

1. **CALLED TO ORDER at 5:33 p.m.**

2. **ROLL CALL**

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

**Board Members Absent:** Cortese

**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.**

6. **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).

Chairperson Chavez **noted** staff's request to **defer** to the November 2, 2006 Meeting **Agenda Item # 22.**, Designate BRIDGE Housing and Blake Hunt Ventures as the Selected Developer and Avalon Bay Corporation and ROEM Corporation as the Alternate Selected Developer for the Capitol Light Rail Transit site, to allow more time to research the issues and report the findings to the Board of Directors. Chairperson Chavez **noted** that staff also requested that **Agenda Item 8.A.**, Receive a presentation from 1stAct Silicon Valley, be **deferred** to the January 2007 Board Meeting.

7. **AWARDS AND COMMENDATIONS**

A. **Employees of the Month for October 2006**

Chairperson Chavez **presented** awards to Paulette Mulligan, Accessible Services Representative, River Oaks Administration; and Eric Ozaki, Light Rail Vehicle Maintenance Foreperson, as Employees of the Month for October 2006. Paramvir Singh, Coach Operator, Cerone Division Operations, was unable to attend.

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**B. Adopt a Resolution recognizing October as Domestic Violence Awareness Month**

**Adopted Resolution No.06.10.19** recognizing October as Domestic Violence Awareness Month.

**8. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, **provided a report** regarding the following: 1) He thanked Vice Chairperson Dean Chu for testifying at the Senate Transportation and Housing Committee last September 27, 2006 regarding the impact of Proposition 1B to VTA; 2) He provided updates on construction projects, particularly the Northbound Highway 17 between Camden and Hamilton and the second phase of the Route 152 Bridge Widening Project in Gilroy; 3) VTA will not operate the Sharks Shuttle for this Sharks season due to the non-renewal of Sharks Management to pay for half of the operating cost. Despite the discontinuance of the Sharks Shuttle service, there is still good VTA service to the HP Pavilion such as the Vasona Light Rail and Bus Routes 522 and 22; 4) VTA has made plans to mitigate the significant service impacts of the Rock and Roll Half Marathon on Sunday morning, October 8, 2006; and 5) VTA will be hosting the American Public Transportation Association (APTA) Annual Conference from October 7 to October 11, 2006. He thanked Member Sandoval for representing the VTA Board on the Host Committee together with San Jose Mayor Ron Gonzales. He encouraged everyone to participate and presented a video that illustrates the diversity of VTA and Silicon Valley.

Alternate Board Member Matthews left the meeting at 5:52 p.m.

**A.** Receive a presentation from 1stAct Silicon Valley.

**Deferred** to the January 2007 Regular Board of Directors' Meeting.

**9. PUBLIC PRESENTATIONS**

Mark Brodsky, Monte Sereno Mayor and VTA Policy Advisory Committee (PAC) Member, **provided** a PowerPoint presentation entitled, "4 years on VTA's PAC." Mayor Brodsky **noted** that VTA has been buried under tons of paperwork and **expressed concern** that VTA statistics have not changed significantly since four years ago. Mayor Brodsky **stated** that there is shortage of monies due to politics driven Measure A Expenditure decisions that were not based on projected county needs, plans, or logic. Mayor Brodsky **expressed concern** that VTA has bypassed all regulatory controls for a City Hall Subway and 4000 fewer cars. Mayor Brodsky **stated** that money can be made available by re-opening the Major Investment Study.

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Joe Brenner, International Federation of Professional and Technical Engineers (IFPTE) Local 21, **stated** that TAEA and Local 21 have worked diligently to negotiate a reasonable and fair collective bargaining agreement with VTA. The new tentative agreement has improvements, including the salary survey process that will help in addressing the gap between the salaries of TAEA represented employees and the area average wage. Mr. Brenner **informed** the Board that the TAEA membership has ratified the tentative agreement and **urged** the Board to approve the agreement as well.

Rajinder Sehdev, VTA Employee and TAEA President, **advised** the Board that TAEA members ratified the tentative agreement. Mr. Sehdev **stated** that earlier in the three-month negotiation, it showed that when compared to other TAEA members of other public agencies, VTA TAEA represented employees' salary and compensation are at the bottom of the chart. Mr. Sehdev **thanked** VTA for recognizing this fact and for being committed to address the salary realignment and wage corrections of the TAEA members in this new agreement. However, Mr. Sehdev **emphasized** that VTA has not gone far enough in addressing the salary compensation issues this time and the survey that is included in the contract will begin the basis of subsequent wage corrections to bring salary and compensation for TAEA members to at least the industry average compensation level for engineers and architects in the public sector. He **stated** that he looks forward to the Board's approval of the contract.

Jerry Grace, Interested Citizen, **referred** to Agenda Item #32, Report from the Chairperson, and **stated** that he is interested to find out who the VTA Board of Directors Chairperson will be for 2007. He noted that he is **pleased** with Member Williams' performance as Chairperson at the Capitol Corridor Joint Powers Authority. Mr. Grace **wished** that the Sharks Hockey Team win all the way through the season. Mr. Grace **stated** that he has not heard about Agenda Items #19 and #24\.

Eugene Bradley, VTA Riders Union, **thanked** Sam Lau, Bus and Rail Transportation Deputy Director, for responding to his concerns and informing him of VTA plans to inform the public about light rail delays in the future. Mr. Bradley **reported** that his colleague was pick-pocketed at VTA Bus Line #522. He **stated** that the cameras in the bus was not able to help identify the thief. He **suggested** that VTA provide warning signs about theft (i.e. pick pocket) in the bus and light rail, especially now that the holiday season is coming. He **added** that theft on the light rail or bus will discourage the public from taking public transportation.

Bruce Stevens, VTA Employee, **expressed concern** that there is no public record of staff responses to public concerns that are raised during public meetings such as the Board of Directors Meeting. He **stated** that his concerns regarding security have not been addressed by VTA. Mr. Stevens **advised** the Board that there have been three assaults to employees within a 24-hour period last month. He **added** that VTA is not taking care of the escalating violence in the system with the current security contract.

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### 10. Policy Advisory Committee (PAC) Chairperson's Report

Steve Glickman, PAC Chairperson, **provided** a brief report regarding the PAC Meeting on September 14, 2006, highlighting that: 1) Received a report from the General Manager; 2) Reviewed and commented on the BART Economic Effects Study, 2005-06 VTA Passenger Survey, Draft Principles for the Transit Sustainability Policy and Comprehensive Operations Analysis (COA), Outreach Process for the COA, Community Bus Implementation Plan, and VTA Website Improvements and On-Line Trip Planning; 3) PAC's next meeting is scheduled for October 12, 2006 and the agenda includes a presentation from Mayor Brodsky of Monte Serreno.

### CONSENT AGENDA

At the request of several public speakers and Board Members, the following Agenda Items were **removed** from the Consent Agenda and placed on the Regular Agenda:

- Item #13. Authorize the General Manager to renew benefit contracts with Kaiser, PacifiCare, Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2007.
- Item #16. Approve the Regional Measure 2 Initial Project Report for the Feasibility Study of the Santa Clara Transit Center – Pedestrian/Bicycle Crossing Preferred Alternative; adopt the Implementing Agency Resolution of Project Compliance; and authorize the General Manager to execute all necessary agreements to implement the pedestrian/bicycle crossing project.
- Item #19. Approve the 2007 Mini Short Range Transit Plan.

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

11. **Approved** the Minutes of the Regular Board of Directors' Meeting of August 31, 2006.

<b>ADMINISTRATION AND FINANCE COMMITTEE</b>
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12. **Ratified** the reappointment of David Kobayashi to the Bicycle and Pedestrian Advisory Committee (BPAC) representing the County of Santa Clara for the term ending June 30, 2008.

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

Authorize the General Manager to renew benefit contracts with Kaiser, PacifiCare, Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2007.

**14. Authorized the General Manager to amend the contract with Biggs Cardosa Associates, Inc. for final design and design support during construction of the State Route 152/156 Improvements, to increase the approved contract value by \$610,000 for a new total contract value of \$3,996,933 and to extend the contract term through June 2009.**

**15. Adopted amended Permit Fee Schedules as identified in Attachment A and Attachment B, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits.**

### CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

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

Approve the Regional Measure 2 Initial Project Report for the Feasibility Study of the Santa Clara Transit Center – Pedestrian/Bicycle Crossing Preferred Alternative; adopt the Implementing Agency Resolution of Project Compliance; and authorize the General Manager to execute all necessary agreements to implement the pedestrian/bicycle crossing project.

**17. Approved the programming of approximately \$4.8 million in FY 2006/07 and FY 2007/08 Congestion Mitigation and Air Quality funds for six Bicycle Expenditure Program bicycle and pedestrian projects.**

**18. Approved an increase of \$1.68 million in the Bicycle Expenditure Plan allocation for the City of Sunnyvale Borregas Avenue Pedestrian Overcrossing Project to a total of \$8.4 million.**

### TRANSIT PLANNING AND OPERATIONS COMMITTEE

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

Approve the 2007 Mini Short Range Transit Plan.

## REGULAR AGENDA

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

13. **Authorized** the General Manager to renew benefit contracts with Kaiser, PacifiCare, Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2007.

Ross Signorino, Interested Citizen **addressed** the Board of Directors.

16. **Approved** the Regional Measure 2 Initial Project Report for the Feasibility Study of the Santa Clara Transit Center – Pedestrian/Bicycle Crossing Preferred Alternative; **adopted** the Implementing Agency **Resolution No. 06.10.20** of Project Compliance; and authorize the General Manager to execute all necessary agreements to implement the pedestrian/bicycle crossing project.

19. **Approved** the 2007 Mini Short Range Transit Plan with the referral to add an item to the November 2, 2006 Regular Board of Directors Meeting to set-up a working group.

Mr. Bradley and Mr. Grace **addressed** the Board of Directors.

<b>ADMINISTRATION AND FINANCE COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #27.A.)</b>
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20. **Adopted** a support position for Proposition 1C, which authorizes the state to sell \$2.85 billion in general obligation bonds to fund affordable housing programs, incentives for infill development in urban areas and transit-oriented development opportunities. Proposition 1C appears on the November 2006 general election ballot and requires a majority vote in order to be approved.

21. **Adopted** an oppose position for Proposition 90, which amends the California Constitution to limit the ability of local and state governmental entities to acquire private property through the use of eminent domain. Proposition 90 appears on the November 2006 ballot and requires a majority vote in order to be approved.

Mr. Bradley **addressed** the Board of Directors.

22. **(Deferred)**

Designate BRIDGE Housing and Blake Hunt Ventures as the Selected Developer and Avalon Bay Corporation and ROEM Corporation as the Alternate Selected Developer for the Capitol Light Rail Transit site.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #27.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 #27.C.)**

23. **Augmented** the FY 2007 Capital Budget by \$5,300,000 and **authorized** the General Manager to purchase up to 25 additional small-capacity buses and support equipment in the amount of \$5,300,000 using a contract awarded by the State of California pursuant to Public Contract Code Section 20301, which requires all capital expenditures over \$25,000 to be let to the lowest responsible bidder, and Public Contract Code Section 10299(a), which authorizes local agencies to contract with suppliers awarded contracts by the State without further competitive bidding.

Mr. Bradley **addressed** the Board of Directors.

Board Member Kennedy left the meeting at 7:23 p.m.

24. **Adopted** the Transit Sustainability Policy (TSP) and Comprehensive Operations Analysis (COA) Core Principles.

Mr. Bradley and Mr. Grace **addressed** the Board of Directors.

## **OTHER ITEMS**

The Board of Directors **took** the following actions on the Other Items.

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

**Requested** more information about the joint development policy, criteria, and the legal opinion on local preference and sustainable development. **Requested** that comments from the TPO Committee be incorporated in the Board Memorandum as well as the comments that will be received regarding the item at the CMPP meeting in October 2006.

26. **MONTHLY LEGISLATIVE HISTORY MATRIX**

**Accepted** as contained in the Agenda Packet.

**27. 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.

**28. 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.

**29. 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 BPAC.

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

Accepted as contained in the Agenda Packet.

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

Accepted as contained in the Agenda Packet.

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

Chairperson Chavez **advised** the Board Members that the Joint Powers Boards (JPBs) & Regional Commissions Reports are on the dais.

- A. **Peninsula Corridor JPB**
- B. **Capitol Corridor JPB**
- C. **Dumbarton Rail Corridor Policy Committee**
- D. **Metropolitan Transportation Commission (MTC)**

### 31. 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.

### 32. REPORT FROM THE CHAIRPERSON

Mr. Grace **addressed** the Board of Directors.

**Appointed** Board Members Sandoval, Williams and Kennedy as the Nominating Committee for the election of Chairperson and Vice-Chairperson for the 2007 Board of Directors.

**33. ANNOUNCEMENTS**

There were no announcements.

Ex-Officio Board Member McLemore left the meeting at 7:58 p.m.

**3. ADJOURNED TO CLOSED SESSION at 7:58 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 8:20 p.m.**

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### 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)

**There was no reportable action taken during Closed Session.**

5. **Authorized** 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).

### 34. ADJOURNED at 8:23 p.m.