



## **TRANSIT PLANNING & OPERATIONS COMMITTEE**

Thursday, October 21, 2004

### **MINUTES**

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

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:31 p.m. by Vice Chairperson Pirzynski in Room 106E, San Jose City Hall, 801 North First Street, San Jose, California.

#### **ROLL CALL**

##### **Members Present**

Ron Gonzales  
Joe Pirzynski, Vice Chairperson

##### **Members Absent**

David Cortese, Chairperson  
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

Member Gonzales requested that the following item be removed from the Consent Agenda and placed on the Regular Agenda: Item 12. Receive and file the Committee for Transit Accessibility Report.

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. **Minutes of September 16, 2004**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole deferred the Minutes of September 16, 2004.

7. **Extension of Contract with Bright Horizons to Operate the Tamien Child Care Center**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to extend the contract with Bright Horizons Children's Centers, Inc., for five years to continue the operation of the Tamien Child Care Center at no cost to VTA.

8. **Status of Cities' Appointments to the Valley Transportation Plan Design Enhancements (VTP DE) Committee**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole received the Status of Cities' Appointments to the Valley Transportation Plan Design Enhancements (VTP DE) Committee.

9. **Community Oriented Design Enhancements (CODE) Program Update – September through October 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 – September through October 2004.

**10. Report on the Vasona Light Rail Project for the Month of September 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 September 2004.

**11. 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.

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

Receive and file the Committee for Transit Accessibility Report.

**13. Monthly Legislative Reports**

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

## **REGULAR AGENDA**

**12. Committee for Transit Accessibility Report**

Member Gonzales expressed concern regarding the complaints received at the City of San Jose regarding the eligibility process for paratransit. He noted that many people are feeling that rather than a process that was designed to assure eligibility, VTA has designed a process that is nothing but hurdles, making it very difficult to participate. Member Gonzales noted that the word is getting out to the point where people are not applying, many of whom believe they are eligible. He requested staff provide an update at the November 5, 2004 Board of Directors' Workshop Meeting on the policy adopted, how the policy is being implemented, outcomes, concerns, complaints we are hearing, and to invite the Committee for Transit Accessibility to participate.

Vice Chairperson Pirzynski noted that it is time for an audit to be done to see exactly what is happening. He expressed concerned regarding people being pushed out of the system who legitimately could be in the system.

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

**14. Contract Award for Rehabilitation of Palo Alto University Avenue Railroad Depot Project**

Jack J. Collins, Chief Construction Officer, reported that the Rehabilitation of Palo Alto University Railroad Depot Project was previously advertised, noting that VTA received two bidders and neither bidder met the Disadvantaged Business Enterprise (DBE) requirements. As a result, VTA rejected all bids and re-advertised the Project. Mr. Collins directed attention to the Board Memorandum, Page 2 of 3, and noted that four bids were submitted to VTA. He indicated that VTA has recommended award of the contract to Robert A. Bothman, the second low bidder. Mr. Collins reported that the reason for this is that Vitton Construction, the apparent low bidder, did not meet the DBE requirements, noting that Vitton Construction committed to a DBE participation goal of 2.24 percent. Upon review of documentation submitted to VTA by Vitton Construction, VTA determined that Vitton Construction did not demonstrate sufficient good faith efforts. Therefore, VTA went to the next low bidder, Robert A. Bothman, and VTA determined that Robert A. Bothman did demonstrate sufficient good faith efforts. The base bid amount of Robert A. Bothman is 8.5 percent below the Engineer's Estimate.

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract in the amount of \$1,113,459 with Robert A. Bothman, the lowest responsible bidder for the Rehabilitation of Palo Alto University Avenue Railroad Depot Project. This project is 80 percent federally funded.

**15. Contract Award for Rail Rehabilitation at First Street and San Carlos Street**

Mr. Collins reported that VTA received only one bid for the Rail Rehabilitation at First Street and San Carlos Street. He noted that an analysis is done by VTA when only one bid is received. Unfortunately, what complicates this analysis is that VTA's Engineer's Estimate missed the mark in terms of cost to put some very tight windows on this construction, on the contractor. Mr. Collins reported that Stacy and Witbeck, Inc., are known to VTA and have done a lot of this work in the Bay Area. Stacy and Witbeck, Inc. did the Vasona Light Rail Project and all the special trackwork at San Carlos and where the Vasona Line comes into the existing Guadalupe Line. He referred to the work being done on the Vasona Line and noted that VTA received a few complaints about the shutdowns to light rail and the single tracking, and to the roadway.

Mr. Collins noted that VTA put very tight construction windows on the contractor and that the construction is being done at North First and San Carlos Streets. VTA informed the contractor that there could be some street closures and that light rail could be shutdown on weekends (Saturdays and Sundays), noting that VTA has given the contractor four weekends to perform the construction and there would be no shutdowns during the week. He noted the increase in light rail ridership during the week.

Member Gonzales noted while ridership is coming back to VTA, people are coming back to Downtown San Jose as well. Upon query of Member Gonzales, Mr. Collins noted that the shutdowns would be four weekends in a row and the timeframe would be around March/April 2005.

Member Gonzales expressed concern regarding the March/April 2005 timeframe that the light rail would be shutdown on weekends to conduct the rail rehabilitation work at First and San Carlos Streets. He noted that the City of San Jose is hosting an eBay event in Downtown San Jose and expressed concern regarding a light rail shutdown. Member Gonzales requested that staff work very closely with the San Jose Downtown Association/San Jose Convention and Visitors Bureau.

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract in the amount of \$1,198,671 with Stacy and Witbeck, Inc., the sole bidder for the Rail Rehabilitation at First and San Carlos Streets. This construction contract is 50 percent federally funded.

## **OTHER ITEMS**

### **16. Committee Work Plan**

**On order of Vice Chairperson Pirzynski**, there being no objection, the Committee of the Whole reviewed and accepted the Committee Work Plan.

### **17. Committee Staff Report**

There was no Committee Staff Report.

### **18. Chairperson's Report**

There was no Chairperson's Report.

### **19. Determine the Consent Agenda for the November 4, 2004 Board Meeting**

**CONSENT: Item #7.** Authorize the General Manager to extend the contract with Bright Horizons Children's Centers, Inc., for five years to continue the operation of the Tamien Child Care Center at no cost to VTA; **Item #14.** Authorize the General Manager to execute a contract in the amount of \$1,113,459 with Robert A. Bothman, the lowest responsible bidder for the Rehabilitation of Palo Alto University Avenue Railroad Depot

Project. This project is 80 percent federally funded; and **Item #15.** Authorize the

General Manager to execute a contract in the amount of \$1,198,671 with Stacy and Witbeck, Inc., the sole bidder for the Rail Rehabilitation at First Street and San Carlos Street. This construction contract is 50 percent federally funded.

**REGULAR:** None

**20. Announcements**

There were no Announcements.

**21. ADJOURNMENT**

**On order of Vice Chairperson Pirzynski**, there being no objection, the meeting was adjourned at 4:46 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant  
VTA Board of Directors