



**CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A WATCHDOG COMMITTEE**

Wednesday, February 7, 2007

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:35 p.m. by Chairperson Schuler, in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

ROLL CALL

Members Present

Stephen Blaylock
Don Burnett
Chris Elias
Ellen Fletcher
Roberta Hughan
Margaret Okuzumi
Sally Probst
Connie Rogers
Martin Schuler, Chairperson
Laura Stuchinsky
Noel Tebo

Members Absent

Ray Hashimoto
Irene Hsu
Robert Jacobvitz, Vice Chairperson

Luis Mendez
Gaye Morando

Charlotte Powers

Representing

Mass Transit Users
West Valley Cities
Environmentalists
Bicyclists
Santa Clara County
North County Cities
Senior Citizens
South County Cities
Disabled Persons
Silicon Valley Leadership Group
City of San Jose

Representing

Building Industry Association
South Bay AFL-CIO Labor Council
Building Owners and Managers Association
(BOMA) –Silicon Valley
Pedestrians
Santa Clara County Chamber of Commerce
Coalition
City of San Jose

A quorum was present.

2. **ORDERS OF THE DAY**

There were no Orders of the Day.

3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

4. **Committee Staff Report**

Michael T. Burns, General Manager, noted that VTA looks forward to working with CAC as the 2000 Measure A Watchdog Committee. He advised that the Committee will receive Measure A reports later in the meeting. He encouraged the Members to provide input to ensure that the report format is understandable.

Mr. Burns provided a brief report, highlighting:

- The Board's adoption of the No Smoking Policy and staff's work on the signage design.
- California Transportation Commission's (CTC) approval of more than \$364 million in funding for the BART Project, which will bring the project to 65 percent design level. Mr. Burns added that the funds will allow the release of additional funds to other Measure A projects.

Member Blaylock took his seat at 4:40 p.m.

- The circulation of the BART Project's Supplemental Environmental Impact Report (SEIR). Four public meetings will be held, as noted on the flyer that was distributed. Information is also available on the VTA Website, www.vta.org.
- The Downtown San Jose Station Retrofit project is progressing smoothly, with five out of seven stations completed. Completion of the Santa Clara station is expected by May 2007, two months ahead of schedule. Canopies are installed at the San Antonio station and scheduled for installation at the St. James station canopies tonight, depending on the weather.
- The Route 17 Northbound Auxiliary lane between Camden and Hamilton is expected to open to traffic in mid-February.
- The Route 152/156 Interchange Project is currently out to bid. The contract award is scheduled for March 2007 and construction is expected to commence by Spring 2007.
- The Organizational and Financial Audit consultants are expected to provide the audit results in March 2007. Staff expects to conduct a Board Workshop to discuss the results on March 23, 2007.
- The FY 2007 Budget review indicated a balanced budget with a slight surplus. Staff is currently working on the FY 08-09 budget and discussions will begin in April 2007. The Biennial (FY 08-09) Budget is scheduled for Board approval on June 2007. Mr. Burns noted that the biennial budget does not recommend any

fare increase or service cuts. However, there may be some service modifications based on the Comprehensive Operations Analysis (COA).

- As a result of the Ride Task Force recommendation, VTA is conducting a study about the possibility of reducing the day pass, senior and disabled, and youth fares on a pilot or test basis.

Member Stuchinsky inquired about the COA timeline. Mr. Burns responded that the Board will discuss the COA at its February 16, 2007 Board Workshop. The COA is looking at Community Bus as an alternative and public meetings are currently underway. Additional Community Bus implementation is scheduled for July 2007.

Member Elias took his seat at 4:50 p.m.

Member Stuchinsky inquired about the study for a new roadway at Route 152/156. Mr. Burns responded that there is discussion about a separate project that proposes building a new road south of Route 152 to address truck traffic and safety. Mr. Burns reported that staff would request on authorization for a conceptual study from the Board in March 2007. He advised that VTA is working with San Benito and Santa Clara Counties regarding this issue.

Mr. Burns added that staff was successful in adding the Route 25/US 101 Interchange in the list of projects that will go to the State for upgrades as part of the State Infrastructure Bond.

On order of Chairperson Schulter, there being no objection, the General Manager's report was received.

5. Chairperson's Report

Chairperson Schulter thanked former Vice Chairperson Blaylock for his many years of service. He also thanked the Committee for re-electing him as Chairperson for 2007. He expressed appreciation to Member Powers and Vice Chairperson Jacobvitz for facilitating last month's meeting.

Chairperson Schulter distributed a printout of an article from the San Francisco Chronicle Article entitled "Local San Jose BART funds irk some." He clarified that the opinion expressed in the article were his personal views and were not made as a Chairperson of the CAC.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A WATCHDOG COMMITTEE CONSENT AGENDAS

6. Minutes of January 10, 2007

Member Burnett noted correction on Page 3 of 8, Item #8, last paragraph, second line to reflect Vice Chairperson Jacobvitz. He referred to Page 3 of 8, Item #9, and requested that CDT (Community Design and Transportation) be spelled out.

M/S/C (Burnett/Probst) to approve the Minutes of January 10, 2007, as amended.

7. Proactive CMP Reviewed and Approved Projects Quarterly Status Report October through December 2006

M/S/C (Burnett/Probst) to review the Proactive CMP Reviewed and Approved Projects Quarterly Status Report October through December 2006.

8. CAC Quarterly Attendance Report

M/S/C (Burnett/Probst) to review the CAC Quarterly Attendance Report.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

9. Amendment to the CAC Bylaws to Provide an Attendance Waiver for Serious but Temporary Personal Situations

Stephen Flynn, Senior Management Analyst, noted that this item was discussed at the December 2006 meeting. He referenced a handout distributed entitled, "Revised Proposed Amendment to the Citizens Advisory Committee (CAC) Bylaws to Provide for a Temporary Waiver of the Existing CAC Attendance Requirements," and noted that the General Counsel had minor changes.

Chairperson Schuller inquired about the confidentiality of a medical waiver request. Mr. Flynn responded that per General Counsel, the request will become part of the public record. However, it is not required that detailed medical information be disclosed on the waiver request.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

Member Rogers directed attention to the third paragraph of the handout and expressed concern on the “no member shall be granted more than one absence waiver in a 36-month period.” She noted that the possible rare circumstances wherein a member may require more than one waiver during a 36-month period such as caring for an out of state elderly parent.

Member Probst commented that the waiver allows six additional absences over a three-year period, which is a significant quantity, and that the situation described by Member Rogers could be interpreted a continuation of the initial waiver. It was also clarified that when the waiver request is submitted, the Member does not have to specify in advance meetings all the meetings that will be missed that are covered by the waiver; they can be scheduled as they occur.

Mr. Flynn explained that the Board will consider this item at its March 2007 meeting. He noted that the changes will take effect at the March 2007 CAC meeting.

M/S/C (Stuchinsky/Tebo) to approve amending Section 5.7 of the Citizens Advisory Committee (CAC) bylaws, as indicated, to provide a temporary waiver to the existing three absence attendance provision for cases of serious but temporary personal situations, and reflect Member Probst’s comments.

10. Comprehensive Operations Analysis Status Report

Ying Smith, Senior Transportation Planner, provided a PowerPoint presentation regarding the status of the COA. She reviewed the COA Work Program and its revised schedule. Ms. Smith noted that the schedule was revised to provide more opportunity for community outreach. She briefly explained the market analysis including on-board survey results, rider demographics, and travel characteristics. She also explained the attitude based survey results, key transportation factors, customer segments, market segmentation analysis findings, market share, and the distribution of the different customer segments in Santa Clara County.

Ms. Smith discussed the competitive positioning transit and the transit competitive factor (TCF). She presented maps of the origins and destinations based on the TCF and the Proposed core service as well. Overall, the analysis indicated that transit services in Santa Clara County serves transit dependent and low income; majority of travel market has low transit tolerance and is time sensitive; transit origins are competitive but transit destinations are not; and no “one size fits all” service solution.

Ms. Smith presented the Case Study on Bus Line #68 – Monterey Highway and briefly explained market analysis conclusions for Santa Teresa – Downtown San Jose Segment and South County – Downtown San Jose Segment.

Ms. Smith reviewed the next steps, highlighting: staff and the consultant team are currently analyzing Service Operating Plans; Community Bus service will be implemented in July 2007; and Board action is scheduled for September 2007 with the first round of implementation in January 2008.

On order of Chairperson Schulter, there being no objection, the COA update was received.

2000 MEASURE A WATCHDOG COMMITTEE REGULAR AGENDA

11. Responses to Questions on the Measure A Audit

Susan Stark, Controller, advised the Committee that the item was placed on the agenda again to provide the committee an opportunity to review the results and provide comments. Ms Stark advised that Leonard Danna, Partner, Vavrinek, Trine & Day Auditing Firm, is present to answer Member Okuzumi's previous question regarding reclassification and answer any further questions that the Committee may have.

Mr. Danna referred to Page 7 of the Audit Report, Note 2J. Reclassifications and explained that there were no reclassifications that have been done from the 2005 report. It was an oversight and was not removed from the draft. He further noted that the note does not impair the fairness of the presentation of the financial statements.

On order of Chairperson Schulter, there being no objection, the responses to Questions on the Measure A Audit was received.

12. Publication of 6-30-06 Measure A Audit Results

Ms. Stark presented the draft 2000 Measure A FY 2006 Financial Audit Results and solicited Committee input.

Members Burnett and Probst suggested that ZEB (Zero Emission Bus) should be spelled out.

Upon inquiry of Chairperson Schulter, Ms. Stark responded that this draft fulfills two of the three responsibilities stated on the left corner of the report (Annual Independent Audit and publication of audit results and annual report). Ms. Stark further clarified that the public hearing is not associated with the audit but rather associated with the expenditure report. The public hearing should be noticed in advance to inform the public regarding the topic, date, time, and venue of the hearing.

Chairperson Schulter recommended rearranging the bullets to reflect the public hearings as bullet #3.

Member Probst commented on the usefulness of more detail about the ZEB item such as how many buses are in service, where it operates, and the success of the pilot project.

Member Okuzumi noted that the report should clarify the nature of the 2000 Measure A Program is in the beginning of the report. She suggested the following language "*The Santa Clara Valley Transportation Authority 2000 Measure A Program was created in response to the approval of a ½ cent sales tax by the voters of Santa Clara County on November 7, 2000. The 30-year tax took effect on April 1, 2006.*"

Ms. Stark suggested "*The collection of the tax took effect on April 2006.*" Member Okuzumi concurred with Ms. Stark's suggestion with the addition of "30-year" before the word tax. Member Okuzumi suggested the removal of the first sentence of the second paragraph.

Member Blaylock directed attention to the list of projects the monies were utilized for and suggested adding the word "To date" prior to "2000 Measure A funds were utilized for the following projects..."

Ms. Stark advised the Committee that staff will incorporate the Committee recommendations and provide another draft at the March 2007 meeting.

On order of Chairperson Schulter, there being no objection, the Publication of 6-30-06 Measure A Audit Results was discussed and deferred approval to the March 2007 meeting.

13. 2000 Measure A Transit Improvement Program Quarterly Progress Report

Jack Collins, Chief Development Officer, provided an overview of the report, noting that there are three sections: Program Financial Status, Program Summary, and Project Summary Reports. Mr. Collins noted that staff intends to provide the progress report on a quarterly basis.

Mr. Collins noted that this report is similar to some of the reports for the 1996 Measure B Program. He introduced the staff responsible for creating the 1996 Measure B report including Kathy Blevins, South Bay Transportation Associates; and Derek Carrier, VTA Project Controls Manager. Mr. Collins noted that these individuals will also work on the 2000 Measure A Program Reports.

Chairperson Schulter acknowledged Mr. Collins for the report and recommended that the item be brought back to the Committee at the March 2007 meeting to provide the opportunity for Members to fully review and provide comments.

Upon inquiry of Member Elias, Mr. Collins responded that Figure 1.4 shown on Page 1-8 of the report shows the projected expenditures and project estimates.

Member Stuchinsky left the meeting at 6:40 p.m.

Roger Contreras, Chief Financial Officer, clarified that Figure 1.1 on Page 1-3 of the report only illustrates the Measure A ½ cent sales tax and does not include the proposed ¼ cent sales tax or equivalent.

On order of Chairperson Schulter, there being no objection, the 2000 Measure A Transit Improvement Program Quarterly Progress Report was reviewed and forwarded to the March 2007 meeting for review.

14. 2000 Measure A Transit Improvement Program Cost Report – January 2007

Mr. Collins stated that the Program Cost Report is a more detailed report that contains the incurred costs for the Measure A Program. He referred to the 2000 Measure A Program Reporting Structure Chart inserted in the report and explained that this is the basis of how the reports are organized. He added that the content of the report presented are actual figures.

Mr. Collins noted that the report contains the Program Changes in Cost in the following Measure A components: a) programwide costs; b) BART-Silicon Valley Rapid Transit; c) Light Rail Program; d) Commuter Rail Program; e) Bus Program; f) San Jose Mineta Airport Mover. It also includes a table (Figure 1 – Forecast Changes this month and from authorized budget) that notes the forecast changes versus the authorized budget. The report contains summary cost reports for each of the components of Measure A that notes program estimates, authorized budget, transfers, scope changes, current budget, contract commitment, estimated total cost, budget variance, incurred to date, incurred FY 2007, and percentage total incurred to current budget.

Upon inquiry of Member Okuzumi, Mr. Collins explained that transfers are the authorized movement of funds between the various categories of the projects and scope changes represent the value of the work that has been added to or deleted from the project.

Chairperson Schulter recommended that the Cost report be brought back to the Committee in March 2007 to provide Members the opportunity to further review and comment.

On order of Chairperson Schulter, there being no objection, the 2000 Measure A Transit Improvement Program Cost Report – January 2007 was reviewed and forwarded to the March 2007 meeting for review.

15. Information and Requirements for Public Hearing Process

On order of Chairperson Schulter, there being no objection, the Information and Requirements for Public Hearing Process was deferred.

COMBINED CAC AND 2000 MEASURE A WATCHDOG COMMITTEE ITEMS

16. CAC and 2000 Measure A Citizens Watchdog Committee Work Plans

Mr. Flynn noted that the following will be added into the March work plan: Agenda Item #12., Publication of 6-30-06 Measure A Audit Results; Agenda Item #13., 2000 Measure A Transit Improvement Program Quarterly Progress Report; Agenda Item #14., 2000 Measure A Transit Improvement Program Cost Report – January 2007; and Agenda Item #15., Information and Requirements for Public Hearing Process.

Agenda Item #15 will involve discussions about the public hearing requirement, limitations, tentative schedule, venue, and advertising lead time.

Upon inquiry of Member Hughan, Mr. Flynn responded that the public hearing would likely take place in the VTA Auditorium. A sound system will help ensure that the acoustics in the room are acceptable.

Member Elias suggested the Isaac Newton Senter or Board of Supervisors' Chambers at the County Government Center for the public hearing as these locations are more central.

On order of Chairperson Schulter, there being no objection, the Committee work plan was reviewed.

17. Announcements

There were no announcements.

18. ADJOURNMENT

On order of Chairperson Schulter, there being no objection, the Meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors