

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

Wednesday, May 7, 2008

**MINUTES**

**1. CALL TO ORDER**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 5:02 p.m. by Chairperson Tebo, in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

**ROLL CALL**

**Members Present**

Stephen Blaylock  
Chris Elias  
Ellen Fletcher  
Ray Hashimoto  
Roberta Hughan  
Robert Jacobvitz, Vice Chairperson  
  
Judi Kirkham  
Norman Kline  
Gaye Morando  
Margaret Okuzumi  
Charlotte Powers  
Connie Rogers  
Martin Schulter  
Laura Stuchinsky  
Noel Tebo, Chairperson

**Members Absent**

Don Burnett  
Sally Probst

**Representing**

Mass Transit Users  
Environmentalists  
Bicyclists  
Building Industry Association  
Santa Clara County  
Building Owners and Managers Association  
(BOMA) –Silicon Valley  
South Bay AFL-CIO Labor Council  
Pedestrians  
Santa Clara County Chamber of Commerce Coalition  
North County Cities  
City of San Jose  
South County Cities  
Disabled Persons  
Silicon Valley Leadership Group  
City of San Jose

**Representing**

West Valley Cities  
Senior Citizens

**A quorum was present.**

2. **ORDERS OF THE DAY**

There were no Orders of the Day.

3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

Member Hashimoto took his seat at 5:07 p.m.

4. **Committee Staff Report**

Jim Lawson, Senior Policy Advisor and Staff Liaison, provided a brief report highlighting: 1) Commented on the April 25, 2008 Board of Directors Workshop and May 1, 2008 Board of Directors meeting with updates on the Revenue and Expenditure Plan; 2) Board of Directors at their May 1, 2008 meeting approved the sale of the West San Carlos Property to Green Republic and approved three of the recommendations on the proposed Governance Structure and deferred the fourth recommendation to the August 7, 2008 Board Meeting; 3) Commented on VTA's Advisory Vote; and 4) Cancellation of the July 9, 2008 CAC Meeting.

Member Elias left the meeting at 5:15 p.m.

5. **Chairperson's Report**

Chairperson Tebo reported that Member Probst has requested a temporary attendance waiver due to personal health care issues of up to six meetings beginning with April 2008.

Chairperson Tebo reported that a member may request a temporary attendance waiver for significant reasons. The Chairperson will consider the request and consult with the Committee Staff Liaison then make a decision to grant or deny the waiver. The requestor or any Committee Member may appeal the Chairperson's decision to the Committee. If appealed, the decision will be made by Committee vote at the next scheduled meeting.

**On order of Chairperson Tebo**, there being no objection, the Committee accepted the decision to grant Member Probst the temporary attendance waiver for six meetings beginning April 2008.

Chairperson Tebo announced that the Metropolitan Transportation Commission (MTC) will conduct a Santa Clara County Transportation 2035 Workshop scheduled on Thursday, May 8, 2008 for Santa Clara County. Chairperson Tebo noted that there will be several workshops scheduled throughout the nine Bay Area Counties over the next several weeks.

Chairperson Tebo commented on the 2000 Measure A Project Airport People Mover (APM), noting that the City of San Jose Airport Commission conducted a workshop on the escalated costs and is looking at new technologies to reduce the cost of the project.

Chairperson Tebo suggested that the July 9, 2008 CAC meeting be canceled and schedule a workshop.

## **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 April 9, 2008**

M/S/C (Fletcher/Stuchinsky) to approve the Minutes of April 9, 2008.

**7. Programmed Projects Quarterly Monitoring Report for January – March 2008**

M/S/C (Fletcher/Stuchinsky) to receive the Programmed Projects Quarterly Monitoring Report for January – March 2008.

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

**8. Measure A Revenue & Expenditure Plan Policy Guidance**

Carolyn M. Gonot, SVRT Program Officer, reported that the Board of Directors approved the 2000 Measure A Revenue and Expenditure Plan in June 2006, which provides a roadmap to move the Measure A Program Projects forward through the various stages of development.

Staff is currently working on updating the plan with the following purposes: 1) set policy direction for the long term and 2) provide framework for short-term strategic decisions.

Ms. Gonot reported that the development of Policy Guidance is an important step in the update of the Revenue and Expenditure Plan and will be consistent with:

- VTA's Transit Sustainability Policy;
- MTC Regional Transportation Plan Policy; and
- VTA's Vision Statement.

Ms. Gonot reported on the nine Proposed Policy Guidance for the Measure A Revenue and Expenditure Plan:

- Maintain VTA's Financial Integrity;
- Increase Transit Usage;
- Achieve Environmental Improvements;
- Support Transit-Oriented Land Use;
- Strengthen Complimentary Partnerships;
- Take Advantage of Leveraged and New Fund Sources;
- Model Various Financial Conditions;
- Achieve a Balanced Transportation Plan; and
- Implement the Intent of the 2000 Measure A Program.

Member Okuzumi took her seat at 5:33 p.m.

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

Ms. Gonot stated that VTA staff has outlined the following schedule:

- May 15, 2008 Board Standing Committees for discussion;
- June 5, 2008 Board of Directors Meeting - Adoption of Policy Guidance, and Direction on the development of a Portfolio of Plans and related analysis;
- August 7, 2008 Board of Directors Meeting – Presentation of results of the Portfolio of Plans and Discussion of Plan;
- August 21, 2008 Committee Meetings – Discussion of Portfolio of Plans and recommendations; and
- September 4, 2008 Board of Directors Meeting – Approval of Revenue and Expenditure Plans and Direction on near-term projects’ phases.

Ms. Gonot commented that the Measure A Revenue and Expenditure Plan Update Process has three critical elements:

- Development of Policy Guidance – VTA Transit Sustainability Policy, the Metropolitan Transportation Commission (MTC) Regional Transportation Plan Policy, and VTA’s Vision Statement;
- Revised Financial Model; and
- Portfolio of Plans, which will include different assumptions about new revenue sources and timing of project delivery.

Member Stuchinsky suggested that the Policy Guidance include a matrix reflecting the benefits and cost of the projects. Ms. Gonot responded that a matrix will be included with the Policy Guidance as a plan for each of the projects.

Ms. Gonot reported that the adoption of a revised 2000 Measure A Revenue and Expenditure Plan will provide short-term direction for key decisions to be made on the following projects: Silicon Valley Rapid Transit (SVTR) Project, the Downtown East Valley (DTEV) Light Rail Extension to Eastridge Mall, and the Caltrain South County Project.

Member Kline noted the important role and responsibility of the Citizens Watchdog Committee (CWC) as the overseers of the 2000 Measure Program.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Report on the Measure A Revenue and Expenditure Plan Update Process and Policy Guidance.

**9. High Occupancy Toll (HOT) Lanes Project – Preliminary Alternative**

Murali Ramanujam, Senior Transportation Planner, provided a brief report on VTA’s involvement with the development and preliminary engineering of High Occupancy Toll (HOT) Lane Projects. The Initial Project Phase involves refining the project parameters, the limits of HOT Lane Operations, locations of Ingress/Egress Points, and Lane Geometrics. The Later Project Phase involves obtaining environmental clearance through the preparation of Project Study Report (PSR) and Preliminary Engineering Design (PED).

Mr. Ramanujam provided a PowerPoint presentation entitled, "State Route (SR) 85 and US 101 High Occupancy Toll (HPT) Lanes." Mr. Ramanujam reviewed the presentation:

- Silicon Valley 2030 Forecasts;
- Silicon Valley Freeway Network;
- Silicon Valley High Occupancy Vehicle (HOV) Lane Network;
- US 101 and SR 85 HOT Lane Network;
- What is a HOT Lane?;
- Why HOT Lanes?;
- Steps Toward HOT Lane Implementation;
- SR 85 and US 101 HOT Lane Operational Concept;
- Example of HOT Lane in Minneapolis;
- Two Lane HOV Lanes (Southern California);
- SR 85 and US 101 HOT Lane Proposed Elements;
- SR 85 and US 101 HOT Lane Technical Challenges;
- SR 85 and US 101 HOT Lane Policy Challenges;
- Stakeholder Coordination; and
- Next Steps towards VTA HOT Lane Implementation.

Member Schulter acknowledged the benefits of the HOT Lanes Project, but expressed concern, noting financial and economic discrimination to individuals who are unable to afford and pay to utilize the HOT Lanes. Jim Lawson, Senior Policy Advisor and Staff Liaison, responded that this is one of the concerns that the Board will consider related to the HOT Lanes Project Preliminary Alternative.

**On order of Chairperson Tebo**, there being no objection, the Committee received the report on the High Occupancy Toll (HOT) Lanes Project – Preliminary Alternative.

Member Kline left the meeting at 6:10 p.m.

## **2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA**

### **10. 2000 Measure A Program Financial Report for Fiscal Year 2007**

Joseph Smith, Chief Financial Officer, provided a brief report highlighting: that the auditor representing Vavrinek, Trine, Day & Company, LLP (VTD), a Certified Public Accounting Firm, issued an unqualified opinion on the 2000 Measure A Program's Financial Statements. The audit report states that the Program's Financial Statements present fairly in all respects and the changes in financial position of the Program for the year ended in conformity with principles generally accepted in the United States of America.

Mr. Smith continued that there were no reportable conditions or material weaknesses in internal control procedures. The Independent Auditor's Report, the 2000 Measure A Program's Financial Statements, and the financial statements are contained in the Financial Section of the 2000 Measure A Program Financial Report Fiscal Year Ended

June 30, 2007. Mr. Smith directed attention to Pages 22 – 23, which contains supplemental schedules that identify the revenues and expenditures for the Program from inception through Fiscal Year 2006, and Pages 19 – 20, which provides information for each project including expenditures to date, description, status, and activities this fiscal year.

**M/S/C (Powers/Rogers)** to receive and accept the 2000 Measure A Program Financial Report for Fiscal Year 2007.

The CAC/CWC Committee Meeting Recessed at 6:15 p.m.

Members Hashimoto and Powers leave the meeting at 6:15 p.m.

The CAC/CWC Committee Meeting Reconvened at 6:22 p.m.

#### **11. Citizens Watchdog Committee (CWC) Public Hearing**

Chairperson Tebo opened and called the Public Hearing of the Citizens Watchdog Committee (CWC) for the 2000 Measure A Program Expenditures to order to allow members of the public an opportunity to provide their comments.

Chairperson Tebo stated that CWC is conducting a Public Hearing in accordance with the 2000 Measure A ballot. The purpose of the Hearing is to provide the community the opportunity to express to the Committee its views, opinions, and concerns on 2000 Measure A Program Expenditures, the results of the Annual Independent Audit, and on 2000 Measure A Program Reports for the period of Fiscal Year 2007 (July 1, 2006 – June 30, 2007).

Chairperson Tebo continued that the input, combined with other information and data received, will be used by the CWC to form its conclusion on whether 2000 Measure A tax dollars for the period were spent in accordance with the intent of the measure. Once the CWC has developed its conclusion, it will be published in local newspapers, and placed on VTA's website to inform the citizens of the County of CWC's finding. The CWC's finding will also be contained in the CWC's Annual Report on Fiscal Year 2007, which will be placed on VTA's website.

Chairperson Tebo reported that in November 2000, the voters in Santa Clara County approved Measure A, a 30-year half cent sales tax devoted to specified transit projects. Among the projects specified in the ballot are:

- Extend BART to Silicon Valley;
- Provide connections from Mineta San Jose International Airport to BART, Caltrain, and VTA light rail;
- Extend Light Rail from Downtown San Jose to the East Valley;
- Increase Caltrain service and electrify from Palo Alto to Gilroy;
- Construct a new Palo Alto Intermodal Transit Center;
- Improve bus service in major bus corridors;
- Upgrade Altamont Commuter Express (ACE); and
- Purchase Zero Emission Buses (ZEB) and construct service facilities.

Chairperson Tebo reported that the 2000 Measure A ballot mandated that the Citizens Watchdog Committee (CWC) must:

- Review all 2000 Measure A expenditures;
- Have an audit conducted each fiscal year by an independent auditor to ensure tax dollars are being spent in accordance with the intent of the measure;
- Hold public hearings and issue reports at least annually to inform the Santa Clara County residents how the funds are being spent; and
- Publish the results of the independent audit and the annual report in local newspapers.

Chairperson Tebo stated that it is important to note that policy-related decisions for the 2000 Measure A Program, including the composition, implementation and funding level of projects, are the responsibility of the VTA Board of Directors. The Citizens Watchdog Committee's responsibility is limited to reviewing 2000 Measure A Expenditures to ensure funds are being spent in accordance with the intent of the ballot.

Chairperson Tebo continued that the public notice announcing the Public Hearing was published on April 16th & 18th, 2008 in three general circulation newspapers in VTA's service area: the San Jose Mercury News, El Observador (Spanish), and Thoi Bao (Vietnamese). It was also posted on VTA's website. The notice specified the hearing's time, location, purpose, and briefly described the 2000 Measure A Program and history.

Chairperson Tebo stated that it also indicated where detailed program information could be accessed, how written comments could be submitted, and that sign language services would be provided at the Public Hearing. Although only required to post the public notice 72 hours in advance of the Public Hearing, but to provide the public maximum opportunity to attend the notice was published almost 21 days in advance.

Chairperson Tebo stated that because the purpose of the Public Hearing is to receive input exclusively on the 2000 Measure A Program, members of the public wishing to speak will be required to limit their comments to 2000 Measure A Program related issues only.

Chairperson Tebo noted that the Public Hearing is to receive community input, during it the CWC does not debate or engage in extended discussion with speakers or other CWC members. CWC members may; however, ask brief questions to clarify a statement or issue. If readily available or easily answered, the CWC or staff may provide very brief answers to speaker's questions. All other questions will be referred to staff to formulate a written response from the CWC.

Chairperson Tebo asked staff if any written comments have been received from the public, either via e-mail or US mail. Those received will be provided to the CWC and audience and be entered into the official Public Hearing record. Stephen Flynn, Senior Management Analyst, responded that staff did not receive any written comments from members of the public desiring to speak at the Public Hearing.

Chairperson Tebo asked members of the audience to indicate, by a show of hands, those that wish to speak at the Public Hearing. Chairperson Tebo noted that there were no members of the audience desiring to speak at the Public Hearing.

Hearing no further requests to address the CWC, Chairperson Tebo closed the Public Hearing.

Chairperson Tebo concluded that the input received tonight will be combined with other information and data received by the CWC to render its conclusion on whether 2000 Measure A tax dollars are being spent in accordance with the intent of the measure. The CWC will then inform County residents of the CWC's finding by publishing CWC's conclusion in local newspapers and placing it on VTA's website.

Chairperson Tebo reported that the transcript of the Public Hearing prepared by a court reporter and an audio recording of the Public Hearing will be available to the public within a reasonable timeframe.

**On order of Chairperson Tebo**, there being no objection, the Committee received the Information On and Requirements for Public Hearing Process.

Chairperson Tebo Reconvened to the Citizens Advisory Committee (CAC) and Citizens Watchdog Committee (CWC) business.

## **COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

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

Member Rogers requested that the Committee discuss the cancellation of the July 9, 2008 CAC meeting at the June 11, 2008.

Member Schuler requested that the Committee schedule a workshop in lieu of the July 9, 2008 CAC/CWC Regular meeting. Member Schuler stressed the importance for the Committee to utilize the time to discuss substantial topics of concern. Mr. Lawson responded that staff will forward potential topics to the Committee for their consideration.

The Committee suggested the following potential topics for the workshop discussion: Governance Committee and State Audit.

Member Okuzumi requested that the Committee receive information on the status of the State Audit.

Member Blaylock queried if the Advisory Committee Members would be able to receive free Transit Passes or participate in the ECO Pass Program in an effort to encourage transit ridership. Mr. Lawson responded that staff will forward an email to the Committee.

**On order of Chairperson Tebo**, there being no objection, the CAC and the 2000 Measure A Citizens Watchdog Work Plan was reviewed.

## **OTHER**

### **13. Announcements**

Member Stuchinsky announced the Silicon Valley Leadership Group (SVLG) Public/Private Partnership Workshop scheduled on Friday, July 18, 2008.

Member Stuchinsky announced her resignation from the CAC/CWC Committee, noting that she is leaving the SVLG. Member Stuchinsky stated that she has accepted the Sustainability Officer position for the City of San Jose effective June 9, 2008.

Member Okuzumi announced the MTC Santa Clara County Transportation 2035 Workshop scheduled on Thursday, May 8, 2008.

Member Fletcher announced the May 15, 2008 Bike to Work Day.

**14. ADJOURN**

**On order of Chairperson Tebo**, there being no objection, the meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors