

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

Wednesday, February 11, 2009

**MINUTES**

**On General Consensus** and there being no objection, the Committee appointed Member Rogers as Chairperson Pro Tempore.

**Call to Order**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:35 p.m. by Chairperson Pro Tempore Rogers in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

**1. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Noel Tebo	CAC Chair	Present	
Charlotte Powers	CAC Member	Present	
Margaret Okuzumi	CAC Member	Present	
Connie Rogers	CAC Member	Present	
Roberta Hughan	CAC Member	Present	
Ray Hashimoto	CAC Member	Present	
Gaye Morando	CAC Member	Present	
Robert Jacobvitz	CAC Vice Chair	Absent	
Sally Probst	CAC Member	Present	
Martin Schulter	CAC Member	Absent	
Stephen Blaylock	CAC Member	Absent	
Chris Elias	CAC Member	Present	
Norman Kline	CAC Member	Present	
Petter Skinner	CAC Member	Present	

**A quorum was not present and a Committee of the Whole was declared.**

Member Hashimoto took his seat at 4:36 p.m.

Member Elias and Member Powers took their seats at 4:37 p.m. and a quorum was declared.

**2. ORDERS OF THE DAY**

There were no Orders of the Day.

**3. PUBLIC PRESENTATIONS**

There were no Public Presentations.

#### 4. Committee Staff Report

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported on the following: 1) VTA Board of Directors Workshop scheduled on February 27, 2009 at the Santa Clara County Board of Supervisors Chambers; and 2) Launching of Gov Delivery, a new subscription service.

Chairperson Tebo arrived at the meeting at 4:39 p.m.,  
Chairperson Pro Tempore Rogers relinquished her seat as Chairperson  
and Chairperson Tebo presided over the meeting.

John Ristow, Chief CMA Officer, briefed the Committee on Bus Rapid Transit (BRT) and its relation to the Measure A ½ Cent Transit Sales Tax. He noted the BRT falls under the *Improve Bus Service in Major Bus Corridors* category of the Measure A Sales Tax. He also explained the different characteristics of the BRT.

#### 5. Chairperson's Report

Chairperson Tebo introduced Stephen Flynn, Senior Management Analyst, who reported on the temporary attendance waiver request from Martin Schuler.

**On General Consensus** and there being no objection, the Committee granted a temporary attendance waiver for Martin Schuler.

Chairperson Tebo welcomed new Committee Member Peter Skinner, representing the Silicon Valley Leadership Group.

Chairperson Tebo encouraged the Committee to attend the February 27, 2009 VTA Board of Directors Workshop. He noted the focus of the Workshop would be the Measure A Capital Program and projects. He recommended the committee send him an email on Measure A issues to be addressed at the Board Workshop.

Member Elias inquired if the budget process was included in the audit report by the Bureau of State Audit. Ann Carey, Executive Assistant to the General Manager, noted the Bureau of State Audit recommended the continuing authorization of capital budget be clearly reported to the Board of Directors. She added staff is implementing the Bureau of State Audit's recommendation on the current budget cycle.

### **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 January 7, 2009

M/S/C (Kline/Powers) to approve the minutes of January 7, 2009.

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

7. **(Deferred until later in the meeting.)**

Monthly Legislative History Matrix

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

8. **2000 Measure A Semi-Annual Report**

Mark Robinson, Chief Engineering and Construction Officer, provided an executive summary of the projects under the 2000 Measure A Transit Improvement Program. His report highlighted the following: 1) Development of a two-year capital program for Measure A and accounts for Measure A funds that are allocated or committed past the two-year capital program budget adopted in VTA's biennial budget; 2) The Silicon Valley Rapid Transit (SVRT) project is in the federal environmental process, has completed 65 percent level of design, and is positioned to re-enter the federal New Starts process; 3) Utility relocation and construction are moving forward in the freight rail corridor in Fremont and Milpitas; 4) Caltrain implementation activities include construction of the first phase of safety improvements, signing and striping at crossing, which began in September 2008; 5) Completed design for the light rail extension to Eastridge to a 95 percent level; and 6) Bus Rapid Transit (BRT) program activities are currently underway.

Member Elias inquired on a list of projects ready for construction. Mr. Robinson responded a short list of projects expecting to receive stimulus funds were presented to the Board of Directors. He provided the following breakdown and cost of the projects under the Measure A Program: 1) \$100 million for SVRT construction activities; 2) Downtown East Valley; 3) \$40 million for the Capitol Expressway light rail to Eastridge; and 4) \$73 million for bus procurement project to support the BRT program.

Member Elias queried on the advantage of moving projects forward. Mr. Robinson responded due to the competitive contracting market, staff is receiving bids that are 30 to 50 percent less than the estimated project cost. He added the number of bidders doubled and the bids received are aggressively priced.

Member Elias recommended incorporating a summary of benefits acquired from the projects in the Semi-Annual Report. Mr. Robinson responded a separate report would be provided to the Committee.

Member Powers inquired if the State's funding for projects would be decreased. John Ristow, Chief CMA Officer, responded no VTA project is impacted at this time. He added there is a potential projects under Proposition 1B would be suspended.

Member Probst inquired on the status of the Zero Emission Bus Program. Mr. Robinson responded AC Transit, San Mateo County, and VTA are continuously working together in monitoring the program to decrease its operational cost.

Member Skinner inquired if staff considers exploring battery-electric buses manufactured by Proterra. Mr. Ristow responded staff is monitoring if battery-electric buses would have the capability of providing heavy-duty service.

Chairperson Tebo queried on the status of the Vasona Line project. Mr. Robinson responded the following obstacles affected the project from moving forward: 1) Change in the environment and development of the Netflix campus; 2) Re-examined Union Pacific Railroad (UPRR) guidelines; and 3) Focus is on the Capitol Expressway light rail to Eastridge.

**On Order of Chairperson Tebo** and there being no objection, the Committee received the 2000 Measure A Semi-Annual Report.

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

**7. Monthly Legislative History Matrix**

Kurt Evans, Government Affairs Manager, briefed the committee on the status of the State budget. He reported on the following prospective transportation issues: 1) Funding public transit or State Transit Assistance (STA) program, proposed budget appropriation is \$150 million for year 2009 and elimination of the STA program by year 2010; 2) Proposition 42, gasoline sales tax, would remain funded for year 2009 at \$1.3 billion; 3) Tribal gaming revenues allotted for the State Highway Account would be delayed for two years; and 4) Proposition 1B, proposal is to delegate \$700 million for local streets and roads, and to delegate \$800 million for transit capital projects.

Member Okuzumi provided the following information regarding the outstanding State budget: 1) Proposed one percent increase on sales tax; 2) Proposed 12 cent per gallon increase on gasoline tax; and 3) Proposed 1.15 percent increase on vehicle license fee.

Member Skinner inquired if a public private partnership is being considered to aid the State budget. Mr. Evans responded the Governor and the republicans are in favor of the public private partnership, but there has been no formal proposal.

**On Order of Chairperson Tebo** and there being no objection, the Committee received the Monthly Legislative History Matrix.

**9. Measure A Fund Exchange Semi-Annual Report**

Marcela Rensi, Transportation Planning Manager, provided a report on the background and mechanics of the Board approved fund exchange. She enumerated the following reasons leading to the approval of the fund exchange: 1) Acceleration of project delivery and reduced administrative costs; and 2) Enables the VTA Board to manage Valley Transportation Plan (VTP) expenditures.

Member Probst inquired on the source of the Local Program Reserve (LPR). Ms. Rensi responded the Measure A Program is the source of LPR.

Member Kline stressed importance on the Citizens Watchdog Committee's role to ensure that Measure A funds are only used for Measure A projects. He expressed the following concerns: 1) Guarantee the exchanged Measure A funds would be paid back; and 2) Impact of the fund exchange to Measure A projects and its schedule. He recommended information regarding the concerns raised be incorporated on future reports.

Chairperson Tebo expressed concern regarding the exchange of funds. He noted the fund exchanged should be managed properly and should be paid back. He added the schedule of Measure A projects should not be affected by the fund exchange to eliminate the public's perception that projects are not moving forward.

John Ristow, Chief CMA Officer, clarified there is no set schedule in programming funds. He stated funding is provided for projects that are ready to move forward. He noted staff is waiting for the Board of Directors to set the schedule of Measure A so grant funds could be utilized.

Member Kline suggested impacts of the fund exchange to Measure A projects should be determined before funds are utilized. Mr. Ristow responded there are no impacts to Measure A projects at this time.

Member Powers commented the public should be informed on the process of the Measure A Program to eliminate misconceptions that projects are not moving forward. She noted every project has numerous funding sources and is not exclusively funded by Measure A.

Member Skinner stressed the importance of properly documenting the fund exchange, present the accomplished projects and guarantees the recovery of funds. He noted projects ready to move forward should receive funding from the exchange because of the following benefits: 1) Decreased construction cost; and 2) Project acceleration due to decreased administrative process and cost.

Chairperson Tebo stated the Committee's role and concerns regarding Measure A be recognized by the auditors. He requested the auditors to assist the Committee on its fiduciary role.

Chairperson Tebo left the meeting at 5:57 p.m.,  
Chairperson Pro Tempore Rogers presided over the remainder of the meeting.

**M/S/C (Skinner/Kline)** to recommend developing a note against projects funded by fund exchanges to guarantee recovery of the borrowed funds.

#### **10. Citizens Watchdog Committee Duties, Responsibilities and Limitations**

Stephen Flynn, Senior Management Analyst, reported on the responsibilities of the CWC: 1) Reviewing 2000 Measure A expenditures to ensure that the funds are being spent in accordance with the intent of the ballot; and 2) Informing the citizens of Santa Clara County, on a regular basis, regarding the Committee's conclusion on how 2000 Measure A tax dollars are being spent.

Mr. Flynn reported on the tasks that the CWC is responsible for accomplishing as stated on the 2000 Measure A ballot and its limitations.

Member Kline commented new Committee Members should be briefed on the CWC's duties, responsibilities and limitations.

Member Kline expressed concern on the following: 1) Committee's limit to review all project expenditures; and 2) Limitations on policy-related matters.

**On Order of Chairperson Pro Tempore Rogers** and there being no objection, the Committee received the annual review of the Citizens Watchdog Committee's ballot-specified duties, responsibilities and limitations.

**11. 2000 Measure A Program Financial Report, Fiscal Year 2008**

Joe Smith, Chief Financial Officer, provided background information on the 2000 Measure A Program Financial Report. He introduced Leonard Danna, an audit partner with the accounting firm Vavrinek, Trine Day and Co., LLP.

Mr. Danna reported on the following FY 2008 Financial Highlights: 1) Financial audit; 2) Program revenues; 3) Program expenditures; and 4) Program net assets and fund balance.

**M/S/C (Probst/Skinner)** to review and accept the 2000 Measure A Program Financial Report for Fiscal Year 2008.

**12. (Deferred to the March 11, 2009 meeting.)**

Compliance Auditor Status Report on FY08 Audit

## **CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

**13. Advisory Committee Enhancement Update: February**

Stephen Flynn, Senior Management Analyst, reported the Task Force requested the Chair of the VTA Board appoint a Board Member to facilitate the Task Force meetings. He stated the next meeting of the Task Force is on February 25, 2009.

**On Order of Chairperson Pro Tempore Rogers** and there being no objection, the Committee received the Advisory Committee Enhancement Update: February.

**14. CAC Advisory Committee Enhancement (ACE) Subcommittee**

Member Kline reported on the following: 1) Developing a vision statement; 2) Requested a Board Member to Chair the Task Force Committee; and 3) Requested direction from the Board on issues to be resolved.

**On Order of Chairperson Pro Tempore Rogers** and there being no objection, the Committee received a report on the CAC Advisory Committee Enhancement Subcommittee.

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

**15. Citizens Advisory Committee and the Citizens Watchdog Committee Work Plan**

Member Okuzumi suggested adding an agenda item enabling the Committee to provide input to the topic that would be discussed at the Board Workshop.

Greta Helm, Chief External Affairs Officer and Staff Liaison, noted a six month consolidated workplan is underway. She stressed the consolidated workplan would improve the Advisory process.

**On order of Chairperson Pro Tempore Rogers** and there being no objection, the Committee reviewed the CAC and CWC Work Plans.

## **OTHER**

### **16. Announcements**

Member Okuzumi announced her resignation as a Member of the Citizens Advisory Committee and Citizens Watchdog Committee, effective February 11, 2009. She expressed her appreciation for the opportunity to serve on the CAC and CWC.

### **17. ADJOURN**

**On Order of Chairperson Pro Tempore Rogers** and there being no objection, the meeting was adjourned at 6:37 p.m.

Respectfully submitted,

Michael Diaresco  
VTA Board of Directors