



## BOARD OF DIRECTORS MEETING

Thursday, October 7, 2010

### 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 Liccardo at 5:03 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
Margaret Abe-Koga	Vice Chairperson	Present
Marshall Anstandig	Alternate Board Member	NA
Nora Campos	Alternate Board Member	NA
Dean Chu	Ex-Officio Board Member	Present
Don Gage	Board Member	Present
Rose Herrera	Board Member	Present
Ash Kalra	Board Member	Present
Liz Kniss	Board Member	Present
Rich Larsen	Board Member	Absent
Sam Liccardo	Chairperson	Present
Jamie Matthews	Alternate Board Member	Absent
Pete McHugh	Alternate Board Member	Absent
Chris Moylan	Board Member	Present
Chuck Page	Board Member	Present
Nancy Pyle	Board Member	Present
Chuck Reed	Board Member	Present
George Shirakawa	Alternate Board Member	Absent
Perry Woodward	Board Member	Present
Ken Yeager	Ex-Officio Board Member	Present

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

#### 2. RECESS TO CLOSED SESSION at 5:05 p.m.

Board Member Herrera arrived at the meeting and entered Closed Session at 5:05 p.m.

Board Member Page arrived at the meeting and entered Closed Session at 5:08 p.m.

Board Member Woodward arrived at the meeting and entered Closed Session at 5:10 p.m.

Board Member Abe-Koga arrived at the meeting at 5:15 p.m. and did not enter Closed Session.

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

Name of Case: Santa Clara Valley Transportation Authority v. BCRP-Landmark, LLC  
[Santa Clara County Superior Court Case No. 1-10-CV-182021 - Complaint in Eminent Domain]

**B. Conference with Real Property Negotiators**  
[Government Code Section 54956.8]

Property: A parcel of land comprised of .74 acres located at the corner of Lawrence Expressway and Moorpark Avenue in the City of San Jose, CA

Agency negotiator: Bijal Patel, Deputy Director, Property Development & Management

Negotiating parties: Dr. Ravinder Atwal

Under Negotiation: Price and terms of payment

**RECONVENED TO OPEN SESSION at 5:20 p.m.**

**3. CLOSED SESSION REPORT**

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

Name of Case: Santa Clara Valley Transportation Authority v. BCRP-Landmark, LLC  
[Santa Clara County Superior Court Case No. 1-10-CV-182021 - Complaint in Eminent Domain]

**Kevin Allmand, General Counsel, reported that Agenda Item #3.A. was not discussed in Closed Session.**

**B. Conference with Real Property Negotiators**  
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Under Negotiation: Price and terms of payment

**Mr. Allmand noted there was no reportable action taken in Closed Session.**

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**4. ORDERS OF THE DAY**

Chairperson Liccardo announced the meeting will be adjourned in memory of Former Cupertino Mayor and VTA Advocate Don Burnett.

Chairperson Liccardo stated the Consent Agenda will be approved with Orders of the Day with the same motion.

Board Member Reed noted he will abstain from the Consent Agenda.

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no and 1 abstention to accept the Orders of the Day and approve the Consent Agenda. Member Reed abstained.

**The Agenda was taken out of Order**

**CONSENT AGENDA**

**12. Board of Directors Regular Meeting Minutes of September 2, 2010**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to approve the Board of Directors Regular Meeting Minutes of September 2, 2010. Member Reed abstained.

**13. External Audit Services Contract**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract with Vavrinek, Trine, Day and Co. to provide financial and compliance audit services to Santa Clara Valley Transportation Authority (VTA) for three years starting July 1, 2011 at a cost of \$375,000 and two additional one-year extensions at a cost of \$125,000 for each year. The total value of the contract for the five year period ending June 30, 2016 is \$625,000. Member Reed abstained.

**14. Bicycle & Pedestrian Advisory Committee (BPAC) Appointment**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to ratify the nomination of Melanie Hanssen, Town of Los Gatos to the Bicycle & Pedestrian Advisory Committee (BPAC). Member Reed abstained.

**15. Information Technology Consulting and Support Services**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to enter into contracts and task order agreements with identified technology firms for consulting and support services. Each contract shall be for a maximum three-year period, with an option for two additional years with an aggregate value not to exceed \$4,750,000 for all contracts. Member Reed abstained.

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

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**16. Multifunction Copier Lease**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute contracts with Ricoh Business Solutions for document copy, scanning, and printing equipment; and for equipment support services. The initial term of the contract is for five years with an option to extend the contract on an annual basis for two additional years. The cost of the initial five year term is \$1,095,000, plus an optional \$271,000 per year for each of the optional one-year periods, for a total of \$1,637,000. Member Reed abstained.

**17. Renewal of Employee Health Benefit Contracts**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to renew benefit contracts with Kaiser, United Health Care (dba PacifiCare), Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, CIGNA, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2011. Member Reed abstained.

**18. Agreement with San Mateo City/County Association of Governments (C/CAG) for Modeling Services**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to enter into an agreement with San Mateo City and County Association of Governments (C/CAG) for purchase of the VTA model, maintenance of model and on-call modeling services. Member Reed abstained.

**19. Rajappan & Meyers Engineers, Contract S06002 Amendment**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in an amount not to exceed \$100,000 (from \$150,000 in funding provided by the City of San Jose), for a new total contract amount of \$620,000 for engineering services to finalize preliminary engineering and environmental documentation for the reconfiguration of the US 101/ De La Cruz Boulevard interchange. Member Reed abstained.

**20. Senate Bill 83 (SB 83) Administrative Procedures**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to adopt administrative procedures for the SB-83 Vehicle Registration Fee (VRF) program. Member Reed abstained.

**21. Closed Circuit Television on Buses Contract Award**

**M/S/C (Gage/Herrera)** on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract with Henry Brothers Electronics in the amount of \$2,950,000 for the procurement and installation of mobile CCTV (Closed Circuit Television) systems in 229 buses. Federal grants will provide 86% of the funding for this contract. Member Reed abstained.

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**22. Project Baseline Agreement for the Kato Road Grade Separation Project**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to adopt a **Resolution No. 2010.10.32** authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA's role as funding agency and implementing agency for the Highway-Railroad Crossing Safety Account (HRCSA)-funded Kato Road grade separation project. Member Reed abstained.

**23. Transit Shelter Advertising Program – Extension of Agreement with Clear Channel Outdoor**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county and Clear Channel Outdoor. The amendments would extend the agreements two years with modified terms. Member Reed abstained.

**24. SAP GRC Segregation of Duties and Sensitive Access Controls Internal Audit**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the SAP GRC Segregation of Duties and Sensitive Access Controls Internal Audit was received. Member Reed abstained.

**25. Ramp Metering Program “After” Studies Southbound SR85 & SR87**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to and there being no objection, the Ramp Meeting Program “After” Studies Southbound SR85 & SR87 was received. Member Reed abstained.

**26. I-680 Express Lanes Update**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the I-680 Express Lanes Update was received. Member Reed abstained.

**27. 2000 Measure A Transit Improvement Program Semi-Annual Report – June 2010**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the 2000 Measure A Transit Improvement Program Semi-Annual Report – June 2010 was received. Member Reed abstained.

Member Reed returned to his seat at 5:30 p.m.

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**5. AWARDS AND COMMENDATIONS**

**A. Employees of the Month for October 2010**

Chairperson Liccardo recognized and presented an award to Susan Nava, Accountant Assistant, River Oaks, Administration; Award Winner for October 2010; and Corina Wakefield, Transit Radio Dispatcher, Guadalupe Operations; and Ronald Roberts, Senior Signal Maintainer, Guadalupe Maintenance Division, as Employees of the Month for October 2010.

**6. PUBLIC PRESENTATIONS**

John Rainville, Interested Citizen, expressed concern with the schedule and route of Bus Line #58. He requested more frequent service of Line #58 to accommodate the new development at North First Street.

James Wightman, Interested Citizen, expressed concern regarding the procedure of reporting suspicious bags, packages, or damage at light rail stations.

**7. REPORT FROM THE GENERAL MANAGER**

Mr. Burns provided a report on the following:

- VTA's overall average weekday system-wide ridership for August 2010 declined 7.4 percent when compared to August 2009. Bus ridership has decreased by 9.2 percent and light rail ridership has decreased by 1.9 when compared to August 2009. The decline in ridership is attributed to the economy, continued unemployment, as well as the reduction of enrollment at San Jose State University (SJSU).
  - Final FY10 revenue and expenditure numbers and VTA ended the year with a positive operating balance of approximately \$16 million,, which will be applied to the current fiscal year. Projections indicate VTA will end FY11 with a balanced budget and 15 percent operating reserve.
  - The debut of Commuter Express Light Rail Express service is on October 4, 2010. Three morning and three afternoon trains will travel non-stop from the Ohlone/Chynoweth Light Rail Station to Downtown San Jose. The launch of free WiFi on board these vehicles has drawn appreciation from riders who wish to surf the internet or work while commuting.
  - VTA hosted a BART Silicon Valley Design Build Forum that attracted over 550 members of the contracting community. They received the latest information about the \$785 million design build contract for the 10-mile Berryessa Extension project. The forum provided a networking platform for small and disadvantaged businesses to connect with larger contracting firms.
  - VTA's Family Day Picnic was held Saturday, October 2, 2010 at Saratoga Springs Park. The Family Day was organized by the Employee Advisory Committee, and the event was enjoyed by over 700 employees, family members, and friends.
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Member Kalra left his seat at 5:38 p.m.  
Member Kalra returned to his seat at 5:40 p.m.

**8. Chairperson's Report**

There was no Chairperson's Report.

**9. Ad-Hoc Financial Recovery Committee Report**

Ad-Hoc Chairperson Gage reported at the final Ad-Hoc Financial Recovery Committee meeting on September 1, 2010, the Committee adopted the Ad-Hoc Recovery Final Report that contains financial policies and principles to guide VTA in becoming a more financially stable and sustainable agency.

The report contains deficit reduction targets that include: 1) Internal Efficiencies, 2) Employee Expenses; 3) Service Delivery; and 4) New Revenue.

Chairperson Gage thanked Committee members, Stakeholders, and VTA staff for their cooperation and diligence while serving on the Committee.

Mr. Burns, clarified the report provides a review of the Committee's recommendations to the Board. The Board will further have the opportunity to study the details and substance of the report at the Board of Directors Workshop/Special Meeting on Friday, October 22, 2010, at the Board of Supervisors Chambers, 70 West Hedding, San Jose, California.

Board Member Herrera thanked the members of the Committee and Stakeholders for their collaborative efforts and professionalism.

Jim Lawson, Senior Policy Advisor, provided an overview of the process and recommendations of the Ad-Hoc Financial Recovery Committee that included: 1) background and need for the Ad-Hoc process; 2) guidance for development of FY2012/FY2013 Biennial Budget; 3) FTA New Starts Financial Plan; 4) proactive approach to address VTA's long-term structural deficit; and 5) demonstration of sound management practices in the bond market.

Mr. Lawson highlighted the Committee's prioritization targets, recommendations, and next steps.

Board Member Reed requested clarification regarding internal efficiencies. He requested specifics on the implementation of the internal efficiencies.

Board Member Moylan requested clarification between the connectivity and volatility in the funding source (sales tax revenue) and maintaining prudent operating reserves.

Member Woodward left his seat at 5:53 p.m.  
Member Woodward took his seat at 5:55 p.m.

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**Public Comment:**

Eugene Bradley, Silicon Valley Transit Union, expressed concern that target dates for implementation have not been established.

**On order of Chairperson Liccardo** and there being no objection, the Ad-Hoc Recovery Committee Final Report was received.

**10. Citizens Advisory Committee (CAC) Chairperson's Report**

There was no Citizens Advisory Committee (CAC) Chairperson's Report.

**11. Policy Advisory Committee (PAC) Chairperson's Report**

There was no Policy Advisory Committee (PAC) Chairperson's Report.

**REGULAR AGENDA**

**28. SVRT Program Update**

Carolyn M. Gonot, Chief SVRT Officer, provided a PowerPoint presentation highlighting: 1) Dixon Landing Road options; 2) overview of the Design-Build Information Forum; and 3) C700 Contract Scope, Systems Elements, Exclusions; and future milestones.

Ms. Gonot noted VTA will issue the Request for Qualifications (RFQ) that begins the Design Build Process for BART SVRT. Responses to the RFQ are due on November 12, 2010. VTA will prequalify firms/teams based on technical design, construction experience, and other non-price factors.

Board Member Reed referenced the trip that he recently made to Washington, D.C. with Board Members Herrera & Liccardo. Member Reed stated funding for the BART Project was among the list of topics discussed with Members of Congress. He commented the Project was well received with the Congressional members they met with.

Board Member Herrera thanked Mayor Reed for his leadership on the BART project and expressed gratitude to Congressman Mike Honda, Congresswoman Zoe Lofgren, and Congressman John Garamendi for their support of the Project.

**On order of Chairperson Liccardo** and there being no objection, the SVRT Program Update was received.

Board Member Herrera left her seat at 6:07 p.m.  
Board Member Herrera returned to her seat at 6:09 p.m.  
Board Member Kniss left her seat at 6:12 p.m.

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**29. Tamien Station Area Property Sale**

John Ristow, Chief CMA Officer, provided an overview of the staff report highlighting: 1) background and location of the project; 2) park property purchase and sale; 3) property re-appraisal options; and the 4) Tamien Station area development.

Mr. Ristow introduced Ed Shigata, Assistant City Manager, City of San Jose.

Mr. Burns, noted the Board's previous decision to authorize the General Manager to enter into a three-party agreement with the City of San Jose and Green Valley Corporation for the dedication of VTA property to be used for a public park in return for development rights on the 6.05 acres of vacant property located on the eastern side of the freeway. The agreement also provided partial funding to VTA from the developer in the amount of \$1.4 million for the construction of a parking garage replacing the displaced parking site due to the construction of the park. Mr. Burns commented that commitments to the community had been made to construct the park.

Mr. Burns stated the first phase of private development is completed, but due to the present market conditions the second phase of the development has been deferred.

The City of San Jose requested VTA sell property to the City for development of the park consolidating all 3.5 acres into one parcel. The monies from the sale of the property would be paid in cash and Park Development Ordinances (PDO) to VTA.

Ex-Officio Yeager expressed concern with Exhibit B of the staff report entitled, "Plat to Accompany Description of Real Property," and the area allocated for the proposed park. Ex-Officio Member Yeager recommended including in the Motion the statement, "received PDO credits cannot not be used for the Ohlone Parkland."

Board Member Kalra requested clarification of terms of the original agreement. He expressed concern with zoning and property reappraisal options.

Board Member Gage left his seat at 6:30 p.m.

Board Member Gage returned to his seat at 6:34 p.m.

Ex-Officio Chu left his seat at 6:35 p.m.

Ex-Officio Board member Chu returned to his seat at 6:37 p.m.

Mr. Ed Shigata, Assistant City Manager, City of San Jose, stated the first agreement resulted in an implicative situation between VTA, the City of San Jose, and Green Valley Corporation.

Chairperson Liccardo clarified there is no certainty when the park will be developed. The City of San Jose does not have the funds to build the park. However, the requested action will allow the City to acquire the land for the future park.

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**Public Comment**

Lorena Jung, Interested Citizen, expressed support for the purchase of land for the proposed park.

Paul Alvarado, Interested Citizen, expressed concern the park has not been built as yet and stressed the importance of parks in the community.

**M/S/C (Pyle/Reed)** on a vote of 9 ayes 1 no and 0 abstentions to authorize the General Manager to execute a Purchase and Sale Agreement (PSA) with the City of San Jose for 3.5 acres of property located at Lick Avenue near Pepitone Avenue and Goodyear Street, San Jose California, within the Tamien Station Area, comprised of approximately 3.5 acres with the amendment that the future Park Development Ordinance (PDO) credits cannot be used for the Ohlone Project. Member Kalra opposed. Member Kniss was not present for this vote.

Board Member Reed left the meeting at 6:39 p.m.

**30. Paratransit Contract Options**

Jim Unites, Deputy Director Operations, provided an overview of the staff report. At the VTA Standing Committee meetings staff presented details regarding VTA's Paratransit brokerage contract with Outreach, Inc. and Escort, Inc.

Mr. Unites stated VTA staff proposes to extend the current contract with Outreach by two years with three one-year options.

Board Member Herrera expressed support for the staff recommendation and thanked staff, and acknowledged Katherine Heatley, President of Outreach, Inc., for the high level of customer service provided to users of the service.

**M/S/C (Kalra/Herrera)** to authorize the General Manager to enter into a two-year contract extension through June 30, 2013, with three one-year options, with Outreach and Escort, Inc.; and, to send a letter to MTC supporting Outreach's request for designation as a Consolidated Transportation Services Agency.

**OTHER ITEMS**

**31. MONTHLY LEGISLATIVE HISTORY MATRIX**

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

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**32. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

Michael Ludwig, Interested Citizen, expressed concern VTA bus shelters do not provide adequate protection from the weather.

**33. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

**On order of Chairperson Liccardo** and there being no objection, the September 16, 2010 Administration and Finance Committee Minutes were accepted as contained in the Agenda Packet.

**B. Congestion Management Program and Planning Committee**

**On order of Chairperson Liccardo** and there being no objection, the September 24, 2010 Congestion Management & Planning Committee Minutes as contained on the dais.

**C. Transit Planning and Operations Committee**

**On order of Chairperson Liccardo** and there being no objection, the September 16, 2010 Transit Planning & Operations Committee were accepted as contained in the Agenda Packet.

**D. Audit Committee**

**On order of Chairperson Liccardo** and there being no objection, the September 2, 2010, Audit Committee Minutes were accepted as contained in the Agenda packet.

**34. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

**A. Committee for Transit Accessibility (CTA)**

There was no Report for the Committee for Transit Accessibility (CTA).

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

**On order of Chairperson Liccardo** and there being no objection, the September 8, 2010 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Notice of Cancellation was accepted as contained in the Agenda Packet.

**C. Bicycle & Pedestrian Advisory Committee (BPAC)**

**On order of Chairperson Liccardo** and there being no objection, the September 8, 2010 Bicycle and Pedestrian Advisory Committee Notice of Cancellation was accepted as contained in the Agenda Packet.

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**D. Technical Advisory Committee (TAC)**

**On order of Chairperson Liccardo** and there being no objection, the September 9, 2010 Minutes were accepted as contained in the Agenda packet.

**E. Policy Advisory Committee (PAC)**

**On order of Chairperson Liccardo** and there being no objection, the September 9, 2010 Minutes were accepted as contained in the Agenda packet.

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

**A. Peninsula Corridor JPB**

**On order of Chairperson Liccardo** and there being no objection, the July 1, 2010, Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

**B. Capitol Corridor JPB**

**On order of Chairperson Liccardo** and there being no objection, the June 16, 2010, Summary Notes from the Capitol Corridor Joint Powers Board 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 Liccardo** and there being no objection, the June 23, 2010 and July 28, 2010 Summary Notes from the Metropolitan Transportation Committee Meeting were accepted as contained on the dais.

**E. Sunol Smart Carpool Lane Joint Powers Authority**

**On order of Chairperson Liccardo** and there being no objection, the June 14, 2010 and July 12, 2010 Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.

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**36. 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**

**On order of Chairperson Liccardo** and there being no objection, the September 22, 2010 Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB Minutes were accepted as contained in the Agenda packet.

**C. Downtown East Valley PAB**

**On order of Chairperson Liccardo** and there being no objection, the September 2, 2010 Downtown East Valley PAB Minutes were accepted as contained in the Agenda packet.

**32. ANNOUNCEMENTS**

There were no Announcements.

**33. ADJOURNMENT**

**On order of Chairperson Liccardo** and there being no objection, the meeting was adjourned in memory of former VTA Board of Director and Advisory Committee Member Don Burnett at 6:54 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant  
VTA Office of the Board Secretary

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