1. CALL TO ORDER AND ROLL CALL

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.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<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>Cindy Chavez</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>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</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>
</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Donald Rocha</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<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 welcomed newly appointed Board Member, Cindy Chavez, to the VTA Board of Directors.

Chairperson Pirzynski announced that VTA was in the process of testing a live webcast of the Board of Director’s Meeting which would be webcast via the VTA website beginning in October, 2013.
Chairperson Pirzynski noted the Addenda to the Agenda was distributed last week and is located on the public table. Three items have been added to the Closed Session Agenda.

Chairperson Pirzynski noted a request from staff to move the following items from the Regular Agenda to the Consent Agenda: Agenda Item #8.2. Extension of the Existing Technology Consulting and Support Services Contractor List for additional contract authority; and Agenda Item #8.3. 2014 State Transportation Improvement Program (STIP) Programming Strategy.

Board Member Liccardo arrived at the meeting at 5:36 p.m.

Board Member Liccardo indicated that he would like to recuse himself from the following: Agenda Item #7.5 First Amendment to Laz Parking Agreement; Agenda Item #7.7 Santa Clara Alum Rock Bus Rapid Transit Project – Property Restoration and Completion Contract; Agenda Item #7.8 Freight Railroad Relocation – Alum Rock Fish Passage Stevens Creek Quarry Construction Contract Amendment; and Agenda Item #7.9 SVBX Residential Noise Insulation Program Construction Group Two Contract – C751.

M/S/C (Herrera/Campos) to accept the Orders of the Day, and approve the Consent Agenda, as amended.

2. AWARDS AND COMMENDATION

2.1. Employees of the Month for September 2013

Chairperson Pirzynski recognized Satwant Singh, Projects Control Specialist I, River Oaks Administration; and Douglas Coover, Coach Operator, Cerone Division; as Employees of the Month for September 2013.

3. CLOSED SESSION

Public Comment

Board Member Chavez disclosed she had received campaign funds from a party that is involved in Agenda Item 3.1.C., and, in accordance with Government Code Section 84308 she has chosen to return those contributions in order to participate in Closed Session during that item.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The following Interested Citizens addressed the Board of Directors and commented on Closed Session Agenda Item 3.1.C., Ohlone Towers Project, and the need for full disclosure to make project negotiation details open and available to the public.

- John Leyba
- Deborah Arhnt
- Richard Nieset
- Terri Balandra

Board Member Yeager inquired as to whether details on negotiations with the developer, regarding Closed Session Agenda Item 3.1.C, may be made public so everyone has a better idea of where the Board is headed.

Robert Fabela, General Counsel, indicated that during Closed Session discussion it would be clarified which part of the Board’s bargaining position is confidential and which part is public information.

Board Member Liccardo indicated that he had solicited contributions from a party involved in Agenda Item 3.1.C., and in accordance with Government Code Section 84308 would recuse himself.

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.

- John Duesterhaus, Secretary/Treasurer of TAEA
- Franceen Weisert Anderson, President of TAEA
- Harry Yip
- Raj Sehdev
- Carl Davis, Jr.

Tammy Dhanota, VTA Employee and Member of Service Employees International Union (SEIU) Local 521, encouraged the Board of Directors to adopt the tentative agreement that was ratified by members.

3.1. **Recessed to Closed Session at 6:03 p.m.**

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

   Name of Case: Santa Clara Valley Transportation Authority v. Eastridge Shopping Center (Eminent Domain)

   (Santa Clara Superior Court Case No.: 1-11-CV-209524)
B. Existing Litigation - Conference with Legal Counsel  
[Government Code Section 54956.9(a)]

Name of Case:  Gomez-Chavez v. SCVTA  
(Santa Clara County Superior Court Case #1-11-CV-214370)

3.1.B.X. 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  
(Santa Clara Superior Court Case No.: 1-12-CV-216787)

3.1.B.XX. 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  
(Santa Clara County Case No.: 1-12-CV-216787)

Board Member Liccardo left Closed Session at 6:22 p.m.

C. 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

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

Property: Fee interest and a temporary construction easement interest property located at Curtis Ave, Milpitas, CA (APN None (Lot A and Lot G Tract 9147))  

Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management
Negotiating Parties: Paul Windust, on behalf of Parc Metropolitan Community Association

Under Negotiation: Price and terms of payment

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

Property: Fee interest, ingress/egress easement interest and a utility easement interest in property located at 386-404 Railroad Court, Milpitas, CA (APN 028-23-012)

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

Negotiating Parties: Stephan Bryan, IndCor Properties

Under Negotiation: Price and terms of payment

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 Organization
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

3.1.F.X. Public Employment
[Pursuant to Government Code Section 54957]

Title of position to be filled: General Manager

Board Member Liccardo re-entered Closed Session at 7:04 p.m.

3.2. Reconvened to Open Session at 7:49 p.m.
3.3. 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. Eastridge Shopping Center (Eminent Domain)

   (Santa Clara Superior Court Case No.: 1-11-CV-209524)

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

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

   Name of Case: Gomez-Chavez v. SCVTA
   (Santa Clara County Superior Court Case #1-11-CV-214370)

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

3.1.B.X. 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

   (Santa Clara Superior Court Case No.: 1-12-CV-216787)

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

3.1.B.XX. 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

   (Santa Clara County Case No.: 1-12-CV-216787)

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

C. 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

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

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

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Negotiating Parties: Paul Windust, on behalf of Parc Metropolitan Community Association

Under Negotiation: Price and terms of payment

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

E. Conference with Real Property Negotiators
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Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management

Negotiating Parties: Stephan Bryan, IndCor Properties

Under Negotiation: Price and terms of payment

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 Organization
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

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

3.1.F.X. 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.

4. PUBLIC COMMENT

   Roland LeBrun, Interested Citizen, commented on the following items: 1) suggested that the VTA emergency intercom buttons be lowered ten inches to accommodate disabled passengers; and 2) commented that the Winchester/Diridon shuttle waits for passengers and takes you downtown which he is pleased about.

5. PUBLIC HEARINGS

   There were no public hearings.

6. REPORTS


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


       Chairperson Pirzynski noted that the Policy Advisory Committee (PAC) Chairperson's Report is in the reading folder and available at the public table.
6.3 **General Manager’s Report.**

Michael Burns, General Manager, provided a report, highlighting: 1) Overall system-wide ridership increased in July 2013 compared to July 2012; 2) Bike Share Program launched on August 29, 2013; 3) Announced the groundbreaking celebration event on September 27 at 2:00 p.m. to celebrate the start of construction on the Eastridge Transit Center improvements; 4) Significant improvement of the Clipper Card by allowing a Mail-In Option; 5) Launched Transit Assistance Pilot Program for the working poor; 6) A 30% increase in the number of UPLIFT passes available to the homeless or those in danger of becoming homeless; and 7) Regarding the Pension Reform Act 13C challenges by the Union, the Governor and Federal Department of Labor have come to an agreement on the path forward through legislation that exempts transit employees for the next 15 months while that issue is resolved in Federal Court.

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.

6.4. **Chairperson's Report.**

Chairperson Pirzynski welcomed Cindy Chavez, and indicated a copy of the committee appointment memo was in the reading folder and available at the public table.

6.4.A. **Approve committee appointment of newly appointed Board Member, Cindy Chavez.**

Chairperson Pirzynski appointed Cindy Chavez to the following committees for the remainder of 2013: 1) Administration and Finance; 2) Audit; and 3) Diridon Station Joint Powers Advisory Board.

7. **CONSENT AGENDA**

7.1. **Board of Directors Regular Meeting Minutes of August 1, 2013**

M/S/C (Herrera/Campos) to approve the Board of Directors Regular Meeting Minutes of August 1, 2013.
7.2. **Annual Reserve Fund Allocation**

M/S/C (Herrera/Campos) to approve the annual allocation of funds to the VTA Transit Fund Operating Reserve.

7.3. **2013 Transportation Systems Monitoring Report**

M/S/C (Herrera/Campos) to accept the findings from the 2013 Transportation System Monitoring Program (TSMP) report.

7.4. **Authorization to Approve Conveyance of Excess Land from Caltrans on I-880 HOV Project**

M/S/C (Herrera/Campos) to authorize the General Manager to approve and execute all documents necessary to accept excess land from the State of California (the "State"), then convey this same excess land to Castle Family LLC, Castle Residuary LLC and Castle 1974 LLC (formerly, Pau-Brokaw, LLC), an adjacent property owner, on the I-880 HOV Lane Widening Project (the "Project"), pursuant to the Purchase and Sale Agreement that VTA executed with Pau-Brokaw, LLC in connection with VTA’s acquisition of Pau-Brokaw, LLC’s property for the Project.

7.5. **First Amendment to Laz Parking Agreement**

M/S/C (Herrera/Campos) to authorize the General Manager to execute a First Amendment to the Agreement with Laz Parking, LLC for parking management at the VTA-owned parking lot located at 64 Market Street, San Jose, CA.

7.6. **Vehicle Registration Fee Matching Fund: Sunnyvale Hendy Avenue Request**

M/S/C (Herrera/Campos) to program $400,000 in available Vehicle Registration Fee (VRF) Matching Funds to Sunnyvale's Hendy Avenue Complete Streets project.

7.7. **Santa Clara Alum Rock Bus Rapid Transit Project – Property Restoration and Completion Contract**

M/S/C (Herrera/Campos) to authorize the General Manager to execute a contract with George Bianchi Construction, Inc., the lowest responsible bidder in an amount of $2,099,061 for the construction of the Property Restoration and Completion Contract for the Santa Clara Alum Rock Bus Rapid Transit Project.

7.8. **Freight Railroad Relocation – Alum Rock Fish Passage Stevens Creek Quarry Construction Contract Amendment**

M/S/C (Herrera/Campos) to authorize the General Manager to amend the Freight Railroad Relocation - Alum Rock Fish Passage construction contract with Stevens Creek Quarry Construction to accommodate scope additions in the amount of $225,000 for a new authorized amount of $1,382,700.
7.9. **SVBX Residential Noise Insulation Program Construction Group Two Contract – C751**

M/S/C (Herrera/Campos) to Authorize the General Manager to execute a contract with G & G Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of $816,966.00 for the Group Two’s construction of Residential Noise Insulation Program.

7.10. **Monthly Legislative History Matrix**

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

7.11. **Proactive CMP Quarterly Report for April – June 2013**

M/S/C (Herrera/Campos) to receive the Proactive CMP Quarterly Report for April through June 2013.

7.12. **Fiscal Year SR 237 Express Lane Update**

M/S/C (Herrera/Campos) to receive the Fiscal Year 2013 SR 237 Express Lane Update.

7.13. **Voluntary Contributions to Transportation Improvements**

M/S/C (Herrera/Campos) to review a Voluntary Program of Contributions to Transportation Improvements.


M/S/C (Herrera/Campos) to receive the April 2013 VTP Highway Program Semi-Annual Report.

7.15. **March 2013 Facilities Projects Semi-Annual Report**

M/S/C (Herrera/Campos) to receive the March 2013 Facilities Program Semi-Annual Report.

8.2 **Extend Existing Technology Consulting and Support Services Contractor List for Additional Contract Authority**

M/S/C (Herrera/Campos) to authorize the General Manager to increase the contract authority for technology general consulting services by the amount of $3 million for a new total contract authority of $8.47 million.

8.3 **2014 State Transportation Improvement Program (STIP) Programming Strategy**

M/S/C (Herrera/Campos) to adopt 2014 State Transportation Improvement Program (STIP) programming priorities.
8. REGULAR AGENDA

8.1 Approval of the Labor Agreement Between Santa Clara Valley Transportation Authority (VTA) and Service Employees International Union (SEIU), Local 521

Robert Escobar, Deputy Director, Administrative Services, recommended that the Board approve a successor agreement between VTA and SEIU Local 521.

M/S/C (Mathews/Chavez) to approve and formally adopt a successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Service Employees International Union (SEIU), Local 521.

Board Member Liccardo requested that staff forward to all members telephone numbers of community programs in order to distribute discounted transit passes to members of the community that qualify for those programs.

8.2 (Removed from the Regular Agenda and placed on the Consent Agenda.)

Authorize the General Manager to increase the contract authority for technology general consulting services by the amount of $3 million for a new total contract authority of $8.47 million.

8.3 (Removed from the Regular Agenda and placed on the Consent Agenda.)

Adopt 2014 State Transportation Improvement Program (STIP) programming priorities.

9. OTHER ITEMS

Public Comment

Omar Chatty, Interested Citizen, commented on the excitement of the Bay Bridge opening; he advocated replacing Caltrain with BART (Bay Area Rapid Transit) service.

Vice Chairperson Kalra commented that, on behalf of Board Member Yeager, the Joint Power Board (JPB) Committee reported that ridership on Caltrain is the highest it has ever been at 55,000 riders per day. The plan for the high speed rail modernization include electrifying the system.

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**

- Administration and Finance (A&F) Committee – August 15, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.

- Congestion Management Program and Planning (CMPP) Committee – August 15, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.

- Transit Planning & Operations (TP&O) Committee – August 15, 2013, Minutes were accepted as contained on the dais.

- Silicon Valley Rapid Transit (SVRT) Program Working Committee – August 5, 2013, Minutes were accepted as contained in the Agenda Packet.

- Audit Committee – August 1, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.

9.2.B. **VTA Advisory Committees**

- Committee for Transit Accessibility (CTA) – No report.

- Bicycle & Pedestrian Advisory Committee (BPAC) – August 7, 2013, Minutes as contained in the Agenda Packet.

- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – August 7, 2013, Minutes as contained in the Agenda Packet.

- Technical Advisory Committee (TAC) – No report.

- Policy Advisory Committee (PAC) – August 8, 2013, Minutes as contained in the Agenda Packet.

9.2.C. **VTA Policy Advisory Boards (PAB)**

- Diridon Station Joint Policy Advisory Board – No report.

- Downtown East Valley PAB – No report.

- El Camino Real Rapid Transit PAB – No report.
9.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB – September 5, 2013, Summary Notes were accepted as contained on the dais.
- Capitol Corridor JPB – No report.
- Dumbarton Rail Corridor Policy Committee – No report.
- Metropolitan Transportation Commission (MTC) – No Report.
- Sunol Smart Carpool Lane Joint Powers Authority – 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 8:07 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary