

# BOARD OF DIRECTORS MEETING

August 31, 2006

## MINUTES

### 1. CALLED TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Chavez at 5:37 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

### 2. ROLL CALL

#### Members Present

Jim Beall, Ex-Officio  
Nora Campos  
Cindy Chavez, Chairperson  
Dean Chu, Vice Chairperson  
David Cortese  
Don Gage  
Dennis Kennedy  
Breene Kerr  
Liz Kniss  
John McLemore, Ex-Officio  
Madison Nguyen  
Greg Perry  
Dolly Sandoval  
Forrest Williams

#### Members Absent

None

#### Alternates Present

Jamie Matthews, Alternate

#### Alternates Absent

Norman Kline, Alternate  
Pete McHugh, Alternate  
Al Pinheiro, Alternate  
Ken Yeager, Alternate

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

**A quorum was present.**

**The Agenda was taken out of order.**

### 7. ORDERS OF THE DAY

Chairperson Chavez requested that Agenda Item # 3., Adjourn to Closed Session, and Agenda Item # 4., Closed Session Report, be placed towards the end of the Agenda.

Chairperson Chavez requested that the Meeting adjourn in memory of Miriam Ayllon, VTA's Community Outreach Supervisor. Miriam passed away on August 13, 2006 during a trip to her native country, Bolivia. She was visiting friends and family and touring the orphanage, Casa de la Alegria that she and her family founded and support.

In addition to her work with VTA and Casa de la Alegria, Miriam was a Co-Founder and Vice President of the Latina Coalition of Silicon Valley and Warmisan Wraps, a Bolivian based cooperative that helped the indigenous people of Bolivia sell their handmade shawls, arts, and crafts. Miriam also founded a school for English Second Language learners in New York and was an appointed member of Santa Clara County's Roads Commission.

Miriam was a positive force for social justice, and she brought that passion and enthusiasm to everything she worked on. At VTA, she was critical to efforts to reach out to Santa Clara County's most diverse communities to identify transportation needs. Our community is better because Miriam was a part of it and her enthusiasm will be greatly missed.

Board Member Gage noted that the Santa Clara County Board of Supervisors at their August 29, 2006 meeting adjourned in memory of Miriam Ayllon. Chairperson Chavez expressed appreciation and thanked the Board of Supervisors for honoring Miriam at their meeting.

Board Member Campos noted that the City of San Jose adjourned one of their meetings in honor of Miriam Ayllon.

Chairperson Chavez extended condolences to everyone who knew Miriam and added that Miriam would be missed.

Chairperson Chavez requested that Agenda Item # 5., Authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA) and Agenda Item # 6., Approve the recommendation of the Board Negotiating Committee to grant a five percent increase, from \$171,504 to \$180,079, to the salary of VTA General Counsel Suzanne Gifford, effective September 1, 2006, be placed towards the end of the Agenda.

**M/S/C (Chu/Kniss)** to accept the Orders of the Day.

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

## **8. AWARDS AND COMMENDATIONS**

## **Employees of the Month for September 2006**

Chairperson Chavez presented awards to Bill Evans, Transit Safety Officer, River Oaks Administration; Alberto Garcia-Mendoza, Coach Operator, Chaboya Division Operations; as Employees of the Month, and Warren Lutey, Supervisor of the Quarter for September 2006.

Alternate Board Member Matthews left the meeting at 5:50 p.m.

### **9. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, invited the Board of Directors to VTA's Hispanic American Heritage Celebration to be held on Friday, September 22, 2006 at 11:30 a.m. at VTA's River Oaks Campus. The program will include a tribute in honor of Miriam Ayllon.

Mr. Burns reported that there are several light rail construction shutdowns scheduled the week of September 8<sup>th</sup> and September 15<sup>th</sup>. The light rail shutdowns are due to the State Route 87 construction between Virginia Street and the Children's Discovery Museum, which will require a bus bridge from the Children's Discovery Museum to Tamien. Mr. Burns stated that a public awareness program is in place to inform the public of the weekend shutdowns. Mr. Burns noted that a total of eight shutdowns are related to the State Route 87 construction project and staff will continue to provide shutdown schedule updates as they are planned.

Mr. Burns commented on light rail construction shutdowns scheduled the week of September 23<sup>rd</sup> due to construction work on the Vasona Line for installation of piles for a noise barrier, which will required a bus bridge between Winchester and Hamilton Avenues.

Mr. Burns reported that VTA is hosting the 2006 American Public Transportation Association (APTA) Annual Conference from October 8-11, 2006 in San Jose. Mr. Burns stated that most of the APTA activities would be held at the San Jose Convention Center.

Mr. Burns commented that the APTA Annual Conference includes more than 30 general sessions, forums, educational sessions, and four technical tours. A preliminary program was included in the Board of Directors meeting materials. VTA staff has been working collaboratively with APTA, the City of San Jose, and the host committee with Board Member Dolly Sandoval serving as the host representative to put the program together.

Mr. Burns commented that a VIP reception dinner is scheduled on Saturday, October 7, 2006 at 6:30 p.m. at the San Jose Museum of Art.

VTA's Host Session is scheduled on Sunday, October 8, 2006 from 5:00 to 6:00 p.m. at the San Jose Convention Center and will include a discussion on VTA projects, services, and highlights the 15 cities in the service area.

Mr. Burns indicated that a General Session is scheduled on Monday, October 9, 2006, which will open the Annual Conference meeting with welcoming remarks from VTA Board Chairperson Cindy Chavez, San Jose Mayor Ron Gonzales, Congressman Michael Honda, and Caltrans Director Will Kempton. Mr. Burns stated that Governor Schwarzenegger has been invited to speak at the General session. Transportation Ministers from Europe, Mexico, and Canada have been invited to speak at the General session. Mr. Burns noted that one of the features of the APTA Annual Conference meeting would include a tribute to Norman Mineta.

Mr. Burns referenced the “Do the Math” campaign, which is in response to the continual fluctuation and overall high price of gasoline and the cost savings associated with taking VTA transportation services as opposed to driving. The campaign was launched earlier in the year with print ads and transit advertisements at VTA light rail stations and on VTA bus vehicles. VTA has incorporated APTA’s National “Dump the Pump” campaign into the “Do the Math” campaign efforts.

VTA Marketing staff plans to increase promotional efforts by expanding the mediums and reach of the “Do the Math” campaign with the use of billboards and advertising on VTA light rail vehicles to provide additional exposure. Mr. Burns stated that utilizing VTA buses and light rail vehicles is a cost effective and poignant way to communicate the key message of the economies of riding public transportation. Mr. Burns commented that this is an opportunity for VTA to utilize its vehicles to market VTA’s transportation services.

Mr. Burns introduced Bernice Alaniz, Marketing and Public Affairs Deputy Director, who provided a brief overview on “Do the Math” campaign, which was launched this year with a good response. Ms. Alaniz commented that staff was looking at creative opportunities to enhance and expand the campaign message by utilizing VTA’s real estate, such as stations, bus board ads, and proposed advertisement on light rail vehicles.

Ms. Alaniz reported that the campaign advertisement intent is to reinforce to the riders that taking public transportation has economic benefits given the current economy. Staff has secured some billboard space on State Highway 101 at Lafayette in Santa Clara to let the public know that there is an economic and convenient way to use VTA bus and light rail vehicles and to take advantage of VTA’s Park and Ride lots.

Mr. Burns reported on the I-880/Coleman Avenue Interchange project, which is jointly sponsored with VTA and the City of San Jose. Mr. Burns stated that the I-880/Coleman Avenue Celebration Event is scheduled on Monday, September 18, 2006 at 10:00 a.m. where the new on-ramp from Airport Boulevard to Southbound I-880 will open. Mr. Burns introduced Jeff Funk, Construction Deputy Director, who provided a brief overview on the I-880/Coleman Avenue Interchange project construction update.

Mr. Funk commented that the I-880/Coleman Avenue Interchange project was originally started by the City of San Jose who requested VTA’s assistance to mutually develop the project. The project objective was to update the whole interchange area to provide current day standards for the on and off ramp from the freeway to Coleman Avenue.

Mr. Funk stated that there are some key elements related to the project that are important to the City of San Jose's Airport expansion. The new on ramp to Southbound I-880 from Airport Boulevard improves the Level of Service (LOS) for Airport Boulevard and Coleman Avenue. The project objective relieves traffic congestion at Coleman Avenue and accommodates traffic demand associated with planned growth and redevelopment in the Coleman Avenue Corridor. The project provides for improved access gateway over the I-880 from Coleman Avenue into downtown San Jose. The overall I-880/Coleman Avenue Interchange project cost is \$81 million, which was funded with \$66 million in State Transportation Improvement Program (STIP) funds advanced with Grant Anticipation Revenue Vehicles (GARVEE) Bonds, \$5 million from the State Transportation Congestion Relief Program (TCRP), and \$10 million from the City of San Jose.

Mr. Funk commented that VTA began the Preliminary Engineering (PE) and an environmental study in Spring 2001, and VTA was able to move the utility relocations forward in June 2003 with the advancement of funding from the City of San Jose. The project construction started in March 2004 and the overall completion of the ramp project is scheduled October 2006. Highway Planting construction is scheduled for Fall 2007. Mr. Funk commented on the I-880/Coleman Interchange project will provide better merging opportunities for the traffic coming onto the freeway and moving closer to the airport.

Chairperson Chavez expressed appreciation and thanked staff for their excellent presentations.

## **10. PUBLIC PRESENTATIONS**

Mark Brodsky, Mayor of Monte Sereno and Policy Advisory Committee (PAC) Member, urged the Board of Directors to consider a better and more efficient way to improve the 2000 Measure A Program. Mr. Brodsky expressed concern regarding the tunnel boring machines being used on questionable soil related to the project. Mr. Brodsky stated that there are new technologies that have not been considered, which make it possible to save huge amounts of funding from a simple route change, provide the community with high speed rail in Northern California in six years, and complete all of the 2000 Measure A Program projects with funding available to make the connections. Mr. Brodsky noted that the voters wanted a transit system with connections to be completed with the funding that was available in the 2000 Measure A Program.

West Toy, Transportation Authority Engineers and Architects (TAEA) Vice President, stated that VTA TAEA employees' wages are below the industry average due to TAEA's agreement to accept zero percent increase in 2003 and 2004. Mr. Toy commented that TAEA would like to move up to the current 2006 industry average salary by 2009. Mr. Toy stated that TAEA members are looking for a mechanism, which is acceptable to the Board of Directors and an amount agreeable to VTA to implement the results of VTA's salary survey to establish the current industry average salary. Mr. Toy noted that TAEA members are cognizant of the Board's efforts to be fiscally prudent with public

funds and TAEA takes seriously their charged function to administer funds on VTA's construction projects. Mr. Toy urged the Board of Directors to provide a reasonable compromise to provide the current 2006 industry average salary to TAEA employees by 2009.

Joe Brenner, Professional and Technical Engineers Local 21, stated that TAEA has been working diligently with VTA to negotiate a reasonable and fair collective bargaining agreement, which continues to promote the highest standards, public accountability, and professional excellence. Mr. Brenner expressed concern that the wages for VTA TAEA members have fallen substantially behind the average of public agencies in the area. Mr. Brenner commented that TAEA has modified its proposals several times in an effort to reach a reasonable labor agreement. Mr. Brenner urged the Board and VTA to implement a mechanism so that the current 2006 industry average salary could be achieved by 2009.

Rajwinder S. Sehdev, TAEA President, commented that TAEA members are dedicated and committed to VTA to achieve its goals and objectives, but noted with commitment comes reward in terms of fair recognition and compensation. Mr. Sehdev expressed concern regarding the wage disparity between TAEA employees and the average architect and engineers wages in the Bay Area. Mr. Sehdev stressed the importance for TAEA members to have wage realignment to the 2006 industry average wages by 2009. Mr. Sehdev expressed appreciation for VTA's upfront realignment commitment towards the first year of the TAEA labor agreement, which is a good start. Mr. Sehdev encouraged the Board and VTA to make reasonable fiscal commitments to the wage realignment resulting in a mutually acceptable three-year contract between VTA and TAEA.

Martin Bishop, N.E.E.D Project, distributed a handout to the Board Members and provided an update related to the four-way tie down restraint system. Mr. Bishop expressed appreciation to Mr. Burns for the opportunity to work with him and VTA staff related to VTA's restraint system. Mr. Bishop stated that he would continue to seek and explore a new type of mobility device restraint system to prove that there is a different type of securement that could be created to secure mobility devices on VTA buses.

James Wightman, Interested Citizen, expressed appreciation for the Grand Prix event and suggested that it be held in Milpitas next year. Mr. Whitman suggested that there be additional media advertisement for the Olympics and the Grand Prix event. Mr. Whitman inquired when the Saint James Light Rail Station would reopen and queried why the San Jose Convention Center would be closed on October 16, 2006.

Eugene Bradley, Santa Clara VTA Riders Union, referenced the last Board of Directors meeting related to his concern regarding the lack of emergency notification at light rail stations. Mr. Bradley reported that John Carlson, VTA Assistant Superintendent for Transit Communications, contacted him regarding what VTA is doing to ensure that there are notifications at the light rail stations. Mr. Bradley referenced an accident at the Civic Center several months ago and expressed concern that there were no announcements over the stations intercom regarding the situation. Mr. Bradley requested that Sam Lau,

Operations Deputy Director, and light rail staff provide him with written notification regarding what would be done in the future so that customers are properly informed of emergencies at the light rail platforms.

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

Mr. Glickman provided a report on the August 10, 1006 PAC Meeting, highlighting that:

- 1) Greg Sellers was appointed to serve on the Caltrain Capital Needs Subcommittee;
- 2) PAC received a city presentation from Monte Sereno Mayor Mark Brodsky with the suggested goals for the city include: safety, efficient roadway network, minimal impacts on residential neighborhoods, less reliance on single-occupant vehicles, convenient local and regional transit, and encourage bicycling and walking. Suggested possibilities for achieving these goals include Community Bus and Safe Routes to School; and
- 3) PAC reviewed and provided input on the following items: programming and Project Delivery Process, Transit Sustainability Policy, Paratransit Operations, and Community Bus Implementation Plan. Mr. Glickman stated that the next PAC Meeting is scheduled for September 14, 2006 and the agenda will include: Community Bus Implementation Plan Update, BART Economic Effects Study, Website Redesign/Improvements, and Comprehensive Operations Analysis Update.

**CONSENT AGENDA**

Board Member Perry requested that the following items be removed from the Consent Agenda and placed on the Regular Agenda: Agenda Item #14., Ratify the reappointment of Laura Stuchinsky to the Citizens Advisory Committee (CAC) position representing the Silicon Valley Leadership Group, Agenda Item #21., Adopt a support position for Proposition 1A, which amends the California Constitution to limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses could be suspended by the Governor and the California State Legislature. Proposition 1A appears on the November 2006 general election ballot and requires a majority vote in order to be approved, and Agenda Item # 22., Adopt a support position for Proposition 1B, which authorizes the state to sell \$19.925 billion in general obligation bonds to fund transportation projects to relieve traffic congestion, facilitate the movement of goods, improve air quality, and enhance the safety and security of the state's transportation system. Proposition 1B appears on the November 2006 general election ballot and requires a majority vote in order to be approved be removed from the Consent Agenda and placed on the Regular Agenda.

M/S/C (Gage/Kennedy) to approve the Consent Agenda, as amended.

**12. Minutes of the Regular Board of Directors' Meeting of August 3, 2006**

M/S/C (Gage/Kennedy) to approve the Minutes of the Regular Board of Directors' Meeting of August 3, 2006.

**13. Bicycle and Pedestrian Advisory Committee Appointments and Reappointments**

M/S/C (Gage/Kennedy) to ratify the new appointments of Bruce Entin representing the Town of Los Gatos and Anna Brunzell representing the Town of Los Altos Hills; and the reappointment of John Sullivan representing the City of Santa Clara to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending June 30, 2008.

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

Ratify the reappointment of Laura Stuchinsky to the Citizens Advisory Committee (CAC) position representing the Silicon Valley Leadership Group.

**15. Revised List of Designated Positions in the Conflict of Interest Code**

M/S/C (Gage/Kennedy) to adopt the amended Appendix of Designated Positions and Disclosure Categories of the Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and direct the Board Secretary to forward the revised list of designated positions to the Santa Clara County Board of Supervisors for approval.

**16. Technology General Consulting Services – Increase in Contract Authority and Capital Budget Amendment**

M/S/C (Gage/Kennedy) to authorize the General Manager to increase the contract authority for technology general consulting services by the amount of \$3.4 million for a new total contract authority of \$6.4 million. Additionally, authorize the General Manager to increase the capital budget by \$3.4 million. This additional budget and contract authority are for the purpose of implementing the TransLink® Consortium Information Management System (CIMS). VTA is serving as the contract manager for this task. The Metropolitan Transportation Commission (MTC) will pay all costs.

**17. Approve the Regional Measure 2 Initial Project Report for Translink Consortium Information Management System and adopt the Implementing Agency Resolution of Project Compliance**

M/S/C (Gage/Kennedy) to approve Regional Measure 2 (RM2) Initial Project Report (IPR) for the TransLink® Consortium Information Management System (CIMS) as presented in Attachment A, adopt **Resolution No. 06.08.18** the Implementing Agency Resolution of Project Compliance as presented in Attachment B, and authorize the General Manager to execute all necessary agreements with the Metropolitan Transportation Commission and other TransLink® Consortium members to implement the CIMS.

**18. 1996 Measure B Transportation Improvement Program – Route 85/101 North Interchange Highway Planting Construction Contract Award**

M/S/C (Gage/Kennedy) to authorize the General Manager to execute a contract in the amount of \$1,859,967 with Watkin & Bortolussi, Inc., the lowest responsible bidder, for

construction of the Route 85/101 North Interchange Highway Planting project, a 1996 Measure B Transportation Improvement Program (MBTIP) project.

**19. Cooperative Agreement with City of Fremont to allow Use of Temporary Construction Easements for City's Washington Boulevard and Paseo Padre Parkway Grade Separation Project**

M/S/C (Gage/Kennedy) to authorize the General Manager to execute a Cooperative Agreement with the City of Fremont, granting the City use of Temporary Construction Easements (TCE) on VTA's WP Milpitas line property, at no cost, in exchange for City's permission to temporarily close Kato Road for future construction of the Silicon Valley Rapid Transit (SVRT) project.

**20. Sale of Property to the City of Fremont for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project**

M/S/C (Gage/Kennedy) to authorize the General Manager to execute all the documents necessary to sell to the City of Fremont fee title to land totaling approximately 2.39 +/- acres, and a maintenance easement over 1,319 +/- sq. ft. of land, for a total purchase price of \$1,574,303 plus interest for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project.

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

Adopt a support position for Proposition 1A, which amends the California Constitution to limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses could be suspended by the Governor and the California State Legislature. Proposition 1A appears on the November 2006 general election ballot and requires a majority vote in order to be approved.

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

Adopt a support position for Proposition 1B, which authorizes the state to sell \$19.925 billion in general obligation bonds to fund transportation projects to relieve traffic congestion, facilitate the movement of goods, improve air quality, and enhance the safety and security of the state's transportation system. Proposition 1B appears on the November 2006 general election ballot and requires a majority vote in order to be approved.

**23. Contract Amendment with Ruth & Going, Inc. For Design Support during Construction of the State Route 87 North HOV Lanes Widening Project**

M/S/C (Gage/Kennedy) to authorize the General Manager to: (1) amend the contract with Ruth & Going, Inc. for design support during construction of the State Route 87 North HOV Lanes Widening Project, increasing the approved contract value by \$300,000

for a new total contract value of \$7,020,709; and (2) extend the term of the contract through September 30, 2007.

**24. Contract with URS Corporation for the US 101/State Route 25 Interchange Project**

M/S/C (Gage/Kennedy) to authorize the General Manager to execute a contract with URS Corporation to begin preliminary engineering and environmental studies for the US 101/State Route 25 Interchange Project for a total contract value of \$750,000; and approve the use of \$1 million of Local Program Reserve funds to provide funding for this contract and associated staff costs.

**25. Funding for State Route 25 Improvement Project Environmental Review Process**

M/S/C (Gage/Kennedy) to approve the use of \$200,000 of Local Program Reserve funds as the VTA share of the State Route 25 Improvement Project Environmental Review Process, and authorize the General Manager to execute an amendment to the Cooperative Agreement with Caltrans to transfer the funds.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

**26. Proactive CMP Reviewed and Approved Projects Quarterly Status Report April through June 2006**

M/S/C (Gage/Kennedy) to review the Proactive CMP Reviewed and Approved Projects Quarterly Status Report April through June 2006.

**27. Exemption from Annual Monitoring of Intersections**

M/S/C (Gage/Kennedy) to approve the exemption of Congestion Management Program intersections undergoing construction from Level of Service (LOS) Monitoring during the 2006 monitoring period. Presently, these intersections are known to include: SR 87/Julian Street (San Jose), SR 87/Santa Clara Street (San Jose), I-880/Coleman Avenue Northbound (San Jose), I-880/Coleman Avenue Southbound (San Jose), Brokaw Road/Oakland Road (San Jose), and Montague Expressway/Oakland Road (San Jose).

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

**28. Vasona Light Rail Project Soldier Pile and Lagging Wall Contract**

M/S/C (Gage/Kennedy) to authorize the General Manager to execute a contract with Bianchi – Amaker Construction, Inc., the lowest responsible bidder, in the amount of

\$397,176 for construction of the Vasona Light Rail Project Soldier Pile and Lagging Wall and Miscellaneous Civil Improvements Contract.

## **REGULAR AGENDA**

### **14. Citizens Advisory Committee Reappointment**

Board Member Perry expressed concern regarding the appointment from the Silicon Valley Leadership Group (SVLG) to the Citizens Advisory Committee (CAC). Board Member Perry stated that it is difficult to make the case that the SVLG has inadequate access to the Board Members, experience difficulty getting their point across, and lack representation. Board Member Perry stressed the importance that a citizens group should be comprised of citizens at large and not the politically enacted.

Board Member Kennedy queried about the CAC membership and asked if there were any other groups represented on CAC. Jim Lawson, Government Affairs Manager, responded that CAC has other groups including business and organized labor groups, such as the Building Owners and Managers Association (BOMA) and the SVLG. Mr. Lawson stated that the SVLG has had representation continuously on CAC since it was founded.

Board Member Sandoval queried if CAC had representation from environmental organizations. Mr. Lawson responded, “yes”.

**M/S/C (Gage/Sandoval)** to ratify the reappointment of Laura Stuchinsky to the Citizens Advisory Committee (CAC) position representing the Silicon Valley Leadership Group. Board Member Perry opposed.

### **21. State Legislative Positions: Proposition 1A**

Board Member Perry stated that it is not appropriate for VTA to support a bond measure simply because the agency would receive funding. Board Member Perry stated that he could not support the recommendation based on the level of discussion presented at the Board Meeting. He stated that he does not believe it is within VTA’s jurisdiction to support Proposition 1A.

Chairperson Chavez stated that the Board of Directors would consider both Agenda Items # 21 and 22 together.

Board Member Kniss expressed support and stated that it is appropriate for the Board of Directors to support Proposition 1A. Board Member Kniss inquired about Board Member Perry’s concerns regarding Proposition 1A.

Board Member Perry stated that his objections regarding Proposition 1A relate to the fact that the Board of Directors has not had the opportunity to discuss Proposition 1A, and it is his opinion that it is not appropriate for the Board to endorse something without discussing the pros and cons. He expressed concern noting that the political process is

not served by taking time to prepare staff reports to discuss whether the State should issue bonds when VTA should be worrying about its own financial issues. Board Member Perry stressed the importance to spend time discussing VTA's finances rather than the State of California.

Ex-Officio Board Member Beall stated the State of California has a critical need for infrastructure funding. The California Transportation Commission (CTC) published a needs assessment of the State's transportation network, which indicated that the magnitude of California's unfunded transportation and rehabilitation needs were well-over \$100 billion. He noted that when infrastructure is not maintained it is more costly to do the more extensive repair.

Ex-Officio Board Member Beall commented that the gasoline sales tax has been the historical foundation of transportation funding and has substantially eroded in value. California last approved an increase in the gasoline sales tax in the early 1990's. The intent of selling the general obligation bonds is a way to address California's growing infrastructure needs. He stressed the importance for the VTA Board of Directors to support Proposition 1A and 1B.

Board Member Perry expressed concern that the Board of Directors are not prepared to make a statement or rank transportation needs compared to the other needs of the State. Board Member Perry expressed concern whether or not it is appropriate for the State to commit future revenues to pay for the debt service on the bonds. Board Member Perry stressed the importance for the Board of Directors to focus on VTA's financial issues.

Vice Chairperson Chu stated that he is a member of the League of California Cities Policy Advisory Committee for Transportation, Communication, and Public Works, which has reviewed both Proposition 1A and Proposition 1B extensively. Vice Chairperson Chu stated that Proposition 1A and 1B are actually two separate issues. Proposition 1A amends the California Constitution to limit the conditions under, which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses, could be suspended by the Governor and the California State Legislature. Proposition 1B authorizes the state to sell \$19 billion in general obligation bonds to fund transportation projects to relieve traffic congestion, facilitate the movement of goods, improve air quality, and enhance the safety and security of the State's transportation system.

Vice Chairperson Chu stated that Proposition 42 was intended to be used for transportation needs but the funds have been diverted. Proposition 1A would prevent the diversion so gasoline sales tax revenues would actually be used for transportation needs. He noted that Proposition 1A would assure that gasoline sales tax revenues would be used for transportation needs as provided by Proposition 42.

Vice Chairperson Chu stressed the importance for a transportation agency to support and recommend that the State issue general obligation bonds for transportation issues. He noted that the Board of Directors is not weighing in on the other three bond issues, which are affordable housing, clean water, and education.

Vice Chairperson Chu stated that it is very appropriate for the Board of Directors to support and make an advocacy statement on transportation issues.

Board Member Sandoval expressed support for Proposition 1A and stated that Proposition 1A says that the money from Proposition 42 will actually be allocated towards transportation oriented projects.

**M/S/C (Sandoval/Kniss)** to adopt a support position for Proposition 1A, which amends the California Constitution to limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses could be suspended by the Governor and the California State Legislature. Proposition 1A appears on the November 2006 general election ballot and requires a majority vote in order to be approved. Board Member Perry opposed.

**22. State Legislative Positions: Proposition 1B**

**M/S/C (Williams/Sandoval)** to adopt a support position for Proposition 1B, which authorizes the state to sell \$19.925 billion in general obligation bonds to fund transportation projects to relieve traffic congestion, facilitate the movement of goods, improve air quality, and enhance the safety and security of the state's transportation system. Proposition 1B appears on the November 2006 general election ballot and requires a majority vote in order to be approved. Board Member Perry opposed.

**ADMINISTRATION AND FINANCE COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #31.A.)**

There were no items submitted for the Regular Agenda by the Administration and Finance Committee.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #31.B.)**

There were no items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #31.C.)**

There were no items submitted for the Regular Agenda by the Transit Planning and Operations Committee.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

**30. MONTHLY LEGISLATIVE HISTORY MATRIX**

Ex-Officio Member Beall directed attention to the Legislative History 2005 – 2006 State Legislative Session July 26, 2006, Page 17 of 40, State Assembly Bill (AB 2520) (Transportation Committee) Omnibus Transportation Bill and queried about AB2520 and the tunnel boring machines. Mr. Evans responded that in 1999 the State Legislature passed and the Governor signed a measure that would allow public transit organizations to use competitive negotiations to procure goods and services for specialized transit equipment.

Mr. Evans continued that as VTA approaches the construction phase of the Silicon Valley Rapid Transit Corridor (SVRTC) project, staff will need to purchase two tunnel boring machines to construct the five-mile tunnel section under Downtown San Jose.

Mr. Evans stated that the State enabling statute references specialized rail transit equipment being eligible for purchase through competitive negotiations; however, the State-enabling statute does not specifically reference tunnel-boring machines. Tunnel boring machines are exactly the type of specialized equipment that is required for the construction of the five-mile tunnel section for the SVRTC project. Competitive negotiation is important since the agency would want to ensure that the tunnel boring machines are going to be able to handle the soil and geological conditions for the particular project.

Mr. Evans stated that a tunnel boring machine used to dig a tunnel in Malaysia may not be appropriate for digging a tunnel in Downtown San Jose, so the agency would want to enter into a bidding process with manufactures to produce the equipment that will meet the project needs. Mr. Evans commented that it is necessary to change the State enabling statutes through a series of non-controversial and technical changes that would allow VTA to purchase the specialized equipment through competitive negotiations rather than low bid.

Mr. Evans stated that the issue is that construction contractor labor unions watch contracting issues very closely since the issue for them is whether an agency is going to build projects in-house or contract the work out. The construction contractor labor unions favor contracting out construction work since it will result in more jobs for their membership.

Mr. Evans continued that the labor unions concerns are related to the question that if the tunnel boring machines were purchased through competitive negotiations, then was this a precursor to the agency completing the construction of the BART project in-house. Mr. Evans stated that staff has assured the labor unions that this was not the case and that VTA's Administrative Code states that construction projects over \$25,000 must be put

out to bid. Staff has had extensive discussion with the labor unions to alleviate their concerns and assure them that VTA would not build the BART project in-house.

Ex-Officio Board Member Beall asked if staff could provide a written response to his questions about the AB 2520 (Transportation Committee) Omnibus Transportation Bill and tunnel boring machine issues. Mr. Evans responded that a report on this issue would be provided to the Board of Directors.

**On order of Chairperson Chavez**, there being no objection, the Legislative Report was accepted as contained in the Agenda Packet.

### **31. SUMMARY MINUTES FROM STANDING COMMITTEES**

#### **A. Administration and Finance Committee**

**On order of Chairperson Chavez**, there being no objection, the Administration and Finance Committee Report was accepted as contained in the Agenda Packet.

#### **B. Congestion Management Program and Planning Committee**

Board Member Kniss noted that the CMPP Committee deferred the Page Mill Road Park and Ride Lot located on El Camino Real in Palo Alto until there is more clarity on how VTA will deal with cities regarding VTA excess property. Board Member Kniss stated that the CMPP Committee requested that staff provide additional information to the CMPP Committee in the fall.

Chairperson Chavez added that the discussion at the August 17, 2006 CMPP Committee meeting was extensive but many issues were addressed.

**On order of Chairperson Chavez**, there being no objection, the Congestion Management Program and Planning Committee Report was accepted as contained in the Agenda Packet.

#### **C. Transit Planning and Operations Committee**

**On order of Chairperson Chavez**, there being no objection, the Transit Planning and Operations Committee Report was accepted as contained in the Agenda Packet.

### **32. REPORTS FROM AD HOC COMMITTEES**

#### **Ridership Initiative to Develop Energy-Efficiency (RIDE) Task Force**

Board Member Campos reported that the RIDE Task Force met on Wednesday, August 23, 2006. The RIDE Task Force received a presentation on the results of recent promotional activities, reviewed and commented on the Draft Final Report. Staff is in the process of finalizing the report, which would be forwarded to the TP&O Committee

in October and the Board of Directors in November 2006. The RIDE Task Force closed its final meeting with refreshments and socializing.

Board Member Campos expressed appreciation and thanked RIDE Task Force Co-Chairperson Jamie Matthews for his assistance and fellow RIDE Task Force members for their hard work. Board Member Campos stated that the RIDE Task Force Final Report would be very useful to put in place programs and strategies to increase ridership on VTA's bus and light rail system.

**On order of Chairperson Chavez**, there being no objection, the Ridership Initiative to Develop Energy-Efficiency (RIDE) Task Force Report was accepted.

### **33. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

#### **A. Committee for Transit Accessibility (CTA)**

**On order of Chairperson Chavez**, there being no objection, the Committee for Transit Accessibility (CTA) Report was accepted as contained in the Agenda Packet.

#### **B. Citizens Advisory Committee (CAC)**

**On order of Chairperson Chavez**, there being no objection, the Citizens Advisory Committee (CAC) Report was accepted as contained in the Agenda Packet.

#### **C. Bicycle & Pedestrian Advisory Committee (BPAC)**

**On order of Chairperson Chavez**, there being no objection, the Bicycle and Pedestrian Advisory Committee (BPAC) Report dated July 12, 2006 and August 9, 2006, was accepted as provided to the Board Members on the dais.

#### **D. Technical Advisory Committee (TAC)**

**On order of Chairperson Chavez**, there being no objection, the Technical Advisory Committee (TAC) Report was accepted as contained in the Agenda Packet.

#### **E. Policy Advisory Committee (PAC)**

**On order of Chairperson Chavez**, there being no objection, the Policy Advisory Committee (PAC) Report was accepted as contained in the Agenda Packet.

### **34. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS**

Chairperson Chavez advised the Board Members that the Joint Powers Boards (JPBs) & Regional Commissions did not meet in August 2006, so there were no reports.

**A. Peninsula Corridor JPB**

**B. Capitol Corridor JPB**

Board Member Williams provided a report highlighting the August 29, 2006 inauguration of the Capitol Corridor increase in service to San Jose. He stated that there are now seven daily trains serving San Jose with continuation to Sacramento. The service provided on Capitol Corridor continues to show increases in ridership.

Chairperson Chavez congratulated the Capitol Corridor on its success and thanked Board Member Williams for serving on the Capitol Corridor JPB.

Board Member Perry inquired about the Capitol Corridor, noting that it will eventually connect in Union City but queried where it connects now to the BART System. Board Member Perry asked when would the Capitol Corridor connect in Union City. Mr. Burns responded that the Capitol Corridor connects in Richmond to the BART System. Mr. Lawson stated that the connection in Union City is planned for future development. He requested that staff provide more information on the future planned development of the Capitol Corridor connection in Union City.

**On order of Chairperson Chavez**, there being no objection, the Capitol Corridor JPB Report was received.

**C. Dumbarton Rail Corridor Policy Committee**

**D. Metropolitan Transportation Commission (MTC)**

**35. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs) & TASK FORCE**

**A. Vasona Light Rail PAB**

There was no report from the Vasona Light Rail PAB.

**B. Silicon Valley Rapid Transit Corridor PAB**

**On order of Chairperson Chavez**, there being no objection, the Silicon Valley Rapid Transit Corridor PAB Report was accepted.

**C. Downtown East Valley PAB**

**On order of Chairperson Chavez**, there being no objection, the Downtown East Valley PAB Report was accepted as contained in the Agenda Packet.

There was no report from the Downtown East Valley PAB.

**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.

**36. REPORT FROM CHAIRPERSON**

There was no report from the Chairperson.

**37. ANNOUNCEMENTS**

There were no Announcements.

**3. ADJOURNED TO CLOSED SESSION at 6:45 p.m.**

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

Name of Case: Jerilyn North v. Santa Clara Valley Transportation Authority and Jon Grissom  
(Santa Clara County Superior Court Case Number 1-06-CV-058344)

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

VTA Designated Representatives:  
Roger Contreras, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:  
Transportation Authority Engineers and Architects (TAEA)

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

VTA Designated Representatives:  
Roger Contreras, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

American Federation of State, County, and Municipal Employees (AFSCME)

**RECONVENED TO OPEN SESSION at 8:13 p.m.**

**4. CLOSED SESSION REPORT**

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

Name of Case: Jerilyn North v. Santa Clara Valley Transportation Authority and  
Jon Grissom

(Santa Clara County Superior Court Case Number 1-06-CV-058344)

There was no reportable action taken during Closed Session.

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

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer

Bill Lopez, Chief Administrative 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.

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

VTA Designated Representatives:

Roger Contreras, Chief Financial Officer

Bill Lopez, Chief Administrative Officer

Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

American Federation of State, County, and Municipal Employees (AFSCME)

The item was not discussed in Closed Session.

**5. Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA) labor agreement**

**M/S/C (Gage/Kennedy)** to authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA).

Mr. Burns clarified that this item was retained on the Agenda as a placeholder only. The item does not require any Board action this evening since VTA has not yet reached an agreement with TAEA.

Chairperson Chavez queried if the Board of Directors were extending the current labor agreement. Mr. Burns responded that the current labor agreement continues; therefore, the item does not require Board action.

**M/S/C (Gage/Sandoval)** to withdraw the motion to authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA).

**6. Negotiated Compensation Recommendation for General Counsel**

Board Member Gage reported that the Board Negotiating Committee was appointed to conduct the annual performance evaluation of VTA General Counsel. The Board Negotiating Committee looked at comparative organizations and the final recommendation was to approve a five percent increase from \$171,504 to \$180,079.

**M/S/C (Gage/Williams)** to approve the recommendation of the Board Negotiating Committee to grant a five percent increase, from \$171,504 to \$180,079, to the salary of VTA General Counsel Suzanne Gifford, effective September 1, 2006. Board Members Kerr and Perry opposed.

**38. ADJOURNMENT**

**On order of Chairperson Chavez**, there being no objection, the meeting was adjourned at 8:15 p.m. in memory of Miriam Ayllon, VTA's Community Outreach Supervisor, who passed away on August 13, 2006.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors