BOARD OF DIRECTORS MEETING

Thursday, March 1, 2012

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 Yeager at 5:38 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>
</tr>
<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>David Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<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>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Absent</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>Present</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.
1.2. Orders of the Day

M/S/C/ (Pyle/McHugh) to accept the Orders of the Day, and approve the Consent Agenda.

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for March 2012

Chairperson Yeager recognized Andrew “Kevin” Wilson, Management Analyst, River Oaks Administration; and Sheila Nagore, Coach Operator, North Division, as Employees of the Month for March 2012.

2.2 Employees and Supervisor for 2011

Chairperson Yeager recognized Ray Franklin, Quality Assurance & Warranty Specialist, River Oaks Administration; Shonna Swain, Coach Operator, North Division; and Rey Operario, Service Mechanic, Chaboya Division, as Employees of the Year for 2011; and Russell Anderson, Maintenance Training Supervisor, Chaboya Division, as 2011 Supervisor of the Year.

3. CLOSED SESSION

3.1. Recessed to Closed Session at: 5:41 p.m.

Board Members Herrera, Kniss, and Liccardo arrived at the meeting at 5:45 p.m. and entered Closed Session.

3.1.A. Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Fee interests (including appurtenant rights in APN 254-17-034), utility easement interests, temporary construction easement interests, and a roadway easement interest in property located at 1590 Berryessa Road and 1411 Mabury Road, San Jose, CA (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095)

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

Negotiating Parties: Brian Bumb, co-owner

Under Negotiation: Price and terms of payment
3.1.B. Conference with Real Property Negotiators  
[Government Code Section 54956.8]

Property: Utility easement interests and ingress/egress easement interest in 1655 Berryessa Road, San Jose, CA (APNs 241-03-014, 241-03-015 and 241-03-016)

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

Negotiating Parties: Robert B. Facchino, co-owner

Under Negotiation: Price and terms of payment

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

Name of Case: VTA v. Eastridge Shopping Center  
Case No: 1-11-CV-209524  
(Santa Clara County Superior Court)

Ex-Officio Board Member Cortese took his seat at 5:50 p.m.

3.2. Reconvened to Open Session at: 6:00 p.m.

3.3. Closed Session Report

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

Property: Fee interests (including appurtenant rights in APN 254-17-034), utility easement interests, temporary construction easement interests, and a roadway easement interest in property located at 1590 Berryessa Road and 1411 Mabury Road, San Jose, CA (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095)

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

Negotiating Parties: Brian Bumb, co-owner

Under Negotiation: Price and terms of payment

Robert Fabela, General Counsel, reported action was taken on 3.1.A with conclusion contingent upon other parties.
3.1.B. Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Utility easement interests and ingress/egress easement interest in 1655 Berryessa Road, San Jose, CA (APNs 241-03-014, 241-03-015 and 241-03-016)

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

Negotiating Parties: Robert B. Facchino, co-owner

Under Negotiation: Price and terms of payment

Robert Fabela, General Counsel, reported action was taken on 3.1.B. with conclusion contingent upon other parties.

3.1.C. Existing Litigation - Conference with Legal Counsel

[Government Code Section 54956.9(a)]

Name of Case: VTA v. Eastridge Shopping Center
Case No: 1-11-CV-209524 (Santa Clara County Superior Court)

Robert Fabela, General Counsel, reported no action was taken on this item during Closed Session.

4. PUBLIC COMMENT

John Rainville, Interested Citizen, expressed concern with Bus Line #58 and other service schedule changes.

Priyemka K. Shah, Interested Citizen, inquired about business partnerships with VTA.

James Wightman, Interested Citizen, raised service related issues.

Jeff Chen, Interested Citizen, expressed concern with light rail service and scheduling issues.

Michael Ludwig, Interested Citizen, offered suggestions for bus shelter construction materials that repel rain and service related issues with Bus Line #104.

Eugene Bradley, Silicon Valley Transit Users, expressed concern regarding transit service interruption announcements.
. PUBLIC HEARINGS

5.1. 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 Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from three properties owned by: (1) Montague Parkway Associates, LP, located in Milpitas, California, (2) JWMFE Milpitas TP, LLC, located in Milpitas, California; and (3) Parc Metropolitan Community Association, located in Milpitas, California for the BART Silicon Valley (SVBX) Project.

Mr. Fabela announced property identification # B2300 (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095) owned by The Flea Market, Inc., Bumb and Associates, and BGT Development, LLC has been removed from the Hearing for the Resolution of Necessity.

He added property identification # B2034 (APNs 241-03-014, 214-03-015 and 241-03-016) owned by The Robert B. Facchino Family Limited Partnership; Maureen Stickler, as Trustee of the Maureen Stickler Revocable Trust 12/18/01; JRD, LLC; JRDK, LLC; and Robert B. Facchino, II and Karisa Shannon Flores, as Co-Trustees of the Karisa Shannon Flores Irrevocable Trust 1/01/05 has been removed from the Hearing for the Resolution of Necessity.

Bijal Patel, Deputy Director of Property Development and Management, provided a PowerPoint presentation highlighting the Resolution of Necessity Hearing for the BART Silicon Valley Berryessa (SVBX) Project: (1) Montague Parkway Associates, LP, located in Milpitas, California, (2) JWMFE Milpitas TP, LLC, located in Milpitas, California; and (3) Parc Metropolitan Community Association, located in Milpitas, California. She highlighted: 1) project map; 2) status of acquisition activities; and 3) key board findings of the three properties.

Public Comment

There was no public comment.

M/S/C (Herrera/Kniss) to close the hearing.

M/S/C (Pyle/Herrera) to adopt Resolutions of Necessity and determining that the public interest and necessity require the acquisition of property interests from three properties owned by: (1) Resolution No. 2012.03.16 Montague Parkway Associates, LP, located in Milpitas, California, (2) Resolution No. 2012.03.17 JWMFE Milpitas TP, LLC, located in Milpitas, California; and (4) Resolution No. 2012.03.18 Parc Metropolitan Community Association, located in Milpitas, California. Motion approved by 12 Board Members.
Resolution No. 2012.03.16
Property ID/Assessor’s Parcel Number/Owner
B2250 (APN 092-08-096) owned by Montague Parkway Associates, LP

Resolution No. 2012.03.17
Property ID/Assessor’s Parcel Number/Owner
B2030 (APN 086-24-042) owned by JWMFE Milpitas TP, LLC, a Delaware limited liability company

Resolution No. 2012.03.18
Property ID/Assessor’s Parcel Number/Owner
B2024 (APN NONE (Lot A and Lot G Tract 9147)) owned by Parc Metropolitan Community Association

5.2. HEARING - NOTICE OF INTENTION TO ADOPT 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 from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project.

Bijal Patel, provided an overview and PowerPoint presentation 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 from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project. She highlighted: 1) project map; 2) project schedule; 3) status of acquisition activities; 4) key Board findings; and 5) subject property.

Public Comment
There was no Public Comment.

M/S/C (Kniss/Herrera) to close the hearing.

M/S/C (Herrera/Abe-Koga) to adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project. Motion approved by 12 Board Members.
Resolution No. 2012.03.19

Property IDs/Assessor’s Parcel Numbers/Owner

60798-1 and 60800-1 (APNS 519-0950-007, 519-0950-009, 519-0950-010 and 519-0950-011-02) owned by Union Pacific Railroad Company

6. REPORTS

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

Clinton Brownley, CAC Chairperson provided an overview of the February 8, 2012 meeting.

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

Gail Price, PAC Vice Chairperson, provided an overview of the February 9, 2012 meeting.

3. General Manager Report

Michael T. Burns, General Manager, provided a report highlighting: 1) System wide ridership; 2) New Express buses; 3) Express Lanes; 4) SVBX Full Funding Grant Agreement (FFGA) Ceremony to be held Monday, March 12, 2012 at 10:00 a.m. in the San Jose City Hall Rotunda; and 5) Ground breaking for the SVBX project to be held April 12, 2012.

Board Member McHugh requested staff provide the Board a progress report reflecting the first two months of the 237/880 Express Lane.

6.3.A Roles and Responsibilities – Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC)

John Ristow, Chief Congestion Management Officer, and Scott Haywood, Policy and Community Manager, provided a PowerPoint presentation highlighting roles and responsibilities of the MTC and the CTC.

The CTC, established in 1978, is responsible for programming and allocating funds for construction of Highway, passenger rail, and transit improvements in California. In FY11 the CTC allocated over $5.5 billion in state and federal funding for projects.

The MTC, established in 1970, is the planning and funding agency for the nine Bay Area counties. The MTC programs $1.2 billion annually. Included in MTC Planning and Regional Programs are as follows: 1) Regional Transportation Plan; 2) Sustainable Communities Strategy; 3) technical planning; 4) regional programs; 5) Clipper; 6) 511; and 7) SAFE.
Chairperson Yeager invited Board of Directors to attend an MTC meeting. He noted the importance to understand how MTC funding comes together.

Board Member Kniss expressed concern that term limits contribute to disadvantages in MTC representation for the Bay Area. The Board discussed potential appointees to represent VTA at future MTC or CTC meetings.

**Public Comment**

Eugene Bradley, Interested Citizen, requested information from VTA staff regarding farebox recovery.

Roland LeBrun, Interested Citizen, discussed transportation options for South County.

6.3.B. **Caltrain & High Speed Rail**

Jim Lawson, Senior Policy Advisor, provided a report updating Caltrain and High Speed Rail (CHSR) recent activities. He noted the CHSR Draft Business Plan includes the concept of a Blended System Approach for the northern and southern portions of the project.

To provide near term benefits CHSR Chairperson Dan Richard proposes investments of State Proposition 1A funds for Northern and Southern California. Northern California will receive $1.3 billion. Led by MTC, the region is defining applicable projects and investigating potential local, state (non Proposition 1A) and, federal funds to achieve the necessary match. A draft Memorandum of Understanding (MOU) is in circulation.

Mr. Lawson commented that the intent of the early investment strategy is to: 1) secure at the earliest possible date the benefits of the blended system for the traveling public and; 2) determine strategy for future construction and improvements needed to support and promote high speed train and commute services.

Some Board Members had questions regarding electrification, funding, projected ridership, grade separations, tracking and, Positive Train Control.

**Public Comment**

Roland LeBrun, Interested Citizen, commented about European high speed transit, traffic issues, and high speed options for the South Bay.
6.3.C. **Steve Palmer- Federal Lobbyist**

Steve Palmer, Van Scoyoc Associates, provided a report and PowerPoint presentation highlighting current transportation related activities in Washington, D.C. He discussed the presidential election year legislative gridlock intensification, the FY 2013 budget and the, possible Lame Duck session.

Mr. Palmer discussed Transportation authorization and noted the Highway Trust Fund cannot support current funding. He provided an overview of Senate: MAP – 21 (Boxer/Inhofe). He noted the FY2013 Budget and Appropriations includes President Obama’s priorities for the Department of Transportation (DOT), New Stars, Federal Highway Administration, and the Congressional Appropriations Schedule.

Mr. Palmer provided a brief overview of the American Energy & Infrastructure Jobs Act (MICA).

Members of the Board posed questions regarding New Starts projections, value added tax conversations, and credit funding.

**Public Comment**

Michael Ludwig, Interested Citizen, expressed concern with the projected cost of bringing BART to the South Bay.

Eugene Bradley, Interested Citizen, expressed concern with the proposed cost to bring BART to the South Bay.

6.3.D. **SVRT Program Update**

Accepted as contained in the Agenda packet.

6.4 **Chairperson’s Report**

Chairperson Yeager stated he represented VTA at the dedication of station improvements at the San Jose/Diridon and Santa Clara Caltrain Stations. He reported the ceremony marked the completion of two vital projects providing improved transportation infrastructure in San Jose and Santa Clara. He noted the project will benefit all Caltrain riders and cities along the Corridor.

Chairperson Yeager noted the project also provides infrastructure to support connection to the future BART Station in Santa Clara. He thanked fellow Caltrain Board Members, Ash Kalra, Liz Kniss, as well as the VTA Board of Directors for their support.

**Public Comment**

Eugene Bradley, Interested Citizen, expressed concern with labor and material costs for SVRT from 2010 to the present and requested detailed data resulting in the $2.4 billion expenditure.
7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of February 2, 2012

M/S/C (Pyle/McHugh) to approve the Board of Directors Regular Minutes of February 2, 2012.

7.2. Bicycle & Pedestrian Advisory Committee Reappointment

M/S/C (Pyle/McHugh) to ratify the reappointment of Jim Bell to the Bicycle & Pedestrian Advisory Committee representing the City of San Jose for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014.

7.3. Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2011

M/S/C (Pyle/McHugh) review and accept the Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2011.

7.4. BART Silicon Valley Berryessa Extension Project: Campus, Roadway, and Parking Facilities Design and Engineering Services Contract

M/S/C (Pyle/McHugh) to authorize the General Manager to execute a contract with WMH Corporation for services for engineering and preparation of procurement documents related to the Campus Area, Roadway and Parking Structures for the Milpitas and Berryessa Stations of the Silicon Valley Berryessa Extension (SVBX) Project in the amount of $6,500,000.

7.5. Modify FY 2012 Internal Audit Work Plan to add BART Silicon Valley Risk Assessment

M/S/C (Pyle/McHugh) to amend the FY 2012 Internal Audit Work Plan to add a high-level risk assessment of the BART extension project to identify the project’s various key components and evaluate their relative risk. This project will be accomplished using the existing FY 2012 Internal Audit Work Plan budget; no new funding is required.

7.6. Local Program Reserve Reallocation

M/S/C (Pyle/McHugh) to approve reallocation of Local Program Reserve (LPR) savings of $2,260,000 to five identified projects.

7.7. Paratransit Vehicle Procurement

M/S/C (Pyle/McHugh) to authorize the General Manager to procure 70 Toyota Prius vehicles for paratransit service using the State of California purchasing contract in an amount not to exceed $1,753,000.
7.8. **Alum Rock Fish Passage Contract**

M/S/C (Pyle/McHugh) to authorize the General Manager to execute a contract with Stevens Creek Quarry Construction, the lowest responsible bidder, in the amount of $894,200 for the construction of the Alum Rock Fish Passage.

7.9. **FY11-112 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)**

M/S/C (Pyle/McHugh) to adopt a resolution Resolution No. 2012.03.20 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,344,129 from the FY11-12 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

7.10. **Monthly Legislative History Matrix**

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

7.11. **Culmination of Advisory Committee Enhancement (ACE) Process**

M/S/C (Pyle/McHugh) to receive the final report on the Advisory Committee Enhancement (ACE) Process and on changes implemented resulting from it.


M/S/C (Pyle/McHugh) to receive the Proactive CMP Quarterly Report for October through December 2011.

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

M/S/C (Pyle/McHugh) to receive the Programmed Projects Quarterly Monitoring Report for October-December 2011.

7.14. **Express Lanes Update**

M/S/C (Pyle/McHugh) to receive a report on the status of SR 237 Express Lanes project.


M/S/C (Pyle/McHugh) to receive the Semi-Annual Report for the 2000 Measure A Transit Improvement Program through December 2011.

7.16. **Clipper Fare Collection System – Final Launch**

M/S/C (Pyle/McHugh) receive Update on Clipper Fare Collection Project.
8. REGULAR AGENDA

Congestion Management Program and Planning Committee


John Ristow provided a brief overview of the staff report.

Board Member Kniss expressed her support to retain funding for the California Avenue Project if pending litigation is resolved in a timely manner.

M/S/C (Herrera/Pyle) to approve the following actions to fill a funding gap for the US 101/Capitol Interchange project: deprogram $7.8 million in Local Program Reserve (LPR) funding from two soundwall projects on I-280 and I-680 in San Jose; deprogram federal funds of $1.1 million from the Palo Alto’s California Avenue Project with the understanding that the project will retain funding if pending litigation is resolved in a timely manner, program $1.52 to 2.63 million LPR funds to the US 101/Capitol Interchange project; and retain a $24 million Corridor Mobility Improvement Account (CMIA) grant.

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) – February 16, 2012 minutes were accepted as contained in the Agenda Packet.

- Congestion Management Program and Planning Committee (CMPP) – February 16, 2012 Minutes were accepted as contained on the dais.

- Transit Planning and Operations Committee (TP&O) – February 16, 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) – February 8, 2012 Minutes were accepted as contained in the Agenda Packet.

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

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

- Policy Advisory Committee (PAC) - February 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.
9. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Jacqueline Golzio, Board Assistant
VTA Office of the Board Secretary