



BOARD OF DIRECTORS MEETING

Thursday, February 6, 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 5:32 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San José, California.

Chairperson Kalra welcomed David Whittum as the appointed Regular Board Member and Jamie Matthews as the Alternate Board Member representing the North East city groupings.

1.1. 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	Absent
Sam Liccardo	Ex-Officio	Absent
Jamie Matthews	Alternate Board Member	Absent
Chuck Page	Alternate Board Member	Present
Joe Pirzynski	Board Member	Present
Gail A. Price	Board Member	Present
Donald Rocha	Board Member	Present
David Whittum	Board Member	Present
Perry Woodward	Board Member	Present
Ken Yeager	Board Member	Absent

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2.X Participation as Amicus Curiae in Support of California High Speed Rail Authority

Chairperson Kalra noted there was an Addendum to the Agenda: **Item #1.2.X.** Make determinations (1) that there is a need to take immediate action on the question of whether the Santa Clara Valley Transportation Authority should participate as an *amicus curiae* in support of a Writ Petition filed by the California High Speed Rail Authority (CHSRA) with the Third District Court of Appeal, and

(2) that the need to take action on this item came to the attention of the VTA subsequent to the posting of the Board Agenda.

Chairperson Kalra stated in order to take action, under the Brown Act, the Board must make a determination by a two-thirds vote that there is a need to take immediate action and that the need to take action came to our attention subsequent to the posting of the regular agenda.

Robert Fabela, General Counsel, stated **Agenda Item #1.2.X** involves a request by the joint powers board, Caltrain, for VTA to participate in an amicus brief in support of CHSRA in their litigation in the Third District Court of Appeal. The court deadline is Monday, February 10, 2014. The request to participate was received on Wednesday, February 5, 2014 and was within the required 72 hour notice period under the Brown Act. VTA could move forward under the Administrative Code, but requests the Board consider this item by making a determination it is in VTA's best interest to take immediate action and the need to take action came to the Board's attention subsequent to the posting of the regular agenda. If approved, the Board may hear the item later in the agenda.

Board Member Whittum recused himself stating his home is within 500 feet of an area potentially affected.

Board Member Whittum left his seat at 5:38 p.m.

RESULT:	ADOPTED
MOVER:	Rose Herrera, Board Member
SECONDER:	Joe Pirzynski, Board Member
AYES:	Campos, Esteves, Herrera, Kalra, Pirzynski, Price, Rocha, Woodward
NOS:	Khamis
ABSENT:	Chavez, Whittum, Yeager

M/S/C (Herrera/Pirzynski) on a vote of 8 ayes, 1 no, 0 abstentions, and 1 recusal to make determinations (1) that there is a need to take immediate action on the question of whether the Santa Clara Valley Transportation Authority should participate as an *amicus curiae* in support of a Writ Petition filed by the California High Speed Rail Authority with the Third District Court of Appeal, and (2) that the need to take action on this item came to the attention of the VTA subsequent to the posting of the Board Agenda.

Board Member Whittum resumed his seat at 5:39 p.m.

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

1.2. Orders of the Day

Chairperson Kalra noted that staff requested the following item be removed from the Agenda: **Agenda Item #5.3.B**, Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities. There is nothing to report on this item.

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

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

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for February 2014

Chairperson Kalra recognized Patricia “Patty” Ferguson, Construction Contracts Administrator II, River Oaks; and Jesus Jaras, Paint and Body Worker, Cerone Division Paint and Body Shop for Employees of the Month for February 2014.

3. PUBLIC COMMENT

Michael Ludwig, Interested Citizen, suggested reinstating Bus Route 141 on game days to provide non-stop service from Fremont Bart Station to Levi’s Stadium. Mr. Ludwig supported the necessity of having a safety gap in Route 85 Express Lanes Project.

Omar Chatty, Interested Citizen, advocated for BART around the bay and the extension of Caltrain from Santa Clara to Millbrae.

Board Member Cindy Chavez arrived at 5:45 p.m.

Ross Signorino, Interested Citizen, expressed concern about building a tunnel under the City of San Jose for BART, and recommended VTA look at other alternatives.

Kofi LeGrand-Sawyer, Interested Citizen, requested the Board review his company’s development proposal for 5122 Alder Drive, Milpitas. Mr. LeGrand-Sawyer stated his company is offering to jointly develop the site with VTA.

Chuck Page, Interested Citizen, expressed concern about noise associated with the Highway 85 Express Lanes project near Saratoga. Mr. Page indicated he requested VTA work with the City of Saratoga to understand how the sound analysis was completed, and suggested VTA improve the I-280/U.S. 101 connection before adding another express lane to avoid causing more congestion.

Roland Lebrun, Interested Citizen, expressed concern in linking two cities 50 miles apart with a subway system running off a third rail on non-standard gauge.

Board Member Pirzynski left his seat at 5:52 p.m.

4. PUBLIC HEARINGS

There were no Public Hearings.

5. REPORTS

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

William Hadaya, Chairperson, Citizens Advisory Committee, provided a brief report on the discussions held at the January 15, 2014, CAC meeting, noting: 1) He was elected to serve as the 2014 CAC Chairperson and Herman Wadler, City of Campbell, was elected as the 2014 Vice Chairperson; 2) The committee recommended the Board to approve Agenda Item #6.2 Priority Development Area (PDA) Planning Grant Program; 3) In support of the Committees duties as the Measure A Citizens Watchdog Committee (CWC), the audit process has begun for 2014. The auditor will provide a draft report in April. The CWC public hearing will take place in May. The final report will be issued in June/July, 2014, and; 4) Bernice Alaniz, Deputy Director, Marketing & Public Affairs, provided the committee with an update on VTA's BART to Silicon Valley Extension project.

Board Member Pirzynski resumed his seat at 5:56 p.m.

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

Chairperson Kalra noted the report was located in the reading folder.

5.3. General Manager's Report

Nuria I. Fernandez, General Manager, provided a report, highlighting:

- Ridership statistics for December, 2013 compared to December, 2012: a) Total system ridership for bus and light rail was up 3.7%; b) VTA's overall average weekday system ridership was down by 0.7%; and c) VTA's average fare per boarding for December remains stable at 93 cents.
- Ridership statistics for the calendar year 2013: a) System total ridership up 1.5%; b) VTA's overall average weekday ridership up 1.5%; c) Fare revenue up 1.4%; and d) Clipper ridership remains stable at 26% penetration rate.
- VTA conducted an On-Board Passenger Survey in November, 2013, to gain feedback regarding the type, quality and level of service riders want and will utilize. Initial results will be presented to Standing and Advisory committees in the March-April, 2014 timeframe.
- Ms. Fernandez introduced Captain David Lera and welcomed him as the new Captain for VTA's Transit Patrol Division. Ms. Fernandez stated Captain Lera will provide a report on security and public safety.

Captain Lera provided a brief report on transit patrol and fare inspection activities, highlighting: a) statistics for events, passenger checks and citations for the Sheriff Transit Patrol and Fare Inspectors for December, 2013 and January, 2014; b) for the Sheriff Transit Patrol and Fare Inspectors January was busier than December with more personnel in the field; c) there were several incidents in January that had multiple suspects arrested; and d) safety remains VTA's priority.

Board Member Woodward expressed concern about safety at the Caltrain/VTA station in Gilroy, and stated that the Sheriff has not been responding to incidents in Gilroy.

Captain Lera expressed his appreciation for the information and stated he has been invited to attend monthly meetings in South County with a subgroup of captains, and the issue will be addressed at that time.

Board Member Price inquired, as to mental health commitments and drug and alcohol related matters, if members of the Captain's staff have participated in the crisis intervention training done by police departments throughout the state.

Captain Lera stated several members of his staff have been through training and remaining staff will complete the priority training.

Board Member Chavez inquired if Captain Lera has had an opportunity to work with the Chief of the San Jose Police Department to discuss strategies addressing safety along the rail alignments in San Jose.

Captain Lera indicated he has a meeting scheduled with the Chief.

Board Member Chavez inquired if the security guards, security officers and Allied Barton were under the Captain's jurisdiction, and expressed concern that more communication and discussion needs to take place between agencies to make better use of public resources.

Captain Lera welcomed Board Member Chavez' comments and stated VTA has a multi-agency approach toward security. Captain Lera stated private security, fare inspectors and the closed caption television providers are not under his direct command but all agencies work in partnership under VTA's Chief Operating Officer.

Ms. Fernandez stated there are a number of efforts to be more inclusive. VTA will be in contact with the leadership within each of the jurisdictions where VTA provides service to get to know each municipality and come up with a singular plan as it relates to transportation and the safety of our riders.

Board Member Khamis inquired as to why there were more arrests than incidents.

Captain Lera stated these were incident reports taken, and one single incident may lead to multiple arrests.

Ms. Fernandez stated VTA was the recipient of two industry awards: 2014 Best of BusRide Green Award for VTA's commitment to environmental stewardship; and Alum Rock Fish Passage Project, an environmental mitigation for The Mission Warren Area Improvements Project.

Ms. Fernandez asked Scott Haywood to speak about the new approach VTA is taking to build better relationships in the communities we serve.

Scott Haywood, Policy & Community Relations Manager, gave a verbal report, noting: 1) VTA's new Community Outreach approach assigns a staff member to serve a specific community to give community leaders and the public their own VTA representative to contact; 2) VTA staff members will attend community meetings, delivering presentations and addressing issues from the community; 3) staff will be assigned to closely follow the city groups; and 4) Community Outreach will include construction projects, planning studies, operations and real estate/joint development.

Board Members expressed appreciation for the new strategy for community outreach.

5.3.A VTA's BART Silicon Valley Program Update

Carolyn Gonot, Chief SVRT Program Officer, provided a brief overview of the presentation entitled "VTA's BART Silicon Valley Extension Update," highlighting: 1) Current Project Activities in Milpitas; 2) Current Project Activities in San Jose; 3) Parking Garages Design-Build Contract; 4) Residential Noise Insulation Program; 5) Berryessa Extension Cost Summary; and 6) Berryessa Extension Summary Schedule.

Board Member Price inquired about the methodology for engineering estimates.

Upon inquiry of Board Member Chavez, Ms. Gonot stated that each contract that VTA has let out has a different goal depending on the work or type of activity. On the large contract awarded to Skanska-Shimmick-Herzog (SSH), of \$772 million they have a Disadvantaged Business Enterprise (DBE) goal of 18%. As a design builder they procure work themselves and follow the Federal DBE process. There is a DBE staff in VTA who works with the trades. Skanska is a large DBE program that works in the community to help DBE's get registered. Liz Brazil, DBE Program Manager, provides a monthly report and quarterly status report and staff can provide a summary of that for the Board.

Board Member Chavez also requested a summary of findings and stated there are two opportunities here: 1) to make sure as many people and local businesses are benefitting from the economic development as possible; and 2) to see what we are learning about the process, and whether the

classes provided are helping people apply to get that status or if there are other barriers and what those might be.

Public Comment

Mr. Lebrun expressed concern about security at Caltrain stations, and suggested VTA have uniform security services throughout Santa Clara County transit systems.

5.3.B. (Removed from the Agenda.)

Receive Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) updates.

5.4. Chairperson's Report

Chairperson Kalra spoke briefly, highlighting: 1) encouraging everyone to attend VTA's celebration of 25 years of light rail service on February 21, 2014 at 10:30 a.m., and 2) announcing the Levi's Stadium Transit Planning Committee will convene its first meeting on Wednesday, February 26, 2014, 10:00 a.m. at the VTA Administrative Campus on River Oaks.

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

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

M/S/C (Herrera/Price) to approve the appointment of Director David Whittum to Congestion Management Program and Planning Committee for 2014.

6. CONSENT AGENDA

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

6.1. Board of Directors Regular Meeting Minutes of January 9, 2014

M/S/C (Herrera/Price) to approve the Board of Directors Regular Meeting Minutes of January 9, 2014.

6.2. PDA Planning Grant Program

M/S/C (Herrera/Price) to adopt the Priority Development Area (PDA) Planning Grant Program.

6.3. Sprint Spectrum License Agreement at Chaboya

M/S/C (Herrera/Price) to authorize the General Manager to execute a five-year license agreement, with one option to renew for five years, with Sprint Spectrum for the placement of three attached antennas to the VTA-owned 65 foot high telecommunications pole and 240 square feet of ground-level equipment cabinets at VTA's Chaboya Maintenance Yard. The starting annual license fee for antennas and cabinet is \$35,000 with 4% increases annually thereafter.

6.4. Preferred Vendor Transit Signal Priority Equipment Procurement for Stevens Creek Limited 323 Service

M/S/C (Herrera/Price) to authorize the General Manager to execute a contract with STC, Incorporated (manufacturer of EMTRAC products) through a preferred vendor procurement for \$340,305 for Transit Signal Priority Equipment for the Stevens Creek Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.

6.5. Santa Clara Pocket Track – URS Corporation Final Design and Design Services During Construction Contract Amendment

M/S/C (Herrera/Price) to authorize the General Manager to execute a contract amendment with URS Corporation in an amount not to exceed \$525,000 for Final Design and Design Services During Construction for the Santa Clara Pocket Track and Double Crossover to accommodate scope additions for a new contract amount not to exceed \$7,299,375.

6.6. Legislative Update Matrix

M/S/C (Herrera/Price) to review the Monthly Legislative Update Matrix.

7. REGULAR AGENDA

7.1. Approval to Extend the Labor Agreement Between Santa Clara Valley Transportation Authority and Amalgamated Transit Union (ATU), Local 265

Robert Escobar, Administrative Services Deputy Director, stated VTA and Amalgamated Transit Union (ATU) Local 265 reached a tentative agreement to extend the current contract for one year. The following is a summary of the modifications: 1) term of the agreement shall be extended through February 1, 2015; 2) upon Board approval, ATU represented employees shall receive a 3.25% increase in wages effective the first full pay-period in February, 2014; and 3) the parties shall meet and confer during the term of this Agreement to evaluate, and if agreement is reached, implement a transition from

current medical plans to a CalPERS medical plan. Mr. Escobar noted the remainder of the agreement is unchanged.

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

M/S/C (Pirzynski/Woodward) to authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Amalgamated Transit Union (ATU), Local 265 and the Santa Clara Valley Transportation Authority (VTA).

7.1.X. Participation as Amicus Curiae in Support of California High Speed Rail

Board Member Whittum recused himself on this item on the fact that his home resides within 500 feet of an area potentially affected.

Board Member Whittum leaves his seat at 6:31 p.m.

Mr. Fabela provided a brief report, noting: 1) This matter is a request from the Joint Powers Board (JPB) to participate in, as an amicus, friend of the court, in the litigation involving the CHSRA and various parties on how and if the CHSRA acted appropriately initially in issuing and using bond funds. VTA is not writing the brief. VTA is being asked to sign off on it, and because the matter relates to policy, staff wanted to get direction from the Board to sign off on VTA's behalf.

Chairperson Kalra noted we are being asked to give our support of the Memorandum of Understanding (MOU) with Caltrain on the modernization program and that is where the funds go to. VTA is a critical supporter and partner of the Caltrain program and this is the reason they are asking VTA to sign on and give support. The urgency is that it has to be done by next week, and was only brought to our attention this week because of the short timeline that the Supreme Court put on it when returning it to the Appellate Court for decision.

Board Member Herrera inquired as to why VTA was not asked earlier to participate in the appeal, and indicated it would be consistent with VTA's policy and position of supporting the MOU.

Mr. Fabela stated the matter is not an appeal, but a Writ Petition. The parties are seeking an expedited process and asking the court to look at this matter.

Board Member Woodward stated it was his understanding that the Board is responding to a Supreme Court order issued last Friday.

Board Member Chavez queried as to who the Plaintiff is.

Mr. Fabela stated there are two lawsuits. One was brought by taxpayers and the other by the CHSRA. The Howard Jarvis Group filed the opposition to this petition.

Board Member Price asked if VTA has any knowledge about the actions taken by the other partners.

Mr. Fabela stated San Mateo County Transportation (SamTrans) and Metropolitan Transportation Commission (MTC) are signing onto the brief, and JPB is waiting to see what the City and County of San Francisco decide to do.

Public Comment

Mr. Chatty expressed strong opposition and asked the Board to oppose the Writ Petition and direct the funds to BART.

Mr. Lebrun asked the Board to oppose the Writ Petition and suggested VTA can get electrification done faster and cheaper another way.

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

M/S/C (Chavez/Campos) to authorize the General Manager to participate, on behalf of the VTA, as an *amicus curiae* in support of a Writ Petition filed by the California High Speed Rail Authority with the Third District Court of Appeal.

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 – January 23, 2014, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Administration and Finance Committee (A&F) – January 23, 2014, Minutes were accepted as contained on the dais.
- Transit Planning and Operations Committee (TP&O) – January 23, 2014, Minutes were 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) – January 15, 2014, Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – January 15, 2014, Minutes were accepted as contained on the dais.
- Bicycle & Pedestrian Advisory Committee (BPAC) – January 15, 2014, Minutes were accepted as contained in the Agenda Packet.
- Technical Advisory Committee (TAC) – January 16, 2014, Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – January 16, 2014, Minutes were accepted as contained on the dais.

8.2.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.

8.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB - February 6, 2014, 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) – January 22, 2014, 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 6:40 p.m.

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

Name of Case: Santa Clara Valley Transportation Authority v. Kunde, et al.
(Eminent Domain) (Santa Clara Superior Court Case No.: 1-12-CV-218104)

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

Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley
Transportation Authority, et al.

(Alameda County Superior Court Case No.: RG12628077)

Board Member Herrera left the meeting at 6:44 p.m.

9.2. Reconvened to Open Session at 7:14 p.m.

9.3. Closed Session Report

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

Name of Case: Santa Clara Valley Transportation Authority v. Kunde, et al.
(Eminent Domain) (Santa Clara Superior Court Case No.: 1-12-CV-218104)

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

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

Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley
Transportation Authority, et al.

(Alameda County Superior Court Case No.: RG12628077)

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 at 7:15 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary