



**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 12:00 p.m., Santa Clara Valley Transportation Authority (VTA), River Oaks Administrative Campus, 3331 North First Street – Room B-104, San Jose, California.

**ROLL CALL**

**Members Present**

Dean Chu  
Liz Kniss  
Robert Livengood  
Jamie Matthews  
John McLemore, Ex-Officio  
Joe Pirzynski, Chairperson  
Forrest Williams

**Members Absent**

Jim Beall, Ex-Officio  
Nora Campos  
David Casas  
Cindy Chavez, Vice Chairperson  
David Cortese  
Don Gage  
Ron Gonzales

**Alternates Present**

Dennis Kennedy, Alternate  
Dolly Sandoval, Alternate

**Alternates Absent**

Breene Kerr, Alternate  
Pete McHugh, Alternate  
Ken Yeager, Alternate

Board Member Williams noted that Committee recommendations would be forwarded for consideration at the August 4, 2005 VTA Regular Board of Directors Meeting.

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

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

## **2. PUBLIC PRESENTATIONS**

Barbara Rhodes, Interested Citizen, expressed concern regarding accessibility issues with the Community Bus Program in Los Gatos. Ms. Rhodes encouraged VTA Board of Directors to take the time to review the July 13, 2005 Committee for Transit Accessibility (CTA) Meeting Minutes. Ms. Rhodes stressed the importance for VTA Board of Directors to re-evaluate the Community Bus Program.

## **3. ORDERS OF THE DAY**

Board Member Williams removed Agenda Item # 7., Committee for Transit Accessibility Report from the Consent Agenda and placed on the Regular Agenda.

Board Member Williams noted Revised Agenda Item # 20., Authorize the General Manager to execute a contract in the amount of \$9,412,520 with Graniterock Company doing business as Pavex Construction Division, the lowest responsible bidder, for construction of the Route 17 Improvements – Project 17E, a 1996 Measure B Transportation Improvement Program (MBTIP) project on the Regular Agenda.

**M/S/C (Kniss/Pirzynski)** to accept the Orders of the Day.

## **CONSENT AGENDA**

### **4. Report on Santa Clara Valley Transportation Authority Investments for the Months of April and May 2005**

**M/S/C (Kniss/Livengood)** to receive and file the Report on Santa Clara Valley Transportation Authority Investments for the Months of April and May 2005.

### **5. Monthly Legislative Report for June 2005**

**M/S/C (Kniss/Livengood)** to receive and file the Monthly Legislative Report for June 2005.

### **6. Report on the Vasona Light Rail Project for the Months of May/June 2005**

**M/S/C (Kniss/Livengood)** to receive and file the Vasona Light Rail Project for the Months of May/June 2005.

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

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

Receive and file the Committee for Transit Accessibility Report.

8. **Downtown Light Rail Platform Retrofit Project – Increase Project Budget**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to approve increasing the Downtown Light Rail Platform Retrofit Project budget by \$2.5 million to \$18.5 million.

9. **Vasona Light Rail Project Increase Authorized Budget of Completion Contract**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the total authorized budget for the Vasona Light Rail Project Completion Contract with George Bianchi Construction Inc. by an amount of \$300,000, to accommodate added completion work, for a new authorized amount of \$1,422,720.

10. **Amendment of 457 Deferred Compensation Plan**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to authorize amendment of VTA's 457 Deferred Compensation Plan to incorporate provisions mandated by Internal Revenue Service regulations, to incorporate changes to certain administrative provisions of the Plan, and authorize staff to make plan revisions as needed in the future to maintain the plan's compliance with tax laws and regulations.

11. **Amendment of 401 (a) Money Purchase Plan for the General Manager**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to authorize amendment of VTA's 401 (a) Money Purchase Plan for the General Manager to include the provisions of the new General Manager's employment agreement, approve changes to the 401 (a) Plan to conform it to changes made to the 457 Plan, and authorize staff to make plan revisions as needed in the future to maintain the Plan's compliance with tax laws and regulations.

12. **New 401 (a) Money Purchase Plan for Non-Represented Employees**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to approve termination of VTA's existing 401 (a) Money Purchase Plan for Executive Management and Non-Represented Management employees and adopt a new 401 (a) Money Purchase Plan effective January 1, 2006 that includes all Non-Represented employees, and authorize staff to make Plan revisions as needed in the future to maintain the plan's compliance with tax laws and regulations.

13. **CalPERS Contract Amendment – One Year Final Compensation**

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to adopt the final resolution and the contract amendment to amend the CalPERS contract to allow final compensation to be determined under Government Code §20042 – One-Year Final Compensation – for employees covered under the CalPERS retirement plan.

**14. Bicycle and Pedestrian Advisory Committee Appointment**

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to ratify the appointment of Christopher T. Hauge to the Bicycle and Pedestrian Advisory Committee (BPAC) representing the City of Morgan Hill for the term ending June 30, 2006.

**15. Contract Amendment with Brian Kangas Foulk for Design Services of the State Route 17 Corridor – Project E**

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager ProTempore to amend the contract with Brian Kangas Foulk for design services for the State Route 17 Corridor – Project E, to increase the approved contract value by \$150,000 for a new total contract value of \$1,292,762; and to extend the contract term through September 30, 2006.

**16. Cooperative Agreement with the City of Sunnyvale for Funding of Initial Project Development Phases of Valley Transportation Plan 2030 Projects**

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager ProTempore to: (1) execute a cooperative agreement with the City of Sunnyvale that specifies the funding and project development responsibilities for the U.S. 101/Mathilda Avenue Interchange and the State Route 237 HOV Extension and Mary Avenue Overcrossing Projects; (2) approve adding these projects to the VTA Capital Budget; and (3) approve the use of \$250,000 in Local Program Reserve Funds as the VTA share of project funding.

**17. Contract Amendment with Parsons Transportation Group for Final Design and Construction Support Services for the State Route 237/Interstate 880 Interchange Project**

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager ProTempore to amend the contract with Parsons Transportation Group for final design and construction support services of the State Route 237/Interstate 880 Interchange Project, increasing the approved contract value by \$248,800 for a new total contract value of \$5,755,139 and extending the contract term through December 31, 2006.

18. **One-Year Suspension of the Intersection Traffic Level of Service Monitoring for the 2005 Annual Congestion Management Program Monitoring and Conformance Requirements**

M/S/C (Kniss/Livengood) to approve submitting a recommendation to the Board of Directors to approve a one-year suspension of Intersection Traffic Level of Service Monitoring, which is part of the 2005 Annual Congestion Management Program Monitoring and Conformance Requirements.

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

Board Member Chu took his seat at 12:05 p.m.  
Ex-Officio Board Member McLemore took his seat at 12:06 p.m.

**REGULAR AGENDA**

7. **Committee for Transit Accessibility Report**

Matthew O. Tucker, Chief Operating Officer, provided a brief overview on the July 13, 2005 CTA Meeting Minutes regarding the Community Bus Program, Paratransit Eligibility Certification Program, Disability Services Orthopaedic Hospital and NovaCare contracts, Community Plan, and Paratransit Services Fare Policy. Mr. Tucker commented on the Community Bus Program in Los Gatos and concerns brought about by Dana Mitchell, Los Gatos Interested Citizen. Mr. Tucker noted that most of Ms. Mitchell's issues and concerns have been addressed and added that many of the concerns were associated with start up issues, such as driver education, use of equipment, and communication skills. Mr. Tucker added that staff has rectified those issues and since July 14, 2005, has not received complaints regarding the Community Bus Program. Mr. Tucker added that staff will follow up with CTA and provide another presentation in response to Ms. Mitchell's comments and it will be the fourth presentation regarding the Community Bus Program to CTA.

Mr. Tucker commented that in March 2005 VTA Board of Directors took action related to changes to the Paratransit Eligibility Certification Policy Program. Mr. Tucker noted that VTA Board of Directors requested staff review and evaluate the Paratransit Eligibility Certification Policy Program then provide a report one year later to Board Members. Mr. Tucker continued that within the framework of the evaluation staff established a CTA Paratransit Eligibility Subcommittee to look at the current Paratransit Eligibility Certification Program and the Community Plan.

Mr. Tucker commented that the Community Plan was submitted by Terry Applegate on behalf of a number of constituencies and noted that the Plan has been an on going item of discussion at CTA. Mr. Tucker noted that CTA made certain actions they would like to bring forward to VTA Board of Directors for further direction. Mr. Tucker noted CTA Paratransit Subcommittee's first recommendation was to send cancellation notices to

Disability Services Orthopaedic Hospital to cancel their contract and the second recommendation was to initiate a phone interview process as soon as possible. Mr. Tucker commented on VTA Board of Directors previous Policy to implement the new Paratransit Eligibility Certification Program and follow through with implementation for one year then provide a report to VTA Board of Directors as well as work with the community to discuss the current Paratransit Eligibility Certification Program.

Mr. Tucker commented on the Paratransit Service Fare Policy and noted that CTA took action requesting that VTA Board of Directors revise the current Fare Policy that links the cash fare with Paratransit Fare at two times the rate. Mr. Tucker noted that VTA has a Fare Policy established with regard to the relationship between fares.

Mr. Tucker commented on the Mobility Device Securement Policy and noted the establishment of a CTA Securement Subcommittee to assist staff with developing the Mobility Securement Policy. Mr. Tucker continued that staff will come back to VTA Board of Directors to adopt a Mobility Device Securement Policy.

David Julian, CTA Chairperson, expressed his concern and encouraged VTA Board of Directors to review the information regarding the Community Bus Program. Mr. Julian encouraged VTA Board of Directors to cancel contracts with Disability Services Orthopaedic Hospital and NovaCare regarding the Paratransit Eligibility Certification Program. Mr. Julian expressed appreciation to staff and CTA Securement Subcommittee for their diligent work and efforts with the Bus Securement Policy Program.

Ms. Rhodes requested and encouraged VTA Board of Directors to carefully review the July 13, 2005 CTA Meeting Minutes. Ms. Rhodes noted importance regarding information provided by CTA as an Advisory Committee to VTA Board of Directors. Ms. Rhodes stressed importance for VTA Board of Directors to review and consider the recommendations.

Board Member Williams responded that VTA Board of Directors review and consider all information and reports received.

Ms. Rhodes requested that VTA Board of Directors review Ms. Mitchell's report on the Community Bus Program in Los Gatos. Ms. Rhodes noted concern regarding implementation of a service program that is not fully accessible.

**M/S/C (Chu/Pirzynski)** to receive and file the Committee for Transit Accessibility Report.

Alternate Board Members Kennedy and Sandoval took their seats at 12:15 p.m.

**19. Amendment of the Bylaws for the Committee for Transit Accessibility**

Mr. Tucker provided a brief overview on the Amendment of the Bylaws for the Committee for Transit Accessibility. Mr. Tucker noted that CTA Committee requests flexibility in policy from VTA Board of Directors due to Committee Member's special challenges. Mr. Tucker commented that staff supports the first two items; however, the third item is inconsistent with VTA Board of Directors previous policy regarding these issues. Mr. Tucker noted that there are differences between the Policy Advisory Committee (PAC) versus the composition of CTA.

Aaron Morrow, CTA Vice Chairperson, noted appreciation and thanked VTA Board of Directors for opportunity to speak to the Board of Directors regarding the CTA Bylaws. Mr. Morrow stressed importance and benefit to reduce the CTA quorum from 11 to 9 due to the fact that CTA is a group with various health issues and concerns. Mr. Morrow noted his opposition to the section of the recommendation regarding a Second Vice Chairperson. Mr. Morrow noted his support to the section of the recommendation for the addition of an Ex-Officio Board Member to CTA to keep the channel of communication open and to create a better working relationship with the VTA Board of Directors.

Mr. Julian expressed his support of a Second Vice Chairperson on CTA in the event that circumstances arise and Vice Chairperson and Chairperson are unavailable or unable to preside over the Committee Meeting. Mr. Julian expressed his support of the recommendation of an Ex-Officio Board Member on CTA. Mr. Julian noted his support to reduce the number of affirmative votes to pass an item due to a number of Committee Members with health disabilities.

Board Member Kniss queried about the legality of reducing the number of affirmative votes from 11 to 9 when the CTA Committee has a total membership of 22 members. Suzanne B. Gifford, Legal Counsel, responded that it is not illegal and added staff has recommended an alternative to satisfy concerns. Ms. Gifford noted staff's proposal of 9 affirmative votes or the majority of those present, whichever, is greater; therefore, addressing the concerns of CTA and also if more CTA Members are present then a majority vote would be required.

Mr. Julian expressed support as the CTA Chairperson to staff's alternate recommendation to reduce the affirmative votes from 11 to 9 or the majority of those members present, whichever, is greater.

Board Member Kniss expressed support and noted the reduction of the affirmative vote from 11 to 9 is a reasonable request as long as VTA Counsel does not see anything wrong in the legality of the reduction in number of affirmative votes.

Board Member Chu queried about average attendance of members at CTA Meetings. Mr. Julian responded that he was unable to provide the information regarding member

attendance at this time. Ms. Rhodes added that not having a complete membership is hampering CTA Committee business.

Board Member Livengood asked if the recommended proposal would not change the current quorum from 11. Ms. Gifford responded that the quorum would remain 11.

Board Member Williams noted importance of Committee Members' attendance and participation in their Advisory Committee to address issues and conduct Committee business. Board Member Williams noted his opposition to change CTA Committee quorum and noted that the Committee of the Whole will forward the recommendation to the August 4, 2005 VTA Board of Directors Regular Meeting for consideration.

Board Member Kniss noted importance of member commitment, attendance, and participation to the Committee; however, noted many issues that impact individuals with permanent disabilities. Board Member Kniss recommended to add a Second Vice Chairperson, add a VTA Board of Director as a Non-Voting Ex-Officio Member, and reduce the number of affirmative votes needed to pass an item from 11 to 9 without a change in quorum.

Chairperson Pirzynski referenced VTA Board of Director's prior decision regarding Policy Advisory Committee (PAC) quorum and noted that CTA has a different character. Chairperson Pirzynski expressed appreciation to CTA for their diligent and extraordinary work of providing appropriate advice to VTA Board of Directors. Chairperson Pirzynski noted importance to reduce the affirmative vote since the Committee Members are dedicated; however, commented on the many circumstances that cannot be controlled. Chairperson Pirzynski expressed his support related to all three recommendations regarding CTA Bylaws.

Board Member Chu stressed importance and seriousness regarding the number of vacancies in the CTA Committee and the difficulty to recruit membership. Board Member Chu expressed his support of the recommendation. Mr. Tucker responded that staff is in the process to fill the vacancies and noted the identification of three nominations to CTA.

Board Member Williams stressed the importance of Committee Members' attendance and participation in their Advisory Committee to address issues and conduct committee business.

Ms. Gifford noted staff's alternate recommendation that the CTA quorum remains the same 11 members and that all official acts require the vote of 9 members or a majority of the members present, whichever is greater.

Board Member Kniss expressed her appreciation and thanked CTA Members for their diligent work and efforts regarding CTA Committee business.

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to consider amending the bylaws for the Committee for Transit Accessibility (CTA) to (1) add a Second Vice Chairperson, (2) add a VTA Board of Directors member as a non-voting ex-officio member, and (3) reduce the number of affirmative votes needed to pass an item to 9 from the current 11, which is a majority of the total membership.

20. **1996 Measure B Transportation Improvement Program – Route 17 Improvements Project 17E Construction Contract Award**

Jeff Funk, Construction Deputy Director, provided a brief overview on the 1996 Measure B Transportation Improvement Program – Route 17 Improvements Project 17E Construction Contract Award. Mr. Funk commented on the revised updated memorandum from the lowest responsible bidder of \$9,412,520 with Graniterock Company doing business as Pavex Construction Division. Mr. Funk noted that at the June 16, 2005 VTA Board of Directors Special Meeting, staff identified that the lowest bidder did not meet the SBE goal nor demonstrate good faith efforts. Mr. Funk noted that staff re-advertised the 1996 Measure B Transportation Improvement Program – Route 17 Improvements Project 17E Project and received three bids. Mr. Funk noted that the contractors are consistent with the Prequalification Process Program and staff does not expect any problems. Mr. Funk noted that Pavex Construction Division did achieve the SBE goal of 11 percent SBE participation on the contract.

Board Member Kniss queried if staff has an information track record on the contractors regardless of whether or not they were the lowest responsible bidder for a project. Mr. Funk responded yes.

Board Member Kniss asked if Pavex Construction Division is well known. Mr. Funk responded yes and that part of the Prequalification Process Program is to make sure that we work with reputable contractors.

**M/S/C (Kniss/Pirzynski)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract in the amount of \$9,412,520 with Graniterock Company doing business as Pavex Construction Division, the lowest responsible bidder, for construction of the Route 17 Improvements – Project 17E, a 1996 Measure B Transportation Improvement Program (MBTIP) project.

21. **Contract Amendment with Santa Clara Valley Highway Associates (VHA) for Project Management Services for Valley Transportation Plan (VTP) Projects**

John Ristow, Programming & Project Development Deputy Director, provided a brief overview on the Contract Amendment with Santa Clara Valley Highway Associates

(VHA) for Project Management Services for Valley Transportation Plan (VTP) Projects. Mr. Ristow commented that VHA is VTA's in-house highway consultant and staff is recommending amending the contract with VHA for project management services to support development of the following VTP 2030 Projects: U.S. 101/Trimble Road Interchange, U.S. 101/N. Fourth Street Interchange, U.S. 101/Mabury Road Interchange, U.S. 101 Operational Improvements Project in San Jose, U.S. 101/Mathilda Avenue Interchange and SR 237 HOV Lane Extension, Mary Avenue Overcrossing of SR 237 and U.S. 101 in Sunnyvale, SR 25 Safety Project, and SR 85/237 Interchange Project.

Mr. Ristow noted that the projects are beyond 1996 Measure B Transportation Improvement Program (MBTIP). Mr. Ristow added that VTA Board of Directors approved the implementation plan for highway projects included in VTP 2030 and noted that the funding for these highway projects come from State and Federal Grants directed to the projects or the projects have cooperative agreements. Mr. Ristow continued that services that VHA will provide to VTA include right-of-way engineering, civil engineering, cost-control, and estimate use of the projects.

Board Member Williams queried about the contract and if the contract was for additional work and not work discovered later. Mr. Ristow responded yes that the contract is for additional work and implementation of the highway projects included in VTP 2030.

Board Member Kniss asked if the additional work was a result of a turnaround in the economy or the result of State funding. Mr. Ristow responded that it is a result of State and Federal funding to place towards moving a couple of the projects but primarily it is VTA Board of Directors placing investment in Preliminary Project Phases as well as partner cities placing funding for these projects.

**M/S/C (Kniss/Pirzynski)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager ProTempore to amend the contract with Santa Clara Valley Highway Associates for project management services for Valley Transportation Plan Highway Projects to add \$2,849,250 and establishing a new total contract value of \$27,958,772.

**22. Contract for Environmental Analysis and Preliminary Engineering for the I-280/I-880/Stevens Creek Boulevard Interchange Project**

Mr. Ristow provided a brief overview on the Contract for Environmental Analysis and Preliminary Engineering for the I-280/I-880/Stevens Creek Boulevard Interchange Project. Mr. Ristow commented that VTA Board of Directors approved a shorter term implementation plan of ten high priority projects to move into initial project development phases over the next two years at the March 30, 2005 VTA Board of Directors Regular Meeting. Mr. Ristow continued that the I-280/I-880/Stevens Creek Boulevard Interchange Project is a joint effort between the City of San Jose and VTA to relieve merge and weave problems at the intersection of northbound I-880 and southbound I280 exiting to Stevens Creek Boulevard. Mr. Ristow noted that the contract is entirely funded by the City of San Jose and added that VTA was hired to be the project delivery agent.

Board Member Kniss commented that I-280/I-880/Stevens Creek Boulevard Interchange Project is one of the neediest areas in the County. Board Member Kniss noted support to move the project forward with great speed.

**M/S/C (Livengood/Pirzynski)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager ProTempore to execute a contract with Mark Thomas & Company for Environmental Document and Preliminary Engineering services for the Interstate 280/Interstate 880/Stevens Creek Boulevard Interchange Project for a total contract value of \$1,000,000.

23. **Local Program Reserve Fund Augmentation for the State Route 152/156 Interchange Project**

Mr. Ristow provided a brief overview on the Local Program Reserve Fund Augmentation for the State Route 152/156 Interchange Project. Mr. Ristow commented that the recommendation is to utilize local funds to move State Route 152/156 Interchange Project forward in anticipation of State funding due to the fact that Route 152/156 Interchange is a major congestion point for commute, recreation, and truck freight traffic traveling between Interstate 5 and U.S. 101. Mr. Ristow noted that VTA Board of Directors directed staff to proceed with a focused corridor study of Route 152/156 Interchange and noted that staff is nearing the end of the environmental stage of the project. Mr. Ristow commented that staff recently completed the public comment period for the project and much of the design work is completed; however, noted additional funds are needed to complete the right-of-way engineering and acquisition engineering services. Mr. Ristow noted that staff is requesting to use Local Program Reserve Funds to fill the gap to keep the Route 152/156 Interchange Project moving. The rest of the funding for the main interchange would be coming from the Federal Highway Administration (FHA) with State Transportation Improvement Program (STIP) funds.

Board Member Kniss noted comments by Board Member Gage regarding his great enthusiasm and support for the State Route 152/156 Interchange Project.

Alternate Board Member Kennedy stressed concern and noted the importance regarding the work on Route 152/156 Interchange Project. Alternate Board Member Kennedy commented that Route 152/156 is probably the most dangerous and worst safety hazard in the entire region. Alternate Board Member Kennedy noted support and encouragement to VTA Board of Directors moving Route 152/156 Interchange Project forward.

Alternate Board Member Kennedy added that Route 152/156 Interchange is a tremendous safety hazard and the project should be the highest priority.

**M/S/C (Kniss/Livengood)** to approve submitting a recommendation to the Board of Directors to approve the programming of \$3.0 million in Local Program Reserve funds for environmental and right-of-way support phases of the State Route 152/156 Interchange Project.

**24. Programming Additional Fiscal Year 2006 Federal Surface Transportation Program (STP) Funds to Local Streets and Roads Rehabilitation Projects**

Mr. Ristow provided a brief overview on the Programming Additional Fiscal Year 2006 Federal Surface Transportation Program (STP) Funds to Local Streets and Roads Rehabilitation Projects. Mr. Ristow commented that the Metropolitan Transportation Commission (MTC) Regional Transportation Plan dedicates funding to Local Road Rehabilitation Projects and noted that back in September 2004, VTA Board of Directors approved the programming of \$16 million in federal funding available for local streets and roads rehabilitation and reconstruction projects in Santa Clara County. Mr. Ristow continued that each of the 15 cities and County of Santa Clara were provided a funding amount and were asked to select projects that met approved program criteria.

Mr. Ristow commented on additional funding as a result of higher federal revenues than originally estimated that are available to the Bay Area from the federal government in the Federal Surface Transportation Program (STP) of about \$5.7 million. Mr. Ristow continued that VTA Board of Directors adopted the same process and criteria for programming the additional \$5.7 million in federal STP funds to local streets and roads rehabilitation projects at the May 5, 2005 VTA Board of Directors Regular Meeting.

Board Member Williams queried about distribution of funding for projects. Mr. Ristow responded that funding needs to be obligated by October 2005; therefore, staff is working to obligate funds and obtain authority by the federal government to utilize funding.

M/S/C (**Pirzynski/Chu**) to approve submitting a recommendation to the Board of Directors to approve the programming of Fiscal Year 2006 Federal Surface Transportation Program funds to the local streets and roads rehabilitation projects.

## **OTHER ITEMS**

**25. FY 2005 Third Quarter Transit Operations Performance Report**

M/S/C (**Pirzynski/Kniss**) to receive and file the FY 2005 Third Quarter Transit Operations Performance Report.

**26. Progress Report on the Zero Emission Bus (ZEB) Demonstration Program**

M/S/C (**Pirzynski/Matthews**) to receive and file the Progress Report on the Zero Emission Bus (ZEB) Demonstration Program.

**27. Committee Staff Report**

There was no Committee Staff Report.

**28. Chairperson's Report**

Board Member Williams acknowledged and thanked VTA Board of Directors for their attendance and participation in the Committee of the Whole Meeting. Board Member Williams thanked staff and VTA Board of Directors for their diligent work and efforts within the organization to address issues.

**29. Determined Consent Agenda for the August 4, 2005 Board Meeting**

**CONSENT: Agenda Item # 8.**, Approve increasing the Downtown Light Rail Platform Retrofit Project budget by \$2.5 million to \$18.5 million; **Agenda Item # 9.**, Authorize the General Manager to amend the total authorized budget for the Vasona Light Rail Project Completion Contract with George Bianchi Construction Inc. by an amount of \$300,000, to accommodate added completion work, for a new authorized amount of \$1,422,720; **Agenda Item # 10.**, Authorize amendment of VTA's 457 Deferred Compensation Plan to incorporate provisions mandated by Internal Revenue Service regulations, to incorporate changes to certain administrative provisions of the Plan, and authorize staff to make plan revisions as needed in the future to maintain the plan's compliance with tax laws and regulations; **Agenda Item # 11.**, Authorize amendment of VTA's 401 (a) Money Purchase Plan for the General Manager to include the provisions of the new General Manager's employment agreement, approve changes to the 401 (a) Plan to conform it to changes made to the 457 Plan, and authorize staff to make plan revisions as needed in the future to maintain the Plan's compliance with tax laws and regulations; **Agenda Item # 12.**, Approve termination of VTA's existing 401 (a) Money Purchase Plan for Executive Management and Non-Represented Management employees and adopt a new 401 (a) Money Purchase Plan effective January 1, 2006 that includes all Non-Represented employees, and authorize staff to make Plan revisions as needed in the future to maintain the plan's compliance with tax laws and regulations; **Agenda Item # 13.**, Adopt the final resolution and the contract amendment to amend the CalPERS contract to allow final compensation to be determined under Government Code §20042 – One-Year Final Compensation – for employees covered under the CalPERS retirement plan; **Agenda Item # 14.**, Ratify the appointment of Christopher T. Hauge to the Bicycle and Pedestrian Advisory Committee (BPAC) representing the City of Morgan Hill for the term ending June 30, 2006; **Agenda Item #15.**, Authorize the General Manager ProTempore to amend the contract with Brian Kangas Foulk for design services for the State Route 17 Corridor – Project E, to increase the approved contract value by \$150,000 for a new total contract value of \$1,292,762; and to extend the contract term through September 30, 2006; **Agenda Item #16.**, Authorize the General Manager ProTempore to: (1) execute a cooperative agreement with the City of Sunnyvale that specifies the funding and project development responsibilities for the U.S. 101/Mathilda Avenue Interchange and the State Route 237 HOV Extension and Mary Avenue Overcrossing Projects; (2) approve adding these projects to the VTA Capital Budget; and (3) approve the use of \$250,000 in Local Program Reserve Funds as the VTA share of project funding; **Agenda Item # 17.**, Authorize the General Manager ProTempore to amend the contract with Parsons Transportation Group for final design and construction

support services of the State Route 237/Interstate 880 Interchange Project, increasing the approved contract value by \$248,800 for a new total contract value of \$5,755,139 and extending the contract term through December 31, 2006; **Agenda Item # 18.**, Approve a one-year suspension of Intersection Traffic Level of Service Monitoring, which is part of the 2005 Annual Congestion Management Program Monitoring and Conformance Requirements; **Agenda Item # 19.**, Consider amending the bylaws for the Committee for Transit Accessibility (CTA) to (1) add a Second Vice Chairperson, (2) add a VTA Board of Directors member as a non-voting ex-officio member, and (3) reduce the number of affirmative votes needed to pass an item to 9 from the current 11, which is a majority of the total membership; **Agenda Item # 20.**, Authorize the General Manager to execute a contract in the amount of \$9,412,520 with Graniterock Company doing business as Pavex Construction Division, the lowest responsible bidder, for construction of the Route 17 Improvements – Project 17E, a 1996 Measure B Transportation Improvement Program (MBTIP) project; **Agenda Item # 21.**, Authorize the General Manager ProTempore to amend the contract with Santa Clara Valley Highway Associates for project management services for Valley Transportation Plan Highway Projects to add \$2,849,250 and establishing a new total contract value of \$27,958,772; **Agenda Item # 22.**, Authorize the General Manger ProTempore to execute a contract with Mark Thomas & Company for Environmental Document and Preliminary Engineering services for the Interstate 280/Interstate 880/Stevens Creek Boulevard Interchange Project for a total contract value of \$1,000,000; **Agenda Item # 23.**, Approve the programming of \$3.0 million in Local Program Reserve funds for environmental and right-of-way support phases of the State Route 152/156 Interchange Project; and **Agenda Item # 24.**, Approve the programming of Fiscal Year 2006 Federal Surface Transportation Program funds to the local streets and roads rehabilitation projects.

**REGULAR: NONE**

**30. Announcements**

Ex-Officio Board Member McLemore introduced and welcomed Jayme Kunz, new Marketing Communication and Public Affairs Manager, to the Committee of the Whole Members.

**31. ADJOURNMENT**

**On order of Board Member Williams**, there being no objection, the Committee of the Whole Meeting was adjourned at 12:56 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors