The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Pirzynski at 5:35 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>David Cortese</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Donald Rocha</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Pirzynski noted that Staff requested removal of Closed Session Agenda Item 3.1.A. Conference with Real Property.

Chairperson Pirzynski noted that the following item would be removed from the Board Agenda: Agenda Item #3.4. Approve and formally adopt a successor labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Service Employees International (SEIU), Local 521, and/or
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.

CTA Chairperson Morrow has indicated support for **Agenda Item 7.5. Memorandum of Understanding with Outreach for Clipper Card Distribution.**

Board Member Campos registered a no vote for **Agenda Item 7.3.** Adopt an oppose position for SB 556 (Corbett) in its current form, which imposes stringent disclosure requirements on vehicles operated and uniforms worn by employees of private contractors when performing work for a public agency, if such vehicles or uniforms are labeled in a manner that could be interpreted as implying that the labor or services are being provided by public employees. Support the California Transit Association’s Efforts to amend SB 556 to exempt public transit agencies from the bill’s provisions

Board Member Liccardo thanked staff for their hard work and dedication on **Agenda Item 7.8, the Fare Assistance Programs for Low-Income Individuals.**

Board Member Esteves indicated his support for **Agenda Item 7.8.** He expressed interest in reviewing the results of the pilot project.

**M/S/C (Woodward/Esteves)** to accept the Orders of the Day, and approve the Consent Agenda.

### 2. AWARDS AND COMMENDATION

#### 2.1. Employees of the Month for July and August, 2013

Chairperson Pirzynski recognized Harry Johnson, Engineering Technician III, River Oaks Administration; Cesar Gonzalez, Coach Operator, Chaboya Division; and Bahadur Deol, Transit Mechanic, Chaboya Maintenance, as Employees of the Month for July 2013 and recognized Luis “Joonie” Tolosa, Operations Analysis, Reporting & Systems at River Oaks, for Supervisor of the Third Quarter for 2013.

Chairperson Pirzynski recognized Ashneel Lal, Accountant II, River Oaks Administration; Michael Noland, Coach Operator, Chaboya Division; and John Allen, Transit Mechanic, Cerone Maintenance as Employees of the Month for August 2013.

**NOTE:** **M/S/C** MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMITOUSLY.
3. CLOSED SESSION

Public Comment

The following VTA Employees and Members of Service Employees International Union (SEIU) Local 521 addressed the Board of Directors. They indicated they had reached a tentative agreement which needed to be ratified by the membership. Speakers expressed the need to realign wages of SEIU members with peer agencies:

- Tammy Dhanota, Chief Steward, SEIU Local 521
- Greg Beattie
- Ethan Winston
- Harriet Bourshrock

The following VTA Employees and Members of Transportation Authority Engineers and Architects Association (TAEA) addressed the Board of Directors and stressed the importance of realigning wages of TAEA members to attract and retain qualified employees.

- Bob Magliocco
- John Duesterhaus
- Remi Awosanya
- Harry Yip
- Franceen Weisert-Anderson, President, TAEA
- Marc DeLong

3.1. Recessed to Closed Session at 6:00 p.m.

A. (Removed from the Agenda)

Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: Fee interest in property located at the southwest corner of West San Carlos Avenue and Sunol Blvd in San Jose

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

Negotiating Parties: Michael VanEvery, Green Republic

Under Negotiation: Possible amendment to terms and conditions of payment of existing Purchase and Sale Agreement
B. Existing Litigation - Conference with Legal Counsel  
   [Government Code Section 54956.9(a)]

   Name of case:  Santa Clara Valley Transportation Authority v. 1523 Gladding Court, LLC, a California Limited Liability Company

   Case no: 1-12-CV-216787

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

   Name of case:  Santa Clara Valley Transportation Authority v. The RK Logistics Group, Inc., a California corporation

   Case no: 1-12-CV-216787

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

   Name of Case:  *Santa Clara Valley Transportation Authority v. Martina, et al.* (Eminent Domain)  
   Santa Clara Superior Court Case No.: 1-12-CV-234287)

E. Anticipated Litigation - Conference with Legal Counsel  
   [Government Code Section 54956.9(c)]

   Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

   Number of Potential Cases: 1

F. Conference with Labor Negotiators  
   [Government Code Section 54957.6]

   **VTA Designated Representatives**
   Bill Lopez, Chief Administrative Officer  
   Robert L. Escobar, Deputy Director, Administrative Services  
   Joseph Smith, Chief Financial Officer

   **Employee Organizations**
   Service Employees International Union (SEIU), Local 521  
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

G. Public Employment  
   [Pursuant to Government Code Section 54957]

   Title of position to be filled:  General Manager

H. Public Employee Performance Evaluation  
   [Government Code Section 54957]

   Title: General Counsel
3.2. Reconvened to Open Session at 6:49 p.m.

3.3. Closed Session Report

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

Name of case: Santa Clara Valley Transportation Authority v. 1523 Gladding Court, LLC, a California Limited Liability Company

Case no: 1-12-CV-216787

Robert Fabela, General Counsel, reported that no reportable action was taken during Closed Session.

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

Name of case: Santa Clara Valley Transportation Authority v. The RK Logistics Group, Inc., a California corporation

Case no: 1-12-CV-216787

Mr. Fabela reported that no reportable action was taken during Closed Session.

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

Name of Case: Santa Clara Valley Transportation Authority v. Martina, et al. (Eminent Domain)
Santa Clara Superior Court Case No.: 1-12-CV-234287

Mr. Fabela reported that no reportable action was taken during Closed Session.

E. Anticipated Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(c)]

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

Number of Potential Cases: 1

Mr. Fabela reported that no reportable action was taken during Closed Session.
F. Conference with Labor Negotiators
   [Government Code Section 54957.6]

   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Deputy Director, Administrative Services
   Joseph Smith, Chief Financial Officer

   Employee Organizations
   Service Employees International Union (SEIU), Local 521
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

   Mr. Fabela reported that no reportable action was taken during Closed Session.

G. Public Employment
   [Pursuant to Government Code Section 54957]

   Title of position to be filled: General Manager

   Chairperson Pirzynski reported that no reportable action was taken during Closed Session.

H. Public Employee Performance Evaluation
   [Government Code Section 54957]

   Title: General Counsel

   Chairperson Pirzynski reported that no reportable action was taken during Closed Session.

3.4. (Removed from the Board of Directors’ Agenda)

Approve and formally adopt a successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Service Employee International Union (SEIU), Local 521, and/or Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.

4. PUBLIC COMMENT

Roland Lebrun, Interested Citizen, commented regarding the 2015 Caltrain budget and VTA representation on the Peninsula Corridor Joint Powers Board.

Michael Ludwig, Interested Citizen, expressed his concern regarding what happens to light rail schedules after a major incident.

Eugene Bradley, Silicon Valley Transit President, commented that VTA’s notification system, Gov Delivery, fails to report light rail incidents in a timely manner.
5. PUBLIC HEARINGS

5.1 BART Silicon Valley Berryessa Extension (SVBX) Project Resolution of Necessity

Chairperson Pirzynski stated that this matter was continued from the April 2014, Board of Directors meeting and will now be considered by the Board.

Chairperson Pirzynski noted that letters were received from NSHE CA Patricia, LLC and P.S. Business Parks, L.P. Staff responded to those letters which are on the dais and are available on the public table.

Bijal Patel, Deputy Director of Property Development and Management, provided a presentation highlighting the Resolutions of Necessity (R.O.N.) Hearing for the BART SVBX Project: 1) Project Map; 2) Status of Acquisition Activities; 3) Key Board Findings; and 4) R.O.N. Hearing Properties: a. NSHE CA Patricia LLC, b) Storage Pro of San Jose LLC, c) P.S. Business Parks, L.P., and d) Inland American/Stephens (Las Plumas) Ventures, LLC. Ms. Patel noted the proposed acquisitions will consist of electric overhang easement for a transmission line that will connect the PG&E substation located on North King Road to the future substation on Las Plumas, which will provide service for the future BART system.

Public Comment

Richard Scott, P.S. Business Parks, requested a continuance of the hearing, noting his concerns for potential health impacts of locating high-voltage transmission lines adjacent to their property where there are children and expectant mothers. He stated the property owner’s objections were outlined in the letter dated July 26, 2013, and added the compensation offered was inadequate. Mr. Scott noted P.S. Business Parks looks forward to working with Ms. Patel once they review the staff response to their July 26, 2013 letter.

M/S/C (Woodward/Cortese) to close Hearing.

Upon inquiry of Board Member Liccardo, Ms. Patel, noted the RONs are on the critical path and the deferral of the adoption of the RONs will cause project schedule delays.

M/S/C (Woodward/Campos) to adopt Resolutions of Necessity determining that the public interest and necessity requires the acquisition of property interests from four properties owned by: (1) NSHE CA Patricia, LLC, a California limited liability company (property formerly owned by Ecolab, Inc., a Delaware corporation); (2) Storage Pro of San Jose, LLC, a California limited liability company, located in San Jose, California; (3) P.S. Business Parks, L.P., a California limited partnership, located in San Jose, California; and (4) Inland American/Stephens (Las Plumas) Ventures, LLC, a Delaware limited liability company, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by 11 Board Members.
Resolution No. 2013.08.18

Property ID/Assessor's Parcel Number/Owner

B3049 (APN 254-02-056) NSHE CA Patricia, LLC, a California limited liability company (property formerly owned by Ecolab, Inc., a Delaware corporation)

Resolution No. 2013.08.19

Property ID/Assessor's Parcel Number/Owner

B3050 (APNs 254-02-065 and 072) owned by Storage Pro of San Jose, LLC, a California limited liability company

Resolution No. 2013.08.20

Property ID/Assessor's Parcel Number/Owner

B3059 (APNs 254-03-032 and 043) owned by P.S. Business Parks, L.P., a California limited partnership.

Resolution No. 2013.08.21

Property ID/Assessor's Parcel Number/Owner

B3001 (APNs 254-02-039 and 040) owned by Inland American/Stephens (Las Plumas) Ventures, LLC, a Delaware limited liability company

6. REPORTS


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


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

6.3 General Manager’s Report.

Michael T. Burns, General Manager, provided a report, highlighting: 1) Update on the bike share program; 2) BART construction continues to move forward; 3) The Board approved the pilot project for the low income fare, expanding VTA’s discount on day pass tokens for non-profit organizations from 10% to 50% and increasing the number of passes provided to the county for the Uplift Program; 4) On July 18, 2013, the Association of Bay Area Governments and Metropolitan Transportation Commission adopted Plan Bay Area; 5) VTA employees participated in Family Giving Tree’s Back to School Backpack and School Supply Drive to aid children in low income households; 6) VTA received the Transportation Security Administration’s Award of a gold standard; and 7) The contractor for the 101 and Silver Creek Construction Project hit a communications line impacting traffic signals, which caused significant backups
during the peak period. Repairs were made to the communication line and the problem has been resolved.

Public Comment


Mr. Burns responded that overall weekday ridership was up 1.8%, bus ridership was down .05% and light rail ridership was up 8.8%; and, the FY 2014 and FY 2015 Biennial Budget will be posted on the VTA website by the end of August 2013.

6.3.A. Receive Silicon Valley Rapid Transit (SVRT) Program Update

Mr. Burns noted the SVRT Program Update is in the Board’s reading folder.

6.3.B. Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities

There were no updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities.


There was no Chairperson’s Report.

7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of June 6, 2013

M/S/C (Woodward/Esteves) to approve the Board of Directors Regular Meeting Minutes of June 6, 2013.

7.2. Board of Directors Regular Meeting Minutes of June 28, 2013

M/S/C (Woodward/Esteves) to approve the Board of Directors Regular Meeting Minutes of June 28, 2013.

7.3. Bill Position: SB 556

M/S/C (Woodward/Esteves) to adopt an oppose position for SB 556 (Corbett) in its current form, which imposes stringent disclosure requirements on vehicles operated and uniforms worn by employees of private contractors when performing work for a public agency, if such vehicles or uniforms are labeled in a manner that could be interpreted as implying that the labor or services are being
provided by public employees. Support the California Transit Association's efforts to amend SB 556 to exempt public transit agencies from the bill's provisions. Board Member Campos registered a no vote.

7.4. Committee for Transit Accessibility Appointment

M/S/C (Woodward/Esteves) to approve the appointment of Ms. Lupe Medrano to the Committee for Transit Accessibility representing persons with disabilities for the two-year term ending December 31, 2014.

7.5. Memorandum of Understanding with OUTREACH for Clipper Card Distribution

M/S/C (Woodward/Esteves) to authorize the General Manager to enter into a memorandum of understanding with OUTREACH Inc. to allow OUTREACH to provide and certify Clipper cards to seniors.

7.6. Utility Management Software Support

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with EnergyCAP, Inc. in an amount not to exceed $360,000 for utility management software and services (UMSS) for up to seven years.

7.7. Fiscal Year 2014 Transportation Development Act (TDA) / State Transit Assistance (STA) Claim

M/S/C (Woodward/Esteves) to adopt Resolution No. 2013.08.17 authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2013-2014 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

7.8. Fare Assistance Programs for Low-Income Individuals

M/S/C (Woodward/Esteves) to authorize the General Manager to a) extend the agreement with the County of Santa Clara for the Universal Pass for Life Improvement from Transportation (UPLIFT) Program for up to five years (through June 30, 2018); and b) execute a contract with the County of Santa Clara to implement the Transit Assistance Program (TAP) pilot project.

7.9. Santa Clara Alum Rock Bus Rapid Transit Project Amendment to Perform Design Support During Construction with CH2M Hill Inc.

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract amendment with CH2M Hill Inc. for up to $6,000,000 for a new contract total amount of $18,615,700 and extend the contract term to December 31, 2015 to perform additional final design services and provide design support during construction for the Santa Clara Alum Rock Bus Rapid Transit Project.
7.10. **Award for Downtown Customer Center Tenant Improvements**

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with RAM Building, the lowest responsible bidder, in an amount of $279,881 for the construction of the Downtown Customer Center Tenant Improvements Project.

7.11. **Cerone Bus Facility Low Voltage Circuit Breaker Replacement**

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with Harris Electric, the lowest responsible bidder, in the amount of $498,996 for the replacement of low voltage circuit breakers at the Cerone Bus Maintenance Facility.

7.12. **Chaboya Division Paving Rehabilitation Contract**

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with O’Grady Paving, Inc., the lowest responsible bidder, in an amount of $1,097,190 for the construction of the Chaboya Division Paving Rehabilitation Project.

7.13. **Traction Power Substation Replacement Contract**

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with Balfour Beatty Rail, the lowest responsible bidder, in the amount of $4,307,100 for Traction Power Substation Replacement.

7.14. **Automatic Passenger Counters for Light Rail**

M/S/C (Woodward/Esteves) to authorize the General Manager to execute a contract with Innovations in Transportation, Inc. (INIT) to procure Automatic Passenger Counters (APCs) for 58 VTA light rail vehicles in an amount not exceeding $1.45 million.

7.15. **Monthly Legislative History Matrix**

M/S/C (Woodward/Esteves) to review the Monthly Legislative History Matrix.

7.16. **Sustainability Program Update**

M/S/C (Woodward/Esteves) to receive the Sustainability Program Update.

8. **REGULAR AGENDA**

*There were no items for the Regular Agenda.*
9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

9.2.A. VTA Standing Committees

There were no Standing Committee meetings in June/July 2013.

9.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – No report.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – June 12, 2013, Minutes and July 10, 2013 Cancellation Notice were accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – July 10, 2013 Cancellation Notice was accepted as contained in the Agenda Packet.
- Technical Advisory Committee (TAC) – June 13, 2013, and July 11, 2013 Cancellation Notices were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – June 13, 2013, Minutes and July 11, 2013 Cancellation Notice were accepted as contained in the Agenda Packet.

9.2.C. VTA Policy Advisory Boards (PAB)

- Diridon Station Joint Policy Advisory Board – June 21, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.
- Downtown East Valley PAB - June 6, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.
- El Camino Real Rapid Transit PAB – June 14, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.

9.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB – August 1, 2013, Meeting Summary Notes were accepted as contained on the dais.
  
  Jim Lawson, Executive Policy Advisor, noted a correction on the Caltrain report and stated the estimated contract amount with Parsons Transportation Group for Communication Based Signaling Positive Train Control should read $53.7 million.
• Capitol Corridor JPB – No report.
• Dumbarton Rail Corridor Policy Committee – No report.
• Metropolitan Transportation Commission (MTC) – July 18, 2013, and July 24, 2013, Meeting Summary Notes were accepted as contained on the dais.
• Sunol Smart Carpool Lane Joint Powers Authority – There was no report.

9.3. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary