



## BOARD OF DIRECTORS MEETING

Friday, June 24, 2011

9:00 A.M.

**PLEASE NOTE CHANGE IN MEETING DAY AND TIME**

**The Regular Session will commence immediately following the conclusion of the Closed Session.**

Board of Supervisors' Chambers  
County Government Center  
70 West Hedding Street  
San Jose, CA 95110

### **AGENDA**

To help you better understand, follow, and participate in the meeting, the following information is provided:

- Persons wishing to address the Board of Directors on any item on the agenda or not on the agenda should complete a blue card located at the public information table and hand it to the Board Secretary staff prior to the meeting or **before the item is heard**.
- Speakers will be called to address the Board when their agenda item(s) arise during the meeting and are asked to limit their comments to 2 minutes. The amount of time allocated to speakers may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda. **If presenting handout materials, please provide 25 copies to the Board Secretary for distribution to the Board of Directors.**
- The Consent Agenda items may be voted on in one motion at the beginning of the meeting under Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to Orders of the Day, Agenda Item #6.

- Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

In accordance with Government Code Section 84308, no VTA Board Member shall accept, solicit, or direct a contribution of more than \$250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency. Any Board Member who has received a contribution within the preceding 12 months in an amount of more than \$250 from a party or from any agent or participant shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use his or her official position to influence the decision.

A party to a proceeding before VTA shall disclose on the record of the proceeding any contribution in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any Board Member. No party, or his or her agent, shall make a contribution of more than \$250 to any Board Member during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. The foregoing statements are limited in their entirety by the provisions of Section 84308 and parties are urged to consult with their own legal counsel regarding the requirements of the law.

- All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on our website, [www.vta.org](http://www.vta.org), and also at the meeting. Any document distributed less than 72-hours prior to the meeting will also be made available to the public at the time of distribution. Copies of items provided by members of the public at the meeting will be made available following the meeting upon request.

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations for this meeting should notify the Board Secretary's Office 48-hours prior to the meeting at (408) 321-5680 or e-mail: [board.secretary@vta.org](mailto:board.secretary@vta.org) or (408) 321-2330 (TTY only). VTA's home page is on the web at: [www.vta.org](http://www.vta.org) or visit us on Facebook at: [www.facebook.com/scvta](http://www.facebook.com/scvta).

**NOTE: THE BOARD OF DIRECTORS MAY ACCEPT, REJECT OR MODIFY  
ANY ACTION RECOMMENDED ON THIS AGENDA.**

[70 West Hedding](#) St., San Jose, California is served by bus lines \*61, 62, 66, 181, and Light Rail. (\*61 Southbound last trip is at 8:55 pm for this location.)

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, [www.vta.org](http://www.vta.org).

## **CALL TO ORDER**

### **1. ROLL CALL**

### **2. RECESS TO CLOSED SESSION**

Conference with Labor Negotiators  
[Government Code Section 54957.6]

VTA Designated Representatives:

Joseph Smith, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert L. Escobar, Human Resources Manager

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME), Local 101  
Service Employees International Union (SEIU), Local 521  
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

### **RECONVENE TO OPEN SESSION**

### **3. CLOSED SESSION REPORT**

4. Authorize the General Manager to approve and formally adopt amended successor labor agreements negotiated between the Santa Clara Valley Transportation Authority (VTA) and American Federation of State, County and Municipal Employees (AFSCME), Local 101; Service Employees International Union (SEIU), Local 521; and/or Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.

### **5. PUBLIC PRESENTATIONS**

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction. Speakers are **limited to 2 minutes**. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

6. **ORDERS OF THE DAY** - *The Consent Agenda is approved with Orders of the Day.*

## **CONSENT AGENDA**

7. ACTION ITEM - Adopt a support position for AB 845 (Ma), which sets forth provisions for governing the distribution of Proposition 1A "connectivity" funds.

8. **ACTION ITEM** - Authorize the General Manager to execute contracts with Xerox Corporation for document copy, scanning, and printing equipment; and for equipment support services. The initial term of the lease 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 \$675,000, plus an optional \$135,000 per year for each of the optional one-year periods, for a total of \$945,000.
  
9. **ANNOUNCEMENTS**
  
10. **ADJOURN**



Date: June 15, 2011  
 Current Meeting: June 24, 2011  
 Board Meeting: June 24, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Board of Directors

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief External Affairs Officer, Greta Helm

**SUBJECT:** Bill Position: AB 845 (Ma)

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**Policy-Related Action:** Yes

**Government Code Section 84308 Applies:** No

## ACTION ITEM

### RECOMMENDATION:

Adopt a support position for AB 845 (Ma), which sets forth provisions for governing the distribution of Proposition 1A "connectivity" funds.

### BACKGROUND:

The California High-Speed Rail Authority was created by the Legislature to direct the development and implementation of an 800-mile, intercity high-speed rail system that would link all of the state's major population centers, including the Bay Area, Los Angeles, Sacramento, the Inland Empire, Orange County, and San Diego. To fund the core segment of the system, SB 1856 (Costa) was enacted in 2002 to provide for the submission of the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century to the voters of California for their approval. The bond act calls for issuing a total of \$9.95 billion in bonds, \$9 billion of which would be used in conjunction with federal and private funds for the planning and construction of the first phase of the high-speed rail system -- from Anaheim through Los Angeles to the Bay Area. The remaining \$950 million would be made available for commuter, urban and intercity rail projects that either: (a) provide or improve connectivity to the high-speed rail system; or (b) enhance the capacity and improve the safety of commuter, urban and intercity rail systems. Under the provisions of SB 1856, the bond act was initially scheduled for the 2004 general election. However, two subsequent bills postponed its consideration until November 2008, at which time it was approved by the voters as Proposition 1A.

Under the state statutes governing Proposition 1A, the \$950 million in so-called "connectivity" funds are to be allocated as follows:

- \$190 million to Caltrans to be used for improvements to the state's three intercity rail corridors, including the Capitol Corridor service. Each corridor is to receive a minimum amount of \$47.5 million.
- \$760 million to commuter and urban rail operators based on a formula that takes into consideration track miles, annual vehicle miles and passenger trips. VTA's formula share is roughly \$25 million.

In February 2010, the California Transportation Commission (CTC), as required by state law, adopted guidelines to implement both the Intercity Rail and Commuter/Urban Rail Programs. The guidelines note that the commission would give priority to those projects that provide direct connectivity to the state's proposed high-speed rail system.

Three months later, in May 2010, the CTC adopted its initial three-year program of projects for the Intercity Rail and Commuter/Urban Rail Programs, and the Legislature subsequently included Proposition 1A bond appropriations in the FY 2011 state budget consistent with this program. However, then-Gov. Arnold Schwarzenegger did not agree with the CTC's program of projects and vetoed \$133 million in Proposition 1A appropriations, stating, "The High-Speed Rail Authority, the Department of Transportation, and local jurisdictions should work together to develop a statewide strategy and an associated list of projects that will best accomplish the goal of moving passengers between destinations around the state in the quickest, most efficient and cost effective way, by utilizing these funds to advance the construction of facilities for joint use where possible and by providing better connectivity to the future high-speed rail system." In addition, Gov. Schwarzenegger indicated that the \$101 million in Proposition 1A bond funding for the Intercity Rail and Commuter/Urban Rail Programs that he did not veto was to be used exclusively for positive train control projects.

### **DISCUSSION:**

Sponsored by the Bay Area Rapid Transit District (BART), AB 845 was introduced primarily in response to Gov. Schwarzenegger's veto message. Its purpose is to codify certain portions of the CTC's guidelines relating to the distribution of Proposition 1A bond funds under the Commuter/Urban Rail Program. Specifically, the legislation:

- Clarifies that the formula shares for each eligible commuter and urban rail recipient would be calculated using the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration (FTA). This provision would provide predictability by fixing a recipient's formula share to the amount reflected in the CTC's guidelines.
- Requires the CTC to accept from each eligible commuter and urban rail recipient a priority list of projects up to the target amount expected to be available for the recipient. This provision would allow a recipient to submit projects up to its total formula share amount that meet the eligibility requirements embodied in state law and not be limited to positive train control projects as Gov. Schwarzenegger's veto message attempted to do.

- Requires the matching funds provided by the commuter and urban rail recipient to be from “non-state” funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.

AB 845 is necessary to clarify ambiguities that have arisen with regard to the Proposition 1A Commuter/Urban Rail Program as a result of last year’s veto message by Gov. Schwarzenegger, therefore, we recommend that the Board of Directors support this legislation.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 845 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was considered by the Citizens Advisory Committee on June 8, 2011. The committee took a formal action recommending that the Board of Directors support AB 845.

**FISCAL IMPACT:**

There is no financial impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager  
Memo No. 3072



Date: June 13, 2011  
 Current Meeting: June 24, 2011  
 Board Meeting: June 24, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Board of Directors

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief Administrative Officer, Bill Lopez

**SUBJECT:** Copy Center Equipment

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**Policy-Related Action:** No

**Government Code Section 84308 Applies:** Yes

## ACTION ITEM

### RECOMMENDATION:

Authorize the General Manager to execute contracts with Xerox Corporation for document copy, scanning, and printing equipment; and for equipment support services. The initial term of the lease 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 \$675,000, plus an optional \$135,000 per year for each of the optional one-year periods, for a total of \$945,000.

### BACKGROUND:

To reduce costs and promote environmental sustainability, VTA has successfully reduced the amount of paper copies produced in its copy center by 40% between FY2009 and FY 2010. This reduction has resulted in the reorganization of the Copy Center from five full-time employees to two full-time employees, one working the day shift and the other working off hours to maximize productivity. While VTA continues to reduce its use of paper documents, there will continue to be a need for copy services due to the nature of VTA governance and business.

VTA currently has a contract with the Xerox Corporation for the service and maintenance of all Xerox equipment residing in the Copy Center at the River Oaks campus. The proposed agreement covers miscellaneous software and two production copiers (a Docutech 135 black and white copier and Docucolor 2060 copier) and two multi-function devices (a Docutech 65 and Docutech 265).

The Docutech 135, Docucolor 2060, and Docutech 65 were purchased eighteen (18), ten (10), and seven (7) years ago, respectively, and the hardware and associated software are now obsolete. Some integral software for the equipment is no longer supported by Xerox. Due to the

aging equipment, VTA incurs a much higher cost for servicing and maintenance than would be necessary for newer equipment. In addition to the higher cost to support and maintain the equipment, VTA's customer experience has been diminished due to reliability and quality issues resulting from equipment failure/downtime. The equipment is well past its intended service life and a new solution for the Copy Center is necessary to improve quality, reliability, and expense.

### **DISCUSSION:**

The proposed contract with the Xerox Corporation will allow VTA to achieve quality in-house, cost-effective print solutions for its internal customers. By replacing aging, expensive-to-maintain copiers, and consolidating four copiers to three, VTA can reduce annual copying costs by a third, enhance the quality of work, and improve the customer experience. The proposed equipment procurement has been designed to best meet the staff forecast for future copying needs.

Document finishing requirements are an important aspect of copying jobs. Many of VTA's documents are tape bound, and this has proven to be an efficient and cost effective way to finish major documents without the expense of more complex finishing (e.g. plastic comb binding). VTA's requirement for tape binding as well as the positive experience with Xerox equipment has resulted in this recommendation for a contract with the Xerox Corporation. Please refer to Attachment 1 for a listing of Xerox staff members and roles, all of whom service and support VTA's existing contract.

This equipment will also enable VTA to use scanning technology that is unavailable with the current equipment. This technology will help to further VTA's commitment to reduce consumption of resources while also reducing costs.

VTA staff has determined that the most timely and cost effective approach for acquiring new equipment was to utilize existing state contracts for copy center solutions. Two competitively bid contracts by purchasing cooperatives, in which VTA is a participating member, have been considered. The competitively bid contracts allow a large group of organizations to come together to yield greater buying power and to achieve deeper discounts. The WSCA (Western States Contract Alliance) is a competitively bid contract in which California is one of the original seventeen states that gathered data from vendors for different products and services, and then rated vendors according to members criteria. TCPN (Texas Cooperative Purchasing Network) started in Texas in 2010 and is now open to all fifty states, of which VTA is one of nine hundred and thirty-five (935) participants in California. The Xerox Corporation is a vendor on both the WSCA and TCPN contracts.

VTA's hardware and software requirements include:

- Black and White Production Copier
- Color Production Copier
- Black and White Light-Production Copier or MFD
- Print Management, Editing and Store System
- Software for On-Line Work Order Submission and Accounting Functions

***Evaluation Summary:***

VTA allocated \$237,000 for Xerox charges for FY 2011. New equipment and software are estimated at \$135,000 per year under the new contract, for a savings of \$102,000 per year. The savings over the life of the five-year contract total \$510,000.

VTA staff from Contract/Purchasing, Accounting, and Technology evaluated the recommendations from the Xerox Corporation under both the WSCA and TCPN competitively bid contracts. A mixed contract using TCPN and WSCA was selected as the best fit and value for VTA.

Staff recommends Board approval of this new contract for copy center equipment and services from the Xerox Corporation with an aggregated spending authorization not to exceed \$945,000 and authorization for the General Manager to enter into a contract with this firm.

**ALTERNATIVES:**

It is not advisable to continue the contract for the production copier equipment due to the reliability of the equipment and support cost. Other alternatives considered by staff included outsourcing all production work, however this was not considered a viable alternative given the lack of control over the confidentiality of material and the delivery of time sensitive materials.

**FISCAL IMPACT:**

This action will authorize a 5-year lease with 2 one-year options for production copying equipment, and software and support services for a total estimated cost of \$135,000 per year. The estimated annual cost includes maintenance, lease, training, analyst services, and cost per copy. Appropriation for the first two years of the contract expenditure is included in the FY12 & FY13 Adopted VTA Transit Enterprise Fund Operating Budget. Appropriation for the remainder of the contract period will be included in subsequent Biennial Operating Budgets. A net savings on the contract is estimated at \$102,000 per year once the program is implemented.

Prepared by: Gary Miskell  
Memo No. 2903

Attachment 1  
Production Copier Lease

Contractor Firm	Contractor Role	Name	Location
Xerox Corporation	Region Vice President	Julie Hogan	San Francisco
Xerox Corporation	Solutions Analyst	Jane Key	Pleasanton
Xerox Corporation	Solutions Analyst	Larry Brickell	San Francisco
Xerox Corporation	Customer Service Engineer	Bob Walker	San Jose
Xerox Corporation	Customer Service Engineer	Ray Costa	San Jose
Xerox Corporation	Customer Service Engineer	Jeff Sanchez	San Jose
Xerox Corporation	Customer Service Engineer	Dan Mendez	San Jose
Xerox Corporation	Technical Specialist	Charles Urbonas	San Francisco
Xerox Corporation	Systems Trainer	Jane Key	Pleasanton
Xerox Corporation	Systems Trainer	Larry Brickell	San Francisco