

BOARD OF DIRECTORS MEETING

Thursday, March 5, 2009

MINUTES

CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Sandoval at 5:33 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Nora Campos	Alternate Board Member	Absent	
David Casas	Board Member	Present	
Dominic Caserta	Board Member	Present	
Dean Chu	Ex-Officio Board Member	Present	
Don Gage	Board Member	Present	
Rose Herrera	Board Member	Present	
Ash Kalra	Board Member	Present	
Yoriko Kishimoto	Board Member	Present	
Liz Kniss	Board Member	Present	
Bob Livengood	Alternate Board Member	Absent	
Chris Moylan	Alternate Board Member	Absent	
Chuck Page	Alternate Board Member	Present	
Nancy Pyle	Board Member	Present	
Chuck Reed	Board Member	Absent	
Greg Sellers	Board Member	Present	
George Shirakawa	Alternate Board Member	Absent	
Ken Yeager	Ex-Officio Board Member	Present	
Sam Liccardo	Vice Chairperson	Present	
Dolly Sandoval	Chairperson	Present	

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESSED TO CLOSED SESSION at 5:34 p.m.

- A. Anticipated Litigation--Conference with Legal Counsel
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Three cases)
- B. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Joseph Smith, Chief Financial Officer
Bill Lopez, Chief Administrative Officer
Robert Escobar, Human Resources Manager

Employee Organizations:
American Federation of State County and Municipal Employees
Service Employees International Union, Local 521

- C. Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Manager

RECONVENED TO OPEN SESSION at 6:00 p.m.

3. CLOSED SESSION REPORT

- A. Anticipated Litigation--Conference with Legal Counsel
Significant exposure to litigation pursuant to subdivision (b)
of Government Code Section 54956.9: (Three cases)
There was no reportable action taken during Closed Session.

- B. Conference with Labor Negotiators
[Government Code Section 54957.6]
VTA Designated Representatives:
Joseph Smith, Chief Financial Officer
Bill Lopez, Chief Administrative Officer
Robert Escobar, Human Resources Manager
Employee Organizations:
American Federation of State County and Municipal Employees
Service Employees International Union, Local 521
There was no reportable action taken during Closed Session.

- C. Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Manager
There was no reportable action taken during Closed Session.

4. ORDERS OF THE DAY

Chairperson Sandoval indicated the following item was removed from the Agenda;
Agenda Item # 25, Approve a revision to the Board of Directors Meeting Schedule
rescheduling the May 7, 2009 Board of Directors meeting to April 30, 2009.

M/S/C (Caserta/Pyle) to approve the Orders of the Day.

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

5. AWARDS AND COMMENDATIONS

1) Employees of the Month for March 2009

Chairperson Sandoval recognized Dennis Mellon, Senior Systems Design Engineer, River Oaks Administration; Tami San Agustin, Coach Operator, Cerone Division; and Westin Fay, Transit Mechanic, Cerone Division, as Employees of the Month for March 2009.

She also recognized Adam Burger, Transportation Planner III, Administration Award Winner for February, who could not be present at the February Board meeting.

2) Employees of the Year 2008

Chairperson Sandoval recognized Olga Perez, Office Specialist II, River Oaks Administration; Susan Yates, Coach Operator, Chaboya Division; and Augustine Marquez, Transit Mechanic, Chaboya Division, as Employees of the Year for 2008; and Lewis Laptalo, Transportation Superintendent, Chaboya Division, as 2008 Supervisor of the Year.

Chairperson Sandoval indicated two employees and one retiree passed away recently. Vahid Payrovi, Roy Solidium, and Charles ‘Chuck’ Justice were remembered and condolences offered to family and friends. She noted the meeting will be adjourned in their honor.

6. PUBLIC PRESENTATIONS

There were no Public Presentations.

7. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, reported the following:

- VTA system-wide average weekday ridership for January 2009 increased by 9.4 percent as compared to January 2008. Bus average weekday ridership increased by 10.4 percent and light rail average weekday ridership increased by 5.9 percent compared to the same period last year. VTA transit partners Dumbarton Rail Corridor, Highway 17 Express, and Monterey Service experienced increases in weekday ridership of more than 20 percent, Caltrain boarding increased 8 percent, Capitol Corridor increased 1 percent, and Altamont Commuter Express experienced a decrease of 5 percent.
- VTA hosted an event in honor of Black History Month and welcomed Tuskegee Airman, Lester “Les” Williams as the honored guest and keynote speaker. Mr. Williams shared his personal story of events leading to his enrollment into the Tuskegee Institute. The celebration is one of three diversity events held each year and is something that will continue despite economic difficulties. Special thanks were given to Julia Jones, Senior Management Analyst, and Camille Williams, Accessible Services Program Manager, who co-chaired the event.

- Congestion Management Association of America, Northern California Chapter honored VTA with their 2009 Project of the Year award for infrastructure for the light rail Southline Platform Retrofit project. In addition to being awarded for its importance to community, the project was completed three months ahead of schedule, 13 percent below budget, and with minimal affect to passengers. This is the third award in three months received by the engineering and construction division.
- Caltrain celebrated the completion of the California Avenue and Palo Alto Station retrofit project. The improvements at the California Station eliminated the hold out rule, allowing more than one train at a time to safely occupy the station. The Palo Alto station improvements allow greater access for all passengers and addressed boarding issues facing the disabled community.
- At the February Board Workshop, VTA staff provided an update on the BART project which the Board has established as the priority project in Measure A. VTA will be moving forward in a financially prudent manner and is looking at phasing the project due to economic downturn. Alternative delivery strategies are being considered to bring the project to fruition faster and at a lesser cost. The current schedule for completion is 2018.
- Chairperson Sandoval is one of the 100 women selected to receive a Women of Influence in Silicon Valley award. The 2009 Women of Influence honorees exercise power within their industry and throughout the valley and serve as role models for future generations of leaders for both women and men.

Eugene Bradley, Interested Citizen, expressed concern regarding possible fare hikes or service cuts destroying ridership gains VTA has made.

8. REPORT FROM THE CHAIRPERSON

Chairperson Sandoval congratulated Bill Kindricks, Business Relations Manager, who was recognized at the Annual Human Relations Awards Breakfast as one of the recipients of an award for his hard work and commitment for the betterment of individuals throughout the county and the state. Mr. Kindricks has helped raise more than half a million dollars with the 100 Black Men of Silicon Valley.

Chairperson Sandoval thanked Board Members for attending and participating in the Board Workshop.

Eugene Bradley, Interested Citizen, expressed concern with the BART project noting that VTA will only be able to build to Berryessa due to a lack of funding.

9. Citizens Advisory Committee (CAC) Chairperson's Report

Noel Tebo, CAC Chairperson, provided a report from the February 11, 2009 CAC meeting highlighting the following: 1) CAC is aware of the disturbing news of cuts from the State budget and shares concern with the effects on VTA's operating budget and will do the best to provide feedback as the issues become clearer; 2) CAC is participating in

the Advisory Committee Task Force and is appreciative of the invitation to help to make the committees more effective and efficient; and, 3) Measure A Watchdog Committee is working with independent auditors to see if there are any policy changes necessary to guarantee Measure A funds are available when needed.

10. Policy Advisory Committee (PAC) Chairperson's Report

Margaret Abe-Koga, PAC Chairperson, provided a report from the PAC meeting on February 12, 2009 highlighting the following: 1) Chairperson Sandoval attended the February PAC meeting and provided an update and preview of the year; 2) Received an update from staff regarding the Association of Bay Area Government's (ABAG) projection assumptions for future growth in the county for 25 years. Staff expressed concern with conflicts and discrepancies with the numbers, and several PAC members who are also members on ABAG will follow up on the issue; 3) Reviewed and provided input on the revised joint development policy and will be receiving the framework and providing a recommendation to the Board in April; 4) Received updates on the State Route 237/I-880 Express Lanes and the EcoPass Project; and, 5) PAC is working with Advisory Committee Enhancement (ACE) process to provide recommendations to make some improvements.

CONSENT AGENDA

M/S/C (Caserta/Pyle) to approve the Consent Agenda.

11. Regular Meeting Minutes of February 5, 2009

M/S/C (Caserta/Pyle) to approve the Board of Directors Regular Meeting Minutes of February 5, 2009.

12. Fiscal Year 2009 Quarterly Statement of Revenues

M/S/C (Caserta/Pyle) to review and accept the Fiscal Year 2009 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2008.

13. Financial Policy Statements Summary Version

M/S/C (Caserta/Pyle) to reaffirm VTA financial policies by approving a summarized version of financial policy statements for adoption and use in various VTA financial documents such as the biennial adopted budget book.

14. Real Estate Consultant Services

M/S/C (Caserta/Pyle) to authorize the General Manager to establish a list of thirty-one qualified firms for the various categories of real estate consultant services as reflected on the attachment Exhibit "A" including title and escrow, acquisition and eminent domain, relocation, real property appraisal, goodwill appraisal and appraisal review services. The list will be for a five-year period. The General Manager is authorized to enter into contracts of up to five years with an aggregate value not to exceed \$14,000,000. The specific value for each contract executed will be determined in accordance with an

approved budget for the relevant capital project that requires the contracted services.

15. San Jose Diridon Caltrain Station Parking Lot

M/S/C (Caserta/Pyle) to authorize the General Manager to execute a Second Amendment to the Cooperative Parking Agreement with the Peninsula Corridor Joint Powers Board (PCJPB) and San Jose Arena Management, LLC (SJAM) extending for an additional five years SJAM's management of the San Jose Diridon Caltrain Station parking lot for HP Pavilion (Arena) event parking.

16. International City Management Association – Retirement Corporation (ICMA-RC)

M/S/C (Caserta/Pyle) 1) to confirm the Deferred Compensation Committee's selection of International City Management Association - Retirement Corporation (ICMA-RC) as VTA's 457 Deferred Compensation Plan and 401(a) Money Purchase Plan Provider; 2) to adopt ICMA-RC's model plan documents for the 401(a) Plans and adopt a resolution confirming the pre-tax deferral of participant contributions to the 401(a) Plans; 3) to amend the 401(a) Plan for the General Manager to add the General Counsel to the Plan; and, 4) to authorize staff to amend the Plan Documents whenever ICMA amends its model plan to ensure compliance with Internal Revenue Service regulations and changes in tax law.

17. Programmed Projects Quarterly Monitoring Report

M/S/C (Caserta/Pyle) to receive the Programmed Projects Quarterly Monitoring Report for October to December 2008.

18. East San Jose Community Based Transportation Plan.

Michael Ludwig, Interested Citizen, expressed his support for continuing the light rail extension to Eastridge project.

M/S/C (Caserta/Pyle) to accept the memorandum Providing an Update on the East San Jose Community Based Transportation Plan.

19. Transportation Impact Analysis (TIA) Guidelines

M/S/C (Caserta/Pyle) to recommend adoption of the updated Transportation Impact Analysis (TIA) Guidelines as described within this memorandum and per the attached document.

20. Federal Economic Stimulus

M/S/C (Caserta/Pyle) to recommend the VTA Board adopt the distribution strategy for Federal Economic Stimulus local streets and roads funding as described in the following memorandum, and adopt the list of Local Streets and roads projects shown in Attachment A.

21. SR237/I-880 HOT Express Connector and Hybrid Bus Replacement

M/S/C (Caserta/Pyle) to adopt a resolution certifying that VTA is an eligible and

responsible sponsor for the SR 237-I-880 HOT Express Connector project and Hybrid Bus replacement project and authorize the General Manager to submit an application for 2009 American Recovery and Reinvestment Act funding for this project.

22. Agua Caliente Creek Culvert

M/S/C (Caserta/Pyle) to authorize the General Manager to execute a Cooperative Funding Agreement with the Alameda County Flood Control District for engineering design services related to the Agua Caliente Creek Culvert. The proposed agreement will be for \$300,000, of which VTA's share is not to exceed \$150,000.

23. 2000 Measure A Semi-Annual Report

M/S/C (Caserta/Pyle) to receive the 2000 Measure A Semi-Annual Report.

24. 1996 Measure B Progress Report

M/S/C (Caserta/Pyle) to receive the 1996 Measure B Transportation Improvement Program Progress Report for December 2008.

REGULAR AGENDA

25. (This Item was removed from the Agenda.)

Approve a revision to the Board of Directors Meeting Schedule rescheduling the May 7, 2009 Board of Directors meeting to April 30, 2009.

OTHER ITEMS

26. California High Speed Rail Project

Steven Fisher, Senior Transportation Planner, provided an overview and PowerPoint Presentation of the California High Speed Rail Project which included a map of the system and information of the entire project. The high speed rail line will run from San Diego to Sacramento. The initial line will run from Los Angeles to San Francisco. The estimated cost of the entire project is \$45 billion and is expected to be completed in 2030. Stops in Santa Clara County will include Gilroy and San Jose Diridon Station. There will be an additional station in the mid-peninsula that has not yet been identified. Gary Kennerley and Tim Cobb, representatives from the High Speed Rail Authority (HSRA), were in attendance to provide additional information and comments.

Michael Burns, General Manager, indicated Caltrain will be utilized as the overall coordinating agency noting the importance of having a single point of coordination in this effort to provide some management. This does not diminish participation by VTA, individual cities, or TAC and PAC work groups.

Board Member Liccardo indicated residents expressed concern with the project not being in the right-of-way (ROW) and questioned if any property south of Diridon Station will be taken.

Mr. Fisher indicated there are no definitive engineering documents outlining the property impacts. Mr. Kennerley noted the goal will be to stay within the ROW in the Caltrain Corridor and switching over to Monterey Highway adjacent to the Union Pacific Rail Road (UPRR) to avoid any property takings.

Member Liccardo questioned the probability of the San Francisco to San Jose Corridor being the first segment built. Mr. Fisher indicated portions of the Bay Area and Los Angeles will probably be in a strong position to grab a major chunk of the initial funds and will enjoy visible progress.

Member Kishimoto requested a copy of the draft Caltrain and HSRA Memorandum of Understanding (MOU). She indicated there was an interest in having the cities coalition participate in the discussions. She suggested combining TAC and PAC workgroups from VTA and Caltrain for better coordination. Board Member Kishimoto noted there was fear of the peninsula being split down the middle due to urban design and the meetings should place an emphasis on the issue. She questioned the use of the \$26.4 Million from the high speed rail bonds.

Board Member Gage Left his seat at 7:05 pm.

Mr. Fisher indicated the funds are undesignated at this time and the California Transportation Commission (CTC) will be outlining the criteria and providing guidance. He noted VTA will have to submit a grant application to receive the funds.

Board Member Kishimoto indicated interest has been expressed in two other alternatives; Looking at the 101 option as a side by side comparison and the option of stopping the high speed rail in San Jose and doing a cross platform transfer to an enhanced Caltrain. She noted more information should be provided to keep residents involved and keep the project on track.

Board Member Sellers indicated a viable option in Morgan Hill would be running the High Speed Rail along Highway 101 and requested information on other alternatives.

Mr. Kennerley indicated the Caltrain corridor is the preferred alternative, but with the information received from UPRR, it will be necessary to meet with cities of Gilroy and Morgan Hill and take another look at running the rail along Highway 101.

Board Member Sellers questioned the degree of possibility to negotiate with UPRR. Mr. Kennerley indicated they perceive more liability issues and more than one alternative is needed that does not use their property.

Board Member Casas questioned should Palo Alto choose not to have a high speed rail station would VTA lobby to consider Mountain View since it will have impact on VTA buses and light rail, and Caltrain.

Mr. Fisher indicated the possibility had not been addressed and if Mountain View wants to be considered, it will require revision to the program level EIR and needs to be stated

in the scoping document. VTA is writing a scoping letter based on interaction with Caltrain and facilities and everyone impacted should be responding.

Board Member Herrera questioned the top speed of an Electrified Caltrain and the advantages of using the high speed rail versus Caltrain through the peninsula.

Chairperson Sandoval requested the information be sent via email to the Board.

Board Member Kalra indicated sacrifices have to be made to get the High Speed Rail finished and indicated frustrations from community members who don't want to lose one to two lanes of Monterey Highway because UPRR doesn't want to give up the ROW.

Board Member Chu indicated there are a number of grade separations and 46 street crossings that must be addressed in the Diridon North Section. He questioned the number located in Santa Clara County and the process in determining how they will be handled.

Mr. Fisher indicated about one-third of the grade separations are in Santa Clara County. Mr. Cobb noted that process will start as soon as the scoping process is complete and indicated there are only a few different ways to handle them which will control the look of the final design.

Board Member Chu indicated there was a pedestrian under crossing planned under the Caltrain section in the Sunnyvale/Mountain View region which was set aside due to lack of funds and questioned if this is the time to reintroduce it for possible funding.

Mr. Cobb indicated he is not sure about the funding aspects but the time to discuss it with the HSRA is now so it can be accounted for while there is a need to make modifications to get from one platform to the other.

Board Member Chu questioned the expected grade levels separations at existing Caltrain stations. Mr. Cobb indicated it will be driven by the vertical alignment of the rail line.

Board Member Chu requested the HSRA have meetings with individual cities. Mr. Kennerley indicated they would be more than happy to send a representative.

Board Member Herrera Left her seat at 7:30 pm.

Michael Ludwig, Interested Citizen, expressed concern regarding street closures and the impact it would have on traffic due to grade separations.

On order of Chairperson Sandoval and there being no objection, the Board received a presentation from VTA staff on California High-Speed Rail Project.

27. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

Board Member Pyle left her seat at 7:32 pm.

28. MONTHLY LEGISLATIVE HISTORY MATRIX

On order of Chairperson Sandoval and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda Packet.

29. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Sandoval and there being no objection, the February 19, 2009 Administration and Finance (A&F) Committee Minutes were accepted as contained in the Agenda Packet.

B. Congestion Management Program and Planning Committee

On order of Chairperson Sandoval and there being no objection, the February 19, 2009 Congestion Management Program and Planning (CMPP) Committee Minutes were accepted as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

On order of Chairperson Sandoval and there being no objection, the February 19, 2009 Transit Planning and Operations (TP&O) Committee Minutes were accepted as contained in the Agenda Packet.

28. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Sandoval and there being no objection, the February 11, 2009 Committee for Transit Accessibility (CTA) Minutes were accepted as contained in the Agenda Packet.

B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)

On order of Chairperson Sandoval and there being no objection, the February 11, 2009 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Minutes were accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Sandoval and there being no objection, the February 11, 2009 Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained in the Agenda Packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Sandoval and there being no objection, the

February 12, 2009 Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda Packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Sandoval and there being no objection, the February 12, 2009 Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda Packet.

29. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

A. Peninsula Corridor JPB

On order of Chairperson Sandoval and there being no objection, the Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. Capitol Corridor JPB

On order of Chairperson Sandoval and there being no objection, the Summary Notes from the Capitol Corridor JPB were accepted as contained on the dais.

C. Dumbarton Rail Corridor Policy Committee

There was no report from the Dumbarton Rail Corridor Policy Committee.

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Sandoval and there being no objection, the Summary Notes from the Metropolitan Transportation Commission (MTC) were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Sandoval and there being no objection, the Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority were accepted as contained on the dais.

30. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB

There was no report from the Vasona Light Rail PAB.

B. Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB

There was no report from the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB.

C. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

D. Highway PAB South

There was no report from the Highway PAB South.

31. ANNOUNCEMENTS

There were no Announcements

32. ADJOURNMENT

On order of Chairperson Sandoval and there being no objection, the meeting was adjourned at 7:45 p.m. in memory of three valued VTA employees; Vahid Payrovi, Roy Solidium, and Charles 'Chuck' Justice.

Respectfully Submitted,

Menominee L. McCarter, Board Assistant
VTA Board of Directors