



BOARD OF DIRECTORS MEETING

Thursday, April 2, 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 5:35 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
Nora Campos	Board Member	Absent
Dean Chu	Ex-Officio Board Member	Absent
Don Gage	Board Member	Present
Liz Kniss	Board Member	Present
Dolly Sandoval	Chairperson	Present
Sam Liccardo	Vice Chairperson	Present
Nancy Pyle	Board Member	Present
Chuck Reed	Board Member	Present
David Casas	Board Member	Absent
Yoriko Kishimoto	Board Member	Present
Dominic Caserta	Board Member	Present
Chris Moylan	Alternate Board Member	Present
Bob Livengood	Alternate Board Member	Absent
Greg Sellers	Board Member	Present
Chuck Page	Alternate Board Member	Present
Rose Herrera	Board Member	Present
Ash Kalra	Board Member	Present
George Shirakawa	Alternate Board Member	Absent
Ken Yeager	Ex-Officio Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESSED TO CLOSED SESSION at 5:36 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)

Vice Chairperson Liccardo took his seat at 5:40 p.m.
Alternate Board Member Moylan took his seat at 5:41 p.m.

- 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.** Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9 (a)]

Name of Case: Peggy Shaffer vs. Santa Clara Valley Transportation Authority
WCAB #s SAL 106923, SAL 106927, SAL 108061, SAL 108062

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.** Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9 (a)]

Name of Case: Peggy Shaffer vs. Santa Clara Valley Transportation Authority
WCAB #s SAL 106923, SAL 106927, SAL 108061, SAL 108062

There was no reportable action taken during Closed Session.

4. ORDERS OF THE DAY

Chairperson Sandoval noted **Agenda Item #27**, Receive Sustainability Update, would be moved under **Agenda Item #7**, Report from the General Manager.

On order of Chairperson Sandoval and there being no objection, the Orders of the Day were accepted.

5. AWARDS AND COMMENDATIONS

Employees of the Month for April 2009 and Supervisor of the Quarter

Chairperson Sandoval recognized Robert Irby, Coach Operator, Chaboya Division; and Ethan Winston, Public Communication Specialist II, River Oaks Administration, as Employees of the Month for April 2009.

Chairperson Sandoval noted Kevin Connolly, Transportation Planning Manager, would be honored as Supervisor of the Quarter at the next Board of Directors meeting.

6. PUBLIC PRESENTATIONS

Jerry Grace, Interested Citizen, expressed appreciation for being able to attend and participate in VTA Board of Directors Regular Meeting.

7. REPORT FROM THE GENERAL MANAGER

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

- VTA system-wide average weekday ridership for February 2009 increased by 4.5 percent as compared to February 2008. Bus average weekday ridership increased by 4.6 percent and light rail average weekday ridership increased by 4.1 percent compared to the same period last year.
- Budget Development second quarter receipts decreased by 11 percent from the previous year. Staff is projecting a six percent decrease for the third quarter. Budget for the fiscal year is estimated to decline by seven to eight percent. Staff projects a \$28 million budget deficit for FY2010 and \$50 million budget deficit for FY2011. Strategies to address budget issues would be discussed at the April 24, 2009 Board of Directors Workshop and Administration and Finance Committee meetings.
- The Regional Transportation Plan was deferred by the Metropolitan Transportation Commission for a month because of revised sales tax revenue projections provided by VTA.
- Caltrain Board unanimously approved the Memorandum of Understanding with the California High Speed Rail Authority.

Report by VTA Federal Lobbyists

Vic Fazio, Akin Gump Strauss Hauer & Feld LLP., reported funding for transportation would be available on the next traditional reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act (SAFETEA-LU). He noted the Stimulus Bill may be an additional source of funding. He stressed the importance of endorsing regional projects to receive funding through the Appropriations Bill. He noted staff is working hard with their group to secure funding for projects.

Susan Lent, Akin Gump Strauss Hauer & Feld LLP., reported there is a lot of competition in Washington to secure funds for new starts projects such as the Silicon Valley Rapid Transit (SVRT). She noted staff is working with the Congressional Delegation and Federal Transportation Administration in promoting projects with positive land use, economic development, job creation, and protects the environment. She noted the following projects are getting a lot of attention in Washington: 1) Express Lanes; 2) Congestion pricing; and 3) Sales tax measure. She stressed the importance of focusing on the appropriation and reauthorization process to secure the maximum amount of funding for VTA projects.

Board Member Caserta inquired on actions necessary to compete for funding. Ms. Lent responded to secure funds, criteria for projects should be met and a strategy involving the community should be developed. Mr. Fazio added support for local representatives who endorse transportation is also essential.

Board Member Kniss inquired on the criteria for projects to receive funding. Ms. Lent noted the current Administration's direction toward transportation projects are as follows: 1) Regional in scope; 2) High speed rail and freight movement; 3) New starts projects; and 4) Reward local funding.

Vice Chairperson Liccardo inquired if the Board's presence in Washington is essential. Ms. Lent responded it is important to have the Board's presence in Washington to present the projects for funding. Mr. Fazio added it is also important to organize different community groups in the region to effectively express the need to fund regional projects.

Board Member Sellers inquired if there are programs available for revenue generating projects. Ms. Lent responded they closely monitor programs being announced and direct them to staff. She noted their focus is not limited on transportation programs. They also explore other programs such as energy and work force training.

Progress Report on Joint Workforce Initiative

Michael Hursh, Deputy Director of Maintenance, provided a report highlighting the metrics between Joint Workforce Investment (JWI) and non-JWI on the following sections of bus operators and maintenance personnel: 1) Absenteeism; 2) Employee retention; 3) Grievances per bus operator; 4) Complaints per bus operator; and 5) Mechanical road calls per bus operator.

Mr. Hursh stressed on the success of the program and its positive effects on the workplace solutions, career development and public service. He also acknowledged the leadership of Tom Fink and Ed Dolores, Amalgamated Transit Union Local 265 (ATU), which was instrumental to the success of the program.

The Agenda was taken out of order.

27. Sustainability Program Update

Tom Fitzwater, Environmental Planning Manager, announced the Change a Light Change the World Program was made possible through the partnership of VTA and the City of San Jose. He also announced the bags provided to the Board were made out of recycled plastic bottles.

Mr. Fitzwater provided a presentation on the Sustainability Program highlighting the following: 1) Background; 2) Goal; 3) First year annual report; 4) Program management; 5) Program focus; 6) Collaborative spirit; 7) Public outreach and employee education; 8) VTA consumption of natural resources (FY08); and 9) Waste reduction.

Mike Hursh, Deputy Director of Maintenance, provided a presentation highlighting the following: 1) Water conservation; 2) Energy efficiency; 3) Cerone solar project; 4) Alternative fuels; 5) Green lawnmowers at Cerone; 6) FY08 and FY09 budget status; 7) Annual operating savings; 8) Return on investment; and 9) Future projects and goals.

Alternate Board Member Moylan suggested informing the public on the proper disposal of compact fluorescent light bulbs because it contains mercury.

Board Member Reed inquired on the rebates received from Pacific Gas and Electric Company (PG&E). Mr. Hursh responded the rebates received go in the VTA general fund.

Board Member Reed recommended utilizing the rebates from PG&E on other energy efficiency projects.

On order of Chairperson Sandoval and there being no objection, the Board received the Sustainability Program Update.

Jerry Grace, Interested Citizen, expressed concern on High Speed Rail activities happening at the Metropolitan Transportation Commission.

Board Member Kishimoto took her seat at 7:09 p.m.

Eugene Bradley, Santa Clara VTA Riders Union Founder and Local Transit Advocate, requested to receive specific ridership figures. He inquired if a study was conducted to determine cost savings in riding public transportation versus the use of private vehicles. He expressed concern on tax money used by VTA for the Federal lobbying group. Staff provided Mr. Bradley with the ridership figures and a response would be prepared to address his other concerns.

Ross Signorino, Interested Citizen, suggested developing an economical plan for the SVRT project to make it competitive for Federal funds.

8. REPORT FROM THE CHAIRPERSON

Chairperson Sandoval announced and invited the Board to the ribbon cutting of the Mary Avenue Bridge on Thursday, April 30, 2009 at 3:00 p.m.

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

Noel Tebo, CAC Chairperson, expressed appreciation for the informal briefing regarding transit funding in Washington by Susan Lent for Advisory Committee members. He acknowledged Kurt Evans, Government Affairs Manager, and Greta Helm, Chief External Affairs Officer, for arranging the briefing session.

Mr. Tebo reported the CAC strongly supports AB 266 (Carter), which requires the California Transportation Commission (CTC) to do an assessment of the State's unmet transportation needs every five years.

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

Chuck Page, PAC Vice Chairperson, provided a report from the PAC meeting on March 12, 2009 highlighting the following: 1) Presentation from the City of Gilroy; 2) Recommends the Board approve the Joint Development Program policy framework; 3) Recommends the Board approve the programming of FY 09-10 Transportation Fund for Clean Air Program Manager funds to various projects in the county; and 4) Received an update on the PAC Advisory Committee Enhancement Subcommittee.

CONSENT AGENDA

11. Workshop Minutes of February 27, 2009

M/S/C (Caserta/Herrera) to approve the Board of Directors Workshop Minutes of February 27, 2009.

12. Regular Meeting Minutes of March 5, 2009

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

13. 2000 Measure A Program Financial Report, Fiscal Year 2008

M/S/C (Caserta/Herrera) to review and accept the 2000 Measure A Program Financial Report for Fiscal Year 2008.

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

14. FY2008 CMP Audited Financial Report

M/S/C (Caserta/Herrera) to review and accept the audited Financial Report for the Congestion Management Program for Fiscal Year 2008.

15. Internal Audit Program Goals and Objectives

M/S/C (Caserta/Herrera) to approve the goals and objectives for the internal audit program at VTA, as proposed by the Auditor General.

16. Citizens Advisory Committee Appointment

M/S/C (Caserta/Herrera) to ratify the nomination of Erik Larsen to the Citizens Advisory Committee, representing the South Bay AFL-CIO Labor Council.

17. Bill Position: AB 266 (Carter)

M/S/C (Caserta/Herrera) to adopt a support position for AB 266 (Carter), which requires the California Transportation Commission (CTC) to do an assessment of the State's unmet transportation needs every five years.

18. BART Plus Ticket Program Agreement

Jerry Grace, Interested Citizen, expressed concern on the legal issue BART is facing because of the shooting incident, and its impact on the SVRT project.

M/S/C (Caserta/Herrera) to authorize the General Manager to execute an agreement to continue the BART Plus multi-agency ticket program in cooperation with BART and nine other Bay Area transit agencies through December 2009 with the option to extend up to three years in annual increments.

19. Proactive CMP Reviewed and Approved Projects Quarterly Status Report

On order of Chairperson Sandoval and there being no objection, the Board accepted the Proactive CMP Reviewed and Approved Projects Quarterly Status Report.

20. CDT Planning Grant Awards

M/S/C (Caserta/Herrera) to recommend the programming of \$500,000 in Community Design & Transportation (CDT) Program Planning Grants.

21. 2009 Transportation Fund for Clean Air Program Manager Fund

M/S/C (Caserta/Herrera) to approve the programming of FY 2009/10 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects as shown in Attachment A.

22. April 2009 Service Changes

On order of Chairperson Sandoval and there being no objection, the Board accepted the April 2009 Service Changes.

23. Bus Wash Replacement (Chaboya)

M/S/C (Caserta/Herrera) to authorize the General Manager to execute a lump-sum time-and-materials contract with Air and Lube Systems Incorporated of Sacramento, CA, the lowest bidder, for the replacement of all related equipment for two Revenue Vehicle Fleet Wash System Tunnels at the Chaboya Operating Division. The total amount of this contract is \$610,034. This contract is 80% federally funded.

24. Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Grant Program

M/S/C (Caserta/Herrera) to adopt a resolution authorizing the filing and execution of grants with the California Department of Transportation (Caltrans) for funding under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

REGULAR AGENDA

25. Revised Joint Development Policy

Bijal Patel, Deputy Director for Property Development and Management, provided a report highlighting the following: 1) Why do joint development?; 2) Transit-oriented development; 3) Transit agencies with joint development programs; 4) Increased ridership; 5) Revenue; 6) Joint Development program efforts; 7) Revised Joint Development Policy framework; 8) Goals of Joint Development program; 9) Asset management tools; 10) Comprehensive process; 11) Organizational supports; and 12) Next steps.

Alternate Board Member Moylan inquired if the Board has the ability to acquire properties. Ms. Patel responded the Board has the authority to acquire new properties. It would undergo an evaluation process to determine its benefits.

Board Member Kniss queried about the developers forum. Ms. Patel responded the developers' forum would address the following: 1) Developers' inquiries regarding the status of projects, and 2) Outreach effort to preview the inventory of assets.

Board Member Kniss expressed concern local agencies and jurisdictions may not support a particular development. Ms. Patel responded staff would be conducting multiple levels of review and would be working closely with local jurisdictions and the Board regarding site developments.

Board Member Sellers inquired on the process of prioritizing site developments. Ms. Patel responded outreach efforts with local jurisdictions would be conducted to determine their goals and objectives. Findings from the meetings would then be presented to the Board.

Board Member Sellers inquired on the impacts of the High Speed Rail to project development. John Ristow, Chief CMA Officer, stated the impacts of the High Speed Rail would be determined within 18 months to two years.

Board Member Gage left the meeting at 7:54 p.m.

Board Member Kishimoto requested to receive a spreadsheet supporting the projections of future revenues on the properties.

Board Member Reed left the meeting at 7:55 p.m.

Board Member Kalra inquired on the flexibility of the Joint Development Policy. Ms. Patel responded there is flexibility in the process which enables the Board to take advantage of opportunities and unforeseen issues. She noted mechanisms were incorporated in the implementation plan which facilitates the evaluation of assets.

Board Member Caserta and Ex-Officio Board Member Yeager left their seats at 7:59 p.m.

Vice Chairperson Liccardo inquired how the assets were acquired. Ms. Patel stated staff is currently in the process of researching this information. She noted majority of the assets were purchased for capital projects.

M/S/C (Pyle/Herrera) to approve the proposed Joint Development Program policy framework.

M/S/C (Kniss/Kishimoto) to reconsider approving the proposed Joint Development Program policy framework.

Eugene Bradley, Interested Citizen, expressed concern on other agencies with Joint Development policy. He inquired how sites for development are determined under the Joint Development program. Michael T. Burns, General Manager, stated a written response would be provided for Mr. Bradley.

Jerry Grace, Interested Citizen, expressed concern regarding the availability of parking spaces on development sites.

M/S/C (Pyle/Herrera) to approve the proposed Joint Development Program policy framework.

26. Annual Transit Service Plan

Jim Unites, Deputy Director for Operations, provided a report highlighting the following: 1) Annual Transit Service Plan; 2) Public outreach; 3) Performance standards-bus service; 4) Core routes; 5) Ridership performance core service; 6) Major service change proposals, Core and local service; 7) Major service change proposals, Express service; 8) Major service change proposals, Community bus; 9) Great America Shuttle; 10) Minor service change proposals; 11) Community bus studies; 12) Deferred service improvements; and 13) Upcoming studies.

Vice Chairperson Liccardo inquired when changes to the Community Bus routes would be implemented. Mr. Unites responded changes would take effect in a few months. He added discussion with local jurisdictions would be conducted before route changes are implemented.

Board Member Pyle inquired if there is going to be less service in the future. Mr. Unites responded it is possible to see less service due to constrained resources. He explained services from non-performing routes were relocated to routes which demanded additional service. He noted a reasonable level of service was retained on routes where service was decreased.

Torrance Phillips, Interested Citizen, expressed appreciation for the changes made to Line 37. He recommended extending the route of Line 37 to West Valley College. He expressed concern regarding the decreased service for Lines 61 and 62.

Eugene Bradley, Interested Citizen, expressed concern on the reduction of service on Line 88 that serves the Veterans Administration (VA) Hospital in Palo Alto. Michael T. Burns, General Manager, responded Line 88 is a non-performing route. Instead of eliminating service, staff recommends reducing service to a reasonable level. Mr. Unites stated an option for commuters is the Stanford Marguerite shuttle which serves the VA Hospital.

Jerry Grace, Interested Citizen, expressed concern regarding the proposed changes to Line 181 and Great America shuttle.

M/S/C (Sellers/Kniss) to adopt the 2009 Annual Transit Service Plan and the recommended service changes.

OTHER ITEMS

27. (This Item was moved under the Report from the General Manager)

Receive Sustainability Program Update.

28. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

29. 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

30. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

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

B. Congestion Management Program and Planning Committee

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

C. Transit Planning and Operations Committee

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

D. Audit Committee

On order of Chairperson Sandoval and there being no objection, the March 5, 2009 Audit Committee Minutes were accepted as contained in the Agenda Packet.

31. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

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

32. 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

There was no report from the Capitol Corridor JPB.

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

There was no report from the Sunol Smart Carpool Lane Joint Powers Authority.

33. 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 & 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

On order of Chairperson Sandoval and there being no objection, the March 5, 2009 Downtown East Valley PAB (DTEV) Minutes were accepted as contained in the Agenda Packet.

D. Highway PAB South

There was no report from the Highway PAB South.

34. ANNOUNCEMENTS

Chairperson Sandoval made the following announcements: 1) Cinco de Mayo Celebration on Tuesday, May 5, 2009, 11:30 a.m. to 1:30 p.m., at the O&R Building in Cerone; and 2) Mary Avenue Bridge ribbon cutting on Thursday, April 30, 2009 at 3:00 p.m.

35. ADJOURNMENT

On order of Chairperson Sandoval and there being no objection, the meeting was adjourned at 8:32 p.m.

Respectfully Submitted,

Michael Diaresco, Board Assistant
VTA Board of Directors