

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

Wednesday, July 11, 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 Vice Chairperson Jacobvitz, 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  
Ray Hashimoto  
Robert Jacobvitz, Vice Chairperson  
  
Gaye Morando  
  
Margaret Okuzumi  
Charlotte Powers  
Sally Probst  
Laura Stuchinsky  
Noel Tebo

**Members Absent**

Roberta Hughan  
Luis Mendez  
Connie Rogers  
Martin Schulter, Chairperson

**Representing**

Mass Transit Users  
West Valley Cities  
Environmentalists  
Bicyclists  
Building Industry Association  
Building Owners and Managers Association  
(BOMA) –Silicon Valley  
Santa Clara County Chamber of Commerce  
Coalition  
North County Cities  
City of San Jose  
Senior Citizens  
Silicon Valley Leadership Group  
City of San Jose

**Representing**

Santa Clara County  
Pedestrians  
South County Cities  
Disabled Persons

**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**

Jim Lawson, Government Affairs Manager and Staff Liaison, provided a brief report highlighting the following:

- Community Bus in the Cities of Gilroy and Morgan Hill commenced service effective July 2007.
- The shuttle services for Great America and River Oaks are now operated by Amalgamated Transit Union (ATU) operators with VTA vehicles.
- VTA Community Bus participated in the City of Morgan Hill's July 4<sup>th</sup> Celebration.
- VTA's planning efforts for the San Jose Grand Prix are underway.
- VTA will participate in a community event celebrating the Community Bus inauguration at the Gilroy Super Walmart on July 14, 2007.
- VTA will also participate in a community event celebrating the new Santa Clara Kaiser Hospital.
- The Metropolitan Transportation Commission (MTC) decided to use regional monies to resolve the Caltrain right-of-way issue at its last meeting. This MTC action gives VTA confidence that monies for the Bus Rapid Transit (BRT) are secured.
- VTA is refinancing its 2006 Measure A Series E bonds that will result in significant interest savings.
- Status of highway projects are as follows: Route 17 Widening is completed; Route 87 Northbound opened in late May 2007; Caltrans is scheduling a ribbon cutting for southbound Route 87; Route 152/156 Project is underway and proceeding as scheduled.

Upon inquiry of Member Fletcher regarding Dumbarton Rail, Mr. Lawson responded that the MTC Committee recently approved a \$6 million match for the Dumbarton Commuter Rail preliminary engineering.

**5. Chairperson's Report**

There was no Chairperson's Report.

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

### **COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS**

6. **Minutes of May 9, 2007**

On order of Vice Chairperson Jacobvitz, the Minutes of May 9, 2007 was deferred pending arrival of other Committee Members.

7. **2007 Quarterly Attendance Report for the Citizen Advisory Committee (CAC) and 2000 Measure A Watchdog Committee (CWC)**

M/S/C (Powers/Morando) to review the Quarterly Attendance Report for the Citizen Advisory Committee (CAC) and 2000 Measure A Watchdog Committee (CWC).

### **CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

**The Agenda was taken out of order.**

9. **Presentation on Overview of Grants Planning Process**

Marcella Rensi, Transportation Planning Manager, provided an overview of federal grants planning process. She noted that the process is initiated by planning documents from local cities, county, and the region. She reviewed the major funding sources and the programming and project delivery process.

Member Stuchinsky took her seat at 4:43 p.m.

She discussed in detail how projects receive grants, noting that the programming process is a well defined process that involve adoption of a scoring criteria, call-for-projects, submission of project applications, evaluation of projects by scoring committee, review of the VTA Advisory Committees, Board approval of grants, submission of project and grant information to MTC, and the addition to the Transportation Improvement Program by MTC.

Ms. Rensi discussed the steps involved in “obligation,” which is defined as project sponsors claiming the money. She also discussed the project delivery process. Ms. Rensi noted that there are “use-it-or-lose-it deadlines” that project sponsors need to adhere to. In this process, VTA uses the Project Monitoring Program to assist project sponsors and ensure that grant monies are not lost due to missed deadlines.

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

Member Okuzumi inquired about the process for non-federal aid grants. Ms. Rensi responded that non-federal aid grants have a slightly different process. However, all grant programs involve a criteria setting, call-for-projects, scoring and evaluation processes.

Member Probst inquired about the scoring criteria review cycle for different programs. Ms. Rensi explained that the scoring criteria are created when the program is new. VTA staff drafts the scoring criteria and works closely with the Technical Advisory Committee (TAC) working group to refine the criteria. The draft scoring criteria are presented to the Advisory Committees and appropriate Standing Committee for input and comments, then to the Board for final adoption. Ms. Rensi further explained that the criteria are seldom altered after that. The criteria are only reviewed and modified if there are program changes or if there are problems encountered during implementation. The criteria are also revisited on an as-needed basis. For example, the Transportation Fund for Clean Air Program Manager (TFCA) criteria were recently revisited because the 10-year old criteria needed to be updated and simplified. The process used to update the existing criteria is the same described above.

Member Okuzumi inquired if Caltrans is always involved in projects with state monies. Ms. Rensi responded that Caltrans has a division called "Local Assistance," which help project sponsors obtain federal and state monies.

Mr. Lawson added that VTA monitors projects that received grants. The report is reviewed on a quarterly basis.

**On order of Vice Chairperson Jacobvitz**, there being no objection, the presentation on Overview of Grants Planning Process was received.

**6. Minutes of May 9, 2007**

**M/S/C (Powers/Morando)** to approve the minutes of May 9, 2007. Vice Chairperson Jacobvitz abstained.

**8. Comprehensive Operations Analysis: Draft Proposed Service Operating Plan**

Kevin Connolly, Transportation Planning Manager, provided a PowerPoint Presentation on the Service Proposal relating to Comprehensive Operations Analysis (COA). Mr. Connolly noted that this item was deferred from the CAC May 2007 meeting.

Mr. Connolly reviewed the COA Outreach Schedule and the Board Policy. He added that the COA has a website and e-mail address that people can access to provide input. A second draft is underway and will address the comments and feedback that were received from the public and other stakeholders. This draft will be released early August 2007 for presentation to VTA Committees. Board action for the Operating Plan is slated for August 30, 2007.

Mr. Connolly stated that the COA presentation is organized into five focus areas: core network, non-core services, express/limited stop services, community bus program, and deletion and consolidation candidates. He presented maps and discussed COA proposal for each of the five focus areas.

Member Probst inquired if VTA addressed the complaint in Palo Alto involving Gunn School. Mr. Connolly responded that the new proposal contained in the upcoming draft will serve Gunn, the Jewish Community Center, and some future developments in the area.

Member Elias took his seat at 5:05 p.m.

Member Elias asked if the COA has the flexibility to address demands based on population (school bound passengers using the system mostly during the school year) and seasonal (holiday season) demands. He further inquired about the flexibility of COA in terms of addressing the community colleges' needs.

Mr. Connolly referred VTA's practice of making seasonal adjustments and responded that VTA attempts to adjust services based on demands. He noted that VTA overall service changes could not be implemented as quickly as other smaller shuttle systems. VTA has many considerations when making service changes such as operator sign-up process, appropriate public notice of service changes, and other federal rules and regulations. However, the COA sets the process of identifying routes whose demands change as seasons change (i.e. school year, holiday season).

Mr. Connolly stated that during the COA process, VTA learned a great deal about community colleges and students' transit needs. Mr. Connolly stated that with few exceptions, the challenge of providing transit service is due to community colleges' isolated geographic locations. Another challenge is students' point of origin as most colleges draw students region-wide. Mr. Connolly assured the Committee that VTA is working with community colleges to ensure that service is efficient. In fact, VTA made adjustments to the first draft based on their meetings with West Valley College.

Member Fletcher expressed concern about the COA schedule. She stated that there may not be enough time to review the second draft and incorporate the Advisory Committee comments prior to the August 30, 2007 Board approval. Mr. Connolly assured them there is enough time to discuss and make necessary adjustments between the Committee Meeting and the Board Meeting.

Mr. Lawson added that there is a mechanism in place for the public and members of the Advisory Committees to provide feedback. COA details could be found on VTA's website at [www.vta.org](http://www.vta.org) and comments could be sent by e-mail as well.

Member Powers inquired if the ridership supports the proposed service from San Jose to Fremont BART station. Mr. Connolly responded that Route 180 has good ridership.

Routes 120 and 140 coming from West Valley to Fremont BART were consolidated for efficiency.

Member Powers expressed support for the 15 minute headways. She noted that this provides consistency and could help VTA achieve its long-time goal of moving people from their personal cars to transit.

Member Blaylock inquired about VTA's schedule coordination with BART, which will decrease connection times. Mr. Connolly responded that upon Board approval of the COA Service Operating Plan, VTA will work on the schedules from September to December 2007 to ensure better schedule coordination and connection times. Mr. Connolly encouraged Committee Members to forward their suggestions and comments regarding the COA and the proposed changes.

Member Tebo expressed support for COA efforts. He asked why the North First Street and Rivermark areas are not included in the core network when there are a lot of future developments on that site. He inquired how the COA will adapt to future developments.

Mr. Connolly stated that currently, there is underutilized light rail service along the Golden Triangle. VTA hopes that the new and future developments will better fill the light rail's capacity. Mr. Connolly noted the importance of placing investments where they are currently most needed. However, Mr. Connolly stated that the COA attempts to develop a process that evaluates demand and provide solutions to address demands.

Member Burnett commented that it will be a challenge to get the COA information disseminated. He inquired about a media, communication, and marketing plans that will inform the public and will encourage utilization of transit.

Mr. Connolly responded that COA has a website and e-mail during the planning process. Presentations were also made to various committees and communities. After Board adoption, there will be a marketing effort to get the information out and attract the public to use the system. This will be in the September to December 2007 timeframe.

Jim Stallman, Interested Citizen, requested a copy of all the public input regarding the COA. He stated that bus services should not be cut until the RIDE Taskforce recommendations are implemented. Mr. Stallman claimed that VTA discourages bus ridership. He commented that bus riders are not appropriately notified about proposed bus service changes. He noted that Route #55 is needed to run to the West Valley.

**On order of Vice Chairperson Jacobvitz**, there being no objection, the Committee discussed the Comprehensive Operations Analysis: Draft Proposed Service Operating Plan.

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

**10. Proposal to Change the CAC/CWC Meeting Time**

Vice Chairperson Jacobvitz provided a brief background noting that this item involves discussion of a potential change in the Committee's meeting time. Vice Chairperson Jacobvitz advised the Committee that there is a potential conflict with the Bicycle and Pedestrian Advisory Committee (BPAC) if they decide to meet at 6:00 p.m. He further advised that some VTA staff concurrently staffs the BPAC as well.

Upon inquiry of Member Stuchinsky, Mr. Lawson responded that VTA has the flexibility to staff both advisory committees, if CAC/CWC decide to meet at 6:00 p.m. Mr. Lawson suggested that staff poll the Committee Members before the August 2007 meeting to determine their preference whether to meet at the current time of 4:30 p.m. or meet later at 5:30 p.m. The information gathered will be presented at the August 2007 meeting for Committee discussion and recommendation on how to proceed.

Member Okuzumi expressed support for a later meeting at 5:30 p.m. She asked if VTA could provide meals, if the Committee decides to meet at a later time.

Member Stuchinsky suggesting polling for 5:00 p.m. in addition to the 5:30 p.m. option. She noted that a half hour delay may accommodate more people and would not get into the dinner hour. She noted that if the meeting runs late, Members could pay for their own meals instead of putting the burden on VTA.

Vice Chairperson Jacobvitz inquired if the Committee would like to discuss the possibility of changing the day of the meeting as well.

Member Hashimoto commented that if the meeting time is delayed, Members may not be able to participate at non-VTA meetings. He noted that Wednesday is usually the day for Planning Committee Meetings at different cities.

Member Stuchinsky left the meeting at 5:35 p.m.

Member Tebo expressed concern that regardless of the day of the meeting, if the meeting time is delayed, it will pose a conflict to non-VTA meetings held in evenings. He expressed opposition to moving the meeting time to 5:30. He expressed interest in moving up the meeting time to 4:00 p.m. to accommodate all the items to be discussed at the CAC and CWC level.

Member Hashimoto left the meeting at 5:36 p.m.

Members Tebo and Burnett stated that the current time of 4:30 p.m. should be retained. They commented that the date and time of the meeting were already well-established when members are appointed.

Vice Chairperson Jacobvitz directed staff to poll the members to determine their preference between 4:30 and 5:30 p.m.

**On order of Vice Chairperson Jacobvitz**, there being no objection, the Committee discussed the potential change of the CAC/CWC meeting time and staff will poll the membership regarding their preference on meeting time.

## **2000 MEASURE A CITIZENS WATCHDOG COMMITTEE ITEMS**

### **11. Citizens Watchdog Annual Report**

Staff distributed an updated draft of the 2000 Measure A Transportation Improvement Program – Annual Report from the Citizens Watchdog Committee.

Stephen Flynn, Senior Management Analyst, noted that there are minor changes in the report. He commented that the changes are grammatical, typographical, and the addition of *2000* before the word *Measure*.

Member Burnett expressed concern that the report does not reflect monies that were spent prior to the collection of the tax, particularly the BART right-of-way purchase. He noted that it is important for people to know that the BART right-of-way has been acquired.

Upon inquiry of Member Powers, Mr. Flynn responded that the report encompasses the 2000 Measure A for FY 06 only.

Mr. Lawson concurred that the public should be aware of accomplishments under Measure A prior to the collection of tax in 2006. He stated that staff could examine alternate strategies aside from the annual report to address Member Burnett's concern.

Vice Chairperson Jacobvitz noted the importance of maintaining communication with the public to let them know that the CWC's charge is to ensure that Measure A monies are spent appropriately.

Member Probst suggested that staff consider utilizing the newspaper to communicate what transpired prior to 2006 and before the Watchdog Committee convened.

Member Blaylock inquired about the intent of the photos included in the draft annual report. Mr. Flynn responded that it represents the overall public transportation within 2000 Measure A.

Member Okuzumi compared the draft annual report included in the meeting packet and the updated draft distributed at the meeting. She noted that the sentence *Total Estimated Measure A revenue are currently projected at approximately \$7 billion* was omitted from the updated draft. She suggested restoring that sentence in the final report or add more financial data such as how much revenue the 2000 Measure A is bringing in per year. She stated that this information will make the public aware of the magnitude of the 2000 Measure A Program.

Jerry Mikolajczyk, Acting Chief Financial Officer, noted that the purpose of the annual report is to communicate the 2000 Measure A expenditures. He advised the Committee that the annual Comprehensive Annual Financial Report (CAFR) that VTA prepares contains the explanation of the revenues and expenditures. He noted that the CAFR is a public document.

Member Okuzumi noted correction on the spelling to reflect *Capitol Expressway* instead of *Capital Expressway*.

**M/S (Jacobvitz/Probst)** to approve the Citizens Watchdog Annual Report with the correction of the spelling to reflect “Capitol Expressway.”

**M/S (Burnett/Okuzumi)** to amend the original motion to reinstate in the Annual Report the statement *Total Estimated Measure A revenue are currently projected at approximately \$7 billion* and add at the end of the sentence the statement *over the life of the Measure*.

Member Elias expressed concern that adding the projected revenue into the current annual report is a gray area. He recommended that the Committee discuss adding this information for the next annual report, subject to clarification of what the CWC’s charter states and require.

Mr. Mikolajczyk suggested that the Committee omit the revenue projections in the current annual report. He described the challenges and complications of adding the revenue projections in the report.

Vice Chairperson Jacobvitz stated that adding revenue projections into the annual report will be problematic. He reiterated that the CWC’s charge is not to forecast revenues but to review the expenditures and publish an annual report to communicate to the public that the CWC reviewed the reports from staff and have conducted the public hearing. He concurred with Member Elias’ comments and stated that the reporting projection revenues can be further considered but not within the annual report.

Members Burnett and Okuzumi withdrew motion and second on the amendment of the original motion to amend the original motion to reinstate in the Annual Report the statement *Total Estimated Measure A revenue are currently projected at approximately \$7 billion* and add at the end of the sentence the statement *over the life of the Measure*.

Member Blaylock concurred that revenue forecasts should not be included. However, he referred back to Member Burnett’s earlier concern. He stated that the CWC should explore strategies to communicate to the public Measure A expenditures prior to collection of the tax and before the CWC convened. He added that not doing so can pose a problem in the future.

**NOTE: M/S MEANS MOTION SECONDED.**

Mr. Lawson referred to Member Blaylock's comments and clarified that the funds used for the purchase of BART right-of-way came from bonds issued. He reiterated that staff will examine ways to communicate Measure A accomplishments prior to 2006.

Mr. Mikolajczyk noted that the CWC's charge is to investigate if the money that was collected for Measure A was actually expended for Measure A. The CAFR is a report that reflects all the transactions including the bond issued, interests, revenues collected, and funds expended.

**M/S/C (Jacobvitz/Probst)** to approve the Citizens Watchdog Annual Report with the correction of the spelling to reflect "Capitol Expressway."

Member Powers commented that there should be more narrative to quantify and provide more information about Measure A. She suggested using a methodology like a website to ensure that the public can easily access the information.

Mr. Mikolajczyk suggested adding a rolling total of the expenditure to date for the succeeding annual reports.

Vice Chairperson Jacobvitz stated that the report should be published in various newspapers including the Silicon Valley San Jose Business Journal.

Member Elias suggested creating a working document that outlines projects, project photographs, and expenditures related to the projects. This document could act as a reference to ensure that the Committee does not leave out anything at the time of the future annual reports publication.

## **COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE ITEMS**

### **12. CAC and the 2000 Measure A Citizens Watchdog Work Plan**

Mr. Lawson noted that staff will include in the work plan the discussion about the meeting time, communication about Measure A projects that were previously completed, and strategies to provide more detailed information about the projects that will allow the public easy access.

Member Okuzumi requested that staff invite Tracey Loveridge, 1996 Measure B Staff, to the August 2007 CWC meeting to discuss and provide insight to the 1996 CWC processes and reports. Member Tebo expressed support for Member Okuzumi's suggestion.

Mr. Lawson responded that staff will contact Ms. Loveridge.

Member Tebo requested that staff include in the work plan a report about VTA's involvement and concerns regarding the proposed A's ballpark in Fremont. He noted that there should be better public transportation access than the currently proposed plan.

Mr. Lawson noted that staff had discussions with the developer and the City of Fremont and expressed their opinions on the transit options. Mr. Lawson noted that VTA will weigh in on the environmental document, if the proposal proceeds as a project. VTA staff will provide a report at that time.

Member Tebo noted that the Board of Directors should write a formal communication to voice out VTA's concern on the current proposed A's ballpark plan.

Member Fletcher left the meeting at 6:16 p.m.

Member Tebo expressed concern regarding public access from the station to Eastridge on Capitol Expressway Light Rail Project alignment.

Member Elias reminded the Committee to only discuss in detail items that are within the agenda. He noted that the Committee could request staff presentations on certain topics at a future meeting. He also noted that the Committee is charged to provide advice on policy issues and not to make recommendations on specific projects. He noted that there are other avenues to make comments/suggestions on specific projects.

Vice Chairperson Jacobvitz noted that it is part of the Committees charge to be informed about transit projects to be able to advise the Board.

Member Tebo clarified that he wanted to include his concerns about transit issues in the work plan and discuss those concerns at a future meeting.

Vice Chairperson Jacobvitz stated that the CAC vacant seat represents organized labor. He noted that the Committee needs to request staff to seek advice from VTA Legal Counsel if the organized labor group fails to respond to VTA's request to fill the vacancy. Staff can then find an alternative labor group that could send a representative to the CAC.

**On order of Vice Chairperson Jacobvitz**, there being no objection, the CAC and the 2000 Measure A Citizens Watchdog work plan was reviewed.

## **OTHER**

### **13. Announcements**

There were no Announcements.

### **14. ADJOURN**

**On order of Vice Chairperson Jacobvitz** , there being no objection, the Meeting was adjourned at 6:27 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant  
VTA Board of Directors