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 Pirzynski at 5:41 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Cindy Chavez</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Donald Rocha</td>
<td>Board Member</td>
<td>Present</td>
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<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Present</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>Board Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was not present and a Committee of the Whole was declared.

1.2. Orders of the Day

Chairperson Pirzynski, noted that the Agenda was revised to reflect the following: Agenda Item #7.7: 2014 Stated Transportation Improvement Program Adoption needs 2/3 vote; Agenda Item #8.2: Authorize the General Manager to execute a contract with the lowest responsible bidder for the Santa Clara Alum Rock Bus Rapid Transit Project- Civil and Station Improvements; and added Addendum #3.1.E.X: Conference with Real Property Negotiators.

Chairperson Pirzynski, noted that staff requested the following items be removed from Agenda: Agenda Item #3.1.B: Existing Litigation-Conference with Legal Counsel; Agenda Item #3.1.C: Anticipated Litigation-Conference with Legal Counsel; and Agenda Item 3.4: Labor Agreement negotiation between the Santa
Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA).

Chairperson Pirzynski, noted that the Board Meeting will adjourn in memory of Anita Jacobson.

Board Member Liccardo and Board Member Rocha arrived and took their seats at 5:44 p.m. and a quorum was established.

Public Comment

The following public citizens expressed support for Sound Wall barriers in the Capitol/680/Alum Rock area for noise reduction, safety of the community and safety of homes located close to the freeway.

- Alofa Talivaa
- Ulitafa Mariner

Board Member Kalra expressed support for soundwalls.

Board Member Esteves expressed his support for soundwalls but expressed concern that soundwalls along I-680 in the City of Milpitas should be completed first. Board Member Esteves noted he will oppose Agenda Items #7.6 and #7.7.

M/S/C (Woodward/Chavez) on a vote of 7 ayes, 1 no and 0 abstention to accept the Orders of the Day and approve the Consent Agenda. Board Member Esteves opposed Agenda Items #7.6 and #7.7. Motion for Agenda Item 7.7 failed.

M/S/C (Liccardo/Chavez) to reconsider Agenda Item #7.7.

Vice Chairperson Kalra recommended removing Agenda Item #7.7 from Consent Agenda and place it on the Regular Agenda.

On order of Chairperson Pirzynski and there being no objection, the Board of Directors removed Agenda Item 7.7 from the Consent Agenda and placed it on the Regular Agenda.

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for October 2013

Chairperson Pirzynski recognized Maria Luisa Sanchez-Ku, Human Resources Analyst, River Oaks Administration; Ronald Langston, Coach Operator, Chaboya Division; Jose Hernandez, Senior Track Worker, Guadalupe Division.

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

Public Comment

The following VTA Employees and members of Transportation Authority Engineers and Architects Association (TAEA) addressed the Board of Directors and stressed the importance of realigning wages of TAEA members to attract and retain qualified employees. Members of TAEA commented that VTA Engineers make 12.5% under the average in salary compensation when compared to other counterparts at other local agencies and cities in the county.

- Harry Yip
- Franceen Weisert Anderson
- John Duesterhaus
- Bob Magliocco
- Manjit Singh Khalsa
- Kris Sabherwal
- Raj Sehdev
- Rachel Martinez

Board Member Abe Koga arrived and took her seat at 6:02 p.m.

3.1. Recess to Closed Session at 6:11 p.m.

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

   Name of Case: Santa Clara Valley Transportation Authority v. Eastridge Shopping Center (Eminent Domain)
   (Santa Clara Superior Court Case No.: 1-11-CV-209524)

B. (Removed from the Agenda)

   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)

C. (Removed from the Agenda)

   Anticipated Litigation - Conference with Legal Counsel
   Initiation of litigation pursuant to Government Code Section 54956.9(c).

   Number of potential cases: 1
   Name of potential opposing party: Union Pacific
D. Anticipated Litigation - Conference with Legal Counsel
   Significant exposure to litigation pursuant to Government Code Section 54956.9(b).

   Number of potential cases: 1

E. 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
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

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

   Property: Partial fee interest, permanent utility easements and a temporary construction easement on the property located at 3501 Tasman Drive in Santa Clara, California (APN: 104-49-029)

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

   Negotiating Party: Michael Pelletier, Lake Marriott, LLC c/o Divco West

   Under Negotiation: Price and terms of payment

3.2. Reconvened to Open Session at 7:40 p.m.

3.3. 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. Eastridge Shopping Center (Eminent Domain)
   (Santa Clara Superior Court Case No.: 1-11-CV-209524)

   Robert Fabela, General Counsel, reported that no reportable action was taken during Closed Session.
D. Anticipated Litigation - Conference with Legal Counsel
   Significant exposure to litigation pursuant to Government Code Section 54956.9(b).

   Number of potential cases: 1

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

E. 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**
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

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

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

   Property: Partial fee interest, permanent utility easements and a temporary construction easement on the property located at 3501 Tasman Drive in Santa Clara, California (APN: 104-49-029)

   **Agency Negotiator:** Bijal Patel, Deputy Director, Property Development & Management
   **Negotiating Party:** Michael Pelletier, Lake Marriott, LLC c/o Divco West
   **Under Negotiation:** Price and terms of payment

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

3.4 (Removed from the Agenda)

**ACTION ITEM** - Approve and authorize the General Manager to execute the amended successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.
4. **PUBLIC COMMENT**

Ron Roberts, VTA employee and member of Service Employees International Union (SEIU) provided a brief overview of the handout that was distributed to all Board members.

Bill Hawthorne, Interested Citizen, expressed concern about VTA liability due to projects related to BART.

Marc DeLong, VTA Employee and TAEA member addressed the Board of Directors and stressed the importance of realigning wages of TAEA members to attract and retain qualified employees.

5. **PUBLIC HEARINGS**

*There are no public hearings.*

6. **REPORTS**

6.1. **Citizens Advisory Committee (CAC) Chairperson’s Report**

Clinton Brownley provided a verbal report that highlighted the October 9, 2013 Citizens Advisory Committee meeting: 1) Caltrain Budget and Ridership Update; 2) Local Program Reserve Programming Actions; and 3) Adoption of VTA Title VI Policies and Standards.

6.2. **Policy Advisory Committee (PAC) Chairperson’s Report**

A written report was provided and distributed to the Board Members.

6.3. **General Manager’s Report**

Michael Burns, General Manager, provided a report highlighting the following: 1) Average weekday Ridership; and 2) VTA Hispanic Heritage Celebration on October 31, 2103.

6.3.A **Silicon Valley Rapid Transit (SVRT) Program Update**


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

There were no reports from the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities.

**On order of Chairperson Pirzynski** and there being no objection to receive the General Manager’s Report
6.4. **Chairperson’s Report**

Chairperson Pirzynski noted Michael Hursh, Chief Operating Officer, will provide a brief presentation on VTA Rail Safety.

Mr. Hursh provided a presentation entitled, VTA Roadway Worker Protection,” highlighting: 1) Track Access – Program Elements; 2) Light Rail Operator Training; 3) Work Zones; 4) Accessing the right of way; 5) VTA Compliance; 6) On Board Cameras; 7) Pocket Guides; and 8) Summary. Mr. Hursh noted advanced warning signs are going to be installed when trains are going at high speeds. Mr. Hursh added that the Board meeting will also adjourn in memoriam of the BART employees who passed away last month.

Chairperson Pirzynski noted the 2014 Chair & Vice Chair Election will be held during the December 2013 meeting. Chair Pirzynski noted that Board Member Kalra submitted a letter showing interest as the Chairperson for 2014 while Board Member Woodward and Alternate Board Member Price submitted letters showing interest as the Vice Chair for 2014. These letters are available on the dais.

Chairperson Pirzynski noted that the 2014 Board of Directors Meeting schedule is provide and advised all members to review.

7. **CONSENT AGENDA**

7.1. **Board of Directors Workshop Meeting Minutes of September 27, 2013**

M/S/C (Woodward/Chavez) to approve the Board of Directors Workshop Meeting Minutes of September 27, 2013.

7.2. **Board of Directors Workshop Regular Minutes of October 3, 2013**

M/S/C (Woodward/Chavez) to approve the Board of Directors Regular Meeting Minutes of October 3, 2013.

7.3. **Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the Period Ending June 30, 2013**

M/S/C (Woodward/Chavez) to review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2013.

7.4. **VTA Permit Fee Schedule Revisions**

M/S/C (Woodward/Chavez) to revise the VTA Permit Policy to authorize the General Manager to waive fees for parties making transit improvements for VTA and adopt **Resolution No. 2013.11.24** amending the VTA Permit Fee Schedule, adjusting fees to be collected for Construction Access Permits and Restricted Access Permits to be consistent with the revision of VTA allocated rates.
7.5. **Adopt the 2013 VTA Congestion Management Program (CMP)**

M/S/C (Woodward/Chavez) to adopt the 2013 VTA Congestion Management Program (CMP).

7.6. **Local Program Reserve Programming Actions**

M/S/C (Woodward/Chavez) to approve the allocation of $5,460,000 of Local Program Reserve (LPR) to:

- SR 680 Corridor Study $250,000
- I-280 Corridor Study $250,000
- I-280/Winchester Blvd Off-Ramp $250,000
- US 101 Auxiliary Lanes Project $260,000
- SR 237, SR 85 and US 101 Express Lanes $4,450,000

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

Adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

7.8. **Pedestrian Swing Gates Replacement**

M/S/C (Woodward/Chavez) to authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

7.9. **Investment Program Controls Internal Audit**

M/S/C (Woodward/Chavez) to review and receive the Auditor General's internal audit report on Investment Program Controls.


M/S/C (Woodward/Chavez) to approve the following Internal Audit Work Plans developed and recommended by the VTA Auditor General:

1. Fiscal Year (FY) 2014 for a maximum amount of $358,800. This item replaces the Interim FY 2014 Internal Audit Work Plan approved by the Board on June 6, 2013 for a maximum amount of $290,500.

2. FY 2015 for a maximum amount of $364,500.
7.11. **Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment**

M/S/C (Woodward/Chavez) to review and receive the Auditor General's report on the Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment.

7.12. **Sheriff’s Office Contract Compliance Internal Audit**

M/S/C (Woodward/Chavez) to review and receive the Auditor General's report on the Sheriff's Office Contract Compliance Internal Audit.

7.13. **Monthly Legislative History Matrix**

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

7.14. **VTA Noise Barrier Program**

M/S/C (Woodward/Chavez) to review VTA's adopted Sound Barrier Program.

7.15. **VTA Integrity Helpline Program Status Update**

M/S/C (Woodward/Chavez) to receive a status update on implementation of the VTA Integrity Helpline.

8. **REGULAR AGENDA**

8.1. **Adoption of VTA Title VI Policies and Standards**

Michael Burns, General Manager, noted that the Title VI policies are a continuation of comprehensive discussions that began at the Board of Directors Workshop and continued throughout VTA’s various committee meetings. Mr. Burns noted the Title VI policies are required and mandated by Federal Transit Administration (FTA). Mr. Burns stated Sylvester Fadal, Human Resources Manager, will review the following: Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies.

Mr. Fadal reviewed the Title VI presentation included in the agenda packet. He referenced Slide 5 – Public Engagement, and noted that staff conducted extensive outreach including community meetings and presentations to the organizations and stakeholders within the area where VTA service is provided. The feedback gathered through this outreach process was considered in the policies being presented for approval.

Mr. Fadal stated the Disparate Impact Policy is designed to address the effects that fare or major service changes have on minority populations, which VTA has always done. The proposed Disparate Impact Policy documents the processes and the application of a threshold that is used when analyzing proposed fare or major service changes.
The Disproportionate Burden Policy is similar to the Disparate Impact Policy but focuses on the effects that fare and major services changes have on low-income populations. The same 10 percent threshold is applied to determine if the low-income riders are more negatively affected or less positively affected by the proposed change than VTA riders as a whole.

Mr. Fadal referred to slide 14 - Service Equity Analysis example, which presents a graphic layout of how VTA conducts equity analysis for proposed major services changes to determine if disparate impacts to minority riders exist. An equity analysis is conducted for proposed major services changes whether the changes are a reduction or an improvement of service. When analyzing changes for disparate impacts, VTA evaluates the impact of those changes to minority riders compared to the overall ridership. If the impacts are significant and higher than the set threshold, VTA will make every effort to mitigate those impacts and address the needs of the community.

The System-Wide Service Standards & Policies are used to track, monitor, and evaluate VTA’s service performance to prohibit discrimination on the basis of race, color, or national origin. Critical areas that are evaluated include: peak load factors, headways, on-time performance, service availability, and ridership productivity. Mr. Fadal noted that this policy ensures that VTA services and resources are distributed equitably.

Board Member Chavez recommended that in future reports regarding service related changes, staff should indicate Title VI policies compliance and the benchmarks used.

Mr. Burns noted that in general, transit agencies note that but it is not as prominent. If the policies discussed are adopted by the Board, the future reports would prominently outline the analysis and the compliance to the policies and regulations.

Upon inquiry of Board Member Chavez, Mr. Burns responded that when VTA conducted the Comprehensive Operations Analysis, staff studied and evaluated each route in the system and made appropriate changes. When the services were rebalanced, the analysis showed that VTA provided more services to transit dependent and lower-income neighborhoods.

Alternate Board Member Whittum, inquired about the specific bus change in January 2008 in the City of Sunnyvale. Staff noted the inquiry and stated a response will be prepared.

**M/S/C (Chavez/Woodward)** to adopt the proposed Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies as mandated by Federal Transit Administration (FTA) Title VI guidelines.
7.7. **2014 STIP Program Adoption**

John Ristow, Chief CMA Officer presented a brief overview of the staff report.

**Public Comment**

Art Calderon, Interested Citizen, expressed support for Sound Wall barriers in the Capitol/680/Alum Rock area for safety of the community and safety of homes located close to the area.

Board Member Esteves expressed his opposition to Agenda Item #7.7.

**M/S/C (Liccardo/Kalra)** on a vote of 8 ayes, 1 no and 0 abstention to adopt Resolution No. 2013.11.25 to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds. Board Member Esteves opposed.

Board Member Kalra left his seat at 8:27 pm.

8.2. **Santa Clara Alum Rock Bus Rapid Transit Project – Civil and Station Improvements Contract**

Mark Robinson, Chief Engineering & Construction Officer, presented a brief overview of the staff report.

**Public Comment**

Paul Cianciarulo, Graniterock Company, expressed opposition to awarding the Santa Clara – Alum Rock Bus Rapid Transit Bid Project to Goodfellow Top Grade Construction.

Brian Gates, Goodfellow Top Grade Construction, expressed his thanks and appreciation to VTA Staff and the Board of Directors. Mr. Gates commended VTA Staff for the professionalism that was carried out through the process.

**M/S/C (Chavez/ Woodward)** to authorize the General Manager to execute a contract with Goodfellow Top Grade, the lowest responsible bidder, in the amount of $54,163,685 for the construction of the Santa Clara Alum Rock Bus Rapid Transit Project - Civil and Station Improvements.

9. **OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.
9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

9.2.A. VTA Standing Committees

- Committee of the Whole (COW) – October 17, 2013, Minutes as contained in the Agenda Packet.
- Administration and Finance Committee (A&F) – There was no report.
- Congestion Management Program and Planning Committee (CMPP) – There was no report.
- Transit Planning and Operations Committee (TP&O) – There was no report.
- Audit Committee – There was no report.
- Silicon Valley Rapid Transit Program Working Committee – There was no report.

9.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – October 9, 2013, Minutes as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – October 9, 2013, Minutes as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) – There was no report.
- Policy Advisory Committee (PAC) – October 10, 2013, Minutes as contained in the Agenda Packet.

9.2.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.
- Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB - There was no report.

9.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB – November 7, 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) – October 23, 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.
9.3. ANNOUNCEMENTS

Board Member Rocha expressed his thanks to Michael Burns, General Manager and Jim Lawson, Executive Policy Advisor for addressing a referral submitted in a timely manner.

10. ADJOURNMENT

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned in memory of Anita Jacobson, Laurence Daniels, and David Sheppard at 8:35 p.m.

Respectfully submitted,

Theadora Travers, Board Assistant
VTA Office of the Board Secretary