

## BOARD OF DIRECTORS MEETING

**Thursday, May 1, 2014**

### MINUTES

#### **1. CALL TO ORDER AND ROLL CALL**

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The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Vice Chairperson Woodward at 5:31 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San José, California.

##### **1.1. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Jason Baker	Alternate Board Member	Present
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
Joe Pirzynski	Board Member	Present
Gail A. Price	Board Member	Present
Donald Rocha	Board Member	Present
David Whittum	Board Member	Present
Perry Woodward	Vice Chairperson	Present
Ken Yeager	Board Member	Present

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

##### **1.2. Orders of the Day**

Vice Chairperson Woodward noted staff requested the following changes to the Agenda: **Agenda Item #7.1.**, Authorize the General Manager to procure up to forty-five (45) Non-Revenue Vehicles, pending vehicle availability and contract pricing, in an amount up to \$1,131,541 using the State of California purchasing contract, be removed from the Agenda and deferred to a future meeting and Closed Session **Agenda Item #9.1.A**, Conference with Legal Counsel - Anticipated Litigation and **Agenda Item #9.1.B**, Conference with Labor Negotiators be removed from the Agenda.

Vice Chairperson Woodward indicated several members of the public expressed

interest in addressing the Board of Directors regarding **Agenda Item #6.14.**, Receive an update on Silicon Valley Express Lanes Program Implementation Plan, and noted they would be allowed to provide comment prior to the approval of the Consent Agenda.

**Public Comment**

The following members of the public expressed concern with the Silicon Valley Express Lanes Program Implementation Plan – SR 85 proposed express lanes:

Allen Rosenzweig, Interested Citizen, suggested the road not be built until the original contract is observed.

Jeff Schwartz, Interested Citizen, questioned the planning of additional lanes and the basis of approval of the environmental analysis.

Paul Krug, Interested Citizen, expressed concern with the ability to limit truck traffic and the impacts of third party loans.

Chairperson Kalra took his seat at 5:37 p.m. and chaired the remainder of the meeting.

John Chen, Interested Citizen, suggested the Board perform a public review of comments residents provided regarding the SR 85 Express Lanes Project.

Cheriel Jensen, Interested Citizen, expressed concern with contracts between VTA, Caltrans, and cities in the corridor.

Mary Robertson, Interested Citizen, questioned the cost projections for the project.

Board Member Herrera took her seat at 5:42 p.m.

Nancy Jamello, Interested Citizen, suggested staff find more innovative ways to solve congestion.

Lis Lacey, Interested Citizen, expressed concern with the noise level and pollution.

Omar Chatty, Interested Citizen, stated opposition to toll roads and light rail in the freeway median.

Barry Chang, candidate for State Assembly District 28, suggested a master plan be developed to find a solution for the traffic congestion.

Michael Ludwig, Interested Citizen, addressed the Board of Directors regarding **Agenda Item #6.10.**, Review the Mountain View Double Track Project Budget Update, and expressed concern with money being taken from Caltrain South County Capacity Project to fund the Mountain View Double track project.

Board Member Esteves expressed opposition to Express Lanes in Silicon Valley noting they are a disadvantage to the City of Milpitas.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] (<u>Orders of the Day and Consent Agenda Item #: 6.1-6.15</u>)</b>
<b>MOVER:</b>	Chavez
<b>SECONDER:</b>	Woodward
<b>AYES:</b>	Campos, Chavez, Esteves, Herrera, Kalra, Khamis, Pirzynski, Price, Rocha, Whittum, Woodward, Yeager
<b>ABSENT:</b>	None

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## **2. AWARDS AND COMMENDATION**

### **2.1 Employees of the Month for April 2014; and Supervisor of the Quarter**

Chairperson Kalra recognized Yolanda Domingo, Senior Accountant, River Oaks Administration; and Asheq Fana, Coach Operator, Cerone Division, as Employees of the Month for May 2014.

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## **3. PUBLIC COMMENT**

James Wightman, Interested Citizen, expressed concern with the shutdown of light rail services.

Mr. Schwartz expressed concern with the language on the Communications Card for public speakers and thanked the Chairpersons for allowing citizens to speak on Agenda Item 6.14 at the beginning of the meeting.

Mr. Chang expressed concern with Express Lanes and VTA making the right decisions to solve transportation problems for the economic growth of the entire region.

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## **4. PUBLIC HEARINGS**

*There were no Public Hearings.*

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## **5. REPORTS**

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

William Hadaya, Chairperson, Citizens Advisory Committee, provided a brief report from the April 9, 2014 meeting, highlighting: 1) results of the On-Board Passenger Survey; 2) community outreach effort for Bus Rapid Transit; 3) Silicon Valley Express Lanes Program implementation plan; and 4) Auditor's report for

2000 Measure A. Mr. Hadaya announced the Citizens Watchdog Committee Public Hearing will take place on May 7, 2014 in the VTA Auditorium.

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

Howard Miller, Chairperson, Policy Advisory Committee, provided a brief report from the April 10, 2014 PAC meeting, highlighting: 1) On-Board Passenger Survey 2) El Camino Bus Rapid Transit (BRT); 3) update on SB 743; 4) presentation on Silicon Valley Express Lanes; and 5) Lawrence Expressway Grade Separation recommended concept.

**5.3. General Manager's Report**

Nuria I. Fernandez, General Manager, provided a report, highlighting accomplishments from her first hundred days as VTA's General Manager, including:

- Groundbreaking for Santa Clara Alum Rock BRT
- Tasman Drive pocket track and Great America station platform construction
- Ongoing BART Project construction being done on-time and within budget
- Implementation of the priorities of increasing ridership, reaching out into the community to build stronger relationships, and delivering projects on time and on budget
- Appointment of Levi's Stadium Planning Committee and Project Manager
- Procurement process reform
- Affirmation of favorable credit rating and clean report for compliance with 2000 Measure A program
- Restructuring of enforcement zones and schedules to assist with fare collection efforts
- Evolution of the Communications Team
- New Interactive VTA website and refreshed intranet
- VTA service enhancements including, better connections to Caltrain and BART, new buses, and better transit options

Chairperson Kalra thanked Ms. Fernandez for her contributions to VTA thus far.

Ms. Fernandez introduced Captain Lera who discussed Security and Public Safety, highlighting the following: 1) April security statistics; and 2) increase in

officers and fare inspectors who have undergone Crisis Intervention Training (CIT).

Board Member Price expressed appreciation for additional officers and inspectors being trained in crisis intervention techniques to handle mental health emergency situations.

Board Member Yeager expressed concern with the inability to compare the data received to other transit systems in the industry. He questioned if arrests are made by sheriff's deputies or local police.

Upon request of Ms. Fernandez, Captain Lera explained how altercations are handled when a sheriff is not present but local police responds, how arrests are recorded, and how numbers are compiled.

Board Member Yeager requested getting the numbers of arrests by other jurisdictions as well to get the full picture. Chairperson Kalra suggested getting the information twice a year or in an annual report to provide context as the numbers are being presented.

Upon inquiry of the Board, Captain Lera further provided information on the number of incidents handled per year and explained when a call is the responsibility of the sheriff's office versus the local municipality.

Board Member Chavez recommended tracking calls for service to help understand the trends and the proper policing and security of the system. She questioned under what circumstances cameras and other deterrents are used and suggested they be relied on as the system continues to grow. She suggested looking at additional trends within the sector of people who have special needs and mental health issues.

### **5.3.A VTA's BART Silicon Valley Program Update**

Carolyn Gonot, Director SVRT Program, provided a brief report and presentation, highlighting: 1) Current project activities - Milpitas; 2) Dixon Landing Road - Milpitas; 3) Dixon Landing Road closure - Milpitas; 4) Current project activities - San Jose; 5) Silicon Valley Berryessa Extension (SVBX) integrated summary schedule; 6) SVBX cost summary.

#### **Public Comment**

Ross Signarino, Interested Citizen, congratulated Ms. Fernandez on the completion of her first hundred days at VTA and expressed appreciation for Santa Clara Alum Rock BRT.

Mr. Chatty congratulated Ms. Fernandez, and provided comment on continuing BART service around the Bay.

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

Scott Haywood, Policy & Community Relations Manager, provided a brief update highlighting MTC's endorsement of VTA's federal Tiger VI Grant Application to help fund the Mountain View Light Rail Double Track and Express Lanes projects on SR 237 and U.S. 101.

**5.4. Chairperson's Report**

Chairperson Kalra provided a brief report, highlighting the following: 1) welcomed Jason Baker, new Alternate Board Member; 2) announced the Board Workshop scheduled for Friday, June 6, 2014, in the VTA Auditorium; 3) General Counsel evaluation; and 4) VTA award for excellence in financial reporting.

**5.4.A. Levi's Stadium Program Committee Update**

Chairperson Kalra provided a brief report from the April 23, 2014, Levi's Stadium Transit Program Committee Meeting, highlighting: 1) interagency coordination activities; 2) collaborative work with the Levi's Stadium management team, City of Santa Clara traffic engineers, and law enforcement; 3) bus and light rail service plan for Levi's Stadium events; 4) Mobile Fare App.; 5) overview of Transit Service Plan for America festival in downtown San Jose; and 6) meetings and Community Outreach events in preparation of Levi's Stadium events.

Chairperson Kalra concluded his report with a brief overview of the Public Safety memo that was provided to the Board. He directed staff to meet with representatives of Santa Clara County Office of the Sheriff, San Jose Police Department, and the San Jose City Manager to discuss potential cooperation in the provision of public safety services within the City of San Jose.

**Public Comment**

Mr. Wightman questioned bus and light rail service and parking for Levi's Stadium and expressed concern with the noise level on the light rail.

Chairperson Kalra noted Mr. Chatty inquired on the status of his pledge to take transit once a week. Chairperson Kalra stated he has been able to honor his pledge and that it has been easy, safe, and convenient, and noted he will provide a full update at the end of the year.

**6. CONSENT AGENDA**

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**6.1. Board of Directors Regular Meeting Minutes of April 3, 2014**

M/S/C (Chavez/Woodward) to approve the Board of Directors Regular Meeting Minutes of April 3, 2014.

**6.2. Grant Agreements with the Federal Transit Administration (FTA)**

M/S/C (Chavez/Woodward) to authorize the General Manager to submit Federal Fiscal Year 2014 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway, Section 5309 New Starts, Section 5337 Fixed Guideway and High Intensity Motorbus, Section 5339 Bus and Bus Facilities funds, and Congestion Mitigation and Air Quality Improvement Program (CMAQ).

**6.3. FY 2014-2015 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.**

M/S/C (Chavez/Woodward) to adopt **Resolution No. 2014.05.06** authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2014-2015 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

**6.4. On-Call General Environmental Engineering Consulting Services**

M/S/C (Chavez/Woodward) to authorize the General Manager to execute up to twelve On-Call General Environmental Engineering Consulting Services task order contracts with the following firms: AECOM Technical Services, Inc.; ARCADIS U.S. Inc.; Burns & McDonnell Co., Inc.; CH2M Hill, Inc.; ERM- West, Inc.; GEOCON Consultants, Inc.; Haley & Aldrich, Inc.; Kennedy/Jenks Consultants; Locus Technologies; Northgate Environmental Management, Inc.; URS Corporation Americas; and Weiss Associates. The executed contracts would span a maximum five-year period with two additional one-year options and the total of all executed contracts would not exceed \$2.5 million.

**6.5. Annual Operations Program Insurance Renewal**

M/S/C (Chavez/Woodward) to authorize the General Manager to purchase insurance coverage for Excess Liability, General and Auto Liability, and Public Officials Errors and Omission Liability; Property/Boiler & Machinery; Inland Marine for Light Rail Vehicles; Inland Marine for Buses, Vans and Mobile Equipment; and Flood exposures for the annual Operations Program Insurance renewal for an amount not to exceed \$3,264,250.

**6.6. Addendum No. 5 to the 2<sup>nd</sup> Supplemental Environmental Impact Report (EIR)**

M/S/C (Chavez/Woodward) to consider Addendum No. 5 to the 2<sup>nd</sup> Supplemental Environmental Impact Report (EIR) and approve the design changes to the BART Silicon Valley Berryessa Extension Project (“Project”).

**6.7. Procurement Card (P-Card) Process Internal Audit**

M/S/C (Chavez/Woodward) to review and receive the Auditor General's follow-up report on the implementation status of management's action plans contained in the Procurement Card (P-Card) Process Internal Audit.

**6.8. Paratransit Provider Contract Compliance Internal Audit**

M/S/C (Chavez/Woodward) to review and receive the Auditor General's follow-up report on the implementation status of management's action plans contained in the Paratransit Provider Contract Compliance Internal Audit.

**6.9. VTA's BART to Silicon Valley Extension Program Risk Assessment Refresh**

M/S/C (Chavez/Woodward) to review and receive the Auditor General's report on the VTA's BART to Silicon Valley Extension Program Risk Assessment Refresh.

**6.10. Mountain View Double Track Project Budget Update**

M/S/C (Chavez/Woodward) to review the Mountain View Double Track Project Budget Update.

**6.11. Legislative Update Matrix**

M/S/C (Chavez/Woodward) to review the Legislative Update Matrix.

**6.12. Programmed Projects Quarterly Monitoring Report for October - December 2013**

M/S/C (Chavez/Woodward) to receive the Programmed Projects Quarterly Monitoring Report for October-December 2013.

**6.13. SB 743 Changes to CEQA Transportation Analysis**

M/S/C (Chavez/Woodward) to review SB 743 Changes to CEQA Transportation Analysis and Implications for VTA and Member Agencies.

**6.14. Silicon Valley Express Lanes Program Implementation Plan**

M/S/C (Chavez/Woodward) to receive an update on Silicon Valley Express Lanes Program Implementation Plan.

**6.15. VTA's Sustainability Program**

M/S/C (Chavez/Woodward) to receive annual report on VTA's Sustainability Program.



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## 7. REGULAR AGENDA

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### 7.1. (Deferred to a future meeting.)

Authorize the General Manager to procure up to forty-five (45) Non-Revenue Vehicles, pending vehicle availability and contract pricing, in an amount up to \$1,131,541 using the State of California purchasing contract.

### 7.2. On Board Passenger Survey Results

Jim Unites, Deputy Director, Service Operations, provided a presentation entitled “2013 On-Board Passenger Survey Overview Presentation,” highlighting: 1) Survey methodology; 2) Passengers' origin/destination; 3) Getting to and from VTA; 4) How often do VTA passengers ride; 4) How do passengers rate their satisfaction; 5) Personal security/safety; 6) Ethnic identity; 7) English proficiency; 8) Age; 9) Annual household income; 10) Age of respondents with income under 15k; 11) Average household by service type; 12) Fare payment; and 13) Summary findings.

Board Member Yeager suggested a comparison with peer agencies on safety be done to get the best indication of how VTA is performing. Staff responded the peer agencies must ask similar questions regarding personal safety to be able to compare data with VTA.

Board Member Yeager questioned if there is a way to determine if there was a difference in how personal security was viewed as people traveled through the various cities in the County. Board Member Yeager also questioned if there is a program or offering of a pass to new residents to give them an invitation to VTA.

Ms. Fernandez noted that staff will be developing a new program promoting the perks of living in close proximity to transit and offering VTA services. Board Member Yeager requested an update be provided to the Board on the progress of the program.

Board Member Campos thanked Ms. Fernandez for looking at parts of the system and areas in the County where there is the potential for more ridership to better serve customers and make service more efficient.

Board Member Pirzynski noted his interest in a non-rider survey to see what can be done to impact those who have automobiles and get them interested in using the system, noting that is the key to gaining future ridership.

Board Member Whittum expressed interest in the survey being done more frequently and with more information on safety. He suggested a requirement for new developers to provide residents with Eco Pass.

Board Member Rocha suggested service enhancement issues be addressed as VTA moves into the next budget cycle noting the need to be prepared for the significant amount of work and discussion that needs to be done.

Ms. Fernandez noted strategic planning for the budget will begin in the fall and indicated services that were discontinued will be revisited.

Board Member Chavez expressed agreement with taking a look at the information early to find ways to best serve clients and be competitive in the new market. She suggested partnering with riders, non-riders and service providers to think about what the next generation of VTA will look like and noted it should happen concurrently with expanding service where it is already needed.

Board Member Yeager expressed the need to address service delivery noting the possibility of the Silicon Valley Leadership Group (SVLG) placing a sales tax measure on the ballot that is largely for transportation. He indicated VTA needs to know what is needed and what customers want.

Board Member Price noted the report illustrates the issue between transit dependent and transit optional riders and commented on how it impacts the demand model and service planning. She questioned what can be asked of riders under 35 years of age that can help retain them as users.

Chairperson Kalra suggested the option of using a cell phone to complete the survey to make it more convenient. He thanked staff for their work on gaining the opinions of the riders.

**Public Comment**

Mr. Ludwig expressed concern with the numbers of riders age 65 and older that were surveyed. He suggested comparing VTA to similar agencies to help increase ridership.

**On order of Chairperson Kalra** and there being no objection, the Board of Directors reviewed and discussed the On Board Passenger Survey Results.

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## **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**

- Silicon Valley Rapid Transit (SVRT) Program Committee – There was no report.
- Congestion Management Program and Planning (CMPP) Committee April 17, 2014 Minutes were accepted as contained on the dais.
- Administration and Finance Committee (A&F) – April 17, 2014 Minutes were accepted as contained on the dais.
- Transit Planning and Operations Committee (TP&O) – April 17, 2014 Minutes were accepted as contained on the dais.
- Audit Committee – There was no report.

**8.2.B. VTA Advisory Committees**

- Committee for Transit Accessibility (CTA) – April 9, 2014 Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – April 9, 2014 Minutes were accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) – April 10, 2014 Minutes were accepted as contained in the Agenda packet.
- Policy Advisory Committee (PAC) – April 10, 2014 Minutes were 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 – 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 – May 1, 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) – April 23, 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**

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**9.1. (Removed from the Agenda)**

**9.1.A. (Removed from the Agenda)**

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

Initiation of litigation pursuant to subdivision (c) of Government Code  
Section 54956.9

Number of potential cases: 1

**9.1.B. (Removed from the Agenda)**

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

**9.2. (Removed from the Agenda)**

**9.3. (Removed from the Agenda)**

**Closed Session Report**

## **10. ADJOURNMENT**

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**On order of Chairperson Kalra** and there being no objection, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Menominee McCarter, Board Assistant  
VTA Office of the Board Secretary