



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Tom Bates
Cities of Alameda County

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City and County of San Francisco

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Scott Haggerty
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San Jose Mayor's Appointee

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Association of Bay Area Governments

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Scott Wiener
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Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

COMMISSION MEETING

Wednesday, May 28, 2014

Joseph P. Bort MetroCenter, Lawrence D. Dahms Auditorium
101 Eighth Street
Oakland, CA 94607

MINUTES

ATTENDANCE

Chair Worth called the meeting to order at 9:44 a.m. In addition to Chair Worth and Vice Chair Cortese the following Commissioners were present: Aguirre, Azumbrado, Bates, Dodd, Haggerty, Halsted, Kinsey, Liccardo, Luce, Mackenzie, Pirzynski, Quan, Sartipi, Spering, Tissier, and Wiener.

CHAIR'S REPORT

Chair Worth announced that an Executive Committee meeting is scheduled for June 25, 2013 at 8:30 a.m. preceding the BATA and Commission meetings for the purpose of reviewing the Executive Director and General Counsel's performance.

Chair Worth announced that the Commission meeting would adjourn in memory of Congressman James L. Oberstar, who passed away on May 3, 2014. A moment of silence was observed.

POLICY ADVISORY COUNCIL REPORT

There was no Policy Advisory Council report.

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger, Executive Director, presented the Executive Director's report to the Commission. Copies of the report are available from the Executive Office or http://www.mtc.ca.gov/news/ed_report.htm.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT CALENDAR

Upon the motion by Commissioner Sperring and second by Commissioner Pirzynski, the Commission unanimously approved the Consent Calendar:

- Commission Meeting Minutes – April 23, 2014.

Programming and Allocations Committee

- Resolution Nos. 3714, Revised, 3854, Revised, 3916, Revised, and 4084, Revised – Revisions to the Transit Capital Priorities program of projects for FY 2007-08 through FY 2013-14 to reflect transfers of funding between projects.
- Resolution No. 4035, Revised – Revisions to Cycle 2 One Bay Area Grant (OBAG) Program.
- Resolution No. 4075, Revised – 2013 Transportation Improvement Program (TIP) Amendment 2013-16.
- Resolution No. 4101, Revised – Allocation of \$2.7 million in State Transit Assistance (STA) funds from Bay Area Rapid Transit (BART) district's apportionment to AC Transit as partial payment for transfer services.
- Resolution No. 4142 – Regional Measure 2 (RM2) Operating Program for FY 2014-15 and RM2 Operating Program Performance Update.

COMMITTEE REPORTS

Programming and Allocations Committee – Glover

- Resolution Nos. 3889, Revised; 3890, Revised; 3658, Revised; and 3801, Revised – Amendments to the Regional Measure 2 (RM2) Program and Allocations. These amendments reassign \$88.2 million in RM2 funds among several projects, modify the scope (without redirection) on one project, and modify prior conditions on two projects; and allocates \$3.1 and \$2.3 million in RM2 funds for the Vallejo Curtola Transit Center and the I-880 North Safety Improvements projects, respectively.

The Commission received public comment from the following:

- David Schonbrunn, TRANSDEF – spoke in opposition of amendments to the Regional Measure 2 (RM2) Program.
- Farhad Mansourian, SMART – spoke in favor of amendments to the Regional Measure 2 (RM2) Program and Allocations and announced that the SMART board will be considering to adopt Clipper only transit program.

- Cindy Winter, Larkspur Bicycle Pedestrian Advisory Committee – spoke in support of the Transportation Alternatives for Marin letter dated May 21st sent to the Commission and distributed at the meeting.
- Patrick Seidler, Transportation Alternatives for Marin – spoke in reference to the letter sent to the Commission dated May 21st and distributed at the meeting in support of amendments to the Regional Measure 2 Program.

Steve Heminger, Executive Director, provided background information on the consistency of the proposed RM2 amendments process with voter pamphlets available in 2004.

After public comment and upon the motion made by Commissioner Spering and second by Commissioner Mackenzie the Commission approved Resolution Nos. 3889, Revised, 3890, Revised, 3658, Revised, and 3801, Revised unanimously.

Planning Committee – Spering

- Resolution Nos. 3925, Revised and 4035, Revised – Priority Development Area (PDA) Planning Grants and Regional Implementation Priorities of \$8.4 million.

The Commission received public comment from the following:

- Eric Fonstein, City of Alameda – spoke in support of the Priority Development Area (PDA) Planning Grants and Regional Implementation Priorities.
- Paul Campos, BIA – requested the Commission to remove the South Richmond Affordable Housing and Commercial Linkage fee from these resolutions.
- Hector Rojas, City of Richmond – spoke in support of Resolution Nos. 3925, Revised and 4035, Revised and specifically the South Richmond Affordable Housing and Commercial Linkage Study.
- Iris Stark, City of Oakland – thanked the Commission for potentially awarding almost \$1.5 million dollars to the City of Oakland for six PDAs; one of them being in downtown Oakland.

After public comment and discussion and upon the motion made by Commissioner Spering and second by Commissioner Mackenzie, the Commission approved Resolution Nos. 3925, Revised and 4035 excluding the South Richmond Affordable Housing and Commercial Linkage Study from this motion. Motion passed unanimously.

Commissioner Kinsey offered a motion with a second by Commissioner Tissier that the Commission approve the South Richmond Affordable Housing and Commercial Linkage Study. The Commission discussed the motion but it was never acted on and tabled.

Upon a substitute motion made by Commissioner Cortese and second by Commissioner Haggerty, the Commission approved the South Richmond Affordable Housing and Commercial Linkage Study and referred the issue of PDA planning fund policies for further discussion to the Planning Committee. The motion passed unanimously.

Legislation Committee – Haggerty

Upon the motion made by Commissioner Haggerty and second by Commissioner Tissier the Commission unanimously approved a support position on the following pending legislation:

- AB 1532 (Gatto), AB 2398 (Levine) and SB 1151(Canella) – Pedestrian Safety.

The Commission received public comment by the following:

- Jerry Grace spoke on the issue of pedestrian safety and use of cell phones.

After receipt of public comment and upon the motion made by Commissioner Haggerty and second by Commissioner Pirzinski the Commission unanimously approved a support position on the following pending legislation:

- SB 1433 (Hill) – Expansion of Design Build Authorization for Transit Projects.

Upon the motion made by Commissioner Haggerty and second by Commissioner Aguirre the Commission unanimously approved a support position of the following pending legislation:

- AB 1724 (Frazier) – Construction Manager/General Contractor Delivery Method: Regional Transportation Agencies.

Upon the motion made by Commissioner Haggerty and second by Commissioner Halsted the Commission unanimously approved a support position of the following pending legislation:

- SB 1184 (Hancock) – Sea Level Rise Regional Resilience Strategy.

PUBLIC COMMENT

- Andre Carpiaux – spoke on the issue of homeless not being able to afford affordable housing.
- Jerry Grace – announced an ADA Rally in Sacramento on May 31st.

CLOSED SESSION

At approximately 11:16 a.m., the Commission met in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding the following litigation: Bay Area Citizens v. Association of Bay Area Governments and Metropolitan Transportation Commission, et al. , Alameda County Superior Court Case No.: RG-13690631; Communities for a Better Environment and The Sierra Club v. Metropolitan Transportation Commission and Association of Bay Area Governments, et al., Alameda County Superior Court Case No.: RG-13692189; The Post Sustainability Institute; Rosa Koire; Michael Shaw v. Association of Bay Area Governments and Metropolitan Transportation Commission, et al., Alameda County Superior Court Case No.: RG-13699215.

OPEN SESSION

The Commission reconvened in open session at 11:36 a.m. Chair Worth reported that the Commission met pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 in closed session to discuss the above litigation, and no reportable action was taken.

ADJOURNMENT/NEXT MEETING

Commission Chair Worth adjourned the meeting at 11:39 a.m. in Memory of former Minnesota Congressman James L. Oberstar who passed away on May 3rd. Condolences will be expressed to his family. There being no further business or public comment, Chair Worth announced the next regular Commission meeting scheduled for Wednesday, June 25, 2014.

Amy Rein Worth, Chair