BOARD OF DIRECTORS MEETING
Thursday, December 8, 2011
8:30 A.M.
MINUTES

CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority (VTA) Board of Directors was called to order by Chairperson Abe-Koga at 8:40 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

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>Chairperson</td>
<td>Present</td>
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<tr>
<td>Marshall Anstandig</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<td>Dave 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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<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Present</td>
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<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
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<td>Nancy Pyle</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
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<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</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>Vice Chairperson</td>
<td>Present</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Abe-Koga noted Agenda Item #2.A, Anticipated Litigation - Conference with Legal Counsel, was resolved and removed from the Closed Session Agenda.
2. **RECESSED TO CLOSED SESSION** at: 8:42 a.m.

   A. *(Removed from the Agenda.)*

   Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(c)]

   Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case involving Piper Drive Utility Relocations and City of Milpitas

   B. Public Employee Appointment
   [Government Code Section 54957]

   1) General Counsel
   2) Interim General Counsel

   Alternate Board Member Matthews arrived at the meeting at 8:53 a.m. and entered Closed Session.

   Board Member Herrera arrived at the meeting at 8:54 a.m. and entered Closed Session.

**RECONVENED TO OPEN SESSION** at: 8:55 a.m.

3. **CLOSED SESSION REPORT**

   A. *(Removed from the Agenda.)*

   Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(c)]

   Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case involving Piper Drive Utility Relocations and City of Milpitas.

   B. Public Employee Appointment
   [Government Code Section 54957]

   1) General Counsel
   2) Interim General Counsel

   Chairperson Abe-Koga stated Closed Session will be continued later in the meeting.

4. **AWARDS AND COMMENDATION**

   A. **Resolutions of Appreciation for outgoing Board Members Larsen and Page**

   Board Member Larsen expressed appreciation to the Board and VTA staff for the experience and noted he was grateful to be a part of major projects and proud to be given a voice.
Board Member Kalra took his seat at 9:07 a.m.

Board Member Page commended the Board for always working together toward the right objectives and expressed appreciation to VTA Staff for their assistance.

Chairperson Abe-Koga announced Board Member Moylan’s term as a regular Board member is ending but he may continue to serve on the Board as an alternate member.

Board Member McHugh thanked the Michael T., Burns, General Manager, and Kevin Allmand, General Counsel, for working with the City of Milpitas to resolve the Piper Drive Utility Relocations issue.

Alternate Board Member McHugh relinquished his seat to Board Member Woodward at 9:12 a.m.


B. Resolution of Appreciation for outgoing VTA General Counsel, Kevin D. Allmand

M/S/C (Herrera/Yeager) to adopt a Resolution No. 2011.12.41 for outgoing VTA General Counsel, Kevin D. Allmand.

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

CAC Chairperson, Charlotte Powers, introduced Clinton Brownley, who was elected to serve as the CAC Chairperson for 2012, and announced William Hedaya was elected as Vice Chairperson for 2012. Chairperson Powers provided a brief report from the CAC meeting, highlighting; 1) VTP 2040 and constrained list of projects, and 2) Cooperative finance agreements between VTA and Alameda County Transportation Commission (ACTC).

Alternate Board Member Matthews relinquished his seat to Board Member Moylan at 9:15 a.m.

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

PAC Chairperson, Joe Pirzynski, provided a brief report from the PAC meeting, highlighting; 1) Criteria used to evaluate and select projects for TFCA program, 2) iDistrict - Proposed Caltrans District for Santa Clara County, 3) Caltrain and High Speed Rail blended system study, 4) Valley Transportation Plan (VTP) and Regional Transportation Plan (RTP), and 5) Proactive Congestion Management Program (CMP) report.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR 2012**

Chairperson Abe-Koga indicated Ken Yeager expressed interest in serving as Chairperson for 2012 and Joe Pirzynski expressed interest in serving as Vice Chairperson for 2012.

Chairperson Abe-Koga opened the nominations from the floor for the positions of Chairperson and Vice Chairperson for 2012 and there were no further nominations.

**M/S/C (Page/Larsen)** to close nominations.

**M/S/C (Larsen/Liccardo)** to elect Ken Yeager to serve as VTA Board of Directors Chairperson for a term extending from January 2012 through December 2012 and to elect Joe Pirzynski to serve as VTA Board of Directors Vice Chairperson for a term extending from January 2012 through December 2012.

8. **PUBLIC PRESENTATIONS**

Ross Signorino, Interested Citizen, thanked Mr. Burns for his guidance and leadership and innovative ways of utilizing the infrastructure for transportation.

James Wightman, Interested Citizen, questioned the completion on construction at the San Jose Caltrain light rail station, and the effective date of January service changes.

Mr. Burns stated Caltrain construction is expected to be complete in January and the Service changes go into effect on January 9, 2012.

Jim Fink, Interested Citizen, expressed concern with being escorted off of a bus for intervening in a situation involving customers who were being rude to other passengers.

Mr. Burns extended an apology to Mr. Fink, and indicated staff will check the recording if available, and provide follow-up.

**The Agenda was taken out of order.**

4. **AWARDS AND COMMENDATIONS (Continued)**

Chairperson Abe-Koga announced Board Member Moylan would not be returning to the Board as an alternate as previously reported.

Board Member Moylan expressed appreciation to Board and thanked them for supporting the creation of a sales tax stabilization fund and hopes it will be utilized to help maintain service levels if needed.

Chairperson Abe-Koga expressed her appreciation for Board Member Moylan’s service on the PAC and the Board.

9. **ORDERS OF THE DAY**

Chairperson Abe-Koga announced the meeting will adjourn in memory of Steve Glickman, Sheila Concepcion, and Officer Rodney Scott Rancourt.
Board Member Moylan shared kind words and expressed appreciation for Mr. Glickman’s guidance, and noted several contributions he made to PAC and VTA.

Board Member Liccardo requested Item # 16., Approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA), be removed from the Consent Agenda and placed on the Regular Agenda.

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no and 1 abstention to accept the Orders of the Day and approve the Consent Agenda. Board Member Reed abstained.

CONSENT AGENDA

10. Regular Meeting Minutes of November 3, 2011

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve the Board of Directors Regular Meeting Minutes of November 3, 2011. Board Member Reed abstained.

Administration and Finance Committee

Items submitted for the Consent Agenda by the Administration and Finance Committee.


M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and accept the Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2011. Board Member Reed abstained.

12. BPAC Appointments

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to ratify the appointment of Wesley (Wes) Brinsfield to the Bicycle & Pedestrian Advisory Committee representing the City of Los Altos for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014. Board Member Reed abstained.

13. CTA Appointments

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve the appointment of Kathy Bonilla to the Committee for Transit Accessibility representing persons with disabilities for the two-year term ending December 31, 2013. Board Member Reed abstained.

14. VTA BART Operating and Maintenance Transactions and Use Tax Ordinance

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to 1) Adopt a Resolution No. 2011.12.42 authorizing the General Manager to execute agreements with the State Board of Equalization to prepare and administer the administration of, the VTA BART Operating and Maintenance Transactions and Use Tax Ordinance; and, 2) Adopt a
separate Resolution No. 2011.12.43 authorizing VTA's transaction and use tax auditor, MuniServices, LLC and designated VTA staff to examine transaction and use tax records; and, 3) Approve an increase of $175,000 to the Adopted FY 2012 or FY 2013 BART Operating Sales Tax Program Budget, depending on the actual start date of the VTA BART Operating and Maintenance Transactions and Use Tax. Board Member Reed abstained.

15. Full Funding Grant Agreement (FFGA) United States Department of Transportation

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to adopt a Resolution No. 2011.12.44 authorizing the General Manager to execute a Full Funding Grant Agreement (FFGA) with the United States Department of Transportation, Federal Transit Administration (FTA) to support the design and construction of the Silicon Valley Berryessa Extension Project (SVBX) up to a maximum federal New Starts financial contribution of $900 million in capital New Starts funds. Board Member Reed abstained.

16. (Removed from Consent and placed on the regular Agenda.)

Approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

Transit Planning and Operations Committee

Items submitted for the Consent Agenda by the Transit Planning and Operations Committee.

17. Semi-Annual Report for the Facilities Program

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Semi-Annual Report for the Facilities Program for the period ending September 30, 2011. Board Member Reed abstained.

Congestion Management Program and Planning Committee

Items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

18. Eligible list of consultants

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve an eligible list of consultants to perform highway planning and engineering, transit engineering, and facilities architecture and engineering services for a variety of projects. The list will be valid for a five-year period. Board Member Reed abstained.

19. Transportation Fund for Clean Air (TFCA) Program Manager Fund

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention 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. Board Member Reed abstained.

20. **2011 VTA Congestion Management Program (CMP)**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to adopt the 2011 VTA Congestion Management Program. Board Member Reed abstained.

21. **Proactive CMP Quarterly Report for July through September 2011**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Proactive CMP Quarterly Report for July through September 2011. Board Member Reed abstained.

22. **Programmed Projects Quarterly Monitoring Report for July-September 2011**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Programmed Projects Quarterly Monitoring Report for July-September 2011. Board Member Reed abstained.

23. **New Model for Caltrans Services for Santa Clara County**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive a report on proposed New Model for Caltrans Services for Santa Clara County. Board Member Reed abstained.

**Audit Committee**

*Items submitted by the Audit Committee for the Consent Agenda.*


M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention 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 2011. Board Member Reed abstained.


M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and receive the Audited Financial Report for Fiscal Year 2011 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust). Board Member Reed abstained.
26. REPORT FROM THE GENERAL MANAGER

Mr. Burns thanked Directors Larsen, Page, and Moylan for their valuable contributions to VTA. He expressed appreciation for Chairperson Abe-Koga’s service and hard work in 2011. He welcomed Vice Chairperson Yeager and Mr. Pirzynski as Chairperson and Vice Chairperson for 2012. Mr. Burns thanked Mr. Allmand for his many years of service to VTA and wished him well.

Mr. Burns provided a report, highlighting; 1) Ridership for October 2011 and growth in Clipper usage, 2) January 2012 service changes, which includes the introduction of new hybrid buses for express bus service and a new route to Fremont BART, 3) Participation in several events including, Veteran’s Day parade, Thanksgiving Turkey Trot, VTA Candyland Express Historic Trolley Service, and Stuff the bus initiative with the U.S. Marines, and 5) Free service after 7:00 p.m. on New Year’s Eve with extended service hours on route 181 to Fremont BART.

Mr. Burns introduced a presentation on the Solar Power Initiative partnership with SunPower which will provide renewable power for all 3 bus operating divisions. Solar panels are expected to be fully operational by the end of the year.

Tom Fitzwater, Environmental Planning Manager, provided a presentation on the VTA Solar Panel installation program with SunPower, highlighting; 1) Purchase Power Agreement, Cerone Division bus parking canopies, Chaboya Division employee parking canopies, North Division bus parking canopies, 5) Schedule of rebate inspections, system turnover, project closeout, and dedication event.

Board Member Liccardo expressed appreciation for Mr. Allmand’s service, noting his competence and effectiveness.

27. REPORT FROM THE CHAIRPERSON

Chairperson Abe-Koga thanked the Board and staff for their support during her year as Chairperson. She expressed gratitude for being a part of the Board during the advancement of several projects including, BART to San Jose, introduction of new service, and development of Bus Rapid Transit. She expressed her appreciation to the Board for making Caltrain a priority. She congratulated the Board and staff for working together to pass a stable budget, work on cost containment measures, and reach agreements during recent Labor negotiations.

VTA Board of Directors Meeting Schedule for calendar year 2012

M/S/C (Liccardo/Reed) to approve the VTA Board of Directors Meeting Schedule for calendar year 2012.
REGULAR AGENDA

Administration and Finance Committee

Items submitted for the Regular Agenda by the Administration and Finance Committee.

28. Retail Transactions and Use Tax Ordinance

Public Comment

Mr. Carl Guardino, Silicon Valley Leadership Group (SVLG) and the California Transportation Commission (CTC) urged the Board to vote yes on the item and thanked them for continuing to champion the will of the voters of Santa Clara County.

The Board of Directors thanked Mr. Guardino for his leadership.

Sandra Weymouth, Board Secretary, provided the second reading of the ordinance title, as: “An Ordinance of the Santa Clara Valley Transportation Authority Imposing a Transactions and Use Tax to be administered by the state Board of Equalization. This Ordinance shall be known as the Santa Clara Valley Transportation Authority BART Operating and Maintenance Transactions and Use Tax Ordinance. This ordinance shall be applicable to the territory of VTA which is incorporated and unincorporated territory of the County of Santa Clara hereinafter Territory.”

Chairperson Abe-Koga stated once the ordinance is passed, the tax will take effect July 1, 2012, following the receipt of the Full Funding Grant Agreement from the federal government.

The Board of Directors acknowledged the commitment of the voters to bring BART to San Jose.

M/S/C (Liccardo/Herrera) to 1.) Read title of proposed Retail Transactions and Use Tax Ordinance; 2) Order further reading of the Ordinance be waived; and 3) Adopt a Retail Transactions and Use Tax Ordinance No. 2011.01, in the form attached hereto, which imposes (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA, at the rate of one-eighth of one percent on the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the territory of VTA, and (b) a complimentary tax upon the storage, use or other consumptions in Santa Clara County, the territory of VTA, at the rate of one-eighth of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax, for a period not to exceed 30 years, such tax to take effect on July 1, 2012, following execution of a Full Funding Grant Agreement.

16. 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA)

Board Member Liccardo questioned why language supporting other methods for tax increment financing that would support transit oriented development and affordable high density housing was not included as part of the slate of State legislative issues. He asked that the motion include the addition of this specific language, noting its importance to
Kurt Evans, Government Affairs Manager, noted generic language was used, but VTA is on record supporting bills relating to transit oriented development. Mr. Evans indicated more specific language will be added per this discussion.

**M/S/C (Liccardo/Herrera)** to approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

**Transit Planning and Operations Committee**

*Items submitted for the Regular Agenda by the Transit Planning and Operations Committee.*

*Agenda Items #29 – #30 were heard together*

**Agenda Items #29 through #30**

**29. BART Silicon Valley Program Update**

Mr. Burns introduced the following SVRT items and thanked those who have been involved in bringing the project to this point. He noted the Project Labor Agreement (PLA) has been signed and fully executed by all of the trades. Meetings with Federal Transit Administration (FTA) have been positive and the Full Funding Grant Agreement should be in place by the end of February 2012. He noted staff is working diligently and moving forward to be ready to begin construction when the agreement is received.


Ms. Gonot introduced Mark Massman, SVBX Project Director, Hatch Mott/Bechtel and Todd Sutton, Senior Vice President, Skanska. Mr. Sutton introduced Jeff Lessman, Executive Vice President, Shimmick Construction Company; Scott Norman, Vice President Project Development, Herzog; and several members of the team. He thanked the VTA team for their work and the Board for their vision.

Board Member Moylan expressed concern with the process of approving stipend payments to unsuccessful bidders, noting the Board was unaware they were a part of the Design-Build contract. He suggested for future projects, this discussion be held before the commitment is made.

Mr. Burns indicated staff is working to establish a committee of the Board that will be involved in the details as the project moves forward. He noted the successful bid was 10 percent lower than the engineers estimate.

Board Member Larsen echoed the concerns of Board Member Moylan in terms of process, but noted having the stipend in place allowed VTA to receive quality bids and
better pricing.

Board Member Herrera validated Board Member Moylan’s point regarding the process, but also noted VTA owns all of the proposals, which gives the additional benefit of utilizing information from other engineers.

Public Comment

Carl Guardino, SVLG and CTC, congratulated the Board and thanked them for their leadership.

Ross Signorino, Interested Citizen, expressed appreciation for the Board’s work with bringing BART to Berryessa. He suggested connecting BART to the Airport for better connectivity.

Board Member Liccardo congratulated staff for guiding the process and bringing the contract in $75 million under budget and over a year ahead of schedule. He thanked Board Member Reed for his leadership and advocacy work in Washington, DC.

Board Member Campos noted this is the largest public works project in the area since the San Jose Airport and is needed to put local people to work. The approval of the PLA ensures the project will come in early, under budget, and be done with the highest quality of work. He pointed out the 18 percent Disadvantaged Business Enterprise (DBE) goal which ensures minority businesses are given them the opportunity to participate in the project.

Board Member Herrera expressed gratitude for being a part of the Board that is making the final vote to move the project forward. She congratulated voters for seeing the value of transit.

On order of Chairperson Abe-Koga and there being no objection, the Board received an update on the BART Silicon Valley Program.

30. C700 DESIGN-BUILD CONTRACT AWARD

M/S/C (Liccardo/Herrera) to adopt a Resolution No. 2011.12.45 finding that the proposal submitted to VTA by Skanska-Shimmick-Herzog a Joint Venture for the final design and construction of the Line, Track, Stations, and Systems elements of the Silicon Valley Berryessa Extension Project represents the best-value proposal for this work; awarding the C700 Design-Build Contract to the Skanska-Shimmick-Herzog a Joint Venture with a contract price of $772,227,000; and authorizing the General Manager to execute such Contract.

Agenda Items #31 A-D and #32 were heard together

Agenda Items #31 A-D through #32

31. Silicon Valley Rapid Transit Project:

Ms. Gonot provided a presentation entitled, “Berryessa Extension (SVBX) Professional
Services Contracts”, highlighting: 1) SVRT program costs, 2) SVBX Project functional responsibilities, 3) VTA, BART and contract resources, 4) Project management responsibilities, 5) Engineering support responsibilities, and 6) SVRT major consultant contracts.

Board Member Liccardo questioned the period of time prohibiting the solicitation of fundraising.

Board Member Herrera questioned if it included generating money for non-profits.

Mr. Allmand stated government code 84308 prohibits any receipt of more than $250 for three months, but does not include non-profits.

A. **M/S/C (Larsen/Campos)** to authorize the General Manager to execute a contract amendment with HMM/Bechtel, a Joint Venture, for project management services supporting Silicon Valley Rapid Transit Program (SVRT) in the amount of $74,500,000; extending the contract term to June 2017; and increasing the total agreement value to $200,000,000.

B. **M/S/C (Larsen/Campos)** to authorize the General Manager to execute a contract amendment with Kimley-Horn and Associates, Inc. to provide continued planning, conceptual engineering, technical, and management services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $7,378,000; extending the contract term to December 31, 2017; and increasing the total agreement value to $20,268,000.

C. **M/S/C (Larsen/Campos)** to authorize the General Manager to execute a contract amendment with AECOM Technical Services, Inc., for engineering services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $690,000; extending the contract term to June 2016; and increasing the total agreement value to $50,990,000.

D. **M/S/C (Larsen/Campos)** to authorize the General Manager to execute a contract amendment with CH2M HILL, Inc. for design review and design review administration services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $3,220,000; extending the contract term to June 2016; and increasing the total agreement value to $23,410,000.

32. **Construction Management Services for the BART Silicon Valley Berryessa Extension (SVBX)**

**M/S/C (Larsen/Campos)** to authorize the General Manager to execute a contract with PGH Wong Engineering, Inc. to perform construction management services for the BART Silicon Valley Berryessa Extension (SVBX) in an amount not to exceed $27,000,000. The term of the contract will be until June 30, 2018, the anticipated duration of the construction and implementation of the SVBX Project including closeout activities; if the required contract services duration exceeds June 30, 2018, an extension to the term may be authorized by amendment to coincide with the completion of the project.
33. **Alameda County Transportation Commission (ACTC)**

Ms. Gonot provided a presentation entitled, “AB 1462 Local Advancement of Funding for Mission/Warren/Truck-Rail Facility (MWT)”, highlighting; 1) MWT program summary, 2) MWT program location map, 3) MWT institutional arrangements, funding responsibility plan by partner, 4) AB1462 LATIP Funds, 5) AB1462 Advancement Issues, 6) Summary Schedule, 7) Current Status of MWT Program, 8) Early Construction Work, 9) MWT Construction Sequence, and 10) AB1462 Advancement Considerations.

Board Member Liccardo questioned what incentive Caltrans has to sell the land knowing the first $42 million is going to another agency.

Ms. Gonot stated the land is in a residential area, and the City of Fremont wants it developed. Caltrans is working with the timing of the market and doesn’t want to sell at its lowest point.

Mr. Burns stated the land valuation is over $90 million, which is $48 million higher than they owe.

John Ristow, Chief CMA Officer, indicated the Mission project is set up to receive funds from the sale first.

M/S/C (Liccardo/Larsen) to authorize the General Manager to execute a cooperative agreement with the Alameda County Transportation Commission (ACTC) providing for an advancement of funding by VTA in the amount of $42.35 million for the construction of the Mission/Warren/Truck-Rail Program in exchange for future reimbursement of revenues from the sale of excess properties pursuant to Government Code § 14528.55.

2. **RECESSSED TO CLOSED SESSION at: 10:57 a.m.**

**RECONVENED TO OPEN SESSION** at 11:14 a.m.

3. **CLOSED SESSION REPORT**

   B. Public Employee Appointment

   [Government Code Section 54957]

   1) General Counsel
   2) Interim General Counsel

Chairperson Abe-Koga announced the Board voted unanimously to appoint Mr. Robert Fabela to the position of General Counsel for VTA. The Board also appointed Senior Assistant Counsel, Kathleen Paul, as Interim General Counsel.

**Congestion Management Program and Planning Committee**

*Items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.*
34. **Ramp Metering Evaluation Studies**

Board Member Moylan questioned the use of metering lights where metering did not have the intended reduction in travel delays. He admonished the Board to monitor progress going forward. He noted staff pointed out there is a bottleneck at SB 101 and SB 87 which is contributing to the delay.

Board Member Liccardo noted the cost to eliminate the bottleneck is not minimal and questioned if expansion is possible.

Mr. Ristow indicated VTA is in design on a project to widen the off-ramp but the issue is securing funding for construction.

**On order of Chairperson Abe-Koga** and there being no objection, receive summary findings from the completion of southbound US 101 ramp metering between Embarcadero Road and De La Cruz Boulevard and southbound I-880 ramp metering between Dixon Landing Road and I-280.

**Audit Committee**

*There were no items submitted for the Regular Agenda by the Audit Committee.*

**OTHER ITEMS**

35. **Monthly Legislative History Matrix**

**On order of Chairperson Abe-Koga** and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the agenda packet.

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

There were no Items of Concern and Referral to Administration.

37. **REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES**

A. **Administration and Finance Committee**

**On order of Chairperson Abe-Koga** and there being no objection, the November 17, 2011, Administration and Finance Committee Minutes were accepted as contained in the agenda packet.

B. **Congestion Management Program and Planning Committee**

**On order of Chairperson Abe-Koga** and there being no objection, the November 18, 2011, Notice of Cancellation was accepted as contained in the agenda packet.
C. **Transit Planning and Operations Committee**

On order of Chairperson Abe-Koga and there being no objection, the November 17, 2011, Transit Planning and Operations Committee Minutes were accepted as contained in the agenda packet.

D. **Audit Committee**

There was no report from the Audit Committee.

### 38. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. **Committee for Transit Accessibility**

There was no report from the Committee for Transit Accessibility.

B. **Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)**

On order of Chairperson Abe-Koga and there being no objection, the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee Notice of Cancellation was accepted as contained in the agenda packet.

C. **Bicycle & Pedestrian Advisory Committee (BPAC)**

On order of Chairperson Abe-Koga and there being no objection, the November 9, 2011, Bicycle and Pedestrian Advisory Committee Minutes were accepted as contained in the agenda packet.

D. **Technical Advisory Committee (TAC)**

On order of Chairperson Abe-Koga and there being no objection, the November 10, 2011, Technical Advisory Committee Minutes were accepted as contained in the agenda packet.

E. **Policy Advisory Committee (PAC)**

On order of Chairperson Abe-Koga and there being no objection, the November 10, 2011, Policy Advisory Committee Minutes were accepted as contained in the agenda packet.

### 39. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

A. **Peninsula Corridor JPB**

On order of Chairperson Abe-Koga and there being no objection, the December 1, 2011, Peninsula Corridor JPB Summary Notes were accepted as provided on the dais.
B. Capitol Corridor JPB

On order of Chairperson Abe-Koga and there being no objection, the November 16, 2011, Capitol Corridor JPB Summary Notes were accepted as provided on the dais.

C. Dumbarton Rail Corridor Policy Committee

There was no report from the Dumbarton Rail Corridor Policy Committee.

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Abe-Koga and there being no objection, the November 16, 2011, Metropolitan Transportation Commission Summary Notes were accepted as provided on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Abe-Koga and there being no objection, the November 7, Sunol Smart Carpool Lane Joint Powers Authority Summary Notes were accepted as provided on the dais.

F. SR 152 Mobility Partnership

There was no report from the Mobility Partnership for SR 152 Trade Corridor Project.

30. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Diridon Station Joint Policy Advisory Board

There was no report from the Diridon Station Joint Policy Advisory Board.

B. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

C. El Camino Real Rapid Transit PAB

There was no report from the El Camino Real Rapid Transit PAB.

D. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB

There was no report from the Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB.

31. ANNOUNCEMENTS

There were no Announcements.
32. **ADJOURNMENT**

On order of Chairperson Abe-Koga and there being no objection, the meeting was adjourned at 11:22 a.m. in memory of Steve Glickman, Sheila Concepcion, and Officer Rodney Scott Rancourt.

Respectfully submitted,

Menominee L McCarter, Board Assistant  
VTA Office of the Board Secretary