



**Santa Clara Valley Transportation Authority
Board of Directors Committee of the Whole Meeting
(In Lieu of Administration and Finance Committee Meeting)**

Thursday, July 18, 2002

City of San Jose
801 North First Street – Room 204
San Jose, California

MEETING RECORD

1. CALL TO ORDER

The Santa Clara Valley Transportation Authority Board of Directors Committee of the Whole (COW) Meeting (In Lieu of Administration and Finance (A&F) Committee Meeting) was called to order by Vice Chairperson J.P. Kennedy at 12:04 p.m., San Jose City Hall, 801 North First Street – Room 204, San Jose, California.

ROLL CALL

Members Present:

Jane P. Kennedy, Vice Chairperson
Pat Dando
Don Gage
Jim Lawson
Dena Mossar
Thomas Springer
Forrest Williams

Members Absent:

Ron Gonzales, Chairperson
Blanca Alvarado
Jim Beall (Ex-Officio)
Cindy Chavez
David Cortese
Francis LaPoll
Pete McHugh
John McLemore (Ex-Officio)
Judy Nadler
Joe Pirzynski
Manny Valerio
Ken Yeager

A quorum was not present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

Member Williams took his seat at 12:05 p.m.

3. ORDERS OF THE DAY

Deferred Agenda Item 13. Approve amending the Citizens Advisory Committee bylaws to provide that half of the member terms commence in even-numbered years and the remaining half in odd-numbered years, as specified.

Deferred Agenda Item 14. Approve the following re-appointments to the Citizens Advisory Committee with a term expiration of June 30, 2003: Connie Rogers representing the South County Cities, Mas Minami representing Senior Citizens, Ellen Fletcher representing Bicycle Groups and Patricia Sausedo representing the National Association of Industrial & Office Properties and further, approve the following re-appointments to the Citizens Advisory Committee with a term expiration of June 30, 2004: Elizabeth Zimmermann representing the West Valley Cities, Laura Stuchinsky representing the Silicon Valley Manufacturing Group, Ray Hashimoto representing the Home Builders Association, Stephen C. Blaylock representing the Mass Transit Users and Gaye Morando representing the Chamber of Commerce.

Added Agenda Item 35.X. Adopt the Proposed Policies for the Tier 1 Bicycle Projects/Bicycle Expenditure Program.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved the Orders of the Day.

CONSENT AGENDA

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved the Consent Agenda, as amended.

4. Report on Santa Clara Valley Transportation Authority Investments for the Month of April and May 2002

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Report on Santa Clara Valley Transportation Authority Investments for the Month of April and May 2002.

5. Contractor Pre-qualification Pilot Program Monthly Report

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Contractor Pre-Qualification Pilot Program Monthly Report.

6. Federal Transit Administration Emergency Preparedness Grant Application

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to apply for and execute a grant agreement with the Federal Transit Administration (FTA) in the amount of \$50,000 for Emergency Preparedness Drills.

7. California Energy Commission Grant for Hydrogen Fuel Cell Facility

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a grant agreement with the California Energy Commission (CEC) in the amount of \$300,000 for the construction of the Hydrogen Fuel Cell Facility at the Cerone Bus Division.

8. Report on the Tasman East Light Rail Project for the Month of June 2002

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Report on the Tasman East Light Rail Project for the Month of June 2002.

9. Report on the Capitol Light Rail Project for the Month of June 2002

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Report on the Capitol Light Rail Project for the Month of June 2002.

10. Report on the Vasona Light Rail Project for the Month of June 2002

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Report on the Vasona Light Rail Project for the Month of June 2002.

11. Tasman East: I-880 to Hostetter Stations and Park-and-Ride Construction

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with the lowest responsible bidder, OC Jones & Sons, in an amount of \$10,832,344 for construction of the Tasman East Light Rail Project: I-880 to Hostetter Stations and Park-and-Ride Construction.

12. Peninsula Corridor Joint Powers Board Support Services for the Vasona Light Rail Project

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract amendment with the Peninsula Corridor Joint Powers Board (PCJPB) to increase the contract value in an amount not to exceed \$1,500,000 for a new contract amount of \$5,350,000, and to extend the contract duration through June 2004, for support services during construction of the Vasona Light Rail Project, and further authorize the General Manager to execute an amendment to the Construction and Maintenance Agreement with the PCJPB to extend its term through June 2004.

13. (Deferred from the Agenda to the Administration and Finance Committee)

Amendment of Citizens Advisory Committee Bylaws

Approve amending the Citizens Advisory Committee bylaws to provide that half of the member terms commence in even-numbered years and the remaining half in odd-numbered years, as specified.

14. (Deferred from the Agenda to the Administration and Finance Committee)

Citizens Advisory Committee Re-appointments

Approve the following re-appointments to the Citizens Advisory Committee with a term expiration of June 30, 2003: Connie Rogers representing the South County Cities, Mas Minami representing Senior Citizens, Ellen Fletcher representing Bicycle Groups and Patricia Sausedo representing the National Association of Industrial & Office Properties and further, approve the following re-appointments to the Citizens Advisory Committee with a term expiration of June 30, 2004: Elizabeth Zimmermann representing the West Valley Cities, Laura Stuchinsky representing the Silicon Valley Manufacturing Group, Ray Hashimoto representing

the Home Builders Association, Stephen C. Blaylock representing the Mass Transit Users and Gaye Morando representing the Chamber of Commerce.

15. Bicycle & Pedestrian Advisory Committee Appointments and Re-appointments

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the following new appointments to the Bicycle & Pedestrian Advisory Committee with a term expiration of June 30, 2004: Mahmoud Kamangar representing the Town of Los Altos Hills and Cedric de La Beaujardiere representing the City of Palo Alto and further, approve the following re-appointments to the Bicycle & Pedestrian Advisory Committee with a term expiration of June 30, 2004: Joe Walton representing the City of Cupertino, Al Slechta representing the City of Gilroy, Curt Riffle representing the City of Los Altos, Marc Jensen representing the Town of Los Gatos, Rob Means representing the City of Milpitas, William Manry representing the City of Monte Sereno, Bob Eltgroth representing the City of Morgan Hill, John Sullivan representing the City of Santa Clara and Jim Stallman representing the City of Saratoga.

16. South County Roadway Policy Advisory Board

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the formation of the South County Roadway Policy Advisory Board (PAB) and appoint Board Member Pat Dando as VTA's member to the PAB.

17. CODE Projects for the Tasman East and Capitol Light Rail Projects

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the CODE concept proposals for stations and park and ride lots on the Tasman East and Capitol Light Projects of artists Deborah Mersky, John Okulick, Ries Niemi, Jean Whitesavage/Nick Lyle, Victor Zaballa, and Wick Alexander.

18. Contract Amendment to Nolte Associates, Inc. Contract for Final Design Services of the Route 85/101 North Interchange Project

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with Nolte Associates, Inc. for final design of the Route 85/101 North Interchange Project, increasing the approved contract by \$962,015 for a new value not to exceed \$9,490,015; and extend the term of the contract through December 31, 2005.

19. Amendment to the Brian Kangas Foulk (BKF) Contract for Final Design of the Route 87 South HOV Lane Widening Project

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with Brian Kangas Foulk to add services for final design of additional project scope for the Route 87 South HOV Lane Widening Project, increasing the existing contract by \$2,054,041 for a new value not to exceed \$7,918,945.

20. Monthly Legislative Reports

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole received and filed the Legislative Reports.

21. Contract Extension for Substance Abuse Profession Services

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to extend the contract with Free Life Enterprises for Substance Abuse Professional Services for two years, to July 31, 2004, and increase the contract by \$220,000 for a revised contract amount of \$472,000.

22. Addition of the Tamien to Lick double Track Construction Project to the Rail Construction Owner Controlled Insurance Program

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to add the Tamien to Lick Double Track construction project to the rail construction Owner Controlled Insurance Program (OCIP) at a cost not to exceed \$661,881 for Workers' Compensation and General Liability insurance, Builder's Risk insurance, and Railroad Protective Liability insurance. This purchase brings the total insurance premium cost for the rail projects to \$6,390,551.

23. Amendment to Attorney Services Agreement with Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute an amendment to the Attorney Services Agreement with the firm of Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP to add \$250,000, for a new not-to-exceed contract value of \$900,000.

24. HVAC Preventive Maintenance and Repair Contract

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Cal-Air Inc., the lowest responsive and responsible bidder, for the preventive maintenance and repair of VTA's Heating, Ventilation and Air Conditioning (HVAC) and refrigeration systems. The term of the contract is for three years with two one-year options at a cost of \$229,025 for the first year, \$250,621 for the second year and \$265,096 for third year. Option years four and five are at a cost of \$408,587 and \$452,050 respectively. The total amount of the contract will not exceed \$1,605,379 for the five-year period.

25. Elevator and Escalator Preventive Maintenance and Repair Contract

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Vertrans, Inc., the lowest responsive and responsible bidder, for preventive maintenance and repair of elevators and escalators located at VTA facilities. The term of the contract is for three years with two one-year options at a cost of \$209,300 for years one through three. Option years four and five are at a cost of \$218,108 annually. The total amount of the contract will not exceed \$1,064,116 for the five-year period.

26. Nitrogen Oxide (NOx) Reduction Demonstration Project

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Extengine Systems LLC for the purchase, installation, operation and testing of the technology to be used in VTA's Nitrogen Oxide (NOx) Reduction Demonstration Project for the amount of \$185,768. The duration of this project is three years.

REGULAR AGENDA

27. Transactions and Use Tax Revenue Enhancement Contract

Gerald Rosenquist, Fiscal Resources Deputy Director, provided a brief overview on the Transactions and Use Tax Revenue Enhancement Contract. Mr. Rosenquist noted that the revenue enhancement contract is out for bid.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a one-year contract with MBIA MuniServices Company (MMC) to perform a review of VTA's half-cent sales tax receipts for the purpose of recovering revenue misallocated to other jurisdictions. MMC's fee will be 25% of additional revenue received. MMC will also provide analysis and reporting services for a fixed fee of \$20,000 for one year. Total estimated fee for the first year is \$108,000. Further authorize the General Manager to extend the contract for two additional one-year terms. The fee for recovered revenue will decrease to 20% for the second and third years. Total estimated fees for the second and third years are \$270,000 and \$395,000, respectively. Adopt State Board of Equalization Confidentiality Resolution (Attachment 1), authorizing MMC to examine VTA's transactions and use tax records.

Member Dando took her seat at 12:09 p.m.

The Agenda was taken out of order.

Member Williams requested review of Agenda Item #5. Contractor Pre-Qualification Pilot Program Monthly Report from the Consent Agenda. Member Williams inquired on the progress and results of the pilot program. James Pierson, Planning & Development Director, responded that no statistics have been developed at this time; however, additional information will be provided at the next Administration and Finance Committee Meeting.

Member Dando requested review of Agenda Item #5. Contractor Pre-Qualification Pilot Program Monthly Report from the Consent Agenda. Member Dando inquired on the analysis of the pilot program process. Peter M. Cipolla, General Manager, noted that the pilot program is an 18-month process that will provide updates every six months. Member Dando requested that at the 12-month range an analysis be conducted to examine the actual costs and efficiencies of the pilot program process. Mr. Cipolla noted that contractors need to be under construction to examine the efficiencies of the pilot program process.

28. Rail Design Consultant Support Services for Light Rail Design Support Services

Les Miller, Construction Deputy Director, provided a brief overview on the Rail Design Consultant Support Services for Light Rail Design Support Services. Mr. Miller noted that contract is for professional services and system support activities for expertise in the areas of electrification, train signalization and communication. Mr. Miller noted that the consultant contract will be administered on the basis of project task orders.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with PGH Wong Engineering, Inc., for light rail design support services for the next three years in an amount not to exceed \$3,000,000 with an option for two additional years in an amount not to exceed \$1,000,000 for a total not to exceed amount of \$4,000,000.

29. Right-of-Way Engineering and Survey Services for VTA Rail, Facilities and Non-1996 Measure B Highway Projects

Jeff Funk, Highway Engineering Deputy Director, provided a brief overview on the Right-of-Way Engineering and Survey Services for VTA Rail, Facilities and Non-1996 Measure B Highway Projects. Mr. Funk noted that these contracts provide a pool of professional service resources.

Member Mossar suggested that when BART funding is discussed the funding source be identified and specified that the funding is only intended for the BART project.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute three contracts and future options for Right-of-Way Engineering and Survey Services with the following firms: a contract with Towill, Inc. will be for an initial three-year period in an amount not to exceed \$5,000,000, with an option for two additional years in an amount not to exceed \$1,000,000 for a total not to exceed \$6,000,000; contracts with Psomas and HMH, Inc. will be for an initial three-year period in an amount not to exceed \$1,000,000 per contract, with an option for two additional years in an amount not to exceed \$500,000 for a total not to exceed \$1,500,000 per contract. The five-year total for all three agreements will not exceed \$9,000,000.

30. Capitol Light Rail Project, Property Acquisition from East Side Union High School District for Penitencia Transit Center

Mr. Pierson provided a brief overview on the Capitol Light Rail Project, Property Acquisition from East Side Union High School District for Penitencia Transit Center. Mr. Pierson distributed a color copy of the Capitol Light Rail Project Penitencia Park & Ride Lot and Transit Center Concept "C" Plan map to the Committee Members. Mr. Pierson noted that negotiations have been made and that VTA will receive future monetary value from the sale.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a Purchase Agreement allowing for the purchase of land necessary for the Capitol Light Rail Project (Parcel CP021) from East Side Union High School District (ESUHSD) for \$4,678,500.

31. Disposal of Surplus Land at Capitol LRT Park-and-Ride Lot

Mr. Pierson provided a brief overview on the Disposal of Surplus Land at Capitol LRT Park-and-Ride Lot. Mr. Pierson distributed a revised map and noted the acres correction from 6.48 acres to 5.80 acres of excess vacant land at the Capitol Park-and-Ride Lot available for sale or lease to public agencies interested in the property. Mr. Pierson noted that VTA is working with Board Member Dando's Office and the City of San Jose in potentially developing a mid-density housing project and dedicating necessary land for the development of a neighborhood park.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to determine that approximately 5.80 acres of vacant land at the Capitol Park-and-Ride Lot is no longer necessary for VTA use, and authorize the General Manager to send written offer to sell or lease to public agencies that may be interested in the property.

32. Purchase Agreement for Real Property on the Route 237/880 Interchange Project, Stage C in Milpitas

Mr. Pierson provided a brief overview on the Purchase Agreement for Real Property on the Route 237/880 Interchange Project, Stage C in Milpitas.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a real property purchase agreement with the City and County of San Francisco for an amount not to exceed \$183,252.

33. General Planning Support Services

Mr. Pierson provided a brief overview on the General Planning Support Services. Mr. Pierson noted that this contract is the planning element contract. Mr. Pierson noted that planning efforts have greatly accelerated and VTA has utilized the majority of the contracting authority.

Member Mossar suggested that the staff report note that funding for BART can only be used for the BART project.

Member Williams inquired if employees in-house are able to perform the tasks or if the work requires unique skills. Mr. Pierson noted that it is a combination of both – some cases are specialty types of services that VTA is unable to perform in-house and other cases VTA does not have the in-house resources to perform the tasks.

Member Dando inquired on the number of local firms within the County. Mr. Pierson noted that the information will be provided to the A & F Committee.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize an increase of \$1.5 million to the current amount of \$4.0 million, for a total amount not to exceed \$5.5 million for all general planning support services contracts through May 5, 2004.

34. Master Agreement – 1996 Measure B Transportation Improvement Program (1996 MBTIP) Baseline Scope, Schedule and Cost for the Route 152 Project

Mr. Funk provided a brief overview on the Master Agreement – 1996 Measure B Transportation Improvement Program (1996 MBTIP) Baseline Scope, Schedule and Cost for the Route 152 Project.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the 1996 Measure B baseline scope, baseline schedule and baseline cost estimate for the Route 152 Project, in accordance with Article V – Project Definition of the Master Agreement with the County of Santa Clara.

35. Master Agreement – 1996 Measure B Transportation Improvement Program (1996 MBTIP) Baseline Scope, Schedule and Cost for the Route 17 Improvement Project

Mr. Funk provided a brief overview on the Master Agreement – 1996 Measure B Transportation Improvement Program (1996 MBTIP) Baseline Scope, Schedule and Cost for the Route 17 Improvement Project.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the 1996 Measure B baseline scope, baseline schedule and baseline cost estimate for the Route 17 Improvement Project, in accordance with Article V – Project Definition of the Master Agreement with the County of Santa Clara.

35.X. Proposed Policies for the Tier 1 Bicycle Projects/Bicycle Expenditure Program

Carolyn Gonot, Deputy Director of the Congestion Management Program, provided a brief overview on the Proposed Policies for the Tier 1 Bicycle Projects/Bicycle Expenditure Program. Ms. Gonot noted that policies were developed to expedite project delivery and to improve the quality of projects. Ms. Gonot noted that policy numbers one – three deal with timely project delivery and policy number four deals with cost and funding increases. Ms. Gonot noted that exceptions may be granted for projects and projects are reviewed on a case-by-case basis.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt the Proposed Policies for the Tier 1 Bicycle Projects/Bicycle Expenditure Program.

36. Expansion of Transit Shelter Advertising Program

Frank T. Martin, Chief Operating Officer, provided a brief overview of the Expansion of Transit Shelter Advertising Program. Mr. Martin noted that this program enables VTA to meet goals of providing new well-maintained shelters, while eliminating ongoing shelter maintenance expenses.

Member Williams queried on the location of the placement of the transit shelters. Mr. Martin noted that several factors are considered in deciding where to place the transit shelters.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute amendments to the Transit Shelter Advertising Program Agreement and the Implementation Agreement for Transit Shelter Advertising Program that would allow for: 1) the expansion of the Program by 200 shelters, 2) the augmentation of Clear Channel Outdoor's maintenance responsibilities, 3) a change in the profit sharing structure between VTA and the participating jurisdictions, and 4) the extension of the Implementation Agreement by five years.

OTHER ITEMS

37. Route 85/101 North Interchange Project – Resolutions of Necessity

Mr. Pierson provided a brief overview of the Route 85/101 North Interchange Project – Resolutions of Necessity. Mr. Pierson noted that VTA is working with the owners to resolve issues and make property settlements.

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to conduct a hearing regarding a Resolution of Necessity determining that the public interest and necessity require the partial acquisition of four properties located in Mountain View, California, for the 85/101 North Interchange Project.

38. Committee Work Plan

On order of Vice Chairperson Kennedy, there being no objection, the Committee of the Whole reviewed the Committee Work Plan.

39. Committee Staff Report

There was no Staff Report.

40. Chairperson's Report

Vice Chairperson Kennedy announced the Route 152 Improvements Project Groundbreaking Ceremony scheduled for Wednesday, July 24, 2002, in Gilroy.

41. Determined the Consent Agenda for the August 1, 2002 Board Meeting

CONSENT: Item #6. Authorize the General Manager to apply for and execute a grant agreement with the Federal Transit Administration (FTA) in the amount of \$50,000 for Emergency Preparedness Drills; **Item # 7.** Authorize the General Manager to execute a grant agreement with the California Energy Commission (CEC) in the amount of \$300,000 for the construction of the Hydrogen Fuel Cell Facility at the Cerone Bus Division; **Item # 11.** Authorize the General Manager to execute a contract with the lowest responsible bidder, OC Jones & Sons, in an amount of \$10,832,344 for construction of the Tasman East Light Rail Project: I-880 to Hostetter Stations and Park-and-Ride Construction; **Item # 12.** Authorize the General Manager to execute a contract amendment with the Peninsula Corridor Joint Powers Board (PCJPB) to increase the contract value in an amount not to exceed \$1,500,000 for a new contract amount of \$5,350,000, and to extend the contract duration through June 2004, for support services during construction of the Vasona Light Rail Project, and further authorize the General Manager to execute an amendment to the Construction and Maintenance Agreement with the

PCJPB to extend its term through June 2004; **Item # 15.** Approve the following new appointments to the Bicycle & Pedestrian Advisory Committee with a term expiration of June 30, 2004: Mahmoud Kamangar representing the Town of Los Altos Hills and Cedric de La Beaujardiere representing the City of Palo Alto and further, approve the following re-appointments to the Bicycle & Pedestrian Advisory Committee with a term expiration of June 30, 2004: Joe Walton representing the City of Cupertino, Al Slechta representing the City of Gilroy, Curt Riffle representing the City of Los Altos, Marc Jensen representing the Town of Los Gatos, Rob Means representing the City of Milpitas, William Manry representing the City of Monte Sereno, Bob Eltgroth representing the City of Morgan Hill, John Sullivan representing the City of Santa Clara and Jim Stallman representing the City of Saratoga; **Item # 16.** Approve the formation of the South County Roadway Policy Advisory Board (PAB) and appoint Board Member Pat Dando as VTA's member to the PAB; **Item # 17.** Approve the CODE concept proposals for stations and park and ride lots on the Tasman East and Capitol Light Projects of artists Deborah Mersky, John Okulick, Ries Niemi, Jean Whitesavage/Nick Lyle, Victor Zaballa, and Wick Alexander; **Item # 18.** Authorize the General Manager to amend the contract with Nolte Associates, Inc. for final design of the Route 85/101 North Interchange Project, increasing the approved contract by \$962,015 for a new value not to exceed \$9,490,015; and extend the term of the contract through December 31, 2005; **Item # 19.** Authorize the General Manager to amend the contract with Brian Kangas Foulk to add services for final design of additional project scope for the Route 87 South HOV Lane Widening Project, increasing the existing contract by \$2,054,041 for a new value not to exceed \$7,918,945; **Item # 21.** Authorize the General Manager to extend the contract with Free Life Enterprises for Substance Abuse Professional Services for two years, to July 31, 2004, and increase the contract by \$220,000 for a revised contract amount of \$472,000; **Item # 22.** Authorize the General Manager to add the Tamien to Lick Double Track construction project to the rail construction Owner Controlled Insurance Program (OCIP) at a cost not to exceed \$661,881 for Workers' Compensation and General Liability insurance, Builder's Risk insurance, and Railroad Protective Liability insurance. This purchase brings the total insurance premium cost for the rail projects to \$6,390,551; **Item # 23.** Authorize the General Manager to execute an amendment to the Attorney Services Agreement with the firm of Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP to add \$250,000, for a new not-to-exceed contract value of \$900,000; **Item # 24.** Authorize the General Manager to execute a contract with Cal-Air Inc., the lowest responsive and responsible bidder, for the preventive maintenance and repair of VTA's Heating, Ventilation and Air Conditioning (HVAC) and refrigeration systems. The term of the contract is for three years with two one-year options at a cost of \$229,025 for the first year, \$250,621 for the second year and \$265,096 for third year. Option years four and five are at a cost of \$408,587 and \$452,050 respectively. The total amount of the contract will not exceed \$1,605,379 for the five-year period; **Item # 25.** Authorize the General Manager to execute a contract with Vertrans, Inc., the lowest responsive and

responsible bidder, for preventive maintenance and repair of elevators and escalators located at VTA facilities. The term of the contract is for three years with two one-year options at a cost of \$209,300 for years one through three. Option years four and five are at a cost of \$218,108 annually. The total amount of the contract will not exceed \$1,064,116 for the five-year period; **Item # 26.** Authorize the General Manager to execute a contract with Extengine Systems LLC for the purchase, installation, operation and testing of the technology to be used in VTA's Nitrogen Oxide (NOx) Reduction Demonstration Project for the amount of \$185,768. The duration of this project is three years; **Item # 27.** Authorize the General Manager to execute a one-year contract with MBIA MuniServices Company (MMC) to perform a review of VTA's half-cent sales tax receipts for the purpose of recovering revenue misallocated to other jurisdictions. MMC's fee will be 25% of additional revenue received. MMC will also provide analysis and reporting services for a fixed fee of \$20,000 for one year. Total estimated fee for the first year is \$108,000. Further authorize the General Manager to extend the contract for two additional one-year terms. The fee for recovered revenue will decrease to 20% for the second and third years. Total estimated fees for the second and third years are \$270,000 and \$395,000, respectively. Adopt State Board of Equalization Confidentiality Resolution (Attachment 1), authorizing MMC to examine VTA's transactions and use tax records; **Item # 28.** Authorize the General Manager to execute a contract with PGH Wong Engineering, Inc., for light rail design support services for the next three years in an amount not to exceed \$3,000,000 with an option for two additional years in an amount not to exceed \$1,000,000 for a total not to exceed amount of \$4,000,000; **Item # 29.** Authorize the General Manager to execute three contracts and future options for Right-of-Way Engineering and Survey Services with the following firms: a contract with Towill, Inc. will be for an initial three-year period in an amount not to exceed \$5,000,000, with an option for two additional years in an amount not to exceed \$1,000,000 for a total not to exceed \$6,000,000; contracts with Psomas and HMMH, Inc. will be for an initial three-year period in an amount not to exceed \$1,000,000 per contract, with an option for two additional years in an amount not to exceed \$500,000 for a total not to exceed \$1,500,000 per contract. The five-year total for all three agreements will not exceed \$9,000,000; **Item # 30.** Authorize the General Manager to execute a Purchase Agreement allowing for the purchase of land necessary for the Capitol Light Rail Project (Parcel CP021) from East Side Union High School District (ESUHSD) for \$4,678,500; **Item # 32.** Authorize the General Manager to execute a real property purchase agreement with the City and County of San Francisco for an amount not to exceed \$183,252; **Item # 33.** Authorize an increase of \$1.5 million to the current amount of \$4.0 million, for a total amount not to exceed \$5.5 million for all general planning support services contracts through May 5, 2004; **Item # 34.** Approve the 1996 Measure B baseline scope, baseline schedule and baseline cost estimate for the Route 152 Project, in accordance with Article V – Project Definition of the Master Agreement with the County of Santa Clara; **Item # 35.** Approve the 1996 Measure B baseline scope, baseline schedule and baseline cost estimate for the Route 17 Improvement

Project, in accordance with Article V – Project Definition of the Master Agreement with the County of Santa Clara; **Item # 35.X.** Adopt the Proposed Policies for the Tier 1 Bicycle Projects/Bicycle Expenditure Program; **Item # 36.** Authorize the General Manager to execute amendments to the Transit Shelter Advertising Program Agreement and the Implementation Agreement for Transit Shelter Advertising Program that would allow for: 1) the expansion of the Program by 200 shelters, 2) the augmentation of Clear Channel Outdoor’s maintenance responsibilities, 3) a change in the profit sharing structure between VTA and the participating jurisdictions, and 4) the extension of the Implementation Agreement by five years and **Item # 37.** Adopt a Resolution of Necessity determining that the public interest and necessity require the partial acquisition of four properties located in Mountain View, California, for the 85/101 North Interchange Project.

REGULAR: Item #31. Determine that approximately 5.80 acres of vacant land at the Capitol Park-and-Ride Lot is no longer necessary for VTA use, and authorize the General Manager to send written offer to sell or lease to public agencies that may be interested in the property.

42. Announcements

Member Williams requested additional information on the Substance Abuse Program and services offered. Mr. Pierson noted that the information will be provided at a future Administration and Finance Committee Meeting.

43. ADJOURNMENT

On order of Vice Chairperson Kennedy, there being no objection, the meeting was adjourned at 1:14 p.m.

Respectfully submitted,

Michelle Garza, Board Assistant
VTA Board of Directors