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 Yeager at 5:38 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. ADMINISTER OATHS OF OFFICE

Sandra A. Weymouth, VTA Board Secretary, administered the Oath of Office to newly appointed Alternative Board Member David Whittum, representing the City of Sunnyvale.

2. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</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>David Cortese</td>
<td>Ex-Officio 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>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Evan Low</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Joe Pirzynski</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.
3. **Orders of the Day**

Chairperson Yeager noted the new Board Agenda format will make the meeting more efficient and will allow time for important presentations.

Chairperson Yeager noted the request to move the following Agenda Item from the Consent Agenda to the Regular Agenda: **Agenda Item #7.9., Resolution for Competitive Negotiation for Bus Rapid Transit (BRT) Procurement.**

**M/S/C (Pyle/Herrera)** to accept the Orders of the Day, approve the Consent Agenda and approve the changes to the Board of Directors Agenda.

2. **AWARDS AND COMMENDATION**

1. **Board Resolutions of Appreciation**

**M/S/C (Herrera/Pyle)** to adopt Resolution No. 02.02.13 of appreciation for outgoing VTA Board Member Chuck Reed.

2. **Recognition of 2011 and Introduction of 2012 Advisory Committee Chairpersons**

Vice Chairperson Pirzynski thanked the 2011 Advisory Committee Chairpersons for their service, commitment, and dedicated leadership:

- Bicycle & Pedestrian Advisory (BPAC) Chairperson Jerri-Ann Meyer;
- Citizens Advisory (CAC) Charlotte Powers;
- Technical Advisory (TAC) Todd Capurso;
- Committee for Transit Accessibility Aaron Morrow;
- Policy Advisory Committee (PAC) Joe Pirzynski;

Vice Chairperson Pirzynski introduced the new Advisory Committee Chairpersons for 2012:

- BPAC: Paul Goldstein;
- CAC: Clinton Brownley;
- CTA: Aaron Morrow;
- PAC: Megan Satterlee;
- TAC: Greg Armendariz;

On order of Chairperson Yeager and there being no objection, the Board recognized and thanked the individuals who served as Advisory Committee Chairpersons for 2011, and welcomed those serving in that capacity for 2012.

3. **Employees of the Month for February 2012**

Chairperson Yeager recognized Usman Husaini, Assistant Transportation Engineer, River Oaks Administration; Brian Dufur, Transit Mechanic, Cerone Maintenance; and Robert Marquez, Coach Operator, Chaboya Division, as Employees of the Month for February 2012.
3. CLOSED SESSION

1. Recessed to Closed Session at 5:44 p.m.

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

Name of Case: Santa Clara Valley Transportation Authority v. U.S. REIF Mabury California, LLC, et al. (Eminent Domain)

(Santa Clara Superior Court Case No.: 1-11-CV-212792)

2. Reconvened to Open Session at 6:01 p.m.

3. Closed Session Report

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

Name of Case: Santa Clara Valley Transportation Authority v. U.S. REIF Mabury California, LLC, et al. (Eminent Domain)

(Santa Clara Superior Court Case No.: 1-11-CV-212792)

Robert Fabela, VTA General Counsel, reported a tentative settlement had been reached with U.S. REIF Mabury California, LLC, et al. during Closed Session.

4. PUBLIC COMMENT

Michael Ludwig, Interested Citizen, expressed concern with the frequency and content of bus public service announcements, and inquired about security and safety procedures regarding disruptive riders on light rail.

Abdollah Banitaba, Interested Citizen, expressed concern with the impacts of long-range planning for future generations.

James Wightman, Interested Citizen, raised service related questions.

Shaun Owens, Interested Citizen, expressed concern with the lack of bus service to Gilroy Gardens and other service related issues.

5. PUBLIC HEARINGS

1. HEARING - NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY

Chairperson Yeager stated this was a hearing regarding the intention of the Board to adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests in Milpitas, California from
Armand H. and Joan Joyce Kunde, for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Robert Fabela, General Counsel, provided an overview and statutory foundations for the Resolution of Necessity. He also addressed some of the issues raised by the representatives of the property owners, and reminded the members of the Board that they had full discretion to reject or approve the subject Resolution of Necessity.

Bijal Patel, Deputy Director of Property Development, provided a PowerPoint presentation highlighting the Resolution of Necessity Hearing for the BART Silicon Valley Berryessa (SVBX) Project: 1) Project Map; 2) Status of Acquisition Activities; 3) Resolution of Necessity (RON) Hearing – Key Board Findings; 4) Resolution of Necessity (RON) Hearing – Subject Property; 5) Fee Acquisition; 6) Temporary construction staging area easement; 7) Station Alternatives considered; 8) Environmental, 9) Statutory Requirements regarding offers; and 10) Compliance and key board findings.

Chairperson Yeager opened the hearing and noted one speaker requested to address the Board.

Jamie Matthews left his seat at 6:30 p.m.
Alternate Board Member David Whittum took his place at 6:30 p.m.
Ex-Officio Cortese took his seat at 6:35 p.m.

Public Comment

Andrew Faber Esq., representing Armand H. and Joan Joyce Kunde, Trustees of the Kunde 2006 Revocable Trust dated May 16, 2006 (B2251), expressed serious concern with the appraisal valuation and VTA’s offer for the property located at 555 East Capitol Ave, Milpitas, California. He also claimed that this hearing was a “sham” under the Norm’s Slausen, a 1985 California appellate court case.

M/S/C (Kniss/Herrera) to close the hearing. Motion approved by 12 Board Members.

Ex-Officio Board Member Cortese inquired if VTA has policy regarding timing of releasing appraisals. Mr. Fabela noted there are statutes that apply to this issue.

M/S/C (McHugh/Kalra) on a vote of 11 ayes, 1 no, and 0 abstention to adopt Resolution of Necessity No. 2012.02.14 determining that the public interest and necessity require the acquisition of property interest in Milpitas, California from Armand H. and Joan Joyce Kunde, Trustees of the Kunde 2006 Revocable Trust dated May 16, 2006 for the BART Silicon Valley Berryessa Extension (SVBX) Project. Alternate Board Member Whittum opposed.

Resolution No.2012.02.14

Property ID/Assessor’s Parcel Number/Owner
6. REPORTS

1. **Citizens Advisory Committee (CAC) Chairperson’s Report**
   
   There was no CAC Committee Chairperson’s Report.

2. **Policy Advisory Committee (PAC) Chairperson’s Report**
   
   Chairperson Yeager noted the PAC Chairperson’s report is on the dais.

3. **General Manager Report**
   
   Michael T. Burns, General Manager, provided a report highlighting: 1) Solar Project Dedication event at Cerone Bus Maintenance Division; 2) VTA’s overall System-wide ridership increased 8 percent, noting bus boardings increased 7.8 percent and light rail increased 8.5 percent; 3) Fare revenue increased .09 percent; 4) De Anza College is now participating in VTA’s EcoPass Program, and ridership on Line 23, the main route to De Anza experienced a 20 percent growth in December 2011; 5) Service improvements implemented January 2012 have been successful, with the rescheduling of light rail service to improve reliability, improve on-time performance, increase ridership on express trains; and 6) 20 Hybrid Express bus vehicles have been delivered and put into service, and 7) SVRT update.

   Mr. Burns stated at future Board meetings the General Manager’s report will incorporate relevant Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) issues.

4. **Chairperson’s Report**

   There was no Chairperson’s Report.

7. CONSENT AGENDA

1. **Board of Directors Regular Meeting Minutes of January 5, 2012**

   M/S/C (Pyle/Herrera) to approve the Board of Directors Regular Minutes of January 5, 2012.

2. **Actuarial Valuation of VTA’s Other Post Employment Benefits (OPEB) as of July 1, 2011**

   M/S/C (Pyle/Herrera) to receive the valuation of VTA’s Other Post Employment Benefits as of July 1, 2011.

3. **OneBayArea Grant Proposal Update**

   M/S/C (Pyle/Herrera) to receive the OneBayArea Grant (OBAG) Proposal Update.
4. **1996 Measure B Transportation Improvement Program Progress Report - December 2011**

M/S/C (Pyle/Herrera) to receive the 1996 Measure B Transportation Improvement Program Progress Report - December 2011.

5. **Solar Installation Update**

M/S/C (Pyle/Herrera) to receive Solar Installation Update.

6. **Monthly Legislative History Matrix**

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

7. **State Legislative Consultant Services Contract**

M/S/C (Pyle/Herrera) to authorize the General Manager to execute a contract with Gonzalez, Quintana & Hunter, LLC, for state legislative consultant services for a period of five years in the amount of $300,000. The fixed monthly retainer would be $5,000 for all five years of this contract.

8. **Silicon Valley Rapid Transit (SVRT) Construction & Collaboration Website Contract Amendment**

M/S/C (Pyle/Herrera) to authorize the General Manager to execute an amendment to the existing contract with SharePoint 360 for the design and development of the Silicon Valley Rapid Transit (SVRT) Construction & Collaboration Website in the amount of $225,360. This action will increase the initial contract authorization to $439,340 to cover SharePoint design, programming, support, maintenance, and consulting services.

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

Adopt a Resolution upon a two-thirds vote of the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 46 low-floor articulated buses for VTA’s Bus Rapid Transit service, as required by Public Contract Code Sections 20216 and 20217.

10. **Fraud Risk Assessment**

M/S/C (Pyle/Herrera) to review and receive the Auditor General's report on Fraud Risk Assessment.

11. **Follow-Up on the SVRT Contract Compliance Internal Audit Report**

M/S/C (Pyle/Herrera) to review and receive the Auditor General's follow-up report on the implementation status of management's action plans contained in the SVRT Contract Compliance Internal Audit.
12. **Paratransit Provider Contract Compliance Internal Audit**

*M/S/C (Pyle/Herrera)* to review and receive the Auditor General's internal audit report on Paratransit Provider Contract Compliance.

### 8. REGULAR AGENDA

#### Congestion Management Program and Planning Committee

1. **Express Lanes Update**

Murali Ramanujam, Senior Transportation Engineer, provided a brief update and PowerPoint presentation of the Silicon Valley Express Lanes Program. He stated the Express Lanes Projects will implement a roadway pricing system to provide the used of unused capacity in carpool lanes and allow solo commuters to use the available capacity in those lanes for a fee. He noted the fee would change in response to congestion levels and available capacity in the carpool lanes.

**Public Comment**

Michael Ludwig, Interested Citizen, expressed concern Express Lanes are not operational 24 hours a day.

**On order of Chairperson Yeager** and there being no objection, the Express Lanes Update was received.

#### Transit Planning and Operations Committee

2. **(Preliminary Investment Strategy for El Camino Real Bus Rapid Transit)**

This item was deferred to a future Board meeting.

7.9. **Competitive Negotiation for BRT Bus Procurement**

*M/S/C (Pyle/Herrera)* to adopt Resolution No. 02.02.15 finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 46 low-floor articulated buses for VTA’s Bus Rapid Transit service, as required by Public Contract Code Sections 20216 and 20217. **Motion approved by 12 Board Members.**

### 9. OTHER ITEMS

1. **ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no Items of Concern and Referral to Administration.

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

A. **VTA Standing Committees**

- Administration and Finance Committee (A&F) – January 19, 2012 minutes were accepted as contained in the Agenda Packet.
• Congestion Management Program and Planning Committee (CMPP) - January 19, 2012 Minutes were accepted as contained on the dais.

• Transit Planning and Operations Committee (TP&O) - January 19, 2012 Minutes were accepted as contained on the dais.

• Audit Committee - There was no report.

B. **VTA Advisory Committees**

• Committee for Transit Accessibility (CTA) - There was no report.

• Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - January 8, 2012 Minutes were accepted as contained in the Agenda Packet.

• Bicycle & Pedestrian Advisory Committee (BPAC) - January 8, 2012 Minutes were accepted as contained in the Agenda Packet

• Technical Advisory Committee (TAC) - January 9, 2012 Minutes were accepted as contained in the Agenda Packet.

• Policy Advisory Committee (PAC) - January 9, 2012 Minutes were accepted as contained in the Agenda Packet.

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.

• Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB - There was no report.

D. **Joint Powers Boards and Regional Commissions**

• Peninsula Corridor JPB - 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) - Summary Notes were accepted as contained on the dais.
• Sunol Smart Carpool Lane Joint Powers Authority– There was no report.

• SR 152 Mobility Partnership – There was no report.

3. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 7:52 p.m.