

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

Wednesday, April 13, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:36 p.m. by Chairperson Powers, Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Jeremy Barousse	Member	Present
Stephen Blaylock	Member	Present
Clinton Brownley	Member	Present
Bena Chang	Member	Present
Chris Elias	Member	Present
William Hadaya	Member	Present
Ray Hashimoto	Member	Absent
Roberta Hughan	Member	Present
Robert Jacobvitz	Vice Chairperson	Present
Bruce Liedstrand	Member	Present
Aaron Morrow	Member	Present
Charlotte Powers	Chairperson	Present
Sally Probst	Member	Present
Connie Rogers	Member	Present
Martin Schulter	Member	Present
Noel Tebo	Member	Present
Herman Wadler	Member	Present

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

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported on: 1) Earth Day

celebrations; 2) the Drive Less Challenge; 3) the Joint Advisory Committee Budget Workshop to be held on Monday, May 9, 2011; 4) the calendar of community meeting locations for the FY2012 & FY2013 VTA Biennial Budget meetings; and 5) the proposed Committee Clipper tour around the San Francisco Bay Area on July 13, 2011.

Members Jacobvitz, Hadaya and Wadler took their seats at 4:39 p.m.

Scott Haywood, Senior Policy Analyst, provided an update on Caltrain.

Member Chang reported on the Silicon Valley Leadership Group's (SVLG) Caltrain town hall meetings and noted the SVLG is looking at financing options and for dedicated funding sources.

On order of Chairperson Powers and there being no objection, the Committee Staff Report was received.

5. Chairperson's Report

Chairperson Powers encouraged the committee members to attend the Board Workshop on April 22, 2011. She then reported on her attendance at a Valley Transportation Plan (VTP) 2040 Plan community meeting.

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

**COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG
COMMITTEE (CWC) CONSENT AGENDAS**

6. Minutes of March 9, 2011

M/S/C (Wadler/Hadaya) to approve the Regular Meeting Minutes of March 9, 2011.

7. (Removed from the Consent Agenda and placed on the Regular Agenda.)

Review the updated Monthly Legislative History Matrix.

8. Bill Position: AB 147 (Dickinson)

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 147 (Dickinson), which expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities.

9. Bill Position: SB 383 (Wolk)

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for SB 383 (Wolk), which addresses issues related to the implementation of the state's Local Government Renewable Energy Self-Generation Program.

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

10. Bill Position: AB 31 (Beall)

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 31 (Beall), which authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations.

11. Bill Position: AB 1308 (Miller)

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 1308 (Miller), which provides that revenues in the Highway Users Tax Account (HUTA) are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE (CWC) REGULAR AGENDA

7. Monthly Legislative History Matrix

On order of Chairperson Powers and there being no objection, the Committee reviewed the updated Monthly Legislative History Matrix.

12. Compliance Audit Report on FY10 2000 Measure A Program Revenues and Expenditures

Craig Boyer, Certified Public Account, Macias, Gini and O'Connell (MGO), provided an overview of the 2000 Measure A Transit Improvement Program Independent Accountant's Report on Compliance Examination and Budgetary Comparison Schedule for the Fiscal Year Ended June 30, 2010, and noted that for fiscal year ended June 30, 2010, VTA spent the Measure A Funds in compliance with the 2000 Measure A ballot.

Members of the Committee expressed concern over the repayment of borrowed Measure A funds should VTA not receive the anticipated future State Transportation Improvement Program (STIP) funds. They inquired whether a formalized obligation for repayment had been established. Joe Smith, Chief Financial Officer, reported that via two separate actions the Board authorized: 1) the borrowing of the 2000 Measure A funds; and 2) the repayment of 2000 Measure A funds, with interest, via the STIP funds.

Mr. Smith noted copies of the two referenced board memos would be provided to the Committee. He then suggested to the Committee that the two board actions be included as part of MGO's audit report.

Members of the Committee expressed the need for a back-up reimbursement plan should the anticipated STIP funds not be distributed.

M/S/C (Morrow/Tebo) to receive and accept the audit report from Macias, Gini & O'Connell, the Citizens Watchdog Committee's independent compliance auditor, on the compliance audit of Fiscal Year 2010 (FY10) 2000 Measure A revenues and expenditures.

13. Determine Date and Location of CWC Public Hearing

Stephen Flynn, Senior Management Analyst, corrected the date of the hearing listed in the agenda packet to May 11, 2011.

M/S/C (Hadaya/Morrow) to satisfy the requirements of Measure A, approve the following: 1) Conduct the CWC annual public hearing on May 11, 2011, in combination with the monthly Citizens Advisory Committee (CAC)/CWC meeting; 2) Hold the combined hearing and CAC/CWC meeting in the Board Chambers at the County of Santa Clara Government Center (70 West Hedding Street); and 3) The CAC/CWC general meeting will start at 5:30 p.m., and the CWC public hearing will commence at 6:00 p.m.

14. Publication Strategy for Combined Public Hearing and Compliance Audit Results

Mr. Flynn provided a advertising strategy handout entitled *2000 Measure A Citizens Watchdog Committee Potential Expanded Publication Strategy Combination Public Hearing Announcement & Results of Independent Audit on FY 2010 April/May 2011*.

M/S (Tebo/Schulter) to accept the recommended advertising strategy listed on the handout and to add the Mercury News and the Spanish and Vietnamese language newspapers.

Members of the Committee discussed the various options presented on the handout and suggested ways for committee members to advertise the public hearing.

Members Elias and Rogers recommended amending the motion to: 1) add the Spanish and Vietnamese language newspapers; 2) remove the duplicate listing of the Almaden Times; and 3) not utilize the San Jose Mercury News.

M/S/C (Tebo/Schulter) to satisfy the 2000 Measure A requirement that the Citizens Watchdog Committee publicly notice the public hearing it conducts and also that it publicize the results of the annual independent audit in local newspapers, approve the following: 1) The content and format of the combined summary notice for publication in local newspapers notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011 and the results of the independent compliance audit of the FY 2009 Measure A financial schedule and records; 2) The content and format of the combined notice for placement on VTA's website notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011, and the results of the independent compliance audit of the FY 2010 Measure A financial schedules and records; 3) to accept the recommended advertising strategy listed on the handout and: a) to add the Vietnamese and Spanish language newspapers; b) to remove the duplicate listing of the Almaden Times; and c) to not utilize the San Jose Mercury News; and 4) Employing alternate methods in addition to publication in local newspapers and posting on VTA's website to notifying the public on the public hearing and the results of the compliance audit, as amended.

NOTE: M/S MEANS MOTION SECONDED.

15. BART Silicon Valley Project Update

Bernice Alaniz, Deputy Director Marketing and Public Affairs, provided a PowerPoint presentation highlighting: 1) BART Silicon Valley Program Activities; 2) Corridor Preparation; 3) Phase 1: Berryessa Extension; 4) Berryessa Extension Stations; 5) Future Connections; 6) Milpitas Station; 7) Berryessa Station; 8) Agency Coordination Efforts; 9) Communication and Outreach; 10) Design Build Procurement; 11) Berryessa Extension Key Milestones; 12) Related Projects; and 13) SVBX Project Schedule.

Members of the Committee questioned whether the planned development around the Milpitas station would be pedestrian friendly. Ms. Alaniz stated information on modal access to the station would be provided to the Committee.

Members of the Committee requested that the PowerPoint presentation for this item be sent to them electronically.

On order of Chairperson Powers and there being no objection, the Committee received the BART Silicon Valley Project Update.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

16. Valley Transportation Plan (VTP) 2040 Initial Project Lists

Ying Smith, Transportation Planning Manager, provided the staff report.

A revised *Preliminary Financially Unconstrained Project List* was provided to the Committee.

Members of the Committee expressed concern that the current VTP 2040 plan does not contain enough information on transit. They noted the VTP 2040 plan lacks vision. They stressed that a 30-year plan should start with a vision of what is really needed and then list all possibilities in order to accommodate the future population growth.

Members of the Committee stated the Metropolitan Transportation Commission (MTC) needs to provide more time for the local agencies to prepare the information. Ms. Smith stated the Committee is presently being asked to approve the first project list, not the plan, and that additional projects can be added to the initial list after MTC's April 29, 2011, deadline. She noted there will be many other opportunities to continue the conversation, as well as to submit ideas, prior to the final plan deadline in April 2013.

M/S/C (Schulter/Hadaya) on a vote of 13 Ayes, 1 No, and 0 abstentions to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC). The Committee understands this list is a starting point, with many good projects identified, but we have serious concerns that there are elements within the document that are not complete and that there is a lack of vision with regard to transit. Member Liedstrand opposed.

M/S/C (Wadler/Jacobvitz) to request that the Board authorize this Committee to establish a subcommittee among its members to address the Committee's concerns on the

VTP 2040 vision. Members Schuler, Blaylock, Tebo, Liedstrand, and Chairperson Powers volunteered to be part of the subcommittee.

17. (Deferred to a future Citizens Advisory Committee (CAC) Meeting)

On order of Chairperson Powers and there being no objection, the Committee deferred receiving a report on the Express Bus Business Plan.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

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

On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

19. **ANNOUNCEMENTS**

There were no Announcements.

20. **ADJOURNMENT**

On order of Chairperson Powers and there being no objection, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary