



SUMMARY MINUTES

VTA Board of Directors Regular Meeting
Thursday, August 31, 2006

1. **CALLED TO ORDER** at 5:37 p.m.
2. **ROLL CALL**

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

Board Members Absent: None

Alternate Board Members Present: Matthews

Alternate Board Members Absent: Kline, McHugh, Pinheiro, Yeager

* 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 the following items be placed towards the end of the Agenda: **Agenda Item # 3.**, Adjourn to Closed Session; **Agenda Item # 4.**, Closed Session Report; **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 5 percent increase, from \$171,504 to \$180,079, to the salary of VTA General Counsel Suzanne Gifford, effective September 1, 2006.

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.

The Board of Directors **accepted** the Orders of the Day.

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

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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, **presented a report**, highlighting: 1) Hispanic American Heritage Celebration scheduled on September 22, 2006 at VTA River Oaks Campus with a tribute in honor of Miriam Ayllon, 2) light rail construction shut downs scheduled the week of September 8th and September 15th related to State Route 87, 3) light rail construction shut downs the week of September 23rd related to the Vasona Line, 4) VTA hosting the 2006 American Public Transportation Association (APTA) Annual Conference from October 8-11, 2006 in San Jose with a tribute to Norman Mineta, 5) VTA's campaign promotion "Do the Math Campaign", and 6) I-880/Coleman Avenue Interchange Celebration Event scheduled on September 18, 2006.

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 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 allow the average 2006 engineer and architect salary to be achieved 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 new collective bargaining

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agreement, which continues to promote the highest standards, quality, 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 Whitman, Interested Citizen, **expressed appreciation** for the Grand Prix event and **suggested** that next year it be held in Milpitas. 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 Director 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 Communication, 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.

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

Steve Glickman, PAC Chairperson, **provided** a brief report, highlighting: 1) Appointed Greg Sellers to serve on the Caltrain Capital Needs Subcommittee; 2) Received a city transportation presentation from Monte Sereno Mayor Mark Brodsky, 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; 3) Reviewed and provided input on the following items: programming and Project Delivery Process, Transit Sustainability Policy, Paratransit Operations, and Community Bus Implementation Plan; and 4) The next PAC Meeting will be 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.

The Board of Directors **approved** the Consent Agenda, as amended, as follows:

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

ADMINISTRATION AND FINANCE COMMITTEE

13. **Ratified** 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

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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. Adopted 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. Authorized 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, authorized 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. Approved Regional Measure 2 (RM2) Initial Project Report (IPR) for the TransLink® Consortium Information Management System (CIMS) as presented in Attachment A, adopted Resolution No. 06.08.18 the Implementing Agency Resolution of Project Compliance as presented in Attachment B, and authorized the General Manager to execute all necessary agreements with the Metropolitan Transportation Commission and other TransLink® Consortium members to implement the CIMS.

18. Authorized 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. Authorized 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. Authorized 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.

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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. Authorized 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. Authorized 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 approved the use of \$1 million of Local Program Reserve funds to provide funding for this contract and associated staff costs.

25. Approved 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 authorized the General Manager to execute an amendment to the Cooperative Agreement with Caltrans to transfer the funds.

CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

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

27. Approved 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),

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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. **Authorized** 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

The Board of Directors **approved** the items on the Regular Agenda, including:

14. **Ratified** the reappointment of Laura Stuchinsky to the Citizens Advisory Committee (CAC) position representing the Silicon Valley Leadership Group. Board Member Perry opposed.
21. **Adopted** 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. **Adopted** 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.)

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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

The Board of Directors **took** the following actions on the 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

Accepted as contained in the Agenda Packet.

31. SUMMARY MINUTES FROM STANDING COMMITTEES

A. Administration and Finance Committee

Accepted as contained in the Agenda Packet.

B. Congestion Management Program and Planning Committee

Accepted as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

Accepted as contained in the Agenda Packet.

32. REPORTS FROM AD HOC COMMITTEES

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

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

Board Member Campos, **provided a brief report, highlighting:** The RIDE Task Force met on Wednesday, August 23, 2006. 1) Received a presentation on the results of recent

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promotional activities and 2) Reviewed and commented on the Draft Final Report. Staff is in the process of finalizing the report, which will be forwarded to the Transit Planning and Operations (TP&O) Committee in October and the Board in November 2006.

33. 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)**

Accepted as provided to the Board of Directors on the dais.

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

Accepted as contained in the Agenda Packet.

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

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 so there were no reports.

A. **Peninsula Corridor JPB**

B. **Capitol Corridor JPB**

Board Member Williams, **provided a brief report, highlighting:** the inauguration of the Capitol Corridor increase in service to San Jose held on August 29, 2006 with seven daily trains serving San Jose with continuation to Sacramento.

C. **Dumbarton Rail Corridor Policy Committee**

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

35. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

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

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 THE 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)

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- 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)

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The item was not discussed in Closed Session.

5. (Deferred)

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. Approved the recommendation of the Board Negotiating Committee to grant a 5 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. ADJOURNED at 8:15 p.m. in memory of Miriam Ayllon, VTA's Community Outreach Supervisor, who passed away on August 13, 2006.