



BOARD OF DIRECTORS MEETING

Thursday, January 9, 2014

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 Kalra at 5:31p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

Chairperson Kalra welcomed newly appointed Alternate Board Member Rich Larsen, representing the Group 2, North West Cities.

1.1. ADMINISTER OATH OF OFFICE

Elaine Baltao, Acting Board Secretary, administered the Oath of Office to newly appointed Alternate Board Member Rich Larsen.

Chairperson Kalra welcomed Regular Board Members Gail Price and Johnny Khamis and new General Manager, Nuria I. Fernandez.

1.2. ROLL CALL

Attendee Name	Title	Status
Xavier Campos	Board Member	Present
Larry Carr	Alternate Board Member	Absent
Cindy Chavez	Board Member	Present
Dave Cortese	Alternate Board Member	Absent
Jose Esteves	Board Member	Present
Rose Herrera	Board Member	Present
Ash Kalra	Chairperson	Present
Johnny Khamis	Board Member	Present
Rich Larsen	Alternate Board Member	Present
Sam Liccardo	Ex-Officio	Absent
Jamie Matthews	Board Member	Present
Chuck Page	Alternate Board Member	Present
Joe Pirzynski	Board Member	Present
Gail A. Price	Board Member	Present
Donald Rocha	Board Member	Present
David Whittum	Alternate Board Member	Present
Perry Woodward	Board Member	Present
Ken Yeager	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present

1.3. Orders of the Day

Chairperson Kalra noted the Agenda was revised to reflect the following: **Agenda Item #7.3:** Authorize the General Manager to execute a contract with Shimmick Construction Company, the lowest responsible bidder, in the amount of \$5,865,000 for construction for the Rail Rehabilitation; and added **Addendum #9.1.C.X:** Existing Litigation – Conference with Legal Counsel.

Chairperson Kalra noted that the following memos were distributed last week to the VTA Board Members and are located on the public table: **Agenda Item #6.1** Board of Directors Meeting Minutes of December 12, 2013; revised **Agenda Item #7.3:** Rail Rehabilitation – Signal and Track Improvements (Rebid); and **Addendum #9.1.C.X:** Existing Litigation – Conference with Legal Counsel.

Chairperson Kalra noted that staff requested to move the following items from the Regular Agenda to Consent Agenda: **Agenda Item #7.1:** VTA Transit Centers Janitorial Supply and Service; **Agenda Item #7.2:** Contract Amendment with Parsons Transportation Group for the El Camino Bus Rapid Transit Project (BRT); **Agenda Item #7.3:** Rail Rehabilitation – Signal and Track Improvements (Rebid); and **Agenda Item #7.5:** Silicon Valley Rapid Transit Program – Contract Amendment Construction Contract C610 (11088F) Water, Storm, and Sewer Utility Relocation at Piper Drive – Con-Quest Contractors, Inc.

Chairperson Kalra noted that staff requested the following items be removed from the Agenda: **Agenda Item #4.1:** Light Rail Efficiency Resolution of Necessity; **Agenda Item #9.1.A:** Conference with Real Property Negotiators; and **Agenda Item #9.1.B:** Conference with Legal Counsel - Anticipated Litigation.

Chairperson Kalra noted in consideration of the staff and public, the Closed Session has been moved to the end of the Board of Directors and exceptions will be on a case-by-case basis.

Board Member Rocha noted he had an inquiry on **Agenda Item #7.1.** Chairperson Kalra indicated that the item would remain on the Regular Agenda.

Chairperson Kalra noted that any Public Comment regarding **Agenda Item #7.2** will be heard prior to approving the Orders of the Day.

Public Comment

Michael Ludwig, Interested Citizen, expressed support for staff recommendation for the Contract Amendment with Parsons Transportation Group for the El Camino Bus Rapid Transit Project. He suggested staff to consider longer dedicated BRT Lanes along the corridor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rose Herrera, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Campos, Chavez, Esteves, Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Woodward, Yeager

M/S/C (**Herrera/Chavez**) to accept the Orders of the Day, and approve the Consent Agenda, as amended.

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for December 2013 and January 2014; and Supervisors of the Quarter

Chairperson Kalra recognized Reyne Jimeno, Management Secretary, River Oaks; Robert Hannibal, Coach Operator, Chaboya Division; Seth Mallory, Transit Mechanic, North Maintenance, as Employees of the Month for December 2013; and Mark Thomas, Technical Training Supervisor; Bus Technical Training, Chaboya for Supervisor of the Quarter for the fourth quarter of 2013.

Chairperson Kalra recognized Benedicta “Bennie” Medicielo, Materials Resource Scheduler, River Oaks; Ed Siarot, Light Rail Operator, Guadalupe Division; David Delgado, Transit Mechanic, Cerone Overhaul & Repair Maintenance, as Employees of the Month for January 2014; and Steven Keller, Risk Manager, River Oaks, for Supervisor of the Quarter for the first quarter of 2014.

2.2 Board Resolution of Appreciation

Board Member Woodward presented the Resolution of Appreciation to VTA Board Chairperson Joe Pirzynski.

2.3 Receive Remarks from Outgoing 2013 Chairperson Joe Pirzynski

Board Member Pirzynski thanked staff and highlighted the following accomplishments for 2013: 1) progress on VTA’s extension of BART to Silicon Valley; 2) receipt of Project of the Year Award and celebration of the one millionth customer for the 237 Express Lanes Project; 3) groundbreaking for the new Eastridge Transit Center; 4) completion of improvements to Tully/Yerba Buena interchanges; 5) 25th Anniversary of VTA Light Rail; 6) launch of the Bike Share Program; 7) initiation of webcasting Board of Directors meeting; 8) adoption of a two-year budget with fully funded reserves; and 9) completion of labor negotiations with bargaining units.

Board Member Pirzynski gave special thanks to former General Manager Michael T. Burns for the extraordinary work and leadership that he provided to VTA.

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

Board Member Pirzynski thanked the following Board Members who, with him, were part of a Selection Committee in successfully finding the new General Manager, Nuria I. Fernandez: Ash Kalra, Ken Yeager, Margaret Abe-Koga and Jamie Matthews.

2.2 Board Resolution of Appreciation (continued)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Donald Rocha, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Campos, Chavez, Esteves, Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Woodward, Yeager

M/S/C (Rocha/Chavez) – to adopt the Resolution of Appreciation No. 2014.01.01 for 2013 VTA Board Chairperson Joe Pirzynski.

Board Member Esteves relinquished his seat to Alternate Board Member Whittum and left the meeting at 5:55 p.m.

3. PUBLIC COMMENT

John Sullivan, Zee Medical Services Inc., addressed the Board to express his frustration for not having an opportunity to bid for First Aid supplies.

John Rainville, Interested Citizen, welcomed Ms. Fernandez to VTA. Mr. Rainville expressed concern about the lighting on Capitol Expressway along bus line 70 Northbound, in the City of San Jose.

Ross Signorino, Interested Citizen, expressed support on bringing BART to San Jose, but suggested a different alignment. Mr. Signorino also expressed concern about the need for bicycle safety.

James Wightman, Interested Citizen, inquired about the transportation services to Levi's Stadium. Mr. Wightman also expressed concern about intoxicated passengers on VTA Light Rail.

Mr. Ludwig, expressed support for the recent changes made to the Board of Directors' Agenda. Mr. Ludwig also expressed concern about the graffiti at the Curtner light rail station.

Eugene Bradley, Silicon Valley Transit Users, expressed support for the recent changes made to the Board of Directors Agenda.

4. PUBLIC HEARINGS

4.1. (Removed from the Agenda)

Close Hearing and adopt Resolution of Necessity determining that the public interest and necessity requires the acquisition of property interests from one

property owned by: (1) Lake Marriot, LLC c/o Divco West, a Delaware limited liability company located in Santa Clara, California, for the Light Rail Efficiency (LREP) Project.

Property ID/Assessor's Parcel Number/Owner

LREP-01 (104-49-029) owned by Lake Marriot, LLC c/o Divco West, a Delaware limited liability company

5. REPORTS

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

There was no Citizens Advisory Committee (CAC) Chairperson's Report.

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

There was no Policy Advisory Committee (PAC) Chairperson's Report.

5.3. General Manager's Report

Nuria I. Fernandez, General Manager, thanked the staff and public for the warm welcome and looks forward to the upcoming year.

Ms. Fernandez informed the staff and public that a Joint Workforce Investment (JWI) video that will be shown highlights the following: 1) importance of growing ridership; 2) preparation for Levi's Stadium; 3) BRT System; 4) completion of VTA's BART to Silicon Valley; 5) diversity of VTA's workforce; and 6) VTA employee commitment to riders.

Ms. Fernandez provided a report, highlighting the following: 1) VTA initiated a Safety Awareness Campaign; 2) Ridership, noting the 12-month trend and the average weekday ridership increase; 3) January 2014 service changes; and 4) successful Stuff the Bus event.

5.3.A Silicon Valley Rapid Transit (SVRT) Program Update

Carolyn Gonot, Chief SVRT Program Officer, provided a presentation entitled, "Bart Silicon Valley Update," highlighting: 1) 2013 Major Milestones; 2) Milpitas Station; 3) Montague Trench & Union Pacific Railroad (UPRR) Bridge; 4) Berryessa Station Structure; 5) 2014 Major Efforts; and 6) Berryessa Extension Project Cost Summary.

5.3.B. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) updates.

Scott Haywood, Policy and Community Relations Manager, provided a brief report on the following: 1) Framework for distributing Cap-and Trade revenues; and 2) VTA Funding.

Public Comment

Mr. Signorino requested that ridership information be presented with actual numbers instead of percentage.

Mr. Bradley urged for better and more efficient transit connections.

Mr. Ludwig expressed support in keeping VTA's BART Silicon Valley Project on schedule and under budget.

Board Member Chavez referred to the cap and trade revenues and inquired what steps should be taken to put VTA in a better position in terms of receiving funding when it becomes available.

Mr. Haywood noted that through the leadership and commissioners, strategies were in place in order to build relationships with staff at MTC.

Board Member Chavez encouraged VTA to take a more of active role at the state level and seek more funding.

On order of Chairperson Kalra and there being no objection, the General Manager's Report was received.

5.4. Chairperson's Report

Chairperson Kalra spoke briefly highlighting the partnership between VTA and San Jose Job Corps. Chairperson Kalra noted that Febe Hipol-Tan, Career Transition Manager; Chandra Lopez-Brooks, Business & Community Liaison; and Ralph Guzman, student of Job Corps along with two VTA Senior Human Resources Analysts Belle Pannu and Mitsuno Bauermeister were in attendance. Mr. Kalra noted that San Jose Job Corps held an awards ceremony on December 13, 2013 which recognized VTA as "Employer of the Year."

5.4.A. 2014 Appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees.

Chairperson Kalra noted the Levi's Stadium Transit Program Committee was created to ensure that staff, the 49ers and the community are all able to work together to make VTA the transportation choice of stadium patrons.

Chairperson Kalra noted in order to make the Board Meetings more effective, he emphasized the work that needed to be done at the committee level. Chairperson Kalra noted he would like to see more items placed on the Consent Agenda to give the Board ample time to discuss more important matters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pirzynski, Board Member
SECONDER:	Jamie Matthews, Board Member
AYES:	Campos, Chavez, Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Whittum, Woodward, Yeager

M/S/C (Pirzynski/Matthews) to approve appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees for 2014.

5.4.B. Receive Remarks from Incoming 2014 Chairperson Ash Kalra.

Chairperson Kalra noted his vision for VTA in 2014 highlighting the following: 1) providing effective transportation to serve the Levi's Stadium; 2) building community partnerships and obtain buy in for the BRT project; 3) Building an inclusive VTA; 4) making VTA a Community Partner; and 5) continuing progress for phase I of VTA's securing funding for phase II.

Chairperson Kalra thanked VTA employees for being the heart and soul of the organization.

Chairperson Kalra congratulated the Board of Directors in hiring General Manager Nuria I. Fernandez. Chairperson Kalra noted he looks forward to working with Ms. Fernandez and to taking VTA to the next level.

Ms. Fernandez highlighted the following VTA priorities that VTA will work on: 1) providing spectacular transit service to the Levi's Stadium; 2) working with the community for BRT; 3) listening and using feedback from employees, riders, and stakeholders to make VTA better; 4) making VTA involved in planning for the future of Silicon Valley; and 5) obtaining funding and completing VTA's Extension of BART to Silicon Valley.

Board Members Campos and Chavez left the meeting at 6:42 p.m.

Public Comment

Roland Lebrun, Interested Citizen, expressed strong support for Caltrain and urged the Board to invest in transportation infrastructure that will serve South County.

6. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rose Herrera, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Campos, Chavez, Esteves, Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Woodward, Yeager

6.1. Board of Directors Regular Meeting Minutes of December 12, 2013

M/S/C (Herrera/Chavez) to approve the Board of Directors Regular Meeting Minutes of December 12, 2013.

6.2. Transit Service Changes – January 2014

M/S/C (Herrera/Chavez) to review the Transit Service Changes for January 6, 2014.

6.3. Facilities Project Semi –Annual Report Ending September 30, 2013

M/S/C (Herrera/Chavez) to receive the Semi-Annual Report for the Facilities Program for the period ending September 30, 2013.

6.4. Programmed Project Monitoring – Quarterly Report

M/S/C (Herrera/Chavez) to receive the Programmed Projects Quarterly Monitoring Report for July-September 2013.

7.2. Contract Amendment with Parsons Transportation Group for the El Camino Bus Rapid Transit Project

M/S/C (Herrera/Chavez) to authorize the General Manager to execute a contract amendment with the Parsons Transportation Group to study improved transit services in portions of Sunnyvale, Mountain View and Santa Clara and to include two new alternatives in the environmental analysis for the El Camino Real Bus Rapid Transit Project. The amendment will add \$878,586 to the contract amount for a new contract value not to exceed \$7,159,725.

7.3. Rail Rehabilitation – Signal and Track Improvements (Rebid)

M/S/C (Herrera/Chavez) to authorize the General Manager to execute a contract with Shimmick Construction Company, the lowest responsible bidder, in the amount of \$5,865,000 for construction of the Rail Rehabilitation - Signal and Track Improvements (Rebid).

7.5. Silicon Valley Rapid Transit Program – Contract Amendment Construction Contract C610 (11088F) Water, Storm, and Sewer Utility Relocation at Piper Drive – Con- Quest Contractors, Inc.

M/S/C (Herrera/Chavez) to authorize the General Manager to amend Contract C610 (11088F) with Con-Quest Contractors, Inc. for additional utility relocations work located in the City of Milpitas, in the amount of \$602,215 for an amended total contract amount of \$3,130,084.

7. REGULAR AGENDA

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

Authorize the General Manager to execute a contract amendment with the Parsons Transportation Group to study improved transit services in portions of Sunnyvale, Mountain View and Santa Clara and to include two new alternatives in the environmental analysis for the El Camino Real Bus Rapid Transit Project. The amendment will add \$878,586 to the contract amount for a new contract value not to exceed \$7,159,725.

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

Authorize the General Manager to execute a contract with Shimmick Construction Company, the lowest responsible bidder, in the amount of \$5,865,000 for construction of the Rail Rehabilitation - Signal and Track Improvements (Rebid).

7.4. LRT Efficiency Project – Tasman Drive Pocket Track Allocation of Measure A Funds and Contract Award

Mark Robinson, Chief Engineering and Construction Officer, provided a brief overview of the staff report and provided a presentation highlighting the following: 1) Light Rail Efficiency Program benefits; 2) issues with the initial configuration of the Tasman Drive Pocket Track; and 3) Tasman Drive Pocket Track final configuration and location.

Public Comment

Mr. Wightman inquired about the construction timeline and the substitute transportation during construction.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jamie Matthews, Board Member
SECONDER:	Rose Herrera, Board Member
AYES:	Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Whittum, Woodward, Yeager
ABSENT:	Xavier Campos, Cindy Chavez

M/S/C (Matthews/Herrera) to authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of \$13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add \$14,810,000 for the Tasman Drive Pocket Track Project.

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

Authorize the General Manager to amend Contract C610 (11088F) with Con-Quest Contractors, Inc. for additional utility relocations work located in the City of Milpitas, in the amount of \$602,215 for an amended total contract amount of \$3,130,084.

7.1. VTA Transit Centers Janitorial Supply and Service

Upon inquiry of Board Member Rocha, Michael Hursh, Chief Operating Officer, clarified the following recommended contract elements: 1) term of contract is five years; 2) average costs is approximately \$200,000 a year for a 24-hour, seven days a week service with one hour emergency response, when necessary; 3) due to the geographic spread of VTA's service area and the working hours, this type of work has been consistently contracted in the past; 4) contract required preference for local contractors; and 5) recommended contractor does the work on an interim basis and staff is satisfied with their performance.

Jim Lawson, Executive Policy Advisor, added the contractor employees are paid higher than the minimum wage in the City of San Jose and are offered allowance if declining health care.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pirzynski, Board Member
SECONDER:	Gail A. Price, Board Member
AYES:	Herrera, Kalra, Khamis, Matthews, Pirzynski, Price, Rocha, Whittum, Woodward, Yeager
ABSENT:	Xavier Campos, Cindy Chavez

M/S/C (Pirzynski/Price) to authorize the General Manager to execute a five-year contract with Transpacific Building Maintenance, Incorporated, the lowest responsive and responsible bidder, in the amount of \$981,900 to provide janitorial supplies and site services at all VTA Transit Centers and Operator break rooms.

8. OTHER ITEMS

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

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

8.2.A. VTA Standing Committees

- Congestion Management Program and Planning (CMPP) Committee – December 19, Notice of Cancellation was accepted as contained in the Agenda Packet. 2013.
- Administration and Finance Committee (A&F) – December 19, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Transit Planning and Operations Committee (TP&O) – December 19, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Audit Committee – There was no report.
- Silicon Valley Rapid Transit Program Working Committee – There was no report.

8.2.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) – December 11, 2013, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) – December 12, 2013, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – December 12, 2013, Notice of Cancellation was accepted as contained in the Agenda Packet.

8.2.C. VTA Policy Advisory Boards (PAB)

- Diridon Station Joint Policy Advisory Board - There was no report.
- Downtown East Valley PAB - December 05, 2013, Notice of Cancellation was accepted as contained in the Agenda Packet.
- El Camino Real Rapid Transit PAB - December 13, 2013, Notice of Cancellation was accepted as contained in the Agenda Packet.

8.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB – January 9, 2013, 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) – December 18, 2013, 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.

8.3. ANNOUNCEMENTS

There were no Announcements.

9. CLOSED SESSION

9.1. Recessed to Closed Session at 7:12p.m.

A. (Removed from the Agenda)

Conference with Real Property Negotiators
[Government Code Section 54956.8]

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

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

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

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

B. (Removed from the Agenda)

Conference with Legal Counsel - Anticipated Litigation
[Government Code Section 54956.9(b)(3)(C)]

Significant exposure to litigation pursuant to subdivision (b)(3)(C) of Government Code Section 54956.9

Number of potential cases: 1

C. Conference with Labor Negotiators [Government Code Section 54957.6]

VTA Designated Representatives
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Deputy Director, Administrative Services
Joseph Smith, Chief Financial Officer

Employee Organizations
Amalgamated Transit Union, Local 265

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

Name of Case: Santa Clara Valley Transportation Authority v. RWL Investments, Inc., et al. (Eminent Domain)

(Santa Clara Superior Court Case No.: 1-13-CV-240829)

9.2. Reconvened to Open Session at 7:32p.m.

9.3. Closed Session Report

C. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives

Bill Lopez, Chief Administrative Officer

Robert L. Escobar, Deputy Director, Administrative Services

Joseph Smith, Chief Financial Officer

Employee Organizations

Amalgamated Transit Union, Local 265

Robert Fabela, General Counsel, reported that no reportable action was taken during Closed Session.

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

Name of Case: Santa Clara Valley Transportation Authority v. RWL Investments, Inc., et al. (Eminent Domain)

(Santa Clara Superior Court Case No.: 1-13-CV-240829)

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

10. ADJOURNMENT

On order of Chairperson Kalra and there being no objection, the meeting was adjourned in at 7:32 p.m.

Respectfully submitted,

Theadora Travers, Board Assistant
VTA Office of the Board Secretary