BOARD OF DIRECTORS MEETING
Thursday, December 12, 2013
MINUTES

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 9:03 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>Present</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Cindy Chavez</td>
<td>Board Member</td>
<td>Present</td>
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<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
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<td>Rose Herrera</td>
<td>Board Member</td>
<td>Absent</td>
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<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Sam Liccardo</td>
<td>Board Member</td>
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<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Absent</td>
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<td>Chuck Page</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
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<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<td>Donald Rocha</td>
<td>Board Member</td>
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<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<td>Perry Woodward</td>
<td>Board Member</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.

A quorum was present.

Chairperson Pirzynski introduced VTA’s incoming General Manager, Nuria Fernandez.

Michael T. Burns, General Manager, noted Nuria Fernandez has a long career in transit including: Chief Operating Officer for the Metropolitan Transportation Authority in New York; Acting Administrator for the U.S. Department of Transportation; and management of the operations of O’Hare International Airport in Chicago. Mr. Burns added Ms. Fernandez also worked with transit systems in Chicago and Washington, D.C.

Mrs. Fernandez indicated her pleasure in being in Santa Clara County and stated the tremendous opportunity here. Mrs. Fernandez praised Mr. Burns as one of the best leaders in the transportation industry. Mrs. Fernandez stated that she looks forward to working with everyone and taking VTA to the next level.

Board Member Rocha arrived at 9:05 a.m.
1.2 **Election of Chairperson and Vice Chairperson for a Term Extending from January 2014 through December 2013**

Chairperson Pirzynski indicated that in November, 2013, Board Member Ash Kalra submitted to the Board a letter of interest in being considered for the position of Chairperson for 2014.

Chairperson Pirzynski opened the nominations from the floor for the position of Chairperson for 2014.

M/S/C (Chavez/Campos) to close nominations and elect Ash Kalra as Chairperson for a term extending from January 2014 through December 2014.

Chairperson Pirzynski indicated that in November, 2013, Board Member Perry Woodward and Alternate Board Member Gail Price submitted letters indicating their interest in the Vice Chairperson position for 2014. Since then, Alternate Member Price withdrew her letter of interest.

Alternate Board Member Price stated that she was withdrawing her name as a candidate for Vice Chairperson for 2014 but hopes for her colleagues’ support should she decide to seek a leadership role in the VTA Board of Directors in the future. Chairperson Pirzynski opened the nominations from the floor for the position of Vice Chairperson for 2014.

M/S/C (Rocha/Campos) to close nominations.

M/S/C (Abe-Koga/Chavez) to elect Board Member Perry Woodward as Vice Chairperson for a term extending from January 2014 through December 2014.

1.3 **Orders of the Day**

Chairperson Pirzynski noted the agenda was revised to reflect the following: the updated agenda language for **Agenda Item #3.4.** Transportation Authority Engineers and Architects Association (TAEA) Labor Agreement; and updated recommendation for **Agenda Item #7.9.**, Paratransit Contract Extension. Agenda Item #7.9 now reads, “Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act (ADA) paratransit services. Also authorize automatic renewals of two year terms beginning on July 1, 2021 and every other July 1 thereafter.” The change in the language was a result of the Transit Planning & Operation (TP&O) Committee direction related to longer continuous terms. The TP&O unanimously recommended approval of this item and placed it on today’s consent agenda.

Chairperson Pirzynski noted the revised agenda and the memo are in the Board’s reading folder and were available on the public table.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Chairperson Pirzynski stated staff requested deferral of the following agenda items to a future board meeting: Agenda Item #5.2. Adopt Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from the subject property for the Santa Clara Pocket Track Project; Agenda Item #7.12. Authorize the General Manager to execute a contract with Emtrac Systems through preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard, and; Agenda Item #8.4. Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc. the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project – Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

Chairperson Pirzynski indicated a member of the public requested the following item be moved from the Consent Calendar to the Regular Agenda: Agenda Item #7.10. Authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

Chairperson Pirzynski indicated Board Member Chavez requested the following item be moved from the Consent Calendar to the Regular Agenda: Agenda Item #7.9. Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. Also authorize automatic renewals of two year terms beginning on July 1, 2021 and every other July 1 thereafter.

M/S/C (Abe-Koga/Woodward) to accept the Orders of the Day, and approve the Consent Agenda, as amended.

2. AWARDS AND COMMENDATION

Chairperson Pirzynski honored VTA Bus Operator Federico Gomez for the heroic act of aiding a customer by successfully performing the Heimlich maneuver and saving the gentleman’s life.

Board Member Liccardo arrived at 9:27 a.m.

2.1. Resolution of Appreciation for Outgoing VTA Board Member Margaret Abe-Koga

The Board of Directors recognized and presented a Resolution of Appreciation to outgoing Board Member Margaret Abe-Koga for her exemplary service as a VTA Board Member.

Tammy Dhanota, Chief Steward, Service Employees International Union (SEIU) Local 521, expressed appreciation on behalf of SEIU and the employees for the hard work and support Board Member Abe-Koga has provided over the years.
M/S/C (Kalra/Woodward) to adopt Resolution of Appreciation No. 2013.12.26 for outgoing VTA Board Member Margaret Abe-Koga.

Board Member Abe-Koga expressed gratitude for having the opportunity to work with VTA for the last seven years. Board Member Abe-Koga stated she continues to look forward to working with VTA in the future.

Chairperson Pirzynski thanked outgoing Board Member Abe-Koga for her exemplary service to VTA.

2.2. Resolution of Appreciation for Outgoing General Manager Michael T. Burns

Chairperson Pirzynski recognized and presented a Resolution of Appreciation to retiring General Manager, Michael T. Burns, for his exemplary service as VTA General Manager.

Chairperson Pirzynski stated that Mr. Burns has earned the esteem of his peers, his staff and the VTA Board of Directors and VTA is sincerely appreciative of his dedication, hard work and strong vision.

M/S/C (Woodward/Liccardo) to adopt Resolution of Appreciation No. 2013.12.27 for retiring General Manager Michael T. Burns.

Chairperson Pirzynski indicated Senator Jerry Hill, from the California State Legislature, 13th Senate District representing Santa Clara and San Mateo Counties, would be presenting a Resolution of Commendation from the California State Legislature to Mr. Burns.

Senator Jerry Hill stated his admiration for Mr. Burns’ accomplishments; the creativity and balance he has created within VTA; and the contribution he has made to the State of California. Senator Jerry Hill presented a Resolution of Commendation to retiring General Manager, Michael T. Burns, for his exemplary service and contribution to the State of California. Senator Hill stated the Resolve was signed by Senators Jerry Hill; Jim Beall; Ellen Corbett; William Monning; and Assembly Members: Luis Alejo; Nora Campos; Paul Fong; Richard Gordon; Mark Stone; and Bob Wieckowski.

Kurt Evans, Government Affairs Manager, stated that Congresswoman Anna Eshoo paid tribute to Mr. Burns on the floor of the U.S. House of Representatives recognizing him for his many accomplishments over the past eight years and honoring him on the occasion of his retirement from VTA. Mr. Evans stated that the Congresswoman’s statement was published in the Congressional Record which her office had framed and asked it be presented to Mr. Burns on her behalf.

Chairperson Pirzynski presented Mr. Burns with the framed Tribute of Accomplishments on behalf of Congresswoman Anna Eshoo.

The Board Members thanked Mr. Burns for extraordinary leadership and years of service, integrity, dedication and tireless effort in obtaining funding for the BART project. They recognized Mr. Burns’ legacy of assembling staff that made VTA a premier organization and enabling Santa Clara County to have one of the best transit systems in the state.
Tom Fink, ATU Local 265, thanked Mr. Burns for his strong support in a successful cutting edge project in the mass transit industry, and harboring the spirit of collaboration to give the voters and taxpayers the highest return on their investment.

Mr. Burns thanked the following for their support: VTA Senior staff; all employees; VTA riders, labor groups; public; Advisory Committees; VTA supporters; state and federal delegates; and all representatives that have worked together for the last eight and a half years to achieve VTA goals. Mr. Burns thanked the Board for their encouragement, support, guidance, wisdom, and stated he felt honored to have served Santa Clara County and the VTA Board. Mr. Burns stated he looks forward to great things and continued support for the new general manager as she takes over.

Chairperson Pirzynski congratulated Mr. Burns on his retirement, wished him the best and stated that he had left VTA in extremely fine shape. Chairperson Pirzynski stated that VTA owes Mr. Burns an extreme debt of gratitude, and on behalf of Santa Clara County, thanked him for his service.

3. CLOSED SESSION

3.1. Recessed to Closed Session at 9:50 a.m.

Board Member Liccardo left closed session at 9:52 a.m.

A. Conference with Real Property Negotiators
   [Government Code Section 54956.8]
   Property: Property located at near the intersections of Sunol and West San Carlos Streets in San Jose, California (APNs: 264-14-69, 90, 122, 130 and 131)
   Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management
   Negotiating Parties: Michael Van Every, Green Republic, LLLP, Michael Black, Case Swenson, Barry Swenson Builder
   Under Negotiation: Price and terms of payment for VTA sale of Real Property

   Board Member Liccardo re-entered closed session at 10:22 a.m.

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

Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley Transportation Authority, et al.  
(Alameda County Superior Court Case No.: RG12628077)

D. 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
Amalgamated Transit Union, Local 265  
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

3.2. Reconvened to Open Session at 11:06 a.m.

3.3. Closed Session Report

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

Property: Property located at near the intersections of Sunol and West San Carlos Streets in San Jose, California (APNs: 264-14-69, 90, 122, 130 and 131)

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

Negotiating Parties: Michael Van Every, Green Republic, LLLP, Michael Black, Case Swenson, Barry Swenson Builder

Under Negotiation: Price and terms of payment for VTA sale of Real Property

Robert 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: Santa Clara Valley Transportation Authority v. Eastridge Shopping Center (Eminent Domain)  
(Santa Clara Superior Court Case No.: 1-11-CV-209524)

Mr. Fabela 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: Truck Rail Handling, Inc., et al v. Santa Clara Valley Transportation Authority, et al.
(Alameda County Superior Court Case No.: RG12628077)

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

D. 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
Amalgamated Transit Union, Local 265
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

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

3.4. TAEA Labor Agreement

Chairperson Pirzynski indicated the memorandum for Agenda Item #3.4, TAEA, Local 21, Labor Agreement, is in the Board’s reading folders and available on the public table.

Robert Escobar, Deputy Director, Administrative Services, noted upon Board approval the term of the agreement is November 11, 2013 through June 30, 2016. He highlighted the TAEA contract provisions regarding: wage increases, contributions toward medical premiums; pay equity realignment of 1.5% for all TAEA classifications; and pension benefit contributions.

Public Comment

Franceen Weisert-Anderson, TAEA President, stated the following: last week TAEA members voted to accept a realignment offer from VTA; during negotiations management claimed that a new compensation survey was scheduled in 2014 for all classifications in VTA; TAEA was assured they would have input and review opportunity of the parameters while the third party survey was being conducted; TAEA is requesting that the commitment be memorialized. Ms. Weisert-Anderson thanked the Board for their counsel; thanked Board Members Abe-Koga, Pirzynski and Liccardo for their leadership, and; welcomed Board Member Kalra as next year’s Chairperson.

M/S/C (Kalra/Rocha) to approve and formally adopt a successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA), Local 21.
Board Member Kalra thanked Ms. Weisert-Anderson, Mr. Escobar and the TAEA leadership for their work in reaching a contract resolution. Board Member Kalra stated he looks forward to the salary survey and moving forward next year.

Board Member Chavez asked Mr. Burns to comment on his understanding of Ms. Weisert-Anderson's request as to what was communicated with the Union at the bargaining table, and if Mr. Burns shared the same understanding about the salary survey for all bargaining units.

Mr. Burns stated it was VTA’s intention to include all of the bargaining units as part of that whole comprehensive salary survey and class and compensation analysis. Mr. Burns stated his comments and commitment should be on the record.

Board Member Chavez asked if that would include getting input on the classifications and having some check-in point as we are going through the process.

Mr. Burns stated that was his intention.

4. PUBLIC COMMENT

Elizabeth Porcella, Case Manager at Saint Joseph’s Family Center in Gilroy, stated the VTA Transit Assistance Program (TAP) Pass helped her clients meet their critical transit needs and has made a positive impact in their lives.

Samaki Johnson, Interested Citizen, stated the VTA TAP Pass has helped him tremendously with transportation costs.

Roland Lebrun, Interested Citizen, welcomed the new General Manager. Mr. Lebrun requested when staff makes a presentation at a public meeting that the presentation become a part of the public record by listing the link in the agenda. Mr. Lebrun indicated pleasure in moving VTA forward and suggested seamless transit connectivity.

Ross Signorino, Interested Citizen, praised Mr. Burns for his leadership and dedication, and wished him good luck.

Board Member Yeager left his seat at 11:20 a.m.

Board Member Rocha left the meeting at 11:20 a.m.

5. PUBLIC HEARINGS

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

Chairperson Pirzynski noted that letters were received regarding this matter, which are included in the reading folders and available on the public table.

Bijal Patel, Deputy Director of Property Development & 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; 4) RON Hearing Properties: a) PSB Northern California Industrial Portfolio, LLC., a Delaware Limited Liability Company, and b) Brian Horner; 5) Overview of the two properties; and 6) SVBX Project acquisitions and needs. Ms. Patel noted the proposed acquisitions are needed to support the core
project needs which consist of constructing a fire suppression waterline and Systems Wayside Facility and providing power to that system.

Chairperson Pirzynski declared the Hearing formally open and invited property owners or their representatives to address VTA’s Board of Directors.

M/S/C (Chavez/Woodward) to close the public hearing.

M/S/C (Abe-Koga/Kalra) to adopt Resolutions of Necessity No. 2013.12.28 & 2013.12.29 determining that the public interest and necessity requires the acquisition of property interests from two properties owned by: (1) Brian E. Horner, located in Milpitas, California; and (2) PSB Northern California Industrial Portfolio LLC, a Delaware limited liability company, located in Milpitas, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by 9 members.

Resolution No. 2013.12.28
Property ID/Assessor's Parcel Number/Owner
B2019A (APN 022-31-030) owned by Brian E. Horner

Resolution No. 2013.12.29
Property ID/Assessor's Parcel Number/Owner
B2081 (APNs 022-01-006) owned by PSB Northern California Industrial Portfolio LLC, a Delaware limited liability company

Board Member Yeager returned to his seat at 11:29 a.m.

5.2. (Deferred to a future Board meeting.)

Close Hearing and adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from one property owned by: (1) Lake Marriot, LLC c/o Divco West, a Delaware limited liability company located in Santa Clara, California, for the Light Rail Efficiency (LREP) Project.

Property ID/Assessor's Parcel Number/Owner
LREP-01 (104-49-029) owned by Lake Marriot, LLC c/o Divco West, a Delaware limited liability company.

6. REPORTS

6.1. Citizens Advisory Committee (CAC) Chairperson’s Report

William Hadaya, Vice Chair, Citizens Advisory Committee, provided a brief report highlighting: 1) Citizen Advisory Committee (CAC) support of VTA’s purchase of 38 hybrid Community Buses; 2) 2014 VTA Legislative Program which includes: the High Speed Rail Program; Express Lane Program; and the Innovative Delivery Team (iTeam) in partnership with Caltrans District Four, and; 3) Mr. Hadaya thanked staff for organizing the BART project tour.

6.2. Policy Advisory Committee (PAC) Chairperson’s Report

There was no Citizens Advisory Committee (CAC) Chairperson’s Report.
6.3. General Manager’s Report

Mr. Burns provided a report, highlighting: 1) VTA’s overall system-wide ridership flat results with a decrease in average weekday bus ridership of 1%, and average weekday light rail ridership up 3%; 2) Alum Rock Fish Passage Project was awarded the 2013 Small Project of the Year by American Society of Civil Engineers; 3) VTA will be operating free Holiday Trolley rides in downtown San Jose from November 29 to December 29; 4) Participation in the Second Harvest Food Drive; 5) Participation in Stuff the Bus Toy Drive; and 6) Unveiling of new upgraded VTA website which is more interactive and has many new features. [www.vta.org](http://www.vta.org)

Public Comment

Mr. Signorino inquired about: 1) The actual number of light rail riders that had increased; and 2) If the yearly light rail ridership number had increased from 11 million.

Mr. Burns responded the average daily light rail ridership is at 37,605 compared to 36,457 last year, an increase of 1,200; and, the yearly light rail ridership number had increased and is near 13 million.

6.3.A. BART Silicon Valley Program Update

A copy of the BART Silicon Valley Program Update was provided as a handout to the Board.

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

There were no reports from the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities.

6.4. Chairperson’s Report

Chairperson Pirzynski stated he had nothing to report.

6.4.A. VTA Board of Directors Meeting Schedule for Calendar Year 2014

Chairperson Pirzynski advised Board members that the Board generally meets on the first Thursday of the month except for those noted in the staff report. Chairperson Pirzynski noted that the Board will meet on January 9th.

M/S/C (Chavez/Woodward) to approve the VTA Board of Directors Meeting Schedule for Calendar Year 2014.

7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of November 7, 2013

M/S/C (Abe-Koga/Woodward) to approve the Board of Directors Regular Meeting Minutes of November 7, 2013.

7.2. Final Legislative History Matrix for 2013 Session

M/S/C (Abe-Koga/Woodward) to review the Monthly Legislative History Matrix.
7.3. **2014 Legislative Program**  
M/S/C (Abe-Koga/Woodward) to approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

7.4. **Committee for Transit Accessibility Reappointments**  
M/S/C (Abe-Koga/Woodward) for the Committee for Transit Accessibility, to approve the following for the upcoming two-year term ending December 31, 2015  
- Reappointment of the following current human services agency/business representatives: Vista Center for the Blind and Visually Impaired; Hope Services; City of San José Senior Citizens Commission; and the City of Milpitas Barbara Lee Senior Center.  
- Reappointment of current members Barbara Stahl, Kathy Bonilla, Dilip Shah and Cam Acker representing persons with disabilities.

7.5. **Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the Period Ending September 30, 2013**  
M/S/C (Abe-Koga/Woodward) to review and accept the Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2013.

7.6. **Update VTA’s California Environmental Quality Act Guidelines**  
M/S/C (Abe-Koga/Woodward) to adopt Resolution No. 2013.12.30 to update Santa Clara Valley Transportation Authority’s (VTA’s) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities.

7.7. **FTA Section 5311 Non-Urbanized Area Grant Program**  
M/S/C (Abe-Koga/Woodward) to adopt Resolution No. 2013.12.31 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

7.8. **Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria**  
M/S/C (Abe-Koga/Woodward) to review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.

7.9. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**  
Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services.
7.10. (Removed from the Consent Agenda and placed on the Regular Agenda.)
Authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

7.11. **Trapeze OPS Contract Amendment**
M/S/C (Abe-Koga/Woodward) to authorize the General Manager to amend the Trapeze OPS software purchase and installation contract with Trapeze Software Group to accommodate scope additions in the amount of $330,000, increasing the total contract value to $2,264,967.

7.12. (Deferred to a future Board meeting.)
Authorize the General Manager to execute a contract with Emtrac Systems through a preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.

M/S/C (Abe-Koga/Woodward) to authorize the General Manager to execute contract amendments valued at $1,175,000 with WMH Corporation (WMH) for design and engineering services, including construction support services, for the BART Silicon Valley Berryessa Extension - Project Campus, Roadway, and Parking Facilities Design and Engineering Services contract, thereby increasing the total agreement value authorized by the VTA Board to $8,650,000.

M/S/C (Abe-Koga/Woodward) 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 $742,500 for the Group Three’s construction of Residential Noise Insulation Program.

7.15. **SVBX Residential Noise Insulation Program – Amendment to Construction Administration Services Contract with CSDA Architects**
M/S/C (Abe-Koga/Woodward) to authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $70,000, increasing the total contract value to $2,316,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.
7.16. **FY2013 CAFR & ATU Pension Plan Report**  
M/S/C (Abe-Koga/Woodward) to review and receive the audited Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report for Fiscal Year 2013.

7.17. **Audited Retirees’ OPEB Trust Report FY2013**  
M/S/C (Abe-Koga/Woodward) to review and receive the audited Financial Report for Fiscal Year 2013 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust).

7.18. **Proactive CMP Quarterly Report for July – September 2013**  
M/S/C (Abe-Koga/Woodward) to receive the Proactive CMP Quarterly Report for July through September 2013.

7.19. **FY 2012/13 Vehicle Registration Fee Annual Report**  
M/S/C (Abe-Koga/Woodward) to receive the report of the expenditure of Vehicle Registration Fee receipts.

Board Member Rocha left the meeting at 11:35 a.m.

8. **REGULAR AGENDA**

8.1. **Title VI Program Resolutions**
Camille Williams, Accessible Services Program Manager, provided an overview of the staff report and asked the Board to adopt two resolutions. The first resolution contains two elements: 1) The monitoring program of VTA’s System-wide Service Standards and Policies; 2) Major Service Change Equity Analysis Addendum made to the Transit Service Plan for fiscal year 2014 and 2015. Ms. Williams stated the second resolution is approval of VTA’s Title VI Program.

Board Member Campos noted the need to further evaluate the following: 1) bringing transit options and routes to areas east of Hwy. 101 in economically disadvantaged neighborhoods, and; 2) savings from the purchase of mini-buses should be reinvested into other routes. Mr. Campos indicated his support of the resolution with those comments.

M/S/C (Campos/Abe-Koga) to adopt the following resolutions relating to VTA’s Title VI Program:

a) **Resolution No. 2013.12.32** to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and

b) **Resolution No. 2013.12.33** to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.
8.2. **VTA Transit Fund Comprehensive Reserve Policy**

Carol Lawson, Fiscal Resources Manager, provided an overview of the staff report. Ms. Lawson noted this item was originally the recommendation at the April 19, 2013, Harvey M. Rose Associate’s review of VTA’s financial condition and reserve status. Staff concurred and committed to bringing a comprehensive reserve policy to the Board for discussion and approval. Ms. Lawson stated the purpose of this policy is three fold: 1) To outline all VTA Transit reserves in one document; 2) To clarify the relationship to one another; and 3) To identify the timeline for reporting balances to the Board. Administration and Finance Committee did recommend approval, but suggested the Debt Reduction Fund be capped and asked staff to come back with a recommended cap level next spring after the 10 year Capital Improvement Plan, which is being done as part of the Short Range Transit Plan (SRTP), has been completed.

Board Member Liccardo inquired as to how staff arrived at the $35 million figure to maintain the Sales Tax Stabilization Fund.

Ms. Lawson indicated the figure is a standard deviation of the largest discrepancies that we have over the period where we have seen declines.

Board Member Kalra indicated VTA has built a healthy operating reserve of 15% and staff has built a cap at $35 million. Board Member Kalra stated the policy was designed to understand what the funds are being used for and that there is still a relevance to having caps so excess revenues can be put back into the services we provide to riders. Board Member Kalra stated his anticipation of staff recommendations as to what that cap and VTA budget is as we expand.

**M/S/C (Abe-Koga/Chavez)** to approve the VTA Transit Fund Comprehensive Reserve Policy.

8.3. **Balance Point Contract Renewal**

Michael Hursh, Chief Operating Officer, provided a brief presentation on Joint Workforce Investment (JWI) highlighting: 1) What Is Joint Workforce Investment (JWI); 2) JWI Grants; 3) JWI Mission Critical Activities; 4) Major JWI Programs; 5) Mechanic Helper Career Ladder Program (MHCLP); 6) JWI Health & Wellness Campaign; and 7) JWI Future Plans.

Mr. Burns noted the video presentation will be made available.

**Public Comment**

Tom Fink, Representative for ATU Local 265, indicated his support for the contract extension for Balance Point by highlighting: 1) The program brought the two previously antagonistic parties, VTA and ATU, together; 2) Development of programs to develop employees at all levels; and 3) Creating a better sense of teamwork across all classifications.

Board Member Kalra congratulated management and labor on their teamwork in moving this item forward.

Board Member Esteves requested metrics to measure the success of the program.

Mr. Hursh stated that VTA is studying many metrics connected to joint workforce investment and there is a wealth of data behind the program.
Board Member Chavez praised the program partnership and requested quantification within the following areas: opportunities for expanded career ladders; employee satisfaction; customer service; as well as partnering with other agencies such as community colleges.

Mr. Hursh indicated there is currently a national research program which VTA is a part of, and indicated staff would be happy to provide that information when it becomes available next year.

**M/S/C (Kalra/Yeager)** to authorize the General Manager to extend the current contract with BalancePoint Strategic Services in the amount of $530,000 for a total contract value of $1,611,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2014 through June 30, 2016.

**8.4. (Deferred to a future Board meeting.)**  
Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

**7.9. Paratransit Contract Extension**  
Board Member Chavez indicated she has asked the County Executive to work with VTA to determine how we can do a better job of purchasing on behalf of the County; and requested the parties study where we have seen particular success in partnerships with VTA, such as Outreach and Escort, to expand those programs.

**M/S/C (Chavez/Abe-Koga)** to authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. Also authorize automatic renewals of two year terms beginning on July 1, 2021 and every other July 1 thereafter.

**7.10. Thirty Foot Community Bus Procurement**  
Mr. Hursh indicated VTA understands the issue on the door configuration.

**Public Comment**  
Mr. LeBrun indicated his support of the Hybrid Diesel-Electric Community Buses. Mr. LeBrun suggested VTA move forward with the original configuration of two exit doors in case of emergency and reconfigure seating.

Mr. Hursh stated this issue was revisited and highlighted the following: VTA has never had a door failure; the main issue was maximizing seating and space available for ADA passengers and mobility devices; the bus meets all the US Department of Transportation Standards and the California Vehicle Code; the new vehicle is a low floor vehicle with a ramp that can be deployed without power to the bus, and; the bus has approved larger windows that are lower to the ground if evacuation is needed. Mr. Hursh indicated VTA has environmental regulations to comply with and urged the Board to consider moving the item forward.
Jean Dresden, Interested Citizen, expressed support for a second door on the bus as an alternative exit, and suggested VTA redesign the bus.

Norman Reynolds, Gillig LLC, assured parties that the bus design is very safe and meets all state and federal safety requirements. Mr. Reynolds stated in regards to egress from the vehicle in case of an accident or impact that causes failure to the electrical system the operator simply releases the emergency release valve and the doors open. Mr. Reynolds stated if the doors were crushed and inoperable there are egressable windows on both sides of the vehicle, and there is a wheelchair ramp instead of a lift which can be deployed without power. Mr. Reynolds stated this is a safe design and an excellent choice for VTA.

M/S/C (Woodward/Yeager) to authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

Board Member Liccardo left his seat at 11:55 a.m.

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

- Audit Committee – November 7, 2013 Minutes were accepted as contained in the Agenda Packet.
- Congestion Management Program and Planning Committee (CMPP) – November 21, 2013, Cancellation Notice was accepted as contained in the Agenda Packet.
- Administration and Finance Committee (A&F) – November 7, 2013 Minutes were accepted as contained in the Agenda Packet.
- Transit Planning and Operations Committee (TP&O) – November 21, 2013 Minutes were accepted as contained in the Agenda Packet.
- Silicon Valley Rapid Transit Program Working Committee – There was no report.

9.2.B. VTA Advisory Committees

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

9.2.C. VTA Policy Advisory Boards (PAB)

• Diridon Station Joint Policy Advisory Board – November 15, 2013 Minutes were accepted as contained in the Agenda Packet.
• 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 JPB – December 5, 2013 Meeting Summary Notes were accepted as contained on the dais.
• Capitol Corridor JPB – There was no report.
• Dumbarton Rail Corridor Policy Committee – There was no report.
• Metropolitan Transportation Commission (MTC) – There was no report.
• Sunol Smart Carpool Lane Joint Powers Authority – There was no report.
• SR 152 Mobility Partnership – 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 12:02 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary