



## **TRANSIT PLANNING & OPERATIONS COMMITTEE**

Thursday, September 16, 2004

### **MINUTES**

#### **1. CALL TO ORDER**

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:34 p.m. by Vice Chairperson Pirzynski in Room 106E, San Jose City Hall, 801 North First Street, San Jose, California.

#### **ROLL CALL**

##### **Members Present**

David Cortese, Chairperson  
Ron Gonzales  
Joe Pirzynski, Vice Chairperson

##### **Members Absent**

Pete McHugh

##### **Alternates Present**

None

##### **Alternates Absent**

Blanca Alvarado  
Dolores Sandoval  
Ken Yeager

\*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**

There were no Public Presentations.

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

There were no Orders of the Day.

## CONSENT AGENDA

4. **Minutes of May 20, 2004**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole deferred the Minutes of May 20, 2004.

5. **Minutes of August 19, 2004**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole deferred the Minutes of August 19, 2004.

6. **Community Oriented Design Enhancements (CODE) Program Update – August through September 2004**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Community Oriented Design Enhancements (CODE) Program Update – August through September 2004.

7. **Report on the Vasona Light Rail Project for the Month of August 2004**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Report on the Vasona Light Rail Project for the Month of August 2004.

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

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Joint Powers Board Monthly Status Report.

9. **Committee for Transit Accessibility Report**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Committee for Transit Accessibility Report.

10. **Monthly Legislative Reports**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Monthly Legislative Reports.

Chairperson Cortese took his seat at 4:36 p.m. and a quorum was declared.

## REGULAR AGENDA

**11. Contract Amendment for the Coordination of Utility Conflicts and Relocations Contracts**

Jeff Funk, Deputy Director for Construction, reported that in November 2002 the Board of Directors approved consulting contracts with TBE Group, Inc. and Baystate Subsurface Investigation, Inc. (BSI, Inc.) to provide services to coordinate the identification of utility conflicts and utility relocations for the Silicon Valley Rapid Transit (SVRT) Project for an amount not to exceed \$6.2 million.

Mr. Funk reported that specific work has been assigned to TBE Group, Inc. and BSI, Inc., by specific task orders with compensation provided on a time and material basis, noting that, to date, \$2.6 million in task orders has been authorized.

Mr. Funk reported that the current budget for the SVRT Project includes funding through the completion of preliminary engineering in 2006, which minimizes the potential need for any Construction Coordination of Relocations originally identified. He noted that the recommended action would give VTA the ability to use the \$6.2 million of contract authority for budgeted capital project needs for all phases of utility coordination and relocation for all projects. Mr. Funk referred to the Board Memorandum and noted some of the potential projects that need utility support services.

Mr. Funk noted that any needed budget for implementing the task orders for the consultants would come from the Board approved budgets for those individual projects.

**M/S/C (Gonzales/Pirzynski)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contracts with TBE Group, Inc., and Baystate Subsurface Investigation, Inc. (BSI, Inc.) to provide coordination of utility conflicts and relocations consulting services for additional VTA projects requiring these services, but within the original contract amount of \$6,200,000 previously authorized by the Board.

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

**OTHER ITEMS**

**12. Contract Services for VTA Community Outreach/Public Education/Marketing Program**

Carolyn Gonot, Chief Development Officer, reported that this item originally went to the Board as an action item on the September 2, 2004 Board agenda. The item was deferred from that agenda to allow staff an opportunity to address questions the Board raised. They asked, for example, information regarding the team selection, FTA's requirements for public outreach and involvement. The Board of Directors, Ms. Gonot reported, also requested staff address the recent San Jose Mercury News article.

This item is on all three September Standing Committees, going to Congestion Management Program and Planning and this Committee as discussion items. Administration and Finance Committee saw this as an action item and forwarded it to the Board without a recommendation.

Ms. Gonot reported that VTA typically does community outreach on each of its projects separately and is determining that it was not necessarily cost effective. Sometimes coordinating efforts is problematic, noting that Downtown East Valley (DTEV) and BART, for example, sometimes overlap. To further illustrate, originally in all the contracts for the BART preliminary engineering, each had a community outreach component. VTA decided to review all outreach efforts and coordinated one effort. VTA considered projects that over the next five years would be using outside professional services, to augment VTA's current internal marketing services. VTA proposed a budget of \$7.7 million based on the phases of the respective projects.

Ms. Gonot reported that VTA would provide the Board of Directors with a detailed chart that will break out each of the project areas listed in the Board Memorandum forwarded to the Board earlier this month. The chart will contain each of the activities, the expenditures VTA expects during each of those years for each of those project areas, as well as the activities VTA actually expects would use their services.

Ms. Gonot reported that VTA would spend about \$4 million in the first three years and then the other \$3.7 in the outside years, because that is actually when final design would happen on BART, for example, and some early construction activities would also happen on both BART and DTEV.

Member Gonzales expressed concern regarding the item and the apparent change in strategy that has not been discussed with the Board. He noted the lack of a definition or a description of the new strategy and requested a discussion about the new strategy at a

Board Workshop. Member Gonzales suggested that this might be an opportune time to hold the item and go back to square one and have VTA staff describe to the Board of

Directors in detail what VTA is trying to accomplish, to educate the Board of Directors, and to get the Board of Directors to buy in with the concept.

Member Gonzales referred to a phrase contained in the Board Memorandum about what the Federal Government requires and what the Federal Government does not require and noted that the Board of Directors needs to know those requirements.

Vice Chairperson Pirzynski referred to the item and noted logically it is there, but politically it is not, noting that it actually took several steps back. He noted it behooves the Board to demonstrate to the public that the Board is not going to whimsically move out into a program that came to the Board without a real clear definition and need. Vice Chairperson Pirzynski noted it is the need, value, and timing that are unclear.

Member Gonzales queried if there is any expiration date on the offer made by the successful bidder and if there is a situation similar in this case. Suzanne Gifford, General Counsel, reported she does not recall and noted it is always 120 days with a sealed bid, because they have a fixed price.

Chairperson Cortese expressed concern that the item was packaged as one big contract and noted he preferred the item to come forward in measurable units. He noted that he would have liked only the first measurable unit to have come forward first for actual contractual approval. Chairperson Cortese noted that it may be better for VTA to pay a little bit of a premium to have the luxury to measure in shorter increments.

Chairperson Cortese expressed concern regarding the cost and the need to feel more comfortable with the proposal. He noted that the numbers seem a little out of kilter. Chairperson Cortese noted that the Board is going to have more detailed, specific questions about the benefit of the bargain. Chairperson Cortese expressed concern regarding the focus and noted that the first thing that needs to be done is to get an uptick in education and credibility with the public. He recommended an accountability report that is very clear and straight forward.

Member Gonzales noted that it appears to him that this is a contract that tries to accomplish a number of things; primarily soliciting public involvement and input on various aspects of things VTA is doing or about to do, and the other is marketing and communicating our objectives to our communities. He noted that VTA has been spending money on advertising for many years, and for years he has asked can VTA show that someone gets on the light rail train, or bought a monthly pass, because of something they read or saw in terms of advertisement, noting that it is going to be his number one question at the workshop. He noted his concerns about the ability or lack thereof to measure results.

Chairperson Cortese thanked staff for their efforts.

**M/S/C (Gonzales/Pirzynski)** to defer any action on the item and recommended that a workshop session be conducted to describe the strategy involved, specifically layout what VTA is trying to accomplish, and not necessarily with the final proposal being rejected at the workshop.

Vice Chairperson Pirzynski noted the importance of staff to consider VTA's next public response and make it clear that a re-evaluation is being done. He noted it is not a reactive pull back, it is a substantive pull back.

Ms. Gifford noted that the item was for review and comment.

**On order of Chairperson Cortese**, there being no objection, the Committee reviewed and commented on the following item: Authorize the General Manager to execute a contract with Burson-Marsteller for community outreach, public education, and marketing services, for an amount not to exceed \$7,700,000. The contract shall be for an initial three-year period with two optional one-year extensions. (Item referred from September 2, 2004 Board of Directors' Agenda.)

**13. Committee Work Plan**

Denise Daly, Chief of Staff, noted the addition of the "Contract Amendment for Coordination of Utility Conflicts and Relocations Contracts" item, noting that the item was on today's TP&O Committee Agenda. She noted that the item entitled "Rail Rehabilitation at First Street/San Carlos Street" was moved to the October 2004 Committee Agenda and that the item entitled "Vasona Completion Contract" was added to the November 2004 Committee Agenda.

**On order of Chairperson Cortese**, there being no objection, the Committee Work Plan was reviewed and accepted.

**14. Committee Staff Report**

There was no Committee Staff Report.

**15. Chairperson's Report**

There was no Chairperson's Report.

**16. Determine the Consent Agenda for the October 7, 2004 Board Meeting**

**CONSENT: Item #11.** Authorize the General Manager to amend the contracts with TBE Group, Inc., and Baystate Subsurface Investigation, Inc. (BSI, Inc.) to provide coordination of utility conflicts and relocations consulting services for additional VTA projects requiring these services, but within the original contract amount of \$6,200,000 previously authorized by the Board.

**REGULAR:** None

**17. Announcements**

There were no Announcements.

**18. ADJOURNMENT**

**On order of Chairperson Cortese,** there being no objection, the meeting was adjourned at 5:06 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant  
VTA Board of Directors