

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

Wednesday, May 13, 2009

**MINUTES**

**Call to Order**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:38 p.m. by Vice Chairperson Jacobvitz 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>
Noel Tebo	CAC Chair	Present
Charlotte Powers	CAC Member	Present
Connie Rogers	CAC Member	Absent
Roberta Hughan	CAC Member	Absent
Ray Hashimoto	CAC Member	Present
Gaye Morando	CAC Member	Present
Robert Jacobvitz	CAC Vice Chair	Present
Sally Probst	CAC Member	Present
Martin Schulter	CAC Member	Present
Stephen Blaylock	CAC Member	Present
Chris Elias	CAC Member	Present
Peter Skinner	CAC Member	Present
Erik Larsen	CAC Member	Present

**A quorum was present.**

**2. ORDERS OF THE DAY**

Vice Chairperson Jacobvitz deferred Agenda Item #15, Receive information on the Silicon Valley Express Lanes Program, and Agenda Item #16, Receive a presentation on the Proactive Development Review Program Enhancements and the Quarterly Report, to the June 10, 2009 Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee meeting.

**On Order of Vice Chairperson Jacobvitz** and there being no objection, the Committee accepted the Orders of the Day.

**3. PUBLIC PRESENTATIONS**

There were no Public Presentations.

**4. Committee Staff Report**

Chairperson Tebo took his seat at 4:41 p.m.,  
Vice Chairperson Jacobvitz relinquished his seat as Chairperson  
and Chairperson Tebo presided over the meeting.

Greta Helm, Chief External Affairs Officer and Staff Liaison, provided a report highlighting the following: 1) State budget update; 2) VTA Fiscal Years 2010 and 2011 draft recommended biennial budget; 3) Berryessa Creek Freight Rail Relocation ground breaking ceremony held on May 8, 2009; 4) Opening of the Borregas Avenue and Mary Avenue bicycle and pedestrian bridges; 5) Availability of VTA passes online started on May 1, 2009; 6) Bike-to-work day on May 14, 2009; and 7) Launching of the new solar panel plant at Cerone Yard on May 15, 2009 at 3:00 p.m.

**5. Chairperson's Report**

Chairperson Tebo reported on the following: 1) Opening of the Borregas Avenue and Mary Avenue bicycle and pedestrian bridges; 2) Tough budget decision the Board has to make; and 3) VTA's financial condition compared to other agencies.

Member Elias took his seat at 4:48 p.m.

Stephen Flynn, Senior Management Analyst, circulated the commendation letter for Members Ellen Fletcher, Norman Kline, and Margaret Okuzumi for the Committee's signature.

**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 March 11, 2009**

M/S/C (Probst/Morando) to approve the Minutes of March 11, 2009. Member Hashimoto abstained.

**7. Summary Minutes of April 8, 2009**

**On Order of Chairperson Tebo** and there being no objection, the Committee received and filed the Summary Minutes of April 8, 2009.

**8. Monthly Legislative History Matrix**

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

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

**9. Bill Position: AB 610 (Caballero)**

**M/S/C (Powers/Jacobvitz)** to recommend the VTA Board of Directors adopt a support position for AB 610 (Caballero), which requires the Office of Planning and Research to assist local agencies interested in pursuing public-private partnerships for local infrastructure projects.

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

**10. FY2008 2000 Measure A Compliance Audit Report**

David Bullock, CPA, Engagement Partner, and Craig Boyer, CPA, Engagement Manager, from the independent certified public accounting firm of Macias, Gini and O'Connell, LLP (MGO) provided a report on compliance examination and budgetary comparison schedule highlighting the following: 1) Independents accountant's report on compliance examination; 2) Budgetary comparison schedule; 3) Description of reporting entity; 4) Summary of significant accounting policies; 5) Capital contributions; 6) Swap payments; 7) Debt service repayment; 8) Recommendation; and 9) Management response.

Chairperson Tebo inquired if a repayment plan for the swapped 2000 Measure A funds was accounted for in the audit. Mr. Bullock responded a repayment plan was not accounted for in the audit. He noted the implementation of a repayment plan policy should be considered under the Board and management's direction. He stressed VTA has an adequate tracking system to monitor swap payments.

Chairperson Tebo recommended agendizing a repayment plan for the swapped 2000 Measure A funds at a future CAC and CWC meeting.

Member Powers inquired how a flat budgeted rate of 18.46 percent was derived for the operating assistance to VTA transit.

Member Probst inquired if local grants and capital contributions were accounted for in the audit. Mr. Bullock explained VTA accounts for all costs of VTA projects. He added local grants and capital contributions are accounted for as additional source for project funding.

**M/S/C (Powers/Larsen)** to review and receive the audit report from Macias, Gini & O'Connell, the Citizens Watchdog Committee's independent compliance auditor, on the compliance audit of Fiscal Year 2008 (FY08) 2000 Measure A revenues and expenditures.

**11. Date & Location of CWC Public Hearing**

Stephen Flynn, Senior Management Analyst, reported on the following recommendations: 1) Conducting the hearing on the day of the CWC's scheduled June meeting; 2) Holding the hearing and the Citizens Advisory Committee meeting at the County of Santa Clara Government Center in Room 157; and 3) Having the combined CAC/CWWC meeting start at 5:30 p.m., with the CWC public hearing commencing at 6:00 p.m.

**M/S/C (Larsen/Powers)** to satisfy the Measure A requirement the Citizens Watchdog Committee hold an annual public hearing, approve the following:

1. Conducting the hearing on the day of the CWC's scheduled June meeting (June 10, 2009).
2. Holding the hearing and the Citizens Advisory Committee meeting at the County of Santa Clara Government Center (70 West Hedding Street) in Room 157.
3. Having the combined June CAC/CWC meeting start at 5:30 p.m., with CWC public hearing commencing at 6:00 p.m.

## **12. Publication Strategy for Public Hearing Notice and Audit Results**

Stephen Flynn, Senior Management Analyst, reported on the requirement to publicly notice the Citizens Watchdog Committee public hearing. He provided background information regarding the public hearing and presented the following versions of the public notice: 1) Summary version intended for publication in local newspapers; and 2) Detailed version intended for placement on VTA's website.

Member Powers recommended including a list of projects, and their status accompanied by its respective expenditures.

Member Probst recommended including a list of completed Measure A projects on both versions of the public notice.

Member Skinner commented incorporating too much information on the public notices may eliminate the public's interest on the public hearing and audit results.

Bernice Alaniz, Marketing and Communications Deputy Director, provided the following ideas for the public notices: 1) Advertise on local newspapers; 2) Post information on the public meeting and highlight accomplishments of Measure A on news releases; 3) The GovDelivery service would automatically inform the public who are subscribed to the Measure A Program on any information concerning Measure A; 4) Email notices sent to all Eco Pass members; 5) Distribution of flyers on public areas; and 6) Inclusion of the Citizens Watchdog Committee public notice on the Take One flyer available for all VTA riders.

Greta Helm, Chief External Affairs Officer, noted that Member Powers offered connection for the community television.

Dino Guevarra, Sales and Promotion Supervisor, recommended conducting preliminary advertising on the San Jose Mercury Newspaper, Vietnamese Newspaper, and El Observador Newspaper to involve VTA's core riders. He added a full time advertising and promotion would be conducted once the CWC's annual report is ready.

Member Powers suggested advertising on the Business Journal.

**M/S/C (Larsen/Morando)** to satisfy the Measure A requirement the Citizens Watchdog Committee publicly notice the public hearing it conducts and also publicize the results of the annual independent audit in local newspapers, approve the following as amended:

1. A basic content and format of the combined summary notice for publication in local newspapers leading the public to the VTA website, notifying the public of the Citizens Watchdog Committee's public hearing on June 10, 2009 and the results of the independent compliance audit of the FY 2008 Measure A financial schedule and records.
2. A detailed content and format of the combined notice for placement on the VTA's website notifying the public of the Citizens Watchdog Committee's public hearing on June 10, 2009 and the results of the independent compliance audit of the FY 2008 Measure A financial schedules and records.
3. Utilize last years' publication strategy for publishing the combined notice in local newspapers and to conduct a media press release pointing out the accomplishments of Measure A.

## **CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

### **13. Draft Recommended Fiscal Years 2010 and 2011 Biennial Budget Review**

Joseph T. Smith, Chief Financial Officer, provided a report highlighting the following: 1) FY10 and FY11 budget backdrop; 2) Sales tax based and STA revenues; 3) FY10 and FY11 budget objectives; 4) Recommended budget summary; 5) Major assumptions; 6) Operating assumption risks; 7) Current vs. proposed fixed-route fares; 8) Current vs. proposed ADA paratransit fares; 9) Current vs. proposed Eco Pass fares; 10) Paratransit service modifications; 11) VTA transit operating budget; 12) VTA transit capital program; 13) 2000 Measure A budget parameters; 14) 2000 Measure A transit improvement program; 15) Congestion Management Program; 16) VTP Highway project appropriations; and 17) Outreach and next steps.

Member Skinner expressed concern regarding the proposed 20 percent increase on Eco Pass fare. He noted businesses might discontinue utilizing the program if the fares increase. He recommended staff to conduct more research on the proposed Eco Pass fare increase.

Member Morando suggested conducting a survey regarding the propose Eco Pass fare increase.

Member Schuler commented schools, specifically San Jose State University, might discontinue its participation in the Eco Pass program because of the proposed fare increase.

Member Larsen left the meeting at 5:55 p.m.

Carol Lawson, Fiscal Resources Manager, pointed out the Eco Pass fare has not increased for the past six years. She added the Eco Pass fare increase for San Jose State University would be three dollars per semester per student.

Member Schuler commented the Eco Pass program of San Jose State University is not directly paid for by the student. He clarified fees are collected by associated students to fund the Eco Pass program, and they could decide not to utilize the collected fees if the Eco Pass program becomes costly.

Chairperson Tebo left the meeting at 5:57 p.m.,  
and Vice Chairperson Jacobvitz presided over the remainder of the meeting.

Member Skinner referenced the cost of diesel fuel and suggested securing the low rate. Mr. Smith responded staff is exploring the option to secure the low rate of fuel.

Jim Unites, Deputy Director for Operations, provided a report on the paratransit service change proposals highlighting the following: 1) Summary; 2) Same day paratransit service; 3) Subscription; 4) Open returns; 5) Second paratransit vehicle service; 6) Service area surcharge; 7) Extended service hours/area; and 8) Advanced trip scheduling.

Member Schuler expressed concern on the removal of open returns and noted this would decrease the value of service. He recommended maintaining the same level of service with an increase in cost implemented gradually over time.

Member Skinner inquired if there are available grant programs that VTA could apply for to continue the same level of service for paratransit. Mr. Unites responded staff will look into it.

Member Schuler suggested conducting a graduated approach on the advance booking days for paratransit service. He recommended modifying the advanced booking days to seven versus the proposed three days.

Member Schuler stressed the proposed decrease on paratransit service is against the language of the Measure A which promotes increase on paratransit service.

Member Powers inquired on the future plans for the Diridon station. Ms. Lawson responded both the Santa Clara and Diridon stations would be upgraded to multi-modal stations.

Member Hashimoto commented the budget allotted to convert the Diridon station to a multi-modal station is insufficient.

Member Rogers inquired on the possibility of receiving addition stimulus funds. Mr. Smith responded there is a possibility to receive five to six million dollars for the State Route 237 and Interstate 880 that would be part of the VTP highway budget.

**On order of Vice Chairperson Jacobvitz** and there being no objection, the Committee received the draft recommended Fiscal Years 2010 and 2011 Biennial Budget review.

#### **14. Light Rail System Analysis -Initial Findings**

Andrew Ittigson, Senior Planner, provided a report on Light Rail system analysis highlighting the following: 1) Project background; 2) Project schedule; and 3) Initial findings. He also presented nine different scenarios of the Light Rail system.

**On order of Vice Chairperson Jacobvitz** and there being no objection, the Committee received the Light Rail system analysis-initial findings.

15. **(Deferred to the June 10, 2009 Citizens Advisory Committee and Citizens Watchdog Committee meeting.)**

Silicon Valley Express Lanes Program Update

16. **(Deferred to the June 10, 2009 Citizens Advisory Committee and Citizens Watchdog Committee meeting.)**

Proactive Development Review Program Enhancements and Quarterly Report

17. **(Deferred to the June 10, 2009 Citizens Advisory Committee and Citizens Watchdog Committee meeting.)**

Advisory Committee Enhancement (ACE) Update: May

18. **(Deferred to the June 10, 2009 Citizens Advisory Committee and Citizens Watchdog Committee meeting.)**

Advisory Committee Enhancement (ACE) Subcommittee Report

19. **(Deferred to the June 10, 2009 Citizens Advisory Committee and Citizens Watchdog Committee meeting.)**

Enhancing Constituency Representation on the Citizens Advisory committee

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

20. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

**On order of Vice Chairperson Jacobvitz** and there being no objection, the Committee reviewed the CAC and CWC Work Plans.

## **OTHER**

21. **ANNOUNCEMENTS**

There were no Announcements.

22. **ADJOURN**

**On order of Vice Chairperson Jacobvitz** and there being no objection, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Michael Diaresco, Board Assistant  
VTA Board of Directors