BOARD OF DIRECTORS MEETING  
Thursday, October 4, 2012

MINUTES

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Yeager 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>Ex-Officio Board Member</td>
<td>Absent</td>
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<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
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<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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<td>Pete McHugh</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
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<td>George Shirakawa</td>
<td>Alternate Board Member</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>Chairperson</td>
<td>Present</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Yeager stated the following items were removed from the Agenda:
1) **Agenda Item #3.1**, Recess to Closed Session for Existing Litigation; 2) **Agenda Item #3.2**, Reconvene to Open Session; 3) **Agenda Item #3.3**, Closed Session Report; and 4) **Agenda Item #5.1**, Resolution of Necessity for the Berryessa Extension Project.
Chairperson Yeager noted he and Board Member Liccardo had sent a letter to the Board recommending that the Board receive staff’s report and any public input for Agenda Item #8.1, One Bay Area Grant (OBAG): Local Program Development – Criteria. He requested that the item be changed from an action item to an information item and that the Board defer any decision on this item to the November 1, 2012, Board meeting.

Chairperson Yeager stated that Agenda Item #8.2, Caltrain Electrification – Fiscal 2013 Budget Appropriation, would be deferred until the November 1, 2012, Board meeting.

Chairperson Yeager noted a summary of the Congestion Management Program & Planning Committee (CMPP) comments for the following items could be found within the Board Members’ reading folders and on the public table: 1) Agenda Item #7.4, SR 85 / US 101 Express Lanes Project; 2) Agenda Item #7.7, Tamien Joint Development Project; 3) Agenda Item #7.9, Programmed Project Monitoring – Quarterly Report; and 4) Agenda Item #8.1, One Bay Area Grant (OBAG): Local Program Development - Criteria.

M/S/C (Pyle/Woodward) to accept the Orders of the Day and approve the Consent Agenda. Motion approved by 8 Members.

2. AWARDS AND COMMENDATION

2.1. Resolutions of Commendation

Chairperson Yeager reported California State Senators Elaine Alquist, Sam Blakeslee and Joe Simitian have demonstrated their commitment to improving transportation in Santa Clara County and noted their leadership and expertise would be greatly missed following their departure from the State Legislature at the end of 2012.


2.2. Employees of the Month for October 2012

Chairperson Yeager recognized Maria Holman, Office Specialist II River Oaks Administration, and Pale Eva, Coach Operator Cerone Division, as Employees of the Month for October 2012. Robin Jackson, Bus Stop Maintenance Worker, Facilities Maintenance Department, was unable to attend.

Member Liccardo took his seat at 5:38 p.m.

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

3.1. (Item Removed from Board Agenda.)

Recess to Closed Session

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

Name of Case: Johnson v. Santa Clara Valley Transportation Authority
(Santa Clara County Superior Court Case #1-10-CV-190335)

3.2. (Item Removed from Board Agenda.)

Reconvene to Open Session (Removed from the Agenda.

3.3. (Item Removed from Board Agenda.)

Closed Session Report.

4. PUBLIC COMMENT

Craig Bright, Interested Citizen, requested the Board review the letter he submitted to the Board Secretary’s Office on October 2, 2012. Chairperson Yeager noted that the Board had been provided with a copy of his letter.

Members Kalra and Herrera took their seats at 5:40 p.m.

5. PUBLIC HEARINGS

5.1. (Item Removed from Board Agenda.)

HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY

Property ID/Assessor's Parcel Number/Owner

B2025 (APN 086-24-060) owned by Milpitas Mills Limited Partnership, a Delaware Limited Partnership

6. REPORTS

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

There was no CAC Chairperson’s Report.

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

There was no PAC Chairperson’s Report.
6.3. **General Manager’s Report**

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

- August 2012 Ridership numbers for bus, light rail, express service, and Clipper.

  Board Member Abe-Koga took her seat at 5:42 p.m.

- The new Limited Bus Line 323 began service on October 1, 2012, with direct connections to De Anza College, Santana Row, Westfield’s Valley Fair Mall, the San José Convention Center, Downtown San José and San José State University.

- Marketing efforts to promote the new 323 Line.

- The U.S. 101 Improvement Project (Capitol Expressway to Yerba Buena Interchange) Groundbreaking held on September 17, 2012.

- The Wrigley Creek Improvements Project was the recipient of the American Society of Civil Engineers, San Francisco Section, 2012 Outstanding Environmental Project of the Year.

- VTA hosted 100 business and government leaders from the Austin, Texas, area on September 30, 2012.

- The ribbon cutting celebration for the Capitol Expressway Pedestrian Safety Improvement Groundbreaking is scheduled for Friday, October 5, 2012, at Beshoff Motor Cars on Capitol Expressway in San José.

- The Rock & Roll Half Marathon is scheduled for October 5 - October 7, 2012.

**Legislative Summary**

Kurt Evans, Government Affairs Manager, provided an update on the 2011-2012 California State Legislative Session, highlighting: 1) Measure Assembly Bill (AB) 1706, sponsored by the California Transit Association (CTA), addressing the California vehicle weight limit; and 2) Senate Bill (SB) 1339, authorizes the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD) to jointly adopt a regional commute benefit ordinance for the Bay Area.

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

Carolyn Gonot, Chief SVRT Officer, provided a PowerPoint presentation, highlighting images and providing an update of the: 1) Milpitas Station Area; 2) Berryessa Station Area; 3) Upper Penitencia Creek Mitigation; 4) Kato Road Grade Separation; 5) Mission Warren Area Improvements; and 6) and Corridor Signage.
6.3.B. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities

There was no report on MTC and CTC activities.

Public Comment

Ross Signorino, Interested Citizen, noted the increase in bus ridership is encouraging and thanked Mr. Burns and staff for their efforts.

Michael Ludwig, Interested Citizen, referenced the new 323 limited-stop route and encouraged the addition of a stop at the Vallco Shopping Mall. Mr. Ludwig then referenced the legislative update and noted employer subsidies for transit should equal that of any company-provided parking allowances.

Board Member Herrera left the meeting at 6:00 p.m.

6.4. Chairperson's Report

Stevens Creek Bus Rapid Transit (BRT) Tour

Chairperson Yeager reported his and Board Member Kniss’ participation in the September 26, 2012, Stevens Creek Bus Rapid Transit (BRT) Tour along with members of advocacy organizations, student groups, business groups, VTA Advisory Committee members, elected officials, and city staff. He noted the tour highlighted the various options and challenges VTA will study in order to improve service in this heavily-used corridor. He noted an additional tour is scheduled in 2012.

Blossom Hill Pedestrian Overcrossing Bridge Ribbon Cutting

Chairperson Yeager reported the Blossom Hill Pedestrian Overcrossing Bridge Ribbon Cutting was held on September 28, 2012, with over 130 people in attendance. He noted the bridge is called “Xander’s Crossing” in honor of Alexander Arriaga, the toddler who was tragically struck near the location of the bridge. He noted the bridge, a project lead by VTA in partnership with Caltrans and the City of San José, will enhance bicycle/pedestrian safety. Multiple funding partners provided the $10.5 million in funds required to fund this project, including the federal and state government, VTA, and the City of San José.

Board Member Kalra expressed his appreciation to Mr. Burns and staff for their efforts. Board Member Kalra credited Former San José City Councilmember and Former VTA Board Member Forrest Williams’ efforts as the instrumental force behind this project.

Mission/Warren Groundbreaking

Chairperson Yeager reported on his attendance at the Mission/Warren Groundbreaking held on September 28, 2012, a milestone event in preparation for the BART Silicon Valley Corridor. He noted this $151 million improvement
project is the result of collaboration and partnership between VTA, the City of Fremont, the Alameda County Transportation Commission (ACTA) and the California Department of Transportation (Caltrans).

Nomination/Election Process for 2013 Board Chair/Vice Chair

Chairperson Yeager directed any Board Members interested in serving as the Board Chair or Vice Chair to submit a letter to him through the Board Secretary’s Office. He stated in 2013 the Chairperson would be chosen from the small cities and the Vice Chairperson would be chosen from the members representing the City of San José, for a one-year term effective January 2013. Chairperson Yeager then noted nominations would be accepted from the floor and letters of intent would be considered at the December 2012 Board meeting.

Robert Fabela, General Counsel, reminded the Board that AB 1234 Ethics Training Certificates must be completed and submitted to the Board Secretary’s Office prior to December 31, 2012.

7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of September 6, 2012

M/S/C (Pyle/Woodward) to approve the Board of Directors Regular Meeting Minutes of September 6, 2012.

7.2. Bicycle & Pedestrian Advisory Committee Appointments

M/S/C (Pyle/Woodward) to ratify the appointment to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Alain Dang, representing the County of Santa Clara; and (2) Colin Heyne as the alternate representative of the Silicon Valley Bicycle Coalition.

7.3. Renewal of Employee Health Benefit Contracts

M/S/C (Pyle/Woodward) to authorize the General Manager to renew benefit contracts with Kaiser, United Health Care, Valley Health Plan, Delta Dental, Pacific Union Dental, CIGNA and Custom Benefit Administrators for VTA employees and retirees for calendar year 2013.

7.4. SR 85 / US 101 Express Lanes Project

M/S/C (Pyle/Woodward) to authorize the General Manager to revise the contract with URS Corporation in the amount of $800,000 to a not-to-exceed total contract value of $9.1 million to accommodate additional services to complete PA/ED for the SR85 Express Lanes Project.

7.5. Combined Landscaping and Maintenance Project Funding

M/S/C (Pyle/Woodward) to approve re-programming of Local Program Reserve (LPR) budgeted for completing plant establishment periods (PEP) from three
existing highway improvement projects to form a single, new project in the amount of $2,200,000; and authorize the General Manager to execute the necessary agreements with Caltrans to implement the project.

7.6. **State of the Joint Development Program**

M/S/C (Pyle/Woodward) to receive an update on the Joint Development Program.

7.7. **Tamien Joint Development Project**

M/S/C (Pyle/Woodward) to authorize the General Manager to execute the proposed contract for up to $450,000 with the Dahlin Group, Inc. from VTA's On-Call List for Real Estate and Development Services for all services needed to complete the "Tamien Development Project".

7.8. **Competitive Negotiation – Community Bus Procurement**

M/S/C (Pyle/Woodward) to adopt Resolution No. 2012.10.58 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 40 small low-floor hybrid transit buses, up to 32' in length, as required by Public Contract Code Sections 20216 and 20217. **Motion approved by 8 Members.**

7.9. **Programmed Project Monitoring – Quarterly Report**

M/S/C (Pyle/Woodward) to receive the Programmed Projects Quarterly Monitoring Report for April-June 2012.

7.10. **October 2012 Service Changes**

M/S/C (Pyle/Woodward) to receive report on October 1, 2012, Transit Service Changes.

7.11. **Monthly Legislative History Matrix**

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


M/S/C (Pyle/Woodward) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report.

8. **REGULAR AGENDA**

*Congestion Management Program & Planning Committee*

8.1. **One Bay Area Grant (OBAG): Local Program Development - Criteria**

Marcella Rensi, Transportation Planning Manager, provided the staff report.
Ms. Rensi provided a PowerPoint presentation, highlighting: 1) Santa Clara OBAG Program structure Adopted September 6, 2012; 2) Priority Development Areas July 2012; 3) PDAs in Santa Clara County; 4) PDA Requirements; 5) PDA Density Requirements; 6) Next Steps; and 7) Schedule.

Ms. Rensi reviewed Attachment A within the memo and noted this is a single call for projects, for all project types. She reported that staff ran sample projects through the criteria to ensure there was no inherent bias against a project and stated points would be awarded on a sliding scale: high, medium and low.

The Board recessed due to a medical emergency at 6:20 p.m.

The Board reconvened the open session at 6:30 p.m.

John Ristow, Chief Congestion Management Agency Officer, reviewed the categories, discussed the point system and the program requirements. He noted this item will go back through the advisory committees for additional review and will then be brought back to the Board.

**Public Comments**

Christopher Lepe, Transform, encouraged VTA to be a Bay Area scoring-criteria leader to ensure that an affordable housing component is included and the low-income population is not displaced.

Bena Chang, Silicon Valley Leadership Group, stated: 1) The SVLG has been supportive of the growing up and not out policies adopted by many of the cities in Santa Clara County; 2) The limited amount of land needs to be used efficiently in order to accommodate the housing and jobs needed to be economically competitive in this global economy; 3) The SVLG believes the OBAG funds should be spent in places that support and reward the jurisdictions that have taken on the highest densities and that will take on the most growth in the future; 4) The SVLG sympathizes that there is a need to have good data to make these decisions and noted ABAG has data and is willing to work with VTA on finding what it needs to include the criteria in this round that recognizes housing and job density; and 5) The SVLG would like the VTA Board to add any criteria around housing and job density in the OBAG discussion criteria.

Belén Seara, Urban Habitat, encouraged the Board to take more time to think through the policy guidelines that can be implemented in this criteria, including affordable housing and anti-displacement. She encouraged VTA to work with ABAG and the advocacy groups that have been involved in this process.

John Rainville, Interested Citizen, requested more information on the OBAG criteria.
Michael Ludwig, Interested Citizen, noted his support of access to affordable housing and transit.

Board Member Liccardo noted he shares many of the concerns expressed by the speakers. He stated he would like to see a formula for distribution of discretionary funds, as consistent as possible to AB 375, and one that reflects the need to focus transportation investments in locations where cities have made strong commitments to density and housing.

Board Member Liccardo questioned whether the term PDA Serving has been defined. Mr. Ristow stated PDA Serving refers to projects that may not be completely located within a PDA, but which are in proximity and provide transportation benefits to that PDA. He noted this definition will go through the committees this month and will be brought before the Board at its November 1, 2012, meeting.

Board Member Campos noted the importance of addressing the areas of the County that are underserved and ensuring affordable housing will be included within the scoring criteria.

Vice Chairperson Pirzynski noted the importance of reviewing the advocacy groups’ interests and confirmed with Mr. Ristow that the point total and description of criteria is within VTA’s discretion. Mr. Ristow noted once the Board approves the final criteria, staff will release a call for projects with the criteria and maps that the cities will use to develop and submit projects. He stated the list of projects must be submitted to MTC by June 2013, therefore, to enable the cities to have time to organize their projects, staff is hoping to receive Board approval by November 1, 2012.

Chairperson Yeager confirmed with Mr. Burns that staff is working to formalize a process to enable the advisories and standing committees to review and discuss the data. Mr. Ristow noted the importance of ensuring the level of data is verifiable and complete.

**On Order of Chairperson Yeager** and there being no objection, the Board received the Santa Clara One Bay Area Grant (OBAG) Countywide Competitive Complete Streets Program Criteria.

*Transit Planning & Operations Committee*

**8.2. (Deferred to the November 1, 2012, Board Meeting)**

Amend the FY 2013 2000 Measure A Transit Improvement Program Fund Capital Budget to add $3.08 million for the Caltrain/High Speed Rail Early Investment Strategy.

**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

- Administration & Finance Committee (A&F) – September 20, 2012, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Congestion Management Program & Planning (CMPP) – September 27, 2012, Minutes were accepted as contained on the dais.
- Transit Planning & Operations Committee (TP&O) – August 16, 2012, Minutes were accepted as contained in the Agenda Packet.

9.2.B. VTA Advisory Committees

- Bicycle & Pedestrian Advisory Committee (BPAC) – September 12, 2012, Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – September 12, 2012, Minutes and were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – September 13, 2012, Minutes and were accepted as contained in the Agenda Packet.
- Technical Advisory Committee (TAC) – September 13, 2012, Minutes were accepted as contained in the Agenda Packet.

9.2.C. VTA Policy Advisory Boards (PAB)

- Downtown East Valley PAB – September 17, 2012, Minutes were accepted as contained in the Agenda Packet.
- El Camino Real Rapid Transit PAB – September 14, 2012, Notice of Cancellation was accepted as contained in the Agenda Packet.

9.2.D. Joint Powers Boards and Regional Commissions

- Capitol Corridor JPB – September 19, 2012, Meeting Summary Notes were accepted as contained on the dais.
- Policy Advisory Committee – September 13, 2012, Meeting Summary Notes were accepted as contained on the dais.
- Sunol Smart Carpool Lane Joint Powers Authority – September 10, 2012, Meeting Summary Notes were accepted as contained on the dais.
9.3. Announcements

There were no announcements.

10. ADJOURN

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Susan Garcia, Board Assistant
VTA Office of the Board Secretary