie B. Kennedy.

Kenneth A. Duron
District Secretary