



CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE

Thursday, April 17, 2008

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:42 a.m. by Chairperson Pro Tempore Kniss in Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

ROLL CALL

Members Present

Liz Kniss
Sam Liccardo

Members Absent

Nora Campos, Chairperson
Yoriko Kishimoto, Vice Chairperson

Alternates Present

Christopher Moylan

Alternates Absent

David Cortese
Pete McHugh

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. ADJOURNED TO CLOSED SESSION at 10:43 a.m.

Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: 5.25 acre parcel owned by VTA near the intersection of West San Carlos and Sunol Streets, San Jose, CA

Negotiators for VTA: John Ristow, Chief CMA Officer; Kevin D. Allmand, Acting General Counsel

Negotiators for Green Republic, LLC: Michael Van Every, Republic Urban Properties LLC; Stephen R. Ledoux, Esq.

Under negotiation: Price and terms of payment for sale of Property

RECONVENED TO OPEN SESSION at 11:22 a.m.

3. CLOSED SESSION REPORT

Conference with Real Property Negotiators
[Government Code Section 54956.8]

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Under negotiation: Price and terms of payment for sale of Property

There was no reportable action taken during Closed Session.

4. Property Sale Agreement with Green Republic for West San Carlos Site

John Ristow, Chief CMA Officer and Staff Liaison, provided a brief overview regarding the Property Sale Agreement with Green Republic for the West San Carlos site and stated that the item was discussed in closed session. He noted that there were questions raised by the Board that required additional information.

M/S/C (Liccardo/Moylan) to forward consideration to the Board of Directors to enter into a sale agreement with Green Republic, LLC for the sale of the property described as the West San Carlos Joint Development Project site according to the terms outlined in the staff memorandum with a requirement that staff include to the Board information that has been conveyed to Board of Supervisor Liz Kniss's office recently as well as a copy of the full agreement when it is finished.

Michael Van Every, representing Green Valley Republic, LLC, thanked staff for their hard work.

Deborah Arant, Shasta Hanchett Park Advocates for Smart Growth, expressed concern that the Property Sale Agreement should follow the City of San Jose General Plan.

Chairperson Pro Tempore Kniss, recommended that the completed Property Sale Agreement be available to the Board of Directors one week prior to the May 1, 2008 Board meeting to allow ample time for the Board to study the agreement.

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

5. PUBLIC PRESENTATIONS

There were no Public Presentations.

6. ORDERS OF THE DAY

Chairperson Pro Tempore Kniss noted staff's request to defer the following item to the June 3, 2008 Board of Directors Regular Meeting: **Agenda Item #8.**, Approve "Option A" as the process for selecting project review and scoring committees for VTA Congestion Management Program Discretionary Funding programs.

CONSENT AGENDA

7. Minutes of March 20, 2008

On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee deferred the Minutes of March 20, 2008.

REGULAR AGENDA

8. (Deferred)

Approve "Option A" as the process for selecting project review and scoring committees for VTA Congestion Management Program Discretionary Funding programs.

9. FY 08/09 Transportation Fund for Clean Air Program Manager Fund

John Ristow, Chief CMA Officer and Staff Liaison, commented that VTA serves as the program manager for Santa Clara County for the Bay Area Air Quality Management District (BAAQMD). He stated that the Transportation Fund for Clean Air (TFCA) is generated by a \$4.00 surcharge on vehicle registrations. Funds are available for allocations to alternative fuels, arterial management, bicycle, and trip reduction projects that reduce emissions. BAAQMD returns 40 percent of these funds to the county in which they are collected for allocation by a "program manager."

Mr. Ristow noted that an annual call for projects is sent out and that project sponsors apply directly to VTA for funding. All projects that have been submitted for the FY 2008/09 TFCA 40 % Program will be funded.

Alternate Member Moylan suggested that on Attachment A of the memorandum, the TFCA Cost Per Ton segment should become the overriding criteria used to rank the proposed projects.

M/S/C (Liccardo/Moylan) to approve the programming of FY 2008/09 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

10. Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Planning – Seven Key Policy Areas

Mr. Ristow reported that VTA, Santa Clara County, the City of San Jose, and the Santa Clara Valley Water District (Local Partners) signed a Memorandum of Understanding to develop both a Habitat Conservation Plan (HCP) that fulfills the requirements of the Federal Endangered Species Act (ESA) and a Natural Community Conservation Plan (NCCP) that fulfills the requirements of the California Natural Community Conservation Planning Act (NCCP).

Mr. Ristow noted that in 2005 two new Local Partners, the Cities of Gilroy and Morgan Hill joined the process and all six Local Partners, including the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) signed a Planning Agreement that is the foundation for development of the HCP/NCCP Plan.

David Zippin, Consultant with Jones and Stokes, commented that the draft document will be available for public comment in approximately 8 months.

Alternate Member Moylan commented that the goals of the Plan regarding conservation strategies should be prominently indicated in the Plan.

Upon the inquiry of Member Liccardo regarding Restoration Fee for Impacts on Riparian Related Habitats, Mr. Zippin commented that the developer must submit the fees at the time the grading permit is issued or the day before the project commences.

M/S/C (Liccardo/Moylan) to approve the staff recommendations on Seven Key Policy Areas of the Habitat Conservation Plan/Natural Community Conservation Planning for submittal to the Liaison Group for consideration.

OTHER

11. Valley Transportation Plan (VTP) 2035 – Initial Vision, Goals and Policy Discussion

Chris Augenstein, Deputy Director, Planning, provided a brief overview of Valley Transportation Plan (VTP) 2035 – Initial Vision, Goals and Policy Discussion highlighting: 1) Presentation Outline that includes Plan Setting, Challenges and Context, Core Principles and Policy Areas and Policy Concepts; 2) VTP 2035 Setting; 3) VTP 2030 Goal Statement; 4) VTP 2030 Objectives; 5) Context of VTP 2030 Goals; 6) VTP 2030 Accomplishments; 7) Plan Context – Growth; 8) Funding Needs; 9) Funding Shortfalls; 10) VTP 2035 Challenges/Opportunities; 11) VTP 2035 Policy Structure; 12) MTC Vision Policies; 13) Regional Plan/VTP Context; 14) Possible VTP 2035 Quantitative Goals; and 15) Next Steps.

Member Liccardo inquired if there has been any direction from the County regarding the removal of VTA from MTC to accomplish funding goals.

Mr. Ristow reported that the programmatic areas of the Plan would be revisited with the Committee within the next months to implement direction in the Plan.

Alternate Member Moylan recommended incorporating the new vision with the goals.

On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee discussed a report on Valley Transportation Plan (VTP) 2035 – Initial Vision, Goals and Policy Discussion.

12. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

13. Committee Work Plan

On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee reviewed the Committee Work Plan.

14. Committee Staff Report

John Ristow, Chief CMA Officer and Staff Liaison, reported the following:

- California Transportation Commission (CTC) approved Proposition 1B – Trade Corridor Improvement Fund program of projects on April 10, 2008. The 152 Corridor was not included on the approved list.
- The CTC also approved an allocation for the first construction contract for the I-680
- MTC is scheduled to review the submittals including the VTP 2035 and discuss the Vision Policy Strategies at their March 28, 2008 meeting.
- VTA will issue a Call-For-Projects for the next round of Community Design and Transportation Grant Cycle.

On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee reviewed the Committee Work Plan.

15. Chairperson's Report

There was no Chairperson's Report.

16. Determine Consent Agenda for May 1, 2008 Board of Directors Meeting

CONSENT: **Agenda Item #9.**, Approve the programming of FY 2008/09 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects; **Agenda Item # 10.**, Approve the staff recommendations on Seven Key Policy Areas of the Habitat Conservation Plan/Natural Community Conservation Planning for submittal to the Liaison Group for consideration.

REGULAR: **Agenda Item #4.**, Approve the agreement with Green Republic, LLC for sale of the property described as the West San Carlos Joint Development Project site according to the terms outlined in the memorandum and included in the agreement; and

Agenda Item # 11., Discussed a report on Valley Transportation Plan (VTP) 2035 Initial Vision, Goals and Policy Discussion.

17. Announcements

There were no Announcements.

18. ADJOURNMENT

On order of Chairperson Pro Tempore Kniss, there being no objection, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Board of Directors