



**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY  
BOARD OF DIRECTORS COMMITTEE OF THE WHOLE MEETING  
(In Lieu of ADMINISTRATION & FINANCE COMMITTEE MEETING)**

**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 Board Member Williams at 12:04 p.m., San Jose City Hall, 801 North First Street – Room 204, San Jose, California.

**ROLL CALL**

**Members Present**

David Casas  
Cindy Chavez  
Patricia Dixon  
John McLemore  
Forrest Williams

**Members Absent**

Jim Beall, Ex-Officio  
David Cortese  
Pat Dando  
Frederik Fowler  
Don Gage, Chairperson  
Ron Gonzales  
Pete McHugh  
Joe Pirzynski, Vice Chairperson

**Alternates Present**

Breene Kerr  
Dolly Sandoval

**Alternates Absent**

Blanca Alvarado  
Dennis Kennedy  
Ken Yeager

Board Member Williams noted a quorum of the Board of Directors was present; however, recommendations would be forwarded for consideration at the August 5, 2004 Regular Board of Directors Meeting.

\* Alternates do not serve unless participating as a Member.

**A quorum of the Committee of the Whole was declared.**

## 2. PUBLIC PRESENTATIONS

There were no Public Presentations.

## 3. ORDERS OF THE DAY

Board Member Williams requested that Agenda Item 4., Report on Santa Clara Valley Transportation Authority Investments for the months of April and May 2004 be removed from the Consent Agenda and placed on the Regular Agenda.

Board Member Williams requested that Agenda Item 13., Authorize the General Manager to execute a contract with Golden Bay Construction, the lowest responsible bidder, in an amount of \$2,354,187 for construction of the Vasona Light Rail Project Winchester Park & Ride and Campbell Parking Lot Improvements. This contract is one percent federally funded be removed from the Consent Agenda and placed on the Regular Agenda.

Board Member Williams requested that Agenda Item 14., Authorize the General Manager to amend the total authorized funding for the Stacy and Witbeck, Inc. Group 1 Light Rail Station Finishes contract by an amount of \$600,000 to accommodate delay impacts beyond VTA control for a new contract amount of \$6,463,456. This contract is 52 percent federally funded be removed from the Consent Agenda and placed on the Regular Agenda.

M/S/C (Chavez/Dixon) to accept the Orders of the Day.

## CONSENT AGENDA

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

Report on Santa Clara Valley Transportation Authority Investments for the months of April and May 2004.

### 5. Monthly Legislative Reports

M/S/C (Sandoval/McLemore) to receive and file the Monthly Legislative Reports.

### 6. Community Oriented Design Enhancements (CODE) Program Update - May through July 2004

M/S/C (Sandoval/McLemore) to receive and file Community Oriented Design Enhancements (CODE) Program Update - May through July 2004.

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

7. **Report on the Capitol Light Rail Project for the Months of May/June 2004**

M/S/C (Sandoval/McLemore) to receive and file the Report on the Capitol Light Rail Project for the Months of May/June 2004.

8. **Report on the Tasman East Light Rail Project for the Months of May/June 2004**

M/S/C (Sandoval/McLemore) to receive and file the Tasman East Light Rail Project for the Months of May/June 2004.

9. **Report on the Vasona Light Rail Project for the Months of May/June 2004**

M/S/C (Sandoval/McLemore) to receive and file the Vasona Light Rail Project for the Months of May/June 2004.

10. **Joint Powers Board Monthly Status Report**

M/S/C (Sandoval/McLemore) to receive and file the Joint Powers Board Monthly Status Report.

11. **Bicycle and Pedestrian Advisory Committee Reappointments**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to ratify the reappointments of the following individuals to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending June 30, 2006: Bob Eltgroth representing the City of Morgan Hill; David Simons representing the City of Sunnyvale; and Bill Manry representing the City of Monte Sereno.

12. **Citizens Advisory Committee Appointment**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to ratify the appointment of Donald R. Burnett to the Citizens Advisory Committee (CAC) position representing the West Valley Cities.

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

Authorize the General Manager to execute a contract with Golden Bay Construction, the lowest responsible bidder, in an amount of \$2,354,187 for construction of the Vasona Light Rail Project Winchester Park & Ride and Campbell Parking Lot Improvements. This contract is one percent federally funded.

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

Authorize the General Manager to amend the total authorized funding for the Stacy and Witbeck, Inc. Group 1 Light Rail Station Finishes contract by an amount of \$600,000 to accommodate delay impacts beyond VTA control for a new contract amount of \$6,463,456. This contract is 52 percent federally funded.

**15. Legislative Positions: SB 1381 (Kuehl)**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to adopt a support position for SB 1381 (Kuehl), which implements the recommendations contained in the California Blueprint for Bicycling and Walking, a Caltrans report regarding the need for improving bicycling and walking infrastructure within the state.

**16. Authorize the award of the Contract for Substance Abuse Testing, Medical Review Officer and Medical Examination Services**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to approve the award of a contract to U. S. Health Works for Substance Abuse Testing, Medical Review Officer and Medical Examination Services for three years with an option for two one-year extensions. The contract value for the three-year period is \$414,000.

**17. FY 2004 – 2005 Transportation Fund for Clean Air (TFCA) 60% Regional Fund Application – River Oaks Bicycle/Pedestrian Project Phase 2**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing filing an application with the Bay Area Air Quality Management District (BAAQMD) for Transportation Fund for Clean Air “60” percent Regional funds for the construction of Phase 2 of the River Oaks Bicycle/Pedestrian Project. Authorize the General Manager to execute the funding agreement upon receipt from BAAQMD.

**18. Contract Amendment with URS Corporation (URS) for Final Design and Design Support During Construction of the Route 85/87 Interchange Project**

M/S/C (Sandoval/McLemore) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with URS Corporation for final design and design support during construction of the Route 85/87 Interchange Project, increasing the approved contract value by \$110,865 for a new total contract value not to exceed \$5,353,518.

**19. Frances Street Transit Center Cooperative Agreement**

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a cooperative agreement with the City of Sunnyvale for the transfer of Federal Transit Administration (FTA) Section 5307 Transit Enhancement funds for the City of Sunnyvale's Frances Street Transit Center Project; and appropriate \$222,500 from VTA's FY 05 Capital Budget.

**20. Palo Alto Intermodal Transit Center Cooperative Agreement**

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a cooperative agreement with the City of Palo Alto for the transfer of Federal Transit Administration (FTA) Section 5309 Bus and Bus Facilities funds for the Palo Alto Intermodal Transit Center Project; and appropriate \$309,384 from VTA's FY 05 Capital Budget.

**21. Procurement of Light Rail Vehicle Car Mover**

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Mitchell Equipment Corporation, the sole responsive and responsible bidder for the purchase of a light rail vehicle car mover for \$431,190.

**22. Re-Roofing Building B at River Oaks**

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to award a contract to Peterson Dean Commercial, Inc., the lowest responsive and responsible bidder, for re-roofing Building B at the River Oaks facility for \$289,145.

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

**REGULAR AGENDA**

**4. Report on Santa Clara Valley Transportation Authority Investments for the months of April and May 2004**

Board Member Williams queried on the economy and how the economy is performing in regards to investments.

Gerald Rosenquist, Acting Chief Financial Officer, announced his retirement. The Committee of the Whole Board Members congratulated Mr. Rosenquist on his retirement and wished him well.

Mr. Rosenquist responded that interest rates increased and are noted within the investment report.

Board Member Williams referenced Attachment G1 – G2: Payden & Rygel Investment Manager Performance and queried on the Investment Report. Mr. Rosenquist responded that Payden & Rygel are VTA's Fixed Money Manager Performance Investors and that it is a reflection of movement with the interest rates and investments.

Board Member Williams queried on how the Fixed Money Managers determine whether an investment is meeting a set target. Mr. Rosenquist responded that money managers provide VTA staff with a review. Mr. Rosenquist noted that Attachment G1 provides information regarding how VTA compares with the target and added that for most of the time period VTA has been exceeding the benchmark.

Board Member Williams queried if overall is VTA in good financial shape. Mr. Rosenquist responded yes.

Board Member Williams noted his concern regarding investments and added that VTA staff needs to be attentive to these things. Mr. Rosenquist responded that this is why VTA measure against a benchmark and added that the majority of the time VTA is in fact above the benchmark.

Kaye L. Evleth, Chief Administrative Officer, suggested the new Chief Financial Officer present a discussion regarding the investment process in the fall to Committee Members.

**M/S/C (Sandoval/McLemore)** to receive and file the Report on Santa Clara Valley Transportation Authority Investments for the months of April and May 2004.

**13. Vasona Light Rail Project Winchester Park & Ride and Campbell Parking Lot Improvements**

Board Member Williams inquired about the delay of the project.

Jack J. Collins, Chief Construction Officer, noted that the delay of the project was not with Agenda Item #13 and responded that the lowest bidder was not responsive and noted the requirement to utilize prequalified subcontractors. Mr. Collins noted that VTA has a prequalification program in place and that a list of two hundred prequalified subcontractors is posted on VTA's web page. Mr. Collins continued that the low bidder did not use a prequalified subcontractor; therefore, was determined to be non-responsive. Mr. Collins added that Golden Bay did use all prequalified subcontractors and has completed work for VTA in the past; therefore, staff recommends awarding the contract to Golden Bay.

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Golden Bay Construction, the lowest responsible bidder, in an amount of \$2,354,187 for construction of the Vasona Light Rail Project Winchester Park & Ride and Campbell Parking Lot Improvements. This contract is one percent federally funded.

**14. Vasona Light Rail Project Amendment to Group 1 Light Rail Station Finishes Contract**

Board Member Williams queried on the delay of the project.

Mr. Collins responded that the delay was related to issues with Caltrain and Amtrak. Mr. Collins noted that Caltrain has a mini-maintenance yard at Diridon Station and that the light rail project was displacing some of the maintenance yard. Mr. Collins noted that while Caltrain and VTA worked closely to move the Amtrak facilities to another property it took longer than anticipated. Mr. Collins noted change order delay issues with the City of San Jose related to the elevations behind the Diridon Light Rail Station regarding revised Americans with Disabilities Act (ADA) requirements for a redesign of the ramps at both ends of the platforms.

**M/S/C (Sandoval/McLemore)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the total authorized funding for the Stacy and Witbeck, Inc. Group 1 Light Rail Station Finishes contract by an amount of \$600,000 to accommodate delay impacts beyond VTA control for a new contract amount of \$6,463,456. This contract is 52 percent federally funded.

**23. Contract Award for Construction of Palo Alto Caltrain Transit Center Project**

Mr. Collins provided a brief overview on the Contract Award for Construction of Palo Alto Caltrain Transit Center Project. Mr. Collins noted that staff had hoped to have a final recommendation for the Board Members today; unfortunately, Golden Bay Construction did not meet the DBE goal on the contract, which was set at 17 percent. Golden Bay Construction submitted documentation to VTA's Contract Department to commit to 3.7 percent. Mr. Collins noted that what VTA does in these instances is a good faith effort. VTA evaluates how many bid solicitations were made to minority subcontractors and if the bid solicitations were made to actual DBE firms. Mr. Collins noted that VTA has not completed the analysis and is in the process of obtaining additional information from Golden Bay to make a final determination. Mr. Collins noted if Golden Bay Construction does not meet good faith efforts, then staff would recommend going to the next lowest bidder, Robert A. Bothman Inc. Mr. Collins added that Robert A. Bothman Inc. has completed work for VTA in the past and would exceed the DBE goal on the contract. Mr. Collins noted that Robert A. Bothman Inc. bid is higher than the engineers estimate; however, staff determined that the increase is in the cost of steel. Mr. Collins noted a steel canopy within the construction of the project and noted that many contractors are incorporating a risk factor in steel prices. Staff does not recommend re-bidding the contract since the staff does not expect the bids to be better and the contract will be delayed; therefore, delaying construction into the winter months.

Board Member Casas queried if VTA has been legally challenged on this type of withholding of the contract award to the lowest bidder regarding the DBE goal. Mr. Collins responded that protests have been filed in the past and a hearing conducted as

a result of the protest then a final decision; however, staff does not recall any one taking it further. Board Member Casas queried if staff was confident of the position taking relating to the issue. Mr. Collins responded that staff is confident in our position.

Board Member McLemore queried on the process and why Golden Bay Construction was accepted as the second lowest responsible bidder in Agenda Item #13 but needs to show a good faith effort for this project contract. Mr. Collins responded that the Vasona contract is a locally funded project with 1996 Measure B and state funding with a SBE goal; therefore, Golden Bay Construction was able to exceed the SBE goal. However, Contract Award for Construction of Palo Alto Caltrain Transit Center Project has a DBE goal and Golden Bay Construction was not able to meet the DBE goal. Mr. Collins added that VTA has not made a final determination whether Golden Bay Construction has made the good faith effort; however, if Golden Bay Construction did not meet the good faith efforts staff would recommend going to the next lowest bidder, Robert A. Bothman Inc.

Board Member Williams queried on the final recommendation. Mr. Collins responded that staff should finish the analysis within a week and if Golden Bay Construction does not achieve the DBE goal, then Golden Bay Construction may protest, request a hearing, and a hearing would take place; however, a final recommendation for the construction of the Palo Alto Caltrain Transit Center contract will be forwarded to the Board of Directors for consideration at the August 5, 2004 VTA Board of Directors Regular Meeting.

**M/S/C (McLemore/Chavez)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with the lowest responsible bidder for the construction of the Palo Alto Caltrain Transit Center. This project is funded 41 percent by the 1996 Measure B Transportation Improvement Program and 59 percent by Federal grant.

**24. Modification to Prequalification Scoring**

Mr. Collins provided a brief overview on the Modification to Prequalification Scoring. Mr. Collins commented that two years ago, VTA working with the Labor Council Building Trade Association put into place a trial prequalification program and added that the prequalification program has been reasonably successful; however, noted some issues warrant changes in the guidelines. The Prequalification Pilot Program was based on the model program developed by the State of California Department of Industrial Relation (DIR); however, larger firms with national offices elsewhere that perform more than \$50 million worth of business are being scored on violations for safety and pollution that exceed the allowable number of violations under the DIR model. Mr. Collins referenced a fairly large firm that works for VTA and completed several jobs for the City of San Jose and County and noted that the firm did not meet the prequalification criteria based on the current model; therefore, a meeting was held to discuss the issues. Mr. Collins noted the members of the Prequalification Steering Committee: Tara Haas, Engineering & Utility Contractors Association, Neil Struthers, Building Trades Council, and Michael Talia, Associated General Contractors and representation from the South Bay Labor

Council. The Prequalification Steering Committee was in agreement that since VTA is dealing with the bidding office of these companies in the Bay Area it would be appropriate to score the office in the Bay Area on their safety and pollution violations. Therefore, when staff considered the same company and its data from the local office, the company qualified; therefore, the Prequalification Steering Committee was in agreement to change the criteria to allow the scoring to be on the local office or the bidding office in the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Santa Cruz, Monterey, and San Benito and added that these are typically the home offices or areas that contractors bid for VTA projects in the County of Santa Clara. Mr. Collins noted one other change that the Prequalification Steering Committee is proposing relates to the subcontractors filling out a DIR questionnaire and once the questionnaire is completed the subcontractor is qualified for two years.

Mr. Collins noted that it is prequalification renewal for many of the subcontractors; therefore, staff is suggesting that the subcontractors complete the DIR form created to allow subcontractors to extend their prequalification for a year. The subcontractors would refill a detailed questionnaire within the year and be eligible for another two years. Mr. Collins added that the Prequalification Steering Committee feels that this is a reasonable recommendation because it allows the subcontractors at least a year to resubmit their full application; therefore, allowing VTA the time to make sure that the subcontractors are still a bona-fide business and doing good work.

Board Member Chavez requested that even though VTA evaluates a company on their regional performance, the national performance would be valuable to remain part of the application process even if it will not be part of the evaluation process.

Board Member Chavez noted that since VTA is still in the beginning phase regarding how to utilize prequalification in the most effective way, it would be beneficial not to lose data and information in terms of being able to track what has worked in choosing the contractors appropriate for the jobs. Board Member Chavez added that it would be beneficial to review the data over a ten-or fifteen-year period of time. Mr. Collins responded that the data is reasonably available from Cal OSHA regarding safety violations.

Board Member Chavez queried on why the safety violation data information could not be incorporated even though the information would not be used in the decision-making. Mr. Collins responded that staff can certainly request that information and added that the companies actually provided the information when VTA conducted the ranking on the companies; therefore, VTA found that some of the companies had other violations outside of the State of California that deducted so many points that the companies were not qualified anymore.

Board Member Chavez responded that the national information should remain part of VTA's application process even though VTA will only use a portion of the information for evaluation purposes. Board Member Chavez noted the importance of having enough

information to be strategic about changes VTA will want to make to the prequalification process in the future; therefore, recommended amending the motion to include the national performance information as part of the application process even if it will not be part of the evaluation process.

**M/S/C (Chavez/Sandoval)** to approve submitting a recommendation to the Board of Directors to approve a modification to Section C of the Contractor Prequalification Program scoring criteria, which will recognize only those OSHA, Clean Air and other safety violations incurred by the Bay Area office of a contractor having more than one office and further, modify the pilot program to allow sub-contractors nearing the end of a two-year prequalification period to re-qualify for an additional year by submitting a Validation Statement. Further, approve the recommendation to include the national performance information and the national performance information would remain part of the application process even if it will not be part of the evaluation process.

Board Member Chavez queried on the requalify form. Mr. Collins responded that a company can continue to re-qualify; however, the company will be required to sign a validation statement noting that the business is essentially the same and that nothing has changed. Mr. Collins added that a company can re-qualify once but then will have to complete the entire questionnaire again; therefore, the first time a company prequalifies and pass then they are prequalified for two years with a one year extension and within that one year they must complete the entire questionnaire and prequalified for another two years.

Alternate Board Member Sandoval requested clarification regarding the national performance information and added that the national performance information should continue to be obtained by VTA. Alternate Board Member Sandoval noted the importance and necessity of gathering this vital information. Mr. Collins responded that VTA has a fairly active safety inspection requirement within the large contracts and require some of these large highway contractors to have a full-time safety officer on site to work with VTA safety inspection staff.

Board Member Chavez noted that in many respects the intention is to lay the groundwork for VTA Board of Directors in the future to have all the information available as it relates to job safety, which is critical but even as it relates to environmental issues.

Alternate Board Member Kerr queried if the issue is a scaling problem. Mr. Collins responded yes and added that it is something that was not anticipated within the DIR model when the criteria was originally put together but noted that staff is trying to stay within the DIR model; therefore, staff is recommending some changes be implemented into the prequalification process criteria.

Board Member Casas queried if the safety reports track employees and if access to that level of data for that company is available for review. Mr. Collins responded no and added that safety reports track jobs and infractions on jobs.

Board Member Chavez queried on how projects are awarded to contractors. Mr. Collins responded that sometimes a contractor is awarded the contract on the bases of low bid, reputation, and if they pre-qualify through the prequalification process. Mr. Collins added that VTA has worked with project managers in the past and are aware of their track record; however, added that a company is not rejected simply because VTA does not know the project managers on a construction contract.

Alternate Board Member Sandoval noted the benefit of knowing the names of the project managers working on a particular project and added that this was the process in the college district. Board Member Casas noted that it is not the position of VTA to intercede into the company's employment of their staff. Alternate Board Member Kerr noted the legal issues.

Board Member Dixon agreed with the comments to not lose sight of the national performance information record even if the information will not be used in the decision-making process.

Board Member Williams wanted to make sure that VTA implements checks and balances to ensure protection against any violations. Mr. Collins responded that VTA implements construction management by monitoring and working with the contractors closely.

Alternate Board Member Kerr queried if VTA does multiple-prime approach on any of the projects or one general approach on the projects. Mr. Collins responded that VTA does one general approach or joint venture on projects.

Alternate Board Member Kerr queried why VTA has not considered hiring a construction management firm to do multiple-prime contracts. Mr. Collins responded that VTA is the construction management that manages the contracts.

Alternate Board Member Kerr continued that a project might have multiple-prime contracts and VTA may elect to have a construction management firm who can perform many functions similar to a general contractor, which will allow a little more flexibility if and when a problem occurs. Mr. Collins responded that the construction management firm model might work on some facility expansion projects but noted that other issues are occurring as well. Alternate Board Member Kerr responded that VTA would have the option of selecting the construction manager outside of the lowest bidder.

**25. Funding of Dumbarton Rail Corridor Project Environmental Studies**

Frank Sharpless, Government Affairs Manager, provided a brief overview on the Funding of Dumbarton Rail Corridor Project Environmental Studies. Mr. Sharpless noted that the recommendation is to amend the VTA FY 2004 – 2005 Capital Budget by \$1 million for the Dumbarton Rail Corridor Project for VTA's one-third local funding share of the cost of preparing the Dumbarton Rail Corridor Project Environmental Impact Statement and Environmental Impact Report (EIS/EIR). The Dumbarton Rail Corridor Project would connect commuter rail from Union City in the East Bay across the bay through Fremont

and Newark over to Menlo Park/East Palo Alto connecting with Caltrain in Redwood City. Mr. Sharpless continued that the Dumbarton Rail Corridor Project is a \$3 million dollar project as well as a 2000 Measure A Project. Mr. Sharpless noted that the project would utilize the existing railroad resources, build new railroad resources, upgrade track, add track, use Union Pacific Railroad tracks that are already there, construct new tracks, and as early as 2013 start operating service. Mr. Sharpless noted the operating service of six roundtrip trains per day, which would start in the morning peak hours in Union City cross the bridge to Redwood City then three trains would proceed northbound into the City of San Francisco and three trains would proceed southbound stopping at Caltrain Stations in either direction and noted that preliminary schedule shows that the trains would stop in our County at Palo Alto, California Avenue, Mountain View, and Diridon Station. Mr. Sharpless added that estimated projections show 4,800 average weekday passenger boarding on the trains if service starts in 2010.

Mr. Sharpless noted attendance of three members of the Dumbarton Rail Corridor Project Policy Advisory Board (PAB): Board Member Casas, Board Member McLemore, and Alternate Board Member Kerr and noted Alameda County and San Mateo County have members on the PAB as well. Mr. Sharpless commented that San Mateo Transportation Authority is the lead sponsor for the program and convene the Dumbarton Rail Corridor Project PAB. Mr. Sharpless commented on the preliminary analysis early design leading into the environmental documents that is going to be required and added that an initial project report has been prepared.

Mr. Sharpless noted that the Dumbarton Rail Corridor Project PAB will submit a request to Metropolitan Transportation Commission (MTC) for \$3 million of Regional Measure 2 funds for the costs to complete the environmental documents report for this program assuming that the three member agencies can come together with the other \$3 million for the environmental documentation work and noted VTA's share of \$1 million.

The preliminary report notes that service can start as early as 2013 if three major potential impediment issues are resolved to meet that schedule: 1) the acquisition of right-of-way and trackage rights from Union Pacific Railroad (UP), 2) completion of the environmental document in a timely manner and the absence of any complexing environmental delays to stop the project, and 3) the timing, deliverability, and availability of funds from each of the funding agencies.

VTA has advised the Dumbarton Rail Corridor Project PAB funding partners that at this point VTA cannot commit to a detailed expenditure plan for VTA's 2000 Measure A funding of \$44 million that VTA Board of Directors allocated for the Dumbarton Rail Corridor Project until VTA has an expenditure plan that notes when those funding can be delivered. MTC is aware of VTA's issue regarding the expenditure plan for the project and is fine with it as long as VTA is committed to being on board with the \$1 million for VTA's share of the cost of the environmental documents. The environmental documents are expected to start late this year and will take 24 months for a cost of \$6 million.

Staff is recommending amending the FY 2004 – 2005 Capital Budget to include \$1 million appropriation for the Dumbarton Rail Corridor Project to be funded from the 2000 Measure A sales tax revenue to cover VTA's share of the environmental document provided the General Manager can execute an agreement with the other parties, and funding of \$44 million allocated for the Dumbarton Rail Corridor Project from the advanced funds from the proceeds of the third and final series of VTA's Initial Program of Bonds currently planned for issue in January 2005.

Board Member McLemore noted that the Dumbarton Rail Corridor Project would be included in projects receiving funding from the Metropolitan Transportation Commission (MTC). Board Member McLemore noted his support of the project and acknowledged the many agencies working together to get the new project going.

Board Member McLemore queried on the Dumbarton Rail Corridor Project Policy Advisory Board (PAB) funding partnership and how the Silicon Valley Manufacturing Group (SVMG) became a part of the Dumbarton Rail Corridor PAB committee since SVMG is not a funding partner. Alternate Board Member Kerr responded that SVMG was invited by SamTrans to participate on the Dumbarton Rail Corridor Project PAB committee on account of funding contributed to pass the 2000 Measure A sales tax.

Alternate Board Member Kerr noted the structure of the Dumbarton Rail Corridor PAB committee board will be reconstituted into a governing board and determined if SVMG would still be on the committee. Board Member McLemore noted his belief that SVMG would move to the Technical Advisory Committee (TAC). Mr. Sharpless responded that SVMG was originally placed on both the TAC and PAB due to funding contributed for work on the conceptual engineering and the planning of the project. Mr. Sharpless added that the governance issue would be discussed at the Dumbarton Rail Corridor Project PAB meeting next Tuesday, July 20, 2004, in Union City.

Board Member Casas requested clarification regarding SVMG's role in the Dumbarton Rail Corridor Project PAB. Carolyn Gonot, Chief Development Officer, responded that SVMG was involved in TAC representing the business community and also invited to participate on the PAB through the first phase of the project; however, SVMG may still participate in the TAC but may not be participating on the governing board.

Board Member McLemore noted that it would be VTA's position to ensure that SVMG would participate on TAC. Ms. Gonot responded that Laura Stuchinsky of the SVMG participates at the TAC level.

Board Member Casas noted that it was unusual that SVMG was allowed to participate in the Dumbarton Rail Corridor Project PAB committee on account of funding contributed to the project. Alternate Board Member Kerr responded that SVMG participation in the Dumbarton Rail Corridor Project PAB committee is only temporary. Ms. Gonot added that SVMG was a part of the Dumbarton Rail Corridor Project PAB committee through the study of the project and noted discussion regarding this issue a while back.

Alternate Board Member Sandoval left her seat at 12:48 p.m. and a Committee of the Whole was declared.

Alternate Board Member Kerr recommended approving the funding for the project EIS/EIR and added that the project has great potential for being a very efficient project with high farebox recoveries.

**M/S/C (Kerr/Chavez)** to approve submitting a recommendation to the Board of Directors to amend the VTA FY 2004 – 05 Capital Budget to add \$1 million for the Dumbarton Rail Corridor project, and further authorize the General Manager to execute an agreement for providing an amount not to exceed \$1 million as VTA's one-third local funding share of the cost of preparing the Dumbarton Rail Corridor Project Environmental Impact Statement and Environmental Impact Report (EIS/EIR).

Board Member Casas requested clarification regarding SVMG's role on the Dumbarton Rail Corridor Project PAB as well as SVMG's future role on the governing board and requested that the report include Santa Clara Station as part of the EIS/EIR study for the project. Mr. Sharpless responded that in the initial project report identifies preliminary modeling runs and service patterns on select stations based on demand estimates and noted that these may or may not be the final stations.

Board Member Casas requested that the Santa Clara Station be included in the project study. Board Member McLemore noted his support of the Santa Clara Station on account of the connection to the airport and other trains. Ms. Gonot noted that the Santa Clara Station should be studied in the project EIS/EIR.

**26. Committee Staff Report**

Ms. Evleth noted that Peter M. Cipolla, General Manager, was unable to attend the Committee of the Whole Meeting due to a meeting conflict with a City Managers Meeting. Ms. Evleth announced that Roger Contreras, Chief Financial Officer, would be attending the August 5, 2004 VTA Board of Directors Regular Meeting. Ms. Evleth noted Mr. Contreras' previous experience with SamTrans and Muni.

Alternate Board Member Sandoval took her seat at 12:56 p.m. and a quorum of the Committee of the Whole was declared.

**27. Chairperson's Report**

Board Member Williams acknowledged and thanked Board Members for their attendance and participation in the Committee of the Whole Meeting.

**28. Determined Consent Agenda for the August 5, 2004 Board Meeting**

**CONSENT: Agenda Item # 11.**, Ratify the reappointments of the following individuals to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending

June 30, 2006: Bob Eltgroth representing the City of Morgan Hill; David Simons representing the City of Sunnyvale; and Bill Manry representing the City of Monte Sereno; **Agenda Item # 12.**, Ratify the appointment of Donald R. Burnett to the Citizens Advisory Committee (CAC) position representing the West Valley Cities; **Agenda Item # 13.**, Authorize the General Manager to execute a contract with Golden Bay Construction, the lowest responsible bidder, in an amount of \$2,354,187 for construction of the Vasona Light Rail Project Winchester Park & Ride and Campbell Parking Lot Improvements. This contract is one percent federally funded; **Agenda Item # 14.**, Authorize the General Manager to amend the total authorized funding for the Stacy and Witbeck, Inc. Group 1 Light Rail Station Finishes contract by an amount of \$600,000 to accommodate delay impacts beyond VTA control for a new contract amount of \$6,463,456. This contract is 52 percent federally funded; **Agenda Item #15.**, Adopt a support position for SB 1381 (Kuehl), which implements the recommendations contained in the California Blueprint for Bicycling and Walking, a Caltrans report regarding the need for improving bicycling and walking infrastructure within the state; **Agenda Item #16.**, Authorize the General Manager to approve the award of a contract to U. S. Health Works for Substance Abuse Testing, Medical Review Officer and Medical Examination Services for three years with an option for two one-year extensions. The contract value for the three-year period is \$414,000; **Agenda Item # 17.**, Adopt a resolution authorizing filing an application with the Bay Area Air Quality Management District (BAAQMD) for Transportation Fund for Clean Air “60” percent Regional funds for the construction of Phase 2 of the River Oaks Bicycle/Pedestrian Project. Authorize the General Manager to execute the funding agreement upon receipt from BAAQMD; **Agenda Item # 18.**, Authorize the General Manager to amend the contract with URS Corporation for final design and design support during construction of the Route 85/87 Interchange Project, increasing the approved contract value by \$110,865 for a new total contract value not to exceed \$5,353,518; **Agenda Item # 19.**, Authorize the General Manager to execute a cooperative agreement with the City of Sunnyvale for the transfer of Federal Transit Administration (FTA) Section 5307 Transit Enhancement funds for the City of Sunnyvale’s Frances Street Transit Center Project; and appropriate \$222,500 from VTA’s FY 05 Capital Budget; **Agenda Item # 20.**, Authorize the General Manager to execute a cooperative agreement with the City of Palo Alto for the transfer of Federal Transit Administration (FTA) Section 5309 Bus and Bus Facilities funds for the Palo Alto Intermodal Transit Center Project; and appropriate \$309,384 from VTA’s FY 05 Capital Budget; **Agenda Item # 21.**, Authorize the General Manager to execute a contract with Mitchell Equipment Corporation, the sole responsive and responsible bidder for the purchase of a light rail vehicle car mover for \$431,190; and **Agenda Item # 22.**, Authorize the General Manager to award a contract to Peterson Dean Commercial, Inc., the lowest responsive and responsible bidder, for re-roofing Building B at the River Oaks facility for \$289,145.

**REGULAR: Agenda Item # 23.**, Authorize the General Manager to execute a contract with the lowest responsible bidder for the construction of the Palo Alto Caltrain Transit Center. This project is funded 41 percent by the 1996 Measure B Transportation Improvement Program and 59 percent by Federal grant; **Agenda Item # 24.**, Approve a modification to Section C of the Contractor Prequalification Program scoring criteria,

which will recognize only those OSHA, Clean Air and other safety violations incurred by the Bay Area office of a contractor having more than one office and further, modify the pilot program to allow sub-contractors nearing the end of a two-year prequalification period to re-qualify for an additional year by submitting a Validation Statement; and **Agenda Item # 25.**, Amend the VTA FY 2004 – 05 Capital Budget to add \$1 million for the Dumbarton Rail Corridor project, and further authorize the General Manager to execute an agreement for providing an amount not to exceed \$1 million as VTA's one-third local funding share of the cost of preparing the Dumbarton Rail Corridor Project Environmental Impact Statement and Environmental Impact Report (EIS/EIR).

**29. Announcements**

Board Member Dixon thanked and acknowledged staff for their diligent work on the Tasman East/Capital Light Rail Opening Event held at the Great Mall Transit Center on June 23, 2004. Board Member Dixon noted that the event was a great success and very well attended by the community.

**30. ADJOURNMENT**

**On order of Board Member Williams**, there being no objection, the meeting was adjourned at 12:58 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors