



BOARD OF DIRECTORS MEETING

Thursday, November 4, 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 5:32 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	Absent
Don Gage	Board Member	Present
Rose Herrera	Board Member	Present
Ash Kalra	Board Member	Present
Liz Kniss	Board Member	Present
Rich Larsen	Board Member	Present
Sam Liccardo	Chairperson	Present
Jamie Matthews	Alternate Board Member	Present
Pete McHugh	Alternate Board Member	Present
Chris Moylan	Board Member	NA
Chuck Page	Board Member	Present
Nancy Pyle	Board Member	Present
Chuck Reed	Board Member	Present
George Shirakawa	Alternate Board Member	NA
Perry Woodward	Board Member	NA
Ken Yeager	Ex-Officio Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Liccardo noted staff’s request to defer Agenda Item #13, Santa Clara Valley Transportation Authority (SCVTA) – Amalgamated Transit Union (ATU) Local 265 Pension Plan Amendments, to the December 9, 2010, Board of Directors meeting.

Chairperson Liccardo announced the meeting will adjourn in memory of Don Burr and Eddie Apostol.

Member Reed noted that he will abstain from the Consent Agenda per Government Code section 84308.

Member Reed left his seat at 5:36 p.m.

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no and 1 abstention to accept the Orders of the Day and approve the Consent Agenda. Board Member Reed abstained.

The Agenda was taken out of Order.

CONSENT AGENDA

10. Board of Directors Regular Meeting Minutes of October 7, 2010

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to approve the Board of Directors Regular Meeting Minutes of October 7, 2010. Board Member Reed abstained.

11. Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the Period Ending June 30, 2010

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to review and accept the Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2010. Board Member Reed abstained.

12. VTA Permit Fee Schedule Revisions

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to adopt **Resolution NO. 2010.11.38**, amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates. Board Member Reed abstained.

13. Deferred to the December 9, 2010, Board of Directors Meeting

SCVTA – ATU, Local 265 Pension Plan Amendments

14. Update VTA’s California Environmental Quality Act Guidelines

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to adopt **Resolution NO. 2010.11.39**, to update VTA's implementation of CEQA through: 1) Adoption of Title 14 of the California Code of Regulations, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) effective January 1, 2010, and 2) Adoption of a revision to one of the Guidelines (Article 19, Categorical Exemptions, Section 15301, Existing Facilities), by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities. Board Member Reed abstained.

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

15. On-Call Consultant List for Land Development Services

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to authorize the General Manager to execute contracts of up to \$300,000 each, in accordance with the General Manager's administrative authority, from a list of 29 qualified firms for various categories of development services. The list will serve for a 3-year period and may be extended for an additional 2 years at the General Manager's discretion. Board Member Reed abstained.

16. Final Relocation Plan for the Silicon Valley Berryessa Extension Project

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to adopt **Resolution No. 2010.11.40**, approving and adopting the Final Relocation Plan for the Silicon Valley Berryessa Extension (SVBX) Project and adopting federal and state relocation assistance laws and regulations as VTA's own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance. Board Member Reed abstained.

17. GM Authority for SVBX Real Estate Acquisitions

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to authorize the General Manager to approve and execute all real property acquisition and possession and use agreements required for the SVBX Project meeting the following criteria: 1) For any property, where the purchase price equals the statutory offer of just compensation established for the property; 2) For any property, where the negotiated purchase price for the property does not exceed \$250,000; and 3) For any property for which the statutory offer of just compensation established for the property is over \$250,000 but below \$2,000,000, where the negotiated purchase price for the property does not exceed fifteen percent (15%) of said statutory offer of just compensation. Board Member Reed abstained.

18. Cooperative Agreement with City of Morgan Hill for Planning Study

M/S/C (Kniss/Herrera) on a vote of 11 ayes to 0 no to 1 abstention to authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot. Board Member Reed abstained.

Board Member Reed returned to his seat at 5:38 p.m.

3. AWARDS AND COMMENDATIONS

Employees of the Month for November 2010

Chairperson Liccardo recognized Christopher Valle, Buyer Assistant, River Oaks Administration; and Willy Keyner, Coach Operator, North Division, as Employees of the Month for November 2010; and Lucas Perez, Customer Services Supervisor, as Supervisor of the Quarter for the fourth quarter of 2010.

Resolutions of Commendations for outgoing Assembly Members

- B. M/S/C (Kalra/McHugh) to adopt a **Resolution of Commendation No. 2010.11.34**, for Assembly Member Joe Coto.
- C. M/S/C (Kalra/McHugh) to adopt a **Resolution of Commendation No. 2010.11.35**, for Assembly Member Alberto Torrico.

Ex-Officio Board Member Yeager took his seat at 5:42 p.m.

- D. M/S/C (Kalra/McHugh) to adopt a **Resolution of Commendation No. 2010.11.36**, for Assembly Member Ira Ruskin.

Recognize outgoing VTA Board Member Don Gage

- E. M/S/C (Kniss/Page) to adopt a Resolution of Commendation, Number 2010.11.37, for outgoing Board Member Don Gage.

4. PUBLIC PRESENTATIONS

Joyce Weissman, Interested Citizen, expressed concern about the marketing and timing issues of the service changes for Line 63. She requested continuance of the evening service on Line 63.

James Wightman expressed that he is against changes to the Light Rail system service. Michael T. Burns, General Manager, responded that there won't be any major service changes to the Light Rail system.

5. REPORT FROM THE GENERAL MANAGER

Mr. Burns provided a report highlighting the following: 1) hybrid buses unveiled; 2) September 2010 ridership; 3) Blossom Hill Bicycle and Pedestrian overcrossing; 4) US 101/Tully Road Interchange update; and, 5) passing of Proposition 22 and Measure B.

Mr. Burns expressed his appreciation to outgoing Board Member Gage.

Public

Eugene Bradley, Interested Citizen, inquired on the impact of Proposition 26 to Measure B. He suggested that ridership report not be provided by percentages, and requested for the ridership figures.

6. CHAIRPERSON'S REPORT

A. 2010 Appointment to Caltrain Board

M/S/C (Gage/McHugh) to approve the appointment of Director Liz Kniss to fill the seat currently held by Director Don Gage on the Peninsula Corridor Joint Powers Board (Caltrain), effective December 3rd, 2010.

B. Appoint Nominating Committee for the Election of Chairperson and Vice Chairperson for the 2011 Board of Directors

Chairperson Liccardo announced that the following board members were appointed to the nominating committee: Board Members Kniss, Moylan, and Herrera. He noted that board members may submit nominees by December 2, 2010, and nominations will also be accepted at the floor at the December 9, 2010 Board of Directors meeting.

M/S/C (McHugh/Reed) to appoint Nominating Committee for the election of Chairperson and Vice-Chairperson for the 2011 Board of Directors.

C. Van Scoyoc Associates Federal Advocacy Report

Steve Palmer, Vice President of Van Scoyoc Associates provided a report to the Board highlighting the following: 1) transportation authorization legislation; 2) FY 2011 transportation appropriations process; and 3) transportation issues at the federal level.

Chairperson Liccardo suggested phasing the receipt of funds for the Silicon Valley Rapid Transit (SVRT) if the project is not awarded the full funding grant agreement. Mr. Palmer responded that it is possible to do a phased approach for the SVRT project if it does not get supported. He noted the project is far along in the agency review process, is positively received by the Federal Transportation Administration (FTA), and has passed the cost effective rating. There is no reason to believe that it will not get approved.

On order of Chairperson Liccardo and there being no objection, the Van Scoyoc Associates Federal Advocacy Report was received.

7. Ad-Hoc Financial Recovery Committee Report

There was no Ad-Hoc Financial Recovery Committee report.

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

Charlotte Powers, CAC Chairperson, expressed appreciation to outgoing Board Member Gage, and congratulated re-elected board members. She expressed appreciation to staff, namely Mark Robinson and Joseph Smith, for their assistance and great reporting that allowed the Committee to fulfill its role as the 2000 Measure A Citizen's Watchdog Committee.

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

Jamie Matthews, Policy Advisory Committee Chairperson and Alternate Board Member, provided a report highlighting the following: 1) appointment of a nominating committee; 2) recommended approval of the CEQA guidelines; and 3) received reports on various transit activities.

REGULAR AGENDA

19. SVRT Program Update

Charles Stark, BART Executive Manager for Transit System Development, provided a PowerPoint presentation entitled, BART New Vehicle Procurement Project Status. The presentation highlighted the following: 1) scope; 2) request for proposal; 3) schedule overview; 4) funding plan; and 5) next steps.

The Board expressed concern about the following: 1) the use of the vehicles purchased by Measure A funds; and, 2) that the vehicles will be manufactured in the U.S.

Mr. Stark responded that the entire BART fleet will be replaced and the 60 cars purchased by Measure A for the Extension to Santa Clara County is an addition to the purchase order replacing the entire BART fleet. He explained that the additional service to Santa Clara County requires the additional 60 railcars.

Mr. Stark noted that companies who will build vehicles are all foreign, but several have manufacturing plants in the U.S. He stated that the requirement to buy American is already in place and has high standards: 1) all steel must be produced in the U.S.; 2) 60 percent of the vehicle content should be from the U.S.; and 3) the vehicles must be assembled in the U.S.

Public Comment

Eugene Bradley, Interested Citizen, expressed concern about the high cost to maintain BART/SVRT vehicles.

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

20. Contract Award for Operations Insurance Broker

Board Member Reed noted that he will abstain from the Agenda Item per Government Code section 84308.

Member Reed left his seat at 6:45 p.m.

Nanci Eksterowicz, Risk Manager, reported on the competitive process in awarding a contract for operations insurance broker. She noted that after the thorough evaluation, Alliant Insurance Services was selected as the recommended firm for contract award.

Board Member Larsen expressed concern about the selection process. He suggested dividing the insurance services, and contracting with both Alliant Insurance Services, and Keenan and Associates, the lowest bidder. He noted that VTA will save money in the long run.

Ms. Eksterowicz expressed concern on awarding a contract to a firm that does not have experience with these specialized transit risks.

Mr. Burns commented the savings is small compared to the millions of dollars that will be risked in hiring a firm with no experience with Public Transportation Property and Liability risks.

M/S/C (Herrera/Page) on a vote of 11 ayes to 0 no to 1 abstention to authorize the General Manager to execute a three year fixed fee contract for \$213,060; with two additional one year options at \$80,609 for the first optional extension and \$75,862 for the second extension; for a grand total of \$369,531; with Alliant Insurance Services to provide insurance brokerage and loss control service for VTA operations. Board Member Reed abstained.

Board Member Reed returned to his seat at 6:53 p.m.

Board Member Gage left the meeting at 6:53 p.m.

21. West San Carlos Station Funding Agreement

John Ristow, Chief CMA Officer, provided a report highlighting the following: 1) plan to construct the West San Carlos Light Rail Station; 2) scope of work needed for the station; 3) operations and ridership issues; and 4) funding agreement between the City of San Jose and VTA.

Board Member Kniss expressed concern about ridership issues, and the high cost to maintain and operate the West San Carlos station. Board Member Reed noted that the station is essential to all the planned development in the area. He noted that developments will bring ridership for the future station.

Mr. Ristow responded that the interest of the funds from the sale of property for the Ohlone project can be used to offset the maintenance and operating cost of the future station.

Vice Chairperson Abe-Koga expressed concern about the timing of the agreement and the ability to secure funding for the project. Mr. Ristow responded the agreement needs to be in place for the City Council of San Jose to approve the Ohlone project, which will change the zoning and enhance the development in the area. Regarding funding, he stated there are grants well positioned to construct the station because of the development involved. He noted that staff will pursue the Metropolitan Transportation Commission's (MTC) Transportation for Local Community's grant for the future station. He added staff will collaborate with the City of San Jose to secure other sources of funding.

The Board inquired if the funding from KB Homes can be used for other related projects. Manuel Pineda, Deputy Director of Transportation for the City San Jose, explained that the requirement for contribution stipulates that the funds be used for a Light Rail station constructed adjacent to the KB Homes site. It cannot be used for other projects.

Board Members Reed and Herrera stressed the importance of transit-oriented development, and noted that the future West San Carlos Light Rail station is a good example.

Board Member Kniss commented the West San Carlos Station Funding Agreement memorandum lacks history and background information.

Public Comment

Eugene Bradley, Interested Citizen, commented that the existing Line 23 already serves the area where the West San Carlos Light Rail station is planned to be built.

M/S/C (Herrera/Pyle) to authorize the General Manager to enter into an agreement with the City of San Jose to transfer development contributions dedicated for the West San Carlos Light Rail Station to VTA and to collaborate with the City of San Jose to pursue funding for the construction and operation of a new Light Rail Station near West San Carlos Street.

OTHER ITEMS

22. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Michael Ludwig, Interested Citizen, provided a letter to clarify the bus shelter conversion request he made at the October 7, 2010 Board of Directors meeting.

23. 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.

24. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Liccardo and there being no objection, the October 21, 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 October 22, 2010 Congestion Management & Planning Committee Minutes as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

On order of Chairperson Liccardo and there being no objection, the October 21, 2010 Transit Planning & Operations Committee were accepted as contained in the Agenda Packet.

D. Audit Committee

There was no Report for the Audit Committee.

25. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Liccardo and there being no objection, the October 13, 2010 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 Liccardo and there being no objection, the October 13, 2010 Minutes were accepted as contained in the Agenda packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Liccardo and there being no objection, the October 13, 2010 Minutes were accepted as contained in the Agenda packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Liccardo and there being no objection, the October 14, 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 October 14, 2010 Minutes were accepted as contained in the Agenda packet.

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

A. Peninsula Corridor JPB

On order of Chairperson Liccardo and there being no objection, the November 4, 2010, 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 Joint Powers Board.

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 October 27, 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 October 11, 2010, Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.

27. 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 & BART Warm Springs Extension.

C. Downtown East Valley PAB

There was no report from the Downtown East Valley Policy Advisory Board.

28. ANNOUNCEMENTS

Chairperson Liccardo announced the success of Measure B.

Board Member Herrera announced that Proposition 22 passed.

29. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned in memory of Don Burr and Eddie Apostol at 7:26 p.m.

Respectfully submitted,

Michael Diaresco, Board Assistant
VTA Office of the Board Secretary