BOARD OF DIRECTORS MEETING

Thursday, March 7, 2013

MINUTES

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Pirzynski at 5:32 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. CALL TO ORDER AND ROLL CALL

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>Present</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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<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>Present</td>
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<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>Absent</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Evan Low</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</td>
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<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>Present</td>
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<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>
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<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
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* Alternates do not serve unless participating as a Member.

1.2. Orders of the Day

Chairperson Pirzynski noted the meeting would be adjourned in memory of Emma Eljas, former member of VTA’s Committee for Transit Accessibility (CTA), Bimla Rhinehart, Executive Director, California Transportation Commission, and City of Santa Cruz Police Officers Sergeant Loran "Butch" Baker and Detective Elizabeth Butler.

Board Members Liccardo and Yeager took their seats at 5:34 p.m.

Chairperson Pirzynski requested if any of the Board Members or Members of the Public wished to remove any of the agenda items from the Consent Agenda.
M/S/C (Herrera/Matthews) to accept the Orders of the Day and approve the Consent Agenda.

2. AWARDS AND COMMENDATION

2.1. Employees of the Month for March 2013

Chairperson Pirzynski recognized Franceen Weisert-Anderson, Senior Cost & Schedule Coordinator, River Oaks Administration; Rosario Enriquez, Coach Operator, Cerone Division and David Arostigui, Service Worker, Cerone Bus Division as Employees of the Month for March 2013.

Vice Chairperson Kalra and Board Member Woodward took their seats at 5:40 p.m.

2.2. Employees of the Year and Supervisor of the Year for 2012

Chairperson Pirzynski recognized Maria Holman, Office Specialist II, River Oaks Administration; Stan Marshall, Coach Operator, Cerone Division; and Patricia Easley Hill, Service Worker at North Division, as Employees of the Year for 2012; and Steve Johnstone, Policy and Administrative Manager, River Oaks Division as 2012 Supervisor of the Year.

3. CLOSED SESSION

3.1. Recess to Closed Session at: 5:50 p.m.

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

   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Manager, Employee Relations
   Joseph Smith, Chief Financial Officer

   Employee Organizations
   American Federation of State, County and Municipal Employees (AFSCME), Local 101
   Service Employees International Union (SEIU), Local 521

B. PUBLIC EMPLOYMENT

   [Pursuant to Government Code Section 54957]
   Title of position to be filled: General Manager

3.2. Reconvened to Open Session at: 6:17 p.m.

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

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

   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Manager, Employee Relations
   Joseph Smith, Chief Financial Officer

   Employee Organizations
   American Federation of State, County and Municipal Employees (AFSCME), Local 101
   Service Employees International Union (SEIU), Local 521

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

B. PUBLIC EMPLOYMENT

   [Pursuant to Government Code Section 54957]
   Title of position to be filled: General Manager

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

4. PUBLIC COMMENT

Ross Signorino, Interested Citizen, expressed his condolences to the families of the deceased Santa Cruz officers. He raised his concerns over the cost of a BART tunnel through downtown San José.

Michael Ludwig, Interested Citizen, spoke of a past experience with a delay in schedule for the 22 route due to a planned event in Downtown San José and suggested that in the future extra buses should be added, to multiple points on the route, to ensure timely service. Mr. Ludwig requested that his recommendation be considered.

James Wightman, Interested Citizen, recommended methods for expediting light rail service immediately following sporting events.

John Rainville, Interested Citizen, recommended that a community service bus be established on the 58 route to aid the disabled. He noted the discontinuation of any route creates problems for the disabled.

Eugene Bradley, Silicon Valley Transit Users, emphasized the importance of utilizing new buses on all express bus routes, including the 180 and 181 routes. Mr. Bradley noted that VTA advertised events for outside groups on Twitter and Facebook, such as TransForm and Rainbow Alliance, and requested information from staff on the advertising of events for other outside groups.
5. **PUBLIC HEARING**

There was no public hearing.

6. **REPORTS**

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

There was no report from the Citizens Advisory Committee.

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

Alternate Board Member and PAC Chairperson Price provided a brief report on the discussions held at the February 14, 2013, PAC meeting, noting:

1) She was elected to serve as the 2013 PAC Chairperson and Alternate Board Member Whittum was elected the 2013 PAC Vice Chairperson;
2) the PAC recommended the Board adopt both the Bicycle Expenditure Program (BEP) policies and the revised BEP Evaluation Criteria (to include language that lists education institution centers, recreational centers and regional parks as major activity centers);
3) The PAC received: a) an update on staff’s analysis regarding a potential connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG) Program; b) A presentation on the Low Income Fare Pilot Program; and c) a Quarterly update of the Proactive Congestion Management Program report for October through December 2012.

6.3. **General Manager’s Report**

Michael T. Burns, General Manager, provided a report, highlighting:

- The overall average weekday ridership is up 1.2 percent: a) Light Rail is up 3 percent; b) Bus is up just under 1 percent; c) Bus express is up 19 percent; and d) Light Rail Express up 21 percent.
- Sales-tax-based revenues continue to be strong. Current projections anticipate a 6.3 percent increase over FY12, which translates to $20.2 million more in sales-tax-based revenues than was budgeted for FY13.
- Staff is currently developing the FY14 and FY15 biennial budget and the draft recommended budget will be distributed in advance of the Board Workshop scheduled for 9:00 a.m. on April 19, 2013.
- Kurt Evans, Government Affairs Manager, State and Federal, and Mr. Burns traveled to Washington, D.C. and: 1) met with the congressional delegation to discuss BART Silicon Valley Project. In addition, they met with Federal Transit Administration (FTA) Deputy Administrator Therese McMillan and other FTA headquarters staff to discuss the New Starts process for Phase II of the BART Silicon Valley Project. The tour of the first phase of the Washington Metro Extension to the Dulles Airport provided ideas that might be applicable to the BART project.
- VTA continues to review the feasibility of the fuel cell project at the Guadalupe rail yard: 1) VTA has not entered into an agreement with Bloom
Energy: 2) VTA is not eligible for the New Market Tax Credits; and 3) VTA is moving forward very cautiously at this time.

- VTA is installing Between Car Barriers to alert visually-impaired riders that the space between light rail cars is not a door opening, thereby deterring them from entering the area between rail cars.

- On February 6, 2013, the Bay Area Air Quality Management District (BAAQMD) executed a contract with Alta Bike Share to deploy and operate a regional bike-sharing system. The fully deployed pilot system will offer 1000 bicycles at 100 stations, with 400 bicycles at 38 stations within Santa Clara County. Implementation of the Regional Bike Share Program is underway with an expected launch date in August 2013.

- VTA’s Downtown Customer Service Center relocated to 55A Santa Clara Street, San José, effective February 11, 2013. This facility will house Clipper sales, in-person customer service, lost and found, Fare Inspectors and Protective Services staff.

- As a result of its Valentine’s Day Contest, VTA hosted a wedding vow renewal ceremony on board the historic trolley built in Milan, Italy, in 1928. Mary Lou and Ralph Watkins submitted the winning story. VTA Board Vice Chairperson Ash Kalra served as wedding officiant.

Member Liccardo referenced the Administration Act and Metropolitan Transportation Commission’s repurposing of the $6 million clean air funds from the electric car pilot being launched in the City of San José (San José) and the City of San Francisco. He noted San José has requested the funds scheduled for repurposing be redistributed to the bike share program, because the number of allocated bicycles was reduced due to cost objections. He noted it would be helpful if VTA joined San José in that advocacy. Member Liccardo requested those member agencies interested should contact Hans Larsen, Director, Department of Transportation, City of San José.

**The agenda was taken out of order**

**6.3.C. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities**

Scott Haywood, Policy & Community Relations Manager, reported: 1) Santa Clara County Supervisor and VTA Board Member Dave Cortese was elected Vice Chairperson of the MTC for the next two-year period, with Amy Worth of Contra Costa County serving as the MTC Chair; 2) MTC administered their final programming action regarding $40 million in regional planning funds last month, with: a) $20 million going to the Congestion Management Agencies (CMA) for Priority Development Area (PDA) Planning; b) $10 million for the Transit Oriented Affordable Housing (TOAH) fund; c) $8 million to regional transportation funds; and d) $2 million to the Association of Bay Area Governments (ABAG) for research.
Mr. Haywood encouraged the cities within Santa Clara County to look into the TOAH funds as a good opportunity to fund affordable housing.

Mr. Haywood reported MTC is recommending that a new governing board, Bay Area Infrastructure Financing Authority (BAIFA), be established comprised of commissioners from Alameda, Contra Costa and Solano Counties, the MTC Chair, and the Bay Area Toll Authority (BATA) Oversight Commission Chair. MTC wants to delegate to BAIFA the responsibility for developing the 270 mile express lane program located within those three (3) counties. VTA has concerns regarding this recommendation, because Santa Clara County will not have representation on the BAIFA Board if and when BAIFA creates reaching, network-wide policies regarding express lanes. MTC staff has assured VTA that there will be opportunities to coordinate issues.

There was no CTC report.

On order of Chairperson Pirzynski and there being no objection, an update on the Metropolitan Transportation Commission (MTC) was received.

6.3.B. **BART Silicon Valley Rapid Transit (SVRT) Program Update**

Carolyn Gonot, Chief SVRT Program Officer, provided a PowerPoint presentation entitled, BART Silicon Valley Program Update, highlighting:
1) Current Project Activities;
2) Kato Road Grade Separation;
3) Mission/Warren Improvement Project;
4) Upcoming Activities; and
4) Residential Noise Insulation Program (RNIP) Update and Next Steps.

On order of Chairperson Pirzynski and there being no objection, the BART Silicon Valley Rapid Transit (SVRT) Program Update was received.

6.3.A. **Caltrans District 4 Activities in Santa Clara County**

Bijan Sartipi, Director, California Department of Transportation (Caltrans) District 4, provided a PowerPoint presentation highlighting District 4 activities.

Board Members focused their comments on graffiti and litter issues. Mr. Sartipi discussed mitigation plans and the need for a long-term strategy to partner with Santa Clara County Cities and the County of Santa Clara.

Mr. Sartipi responded to inquiries regarding the I-880/237 Express Lanes and white striping on Calaveras Boulevard.

Board Members expressed their gratitude for the iTEAM program and for Caltrans’ efforts on US101 in the North County, the I-880 widening, US101/Capital Expressway Interchange, and I-880/Stevens Creek Interchange.
Michael Ludwig, Interested Citizen, offered a potential solution for the back-up on Westbound Calaveras approaching Highway 237. He noted instead of breaking the white striping, perhaps the onramp from Calaveras to Westbound 237 could have its own carpool lane.

6.4. **Chairperson's Report**

6.4.A. **Ad-Hoc Selection Committee**

Chairperson Pirzynski reported on the General Manager's retirement plans and the recruitment for a new General Manager.

*M/S/C (Liccardo/Herrera)* to approve the designation of a Board of Directors Ad-Hoc Selection Committee to direct and participate in the recruitment and recommendation of a new General Manager to the full Board of Directors. The Board of Directors Ad-Hoc Selection Committee includes the following Board of Directors: Chairperson Joe Pirzynski, Vice Chairperson Ash Kalra, and Board Members Ken Yeager, Margaret Abe-Koga, and Jamie Matthews.

6.5. **General Counsel - Fiduciary Training**

Chairperson Pirzynski recommended that the Fiduciary Training be moved to the April 4, 2013, Board meeting.

*(M/S/C) Matthews/Woodward* to move the General Counsel - Fiduciary Training to the April 4, 2013, Board meeting.

7. **CONSENT AGENDA**

7.1. **Board of Directors Regular Meeting Minutes of January 31, 2013**

*M/S/C (Herrera/Matthews)* to approve the Board of Directors Regular Meeting Minutes of January 31, 2013.

7.2. **Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012**

*M/S/C (Herrera/Matthews)* to review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012.

7.3. **Bicycle & Pedestrian Advisory Committee Appointments**

*M/S/C (Herrera/Matthews)* to ratify the appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Kristal Caidoy, representing the City of Milpitas; (2) Suzanne Sperry, representing the City of Morgan Hill; and (3) Rick Waltonsmith, representing the City of Saratoga.
7.4. **Amendments to the Bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee Establishing a Mission Statement for Each Committee**

M/S/C (Herrera/Matthews) to adopt Resolution No. 2013.03.04 amending the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee, as indicated, to establish a mission statement for each committee, as recommended by the Advisory Committee Enhancement (ACE) process.

7.5. **Contract with HMH Engineers for Combined Landscaping & Maintenance Project Engineering Design Services**

M/S/C (Herrera/Matthews) to authorize the General Manager to negotiate and execute a time and materials contract with HMH Engineers with an amount not to exceed $400,000 for a term of three years to perform Engineering Design Services, including construction support and close-out activities; and further authorize the General Manager to negotiate and execute the necessary design and construction agreements with Caltrans for implementation of the Combined Landscaping and Maintenance Project.

7.6. **Adopt Revised Bicycle Expenditure Program Policies**

M/S/C (Herrera/Matthews) to adopt the Bicycle Expenditure Program (BEP) policies.

7.7. **Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040**

M/S/C (Herrera/Matthews) to adopt the revised Bicycle Expenditure Program (BEP) Evaluation Criteria.

7.8. **Joint Powers Agreement for Reconstruction of Montague Expressway in the Vicinity of the Milpitas BART Station**

M/S/C (Herrera/Matthews) to authorize the General Manager to enter into a Joint Powers Agreement with the County of Santa Clara (County) and the Santa Clara Valley Water District (SCVWD) regarding the reconstruction of a segment of Montague Expressway near the intersection of South Milpitas Blvd., in conjunction with Silicon Valley Berryessa Extension (SVBX) project construction.

7.9. **Santa Clara/Alum Rock Bus Rapid Transit Project – Cooperative Agreements for Cost Sharing Between the City of San José and the Santa Clara Valley Transportation Authority**

M/S/C (Herrera/Matthews) to authorize the General Manager to execute Cooperative Agreements with the City of San Jose that will have the City pay VTA to construct sanitary sewer replacement and pavement improvements along Alum Rock Avenue in the amount of $3,500,000 as part of the Santa Clara/Alum Rock Bus Rapid Transit Project.
7.10. **FY 12-13 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)**

M/S/C (Herrera/Matthews) to adopt Resolution No. 2013.03.05 authorizing the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel to file and execute grant applications and agreements with the State of California for California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) funds.

7.11. **Auditor General Report on Cash Fare Collections Process Internal Audit**

M/S/C (Herrera/Matthews) to review and receive the former Auditor General's report on the Cash Fare Collection Process Internal Audit.

7.12. **Monthly Legislative History Matrix**

M/S/C (Herrera/Matthews) to review the Monthly Legislative History Matrix.

7.13. **Proactive CMP Quarterly Report for October-December 2012**

M/S/C (Herrera/Matthews) to receive the Proactive CMP Quarterly Report for October through December 2012.

7.14. **Agreement with Alameda County Transportation Commission (Alameda CTC) for Travel Demand Modeling Services**

M/S/C (Herrera/Matthews) to receive a report on the agreement with Alameda County Transportation Commission for providing travel demand forecasting services.

7.15. **Ad Hoc Financial Recovery Committee Update**

M/S/C (Herrera/Matthews) to receive the Ad Hoc Financial Recovery Committee update.

7.16 **Transit Shelter Advertising Program – Report on Nutritional Information Requirement**

M/S/C (Herrera/Matthews) to receive a report on the Nutritional Information Requirement for the Transit Shelter Advertising Program.

8. **REGULAR AGENDA**

There were no items under the Regular Agenda.

9. **OTHER ITEMS**

9.1. **ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**
Board Member Rocha requested that the Board hold a full discussion on the Bloom Energy Corporation Contract prior to making a decision to move forward on that item. Mr. Burns noted his agreement.

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

9.2.A. VTA Standing Committees

- Administration & Finance (A&F) Committee – February 21, 2013, Minutes were accepted as contained on the dais.
- Congestion Management Program & Planning (CMPP) Committee - February 21, 2013, Minutes were accepted as contained on the dais.
- Transit Planning & Operations (TP&O) Committee – February 21, 2013, Minutes were accepted as contained on the dais.
- Audit Committee – There was no report.

9.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – There was no report.
- Bicycle & Pedestrian Advisory Committee (BPAC) - February 13, 2013, Minutes were accepted as contained on the dais.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – February 13, 2013, Minutes were accepted as contained on the dais.
- Policy Advisory Committee (PAC) – February 14, 2013, Minutes were accepted as contained on the dais.
- Technical Advisory Committee (TAC) – February 14, 2013, Minutes were accepted as contained on the dais.

9.2.C. VTA Policy Advisory Boards (PAB)

- Diridon Station Joint Policy Advisory Board – There was no report.
- Downtown East Valley PAB - There was no report.
- El Camino Real Rapid Transit PAB – There was no report.

9.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor Joint Powers Board – March 7, 2013, Meeting Summary Notes were accepted as contained on the dais.
- Capitol Corridor Joint Powers Board – February 20, 2013, Meeting Summary Notes were accepted as contained on the dais.
- Dumbarton Rail Corridor Policy Committee – There was no report.
• Metropolitan Transportation Commission (MTC) – February 27, 2013, Meeting Summary Notes were accepted as contained on the dais.

• Sunol Smart Carpool Lane Joint Powers Authority – February 11, 2013, Meeting Summary Notes were accepted as contained on the dais.

9.3. **Announcements**

There were no Announcements.

10. **ADJOURN**

    **On order of Chairperson Pirzynski** and there being no objection, the meeting was adjourned at 7:48 p.m. in memory of Emma Eljas, former member of VTA’s Committee for Transit Accessibility (CTA), Bimla Rhinehart, Executive Director, California Transportation Commission, and City of Santa Cruz Police Officers Sergeant Loran "Butch" Baker and Detective Elizabeth Butler.

    Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary