

SUMMARY MINUTES
VTA Board of Directors Regular Meeting
Thursday, April 6, 2006

1. **CALLED TO ORDER at 5:30 p.m.**

2. **ROLL CALL**

Board Members Present: Beall (Ex-Officio), Campos, Chavez, Chu, Cortese, Gage, Kennedy, Kerr, Kniss, McLemore (Ex-Officio), Perry, Sandoval, Williams

Board Members Absent: Nguyen

Alternate Board Members Present: Matthews, Pinheiro

Alternate Board Members Absent: Kline, McHugh, Yeager

* Alternates do not serve unless participating as a Member.

A quorum was present.

3. **ADJOURNED TO CLOSED SESSION at 5:31 p.m.**

Board Member Perry arrived at the meeting and entered Closed Session at 5:32 p.m.

Ex-Officio Board Member Beall arrived at the meeting at 5:34 p.m.

Board Member Kniss arrived at the meeting and entered Closed Session at 5:40 p.m.

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

Name of Case: Karen Donehoo v. Santa Clara Valley Transportation Authority
(Santa Clara County Superior Court Case No: 1-05-CV-040468)

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

Name of Case: Noe Madrigal v. Santa Clara Valley Transportation Authority
WCAB Nos. SJO 0242143 and SJO 0242044

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

VTA Designated Representatives:
Roger Contreras, Chief Financial Officer
Robert Escobar, Manager, Office of Employee Relations
Matthew O. Tucker, Chief Operating Officer

Employee Organization:
Amalgamated Transit Union (ATU) Local 265

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- D.** Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Service Employees International Union (SEIU) Local 715

- E.** Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Transportation Authority Engineers and Architects (TAEA)

Ex-Officio Board Member McLemore left his seat at 6:10 p.m.

RECONVENED TO OPEN SESSION at 6:21 p.m.

4. CLOSED SESSION REPORT

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

Name of Case: Karen Donehoo v. Santa Clara Valley Transportation Authority
(Santa Clara County Superior Court Case No: 1-05-CV-040468)

Approved settlement and details of the settlement would be available for public review when agreed to by the other party.

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

Name of Case: Noe Madrigal v. Santa Clara Valley Transportation Authority
WCAB Nos. SJO 0242143 and SJO 0242044

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- C. Conference with Labor Negotiators
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VTA Designated Representatives:

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Matthew O. Tucker, Chief Operating Officer

Employee Organization:

Amalgamated Transit Union (ATU) Local 265

There was no reportable action taken during Closed Session.

- D. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Service Employees International Union (SEIU) Local 715

There was no reportable action taken during Closed Session.

- E. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Transportation Authority Engineers and Architects (TAEA)

There was no reportable action taken during Closed Session.

- 4.X. **Authorized** the General Manager to amend the current Collective Bargaining Agreement (CBA) between Santa Clara Valley Transportation Authority (VTA) and the Amalgamated Transit Union (ATU) Local 265 to implement the Community Bus Program.

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Tom Fink, ATU Local 265, **stated** that ATU Local 265 agreed to lower wages for the Community Bus because the union recognizes that in order to progress for the greater good, it is necessary to share a sacrifice.

Aaron Morrow, Committee for Transit Accessibility (CTA) Chairperson, **expressed concern** on the timing of the union agreement ratification and sidebar agreement.

David Julian, CTA Member, **expressed concern** on the statement in the agreement relating to “on-demand” transportation, which translates to paratransit services.

Terry Applegate, Silicon Valley Independent Living Center, **distributed** a packet of information to the Board of Directors and **expressed concern** that the contract addendum will bring paratransit services in-house.

5. ORDERS OF THE DAY

Staff requested that the following agenda items be moved from Regular Agenda to Consent Agenda:

- 1) Agenda Item #25., Ratify the series of principles recommended by the Ad-Hoc Infrastructure Bond Committee as outlined in the memo to guide the advocacy efforts of the Santa Clara Valley Transportation Authority (VTA) in Sacramento with regard to the various infrastructure bond proposals that are currently being discussed by the Schwarzenegger Administration and the California State Legislature;
- 2) Agenda Item #26., Approve the programming of federal Surface Transportation Program (STP) funding for local streets and roads rehabilitation projects during federal Fiscal Years (FFY) 2007 through 2009;
- 3) Agenda Item #27., Program \$41,000 in Local Program Reserve funds for the City of Monte Sereno’s Local Streets and Roads Rehabilitation Program; and authorize the General Manager to enter into a funding agreement with the City of Monte Sereno;
- 4) Agenda Item #28., Approve the Draft 2005 Monitoring and Conformance Report and Conformance Findings;
- 5) Agenda Item #29., Approve the evaluation criteria and procedures for selecting projects and awarding Community Design and Transportation Program Capital Grants, and;
- 6) Agenda Item #30., Approve the programming of \$1.39 million Congestion Mitigation and Air Quality funds for bicycle and pedestrian improvements along Almaden Expressway.

Requested that Agenda Item #25., Ratify the series of principles recommended by the Ad-Hoc Infrastructure Bond Committee as outlined in the memo to guide the advocacy efforts of the Santa Clara Valley Transportation Authority (VTA) in Sacramento with regard to the various infrastructure bond proposals that are currently being discussed by the Schwarzenegger Administration and the California State Legislature remain in the Regular Agenda.

Accepted the Orders of the Day.

6. AWARDS AND COMMENDATIONS

A. Employees of the Month for April 2006

Presented awards to Lewis Turner, Chaboya Technical Training Administration; Cetin Kayaer, Chaboya Division Operations; and Carol Selby, Guadalupe Maintenance, as VTA's Employees of the Month for April 2006.

B. Employees of the Year for 2005

Presented awards to Philip Hines, North Division Operations and Belete Bekele, Guadalupe Division Maintenance as VTA's Employees of the Year for 2005.

C. Adopt a Resolution of Commendation for Retiring VTA Employee Michael Aro

Adopted Resolution No. 06.04.02 and recognized Michael Aro, Deputy Director, Bus and Rail Operations, for over 31 years.

D. Adopt a Resolution of Commendation for Retiring VTA Employee Jerri Cooper

Adopted Resolution No. 06.04.03 and recognized Jerry Cooper, Transportation Supervisor, for 31 years of service with VTA.

E. Adopt a Resolution of Commendation for Retiring VTA Employee Judi A. Scott

Adopted Resolution No. 06.04.04 and recognized Judi Scott, Transportation Supervisor, for 28 years of service with VTA.

F. Special Recognition to VTA Employee Jasbir Bains

Recognized Jasbir Bains, Coach Operator at the North Operating Division, for providing extraordinary service to the public.

7. REPORT FROM THE GENERAL MANAGER

Ex-Officio Board Member McLemore took his seat at 7:10 p.m.

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Heard a report, highlighting: Measure B's Completion event, Route 87 High Occupancy Vehicle, Coleman/880 Interchange Improvements, Capitol Corridor 10 Millionth Rider, and status of Board referrals.

- A. **Received** an update on the Request for Proposal (RFP) for Organizational and Financial Assessment Consulting Services as requested by Chairperson Cindy Chavez at the January 5, 2006 Board of Directors' meeting.

Board Member Kniss left the meeting at 7:40 p.m.

Ms. Applegate **stated** that the audit proposal does not have checks and balances or oversight body.

Eugene Bradley, VTA Riders Union, **expressed concern** on the relationship of VTA with certain consultants and the Silicon Valley Leadership Group (SVLG).

The Agenda was taken out of order.

REGULAR AGENDA

32. Art Hulscher, Disability Services at Orthopaedic Hospital, **expressed concern** about the proposed shift of contract of eligibility certification to Outreach.

8. PUBLIC PRESENTATIONS

Bruce Stevens, Interested Citizen, **offered** to buy the Board of Directors tickets for VTA transit system and **expressed concern** on the deterioration of security services.

Charles Flores, VTA Fare Inspector, **expressed concern** about Santa Clara County Sheriff's policy to report non-injury assaults on fare inspectors.

Bob Jaffee, San Jose Council on Aging, **commended** VTA for making the paratransit eligibility certification user-friendlier.

Board Member Kerr left his seat at 7:55 p.m.

Jerry Grace, Interested Citizen, **addressed** the Board of Directors on various topics.

Board Member Kerr took his seat at 7:56 p.m.

Martin Bishop, Interested Citizen, **referred** to Santa Clara County Supervisor Beall's letter regarding the deferment of mandatory mobility device restraints.

32. (continued)

Mr. Julian **expressed support** for staff recommendations noting that the proposed changes are well received by the disabled community and has strong support from the CTA.

Ms. Applegate **stated** that in one year, there were nine San Jose Mercury News Editorials that criticized the previous Eligibility Certification Program.

Mr. Morrow **urged** the Board of Directors to approve staff recommendations.

Kathy Bonilla, Interested Citizen, **expressed** that she is in favor of Outreach conducting Eligibility Certification than Orthopaedic Hospital.

Phoenix Rainey, Interested Citizen, **expressed support** for the proposed changes and **urged** the Board of Directors to turn over the Eligibility Certification back to Outreach.

Approved the proposed modifications to the Paratransit Eligibility Certification process, adopting a VTA “hybrid” model based on the Metropolitan Transportation Commission (MTC) Regional Model and having Outreach manage both eligibility and appeals processes. Further, authorize the General Manager to amend Outreach’s contract to perform eligibility and appeals functions. The proposed modifications would become effective July 2006.

9. Policy Advisory Committee (PAC) Chairperson’s Report

Steve Glickman, PAC Chairperson, **provided** a brief report highlighting:

- 1) PAC discussed Board Chairperson Chavez’ Full Participation, Full Information and the PAC appreciates that initiative;
- 2) PAC recommends that the PAC and Citizens Advisory Committee (CAC) have a joint meeting annually;
- 3) PAC receive individual city transportation presentation from its members;
- 4) PAC wants more feedback from the Board;
- 5) PAC recommended that the Board approves the following: programming of the Federal Surface Transportation Program for Local Streets and Roads and evaluation criteria for Community Design Transportation grants;
- 6) Appointed PAC members (Caserta, Glickman, Kishimoto, Kline, Lezotte, and Moyland) to serve on an advisory committee for the Caltrain Capital Needs Study.

CONSENT AGENDA: Approved as amended.

- 10. Approved** the Minutes of the Regular Board of Directors’ Meeting of March 2, 2006.

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ADMINISTRATION AND FINANCE COMMITTEE

11. **Ratified** the appointment of Carl Hagenmaier to the Bicycle and Pedestrian Advisory Committee (BPAC) representing the City of Los Altos for the term ending June 30, 2006.
12. **Ratified** the appointment of Jennifer Paedon to the Citizens Advisory Committee (CAC) position representing the Silicon Valley Leadership Group.
13. **Approved** the appointment of Randy Tamez to the Committee for Transit Accessibility (CTA) for a two-year term.
14. **Authorized** the General Manager to execute a contract with EFI Actuaries for actuarial services for the Santa Clara Valley Transportation Authority/Amalgamated Transit Union Pension Plan from June 1, 2006 through May 31, 2009, with an option to extend the contract two additional years through May 31, 2011, in an amount not to exceed \$400,000.
15. **Authorized** the General Manager to execute a contract with John Glenn Adjusters & Administrators (JGAA) for Third Party Administrator (TPA) services for a three-year term from June 1, 2006 through May 31, 2009, with options for two one-year extensions for an amount not to exceed \$2,684,480.
16. **Authorized** the General Manager to execute a contract in the amount of \$1,783,736 with FCI Constructors, Inc., the lowest responsible bidder, for construction of the Route 152 Improvements - Project B, Phase 2, a 1996 Measure B Transportation Improvement Program (MBTIP) project.
17. **Authorized** the General Manager to submit federal Fiscal Year 2006 grant applications and execute grant agreements with the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) for Section 5307 Urbanized Area Formula and Congestion Mitigation Air Quality funds; Section 5309 Fixed Guideway and Bus/Bus Facility funds, and a FHWA Surface Transportation Project earmark for the Guaranteed Ride Home Program.
18. **Adopted Resolution No. 06.04.05** authorizing the filing of an annual claim to the Metropolitan Transportation Commission for allocation of FY 2006 – 2007 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.
19. **Authorized** the General Manager to execute a contract with Brian Kangas Foulk Engineers to prepare a Project Study Report/Project Report (PSR/PR) and an environmental document for the Mary Avenue Extension Project for a total contract value of \$720,000 and an initial contract term through December 31, 2007.

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20. **Authorized** the General Manager to execute cooperative agreements with the City of San Jose specifying funding and project development responsibilities for the following four projects: Union Pacific Railroad Pedestrian Crossing Safety Project near Blossom Hill Road; U.S. 101/Old Oakland Road Interchange; U.S. 101/Trimble Road/De La Cruz Avenue Interchange; and Charcot Avenue Extension; and approve adding the four projects to the VTA Capital Budget.
21. **Authorized** the General Manager to execute a contract with Nolte Associates to prepare a Project Study Report for the proposed improvements in Mountain View on State Route 85 between State Route 237 and El Camino Real and at the State Route 237/Middlefield Road Interchange for a total contract value of \$500,000 and an initial contract term through December 31, 2007.
22. **Authorized** the General Manager to execute a contract with Wilbur Smith Associates to conduct an Economic Effects Analysis for the proposed BART Extension to Milpitas, San Jose, and Santa Clara for an 18-month period with a total value not to exceed \$400,000.
23. **Adopted Resolution No. 06.04.06** authorizing the General Manager or his designee to file applications with the Federal Transit Administration (FTA).

CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

The Congestion Management Program and Planning Committee did not meet in March 2006. Accordingly, no items were submitted for the Consent Agenda.

TRANSIT PLANNING AND OPERATIONS COMMITTEE

24. **Authorized** the General Manager to enter into up to ten one-month contract extensions (from May 2006 through February 2007) at an estimated cost of \$71,000 per month with the Parking Company of America Management, LCC (PCA) for the provision of the Los Gatos Community Bus Light Rail Shuttle Service (Lines 48 and 49) for a total estimated cost of up to \$710,000.
26. **Approved** the programming of federal Surface Transportation Program (STP) funding for local streets and roads rehabilitation projects during federal Fiscal Years (FFY) 2007 through 2009.
27. **Programmed** \$41,000 in Local Program Reserve funds for the City of Monte Sereno's Local Streets and Roads Rehabilitation Program; and authorize the General Manager to enter into a funding agreement with the City of Monte Sereno.

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28. **Approved** the Draft 2005 Monitoring and Conformance Report and Conformance Findings.
29. **Approved** the evaluation criteria and procedures for selecting projects and awarding Community Design and Transportation Program Capital Grants.
30. **Approved** the programming of \$1.39 million Congestion Mitigation and Air Quality funds for bicycle and pedestrian improvements along Almaden Expressway.

REGULAR AGENDA

25. **Ratified** the series of principles recommended by the Ad-Hoc Infrastructure Bond Committee as outlined in the memo to guide the advocacy efforts of the Santa Clara Valley Transportation Authority (VTA) in Sacramento with regard to the various infrastructure bond proposals that are currently being discussed by the Schwarzenegger Administration and the California State Legislature.
26. **(Removed from the Regular Agenda and placed on the Consent Agenda.)**

Approve the programming of federal Surface Transportation Program (STP) funding for local streets and roads rehabilitation projects during federal Fiscal Years (FFY) 2007 through 2009.
27. **(Removed from the Regular Agenda and placed on the Consent Agenda.)**

Program \$41,000 in Local Program Reserve funds for the City of Monte Sereno's Local Streets and Roads Rehabilitation Program; and authorize the General Manager to enter into a funding agreement with the City of Monte Sereno.
28. **(Removed from the Regular Agenda and placed on the Consent Agenda.)**

Approve the Draft 2005 Monitoring and Conformance Report and Conformance Findings.
29. **(Removed from the Regular Agenda and placed on the Consent Agenda.)**

Approve the evaluation criteria and procedures for selecting projects and awarding Community Design and Transportation Program Capital Grants.
30. **(Removed from the Regular Agenda and placed on the Consent Agenda.)**

Approve the programming of \$1.39 million Congestion Mitigation and Air Quality funds for bicycle and pedestrian improvements along Almaden Expressway.

ADMINISTRATION AND FINANCE COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #37.A.)

31. **Approved** amendment of the FY 2006 and FY 2007 Biennial Operating Budget augmenting the total appropriation by \$2.7 million and \$3.5 million respectively to fund increasing fuel costs and higher variable interest rates on debt service payments. Other fluctuations in the expenditure budget will be offset by cost savings. **Approved** amendment of the FY 2006 and FY 2007 Biennial Enterprise Capital Budget in the amounts of \$0.5 million and \$4.2 million increases respectively. This amendment will allow VTA to take advantage of additional \$2.9 million in grant funds while increasing VTA's enterprise fund portion by approximately \$1.8 million over the two-year period.

Board Members Campos and Kerr left their seats at 8:56 p.m.
Board Members Campos and Kerr took their seats at 8:57 p.m.

Mr. Grace **expressed** support for the practice of preparing the budget every two years and **noted** its positive impact to the riders.

Ms. Applegate **demanded** solid explanation of the relationship of grants in the budget and the sidebar agreements.

CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #37.B.)

The Congestion Management Program and Planning Committee did not meet in March 2006. Accordingly, no items were submitted for the Regular Agenda.

TRANSIT PLANNING AND OPERATIONS COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Items #37.C.)

33. **Adopted** the recommended Transit Service Change Proposal to reallocate resources from underutilized transit services to areas in need of service improvements, to become effective Monday, July 3, 2006.

OTHER ITEMS

34. **Received** a Power Point presentation on the Coyote Valley Specific Plan by Hans Larson and Laura Prevetti of the City of San Jose.

Board Member Chu left his seat at 9:04 p.m.
Board Member Chu took his seat at 9:06 p.m.

Mr. Grace **stated** that the presentation was good.

35. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

36. LEGISLATIVE REPORT

Accepted as contained in the Agenda Packet.

37. SUMMARY MINUTES FROM STANDING COMMITTEES

A. Administration and Finance Committee

Accepted as contained in the Agenda Packet.

B. Congestion Management Program and Planning Committee

There was no report from the Congestion Management Program and Planning Committee

C. Transit Planning and Operations Committee

Accepted as contained in the Agenda Packet.

38. REPORTS FROM AD HOC COMMITTEES

A. Ridership Initiative to Develop Energy-Efficiency (RIDE) Task Force

Accepted the Ridership Initiative to Develop Energy-Efficiency (RIDE) Task Force Report.

Mr. Stevens **noted** that the 8-hour light rail excursion fare is a good idea as it could reduce the machine usage.

B. Project Priority and Revenue Advisory Committee Chairperson's Report

Accepted the Project Priority and Revenue Advisory Committee Chairperson's Report (Measure A Committee).

Mr. Grace **expressed concern** that the April 27, 2006 was not in the meetings at a glance calendar.

39. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

Accepted as contained in the Agenda Packet.

B. Citizens Advisory Committee (CAC)

Accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

There was no report from the Bicycle & Pedestrian Advisory Committee.

D. Technical Advisory Committee (TAC)

Accepted as contained in the Agenda Packet.

E. Policy Advisory Committee (PAC)

Accepted as contained in the Agenda Packet.

40. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

Advised the Board Members that the Reports from the Joint Powers Boards (JPBs) & Regional Commissions were placed in front of them on the dais.

A. Peninsula Corridor JPB

B. Capitol Corridor JPB

C. Dumbarton Rail Corridor Policy Committee

D. Metropolitan Transportation Commission (MTC)

41. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs) AND AD HOC COMMITTEES

A. Vasona Light Rail PAB

There was no report from the Vasona Light Rail PAB.

B. Silicon Valley Rapid Transit Corridor PAB

Accepted as contained in the Agenda Packet.

C. Downtown East Valley PAB

Accepted as contained in the Agenda Packet.

D. Highway PAB – South

There was no report from the Highway PAB-South

E. I-680 Sunol SMART Carpool Lane Policy Advisory Committee

There was no report from the I-680 Sunol SMART Carpool Lane Policy Advisory Committee.

42. REPORT FROM THE CHAIRPERSON

Thanked the Board Members, staff, and public for attending the Board Meeting.

43. ANNOUNCEMENTS

Announced that the City of Sunnyvale is taking care of the Caltrain issue at a station in Sunnyvale.

44. ADJOURNED at 9:58 p.m. in memory of Senator Alfred Ernest Alquist who passed away on March 27, 2006, author of the bill that created a countywide transit system in Santa Clara County.