



## **BOARD OF DIRECTORS MEETING**

November 2, 2006

### **MINUTES**

#### **1. CALL TO ORDER**

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Vice Chairperson Chu 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  
David Cortese  
Nora Campos  
Dean Chu, Vice Chairperson  
Don Gage  
Dennis Kennedy  
Breene Kerr  
Liz Kniss  
John McLemore, Ex-Officio  
Madison Nguyen  
Greg Perry  
Dolly Sandoval  
Forrest Williams

##### **Alternates Present**

Norman Kline, Alternate  
Jamie Matthews, Alternate

##### **Members Absent**

Cindy Chavez, Chairperson

##### **Alternates Absent**

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

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

**A quorum was present.**

Vice Chairperson Chu changed the order of the Board Meeting Agenda and moved Agenda Item #5. Orders of the Day, to the beginning of the Agenda.

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

**5. ORDERS OF THE DAY**

Vice Chairperson Chu highlighted the following changes to the Agenda:

- Addendum to the Agenda: **Item 3.X.** Conference with Legal Counsel - Existing Litigation, [Government Code Section 54956.9(a)], Name of Case: Joanne Jones Bell vs. VTA, WCAB Case Nos. SJO 0245998 and SJO 0245999.
- Move **Agenda Item #22.** RIDE Task Force Final Report, to the beginning of the Agenda to be heard after Agenda Item #9. Policy Advisory Committee (PAC) Chairperson's Report.
- Defer **Agenda Item #30.** Election of Chairperson and Vice Chairperson to the December 14, 2006 Board of Directors Meeting.

**M/S/C (Campos/Nguyen)** to accept the Orders of the Day.

**3. ADJOURNED TO CLOSED SESSION** at 5:40 p.m.

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)

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

Name of Case: Joanne Jones Bell vs. VTA  
WCAB Case Nos. SJO 0245998 and SJO 0245999

**RECONVENED TO OPEN SESSION** at 6:13 p.m.

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

#### **4. CLOSED SESSION REPORT**

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)

Suzanne Gifford, General Counsel, noted that there was no reportable action taken during Closed Session on Item #3.

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

Name of Case: Joanne Jones Bell vs. VTA  
WCAB Case Nos. SJO 0245998 and SJO 0245999

Ms. Gifford noted that the Board of Directors approved a settlement on Item #3.X., which will be made public as soon as it is finalized and signed by the other party.

#### **6. AWARDS AND COMMENDATIONS**

**Employees of the Month for November 2006**

Vice Chairperson Chu presented an award to Paramvir Singh, Coach Operator, Cerone Division Operations, as VTA Employee of the month for October 2006. Mr. Singh was unable to attend the October 5, 2006 Board of Directors Meeting.

Vice Chairperson Chu presented awards to Janine Sanders, Information Services Representative, River Oaks Administration; Calvin Wilson, Coach Operator/Line Instructor, North Division Operations; and Mida Smith, Vehicle Maintenance Scheduler, North Maintenance, as VTA Employees of the month for November 2006.

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

Michael T. Burns, General Manager, reported that VTA and the City of San Jose hosted the American Public Transportation Association (APTA) Conference on October 9-11, 2006, and the Conference was a huge success. Over 2,200 people were in attendance. VTA held and participated in many sessions and tours, and numerous VTA

employees assisted throughout the Conference. Norman Mineta was presented a Lifetime Achievement Award at the closing dinner. Employee appreciation events were held at all VTA facilities thanking employees for their efforts.

Mr. Burns expressed his thanks and appreciation to Board Member Dolly Sandoval and Mayor Ron Gonzales for serving on the Host Committee. He also commended VTA employee, Gail Collins, for her hard in helping to make the event a success. Board Member Gage indicated that Mike Scanlon, General Manager of Samtrans, gave VTA high praises for a job well done on the APTA Conference.

As part of the APTA Conference activities, Mr. Burns met with Mr. James S. Simpson, the new Federal Transit Administrator (FTA), to discuss FTA and VTA's working relationship. Mr. Simpson pledged continued cooperation with VTA.

Mr. Burns reported that VTA and the City of San Jose hosted the Caltrain Joint Powers Board (JPB) meeting on November 2, 2006, and toured the new Lenzen Maintenance Facility that is currently being constructed.

Mr. Burns reported that VTA's overall ridership for bus and light rail for the month of September 2006 is up almost 10 percent compared to September 2005. The average weekday light rail ridership is over 39,000 and is a significant increase of 67 percent compared to September 2005. Bus ridership is up 1.1 percent. VTA is at approximately 150,000 boardings on an average weekday, which is a 13 percent increase. The increase in ridership is due to VTA's marketing initiatives, improving economy, and impact of gasoline prices.

VTA's Palo Alto Transit Center Project has been named the winner of California Construction Magazine's Best of 2006 Award. The Project design and construction team will be recognized at an upcoming Northern California Awards Ceremony on December 6, 2006. VTA's River Oaks Bicycle and Pedestrian Bridge Project was awarded the American Society of Civil Engineers Outstanding Small Project of the Year Award for 2006. This is a great accomplishment by VTA's design team led by Mark Thomas and Company; the construction contractor, Stevens Creek Quarry; and VTA staff.

Mr. Burns reported that VTA is working with the Federal Highway Administration (FHWA) and Metropolitan Transportation Commission (MTC) on the final approval VTA needs prior to advertising the State Route (SR) 152/156 Construction Project. FHWA is requiring a Transportation Improvement Program (TIP) amendment, which will ultimately delay the Notice to Proceed to the end of March 2007. VTA has commitments from FHWA, Caltrans, and MTC to expedite the process.

Mr. Burns discussed the 2007 Board of Directors Meeting Schedule. He is recommending scheduling 12 Board Workshops in 2007 because there are a number of major initiatives including the Organizational and Financial Assessment, Comprehensive Operations Analysis (COA), Bi-Annual Budget, Joint Development activities, and the

Bond/Debt Policy. Mr. Burns noted that the workshops could be cancelled if there is not a need to meet. VTA staff is looking for feedback from the Board of Directors over the next few weeks. The schedule on the proposed calendar will be agendaized for adoption at the December 14, 2006 Board of Directors Meeting.

Board Member Kerr recommended that the Board of Directors Workshop Meetings be held quarterly. Board Member Kniss concurred with Board Member Kerr's recommendation to hold Workshop Meetings quarterly.

Mr. Burns reported that a Board of Directors Workshop is scheduled on December 1, 2006, to discuss bond issuance and fiduciary responsibilities of the Board of Directors. The Hay Group (the consultant team working on the Organizational and Financial Assessment) is preparing recommendations for the Board's consideration on these issues. The Hay Group has indicated that they will not be prepared to provide the recommendations at the December 1, 2006 Workshop; therefore, they have requested that the item be rescheduled to January or February 2007. Mr. Burns asked the Board for feedback on moving the Workshop from December 1, 2006 to January or February 2007.

The Federal Transit Administration (FTA) approved the Record of Decision (ROD) for the BART Warm Springs Extension on October 24, 2006. This allows BART to proceed with further work on the project and also qualifies the project for federal funds.

Mr. Burns provided a brief progress report on the 2000 Measure A Program. He noted that VTA completed the purchase of the low-floor light rail vehicles, implemented the 522 Bus Rapid Transit (BRT) service and has begun the plans for extending BRT services throughout the network. VTA is in its second year of the Zero Emission Bus (ZEB) Program and is wrapping up preliminary engineering on the BART extension. VTA has also completed final design on half of the Caltrain Double Tracking Project to Gilroy; begun final design on the Capital Expressway Light Rail Project to Eastridge; and developed and reviewed a Measure A Program cost report with the Citizens' Advisory Committee (CAC), which also serves as the Citizens Watchdog Committee.

Mr. Burns stated that VTA is working with a Subcommittee of PAC to prepare a list of priorities for Caltrain Capital Needs. PAC Vice Chairperson Norman Kline would provide a report from the Subcommittee under Agenda Item #7.A. Receive a report from the Policy Advisory Committee Caltrain Capital Needs Subcommittee.

Mr. Burns reported that a number of significant consultant design contract amendments for the Caltrain and BART Projects that are part of the 2000 Measure A Transit Improvement Program will be forwarded to November Standing Committees for review and the Board of Directors for approval at their December 14, 2006 Meeting. Staff will bring forward the following recommendations:

- 1) Amend an existing design contract to complete the additional eight miles of Caltrain double tracking between Morgan Hill and Gilroy;

- 2) Enter into an agreement with MCI/Verizon to begin relocating eight and a half miles of fiber optic line in the Caltrain corridor to allow double tracking;
- 3) Amend the six existing design contracts for the BART Project to continue design development to the 65 percent level of completion. This is in accordance with new guidance from FTA, which encourages New Starts Projects to advance designs to reduce the level of risk in terms of cost overruns and design changes; and
- 4) Enter into an agreement with a program and construction management firm to help VTA manage the 2000 Measure A Transit Improvement Project and the Valley Transportation Plan (VTP) 2030 Highway Programs.

Mr. Burns stated that as recommendations are brought forward to the Board on the Measure A Program, it is important for the Board to understand that all work on these projects is proceeding within an affordability structure through a regular reporting and financial process. Mr. Burns offered to meet with individual Board Members to discuss the matter in more detail.

Ex-Officio Board Member McLemore expressed concern regarding the delay of the SR 152/156 Project. He requested that staff review this item with him and Ex-Officio Board Member Beall after the meeting.

Board Member Gage stated that he contacted Congress Member Mike Honda's office regarding the delay in the SR 152/156 Project. Board Member Gage indicated that he will work with Congress Member Honda to do all that is necessary to move the project forward.

Board Member Sandoval suggested that the December 1, 2006 Board of Directors Workshop Meeting be moved to January or February 2007. Board Member Williams concurred with Board Member Sandoval.

Board Member Kerr requested clarification on whether or not continuing the BART project design development phase to the 65% level will require that VTA borrow additional revenue. Mr. Burns responded that preliminary estimates indicate that there will be a need to borrow additional revenue in 2008 to move the BART project forward along with the other projects included on the 2000 Measure A project list. He noted that this issue would be discussed in more detail at the November Standing Committees and the December 14, 2006 Board of Directors meeting.

Board Member Perry asked what other revenue options exist, other than a new local sales tax, that could fund the 2000 Measure A Program. Mr. Burns responded that in the immediate future, the only other option is the Infrastructure Bond funds.

Board Member Perry requested clarification on the requirements for instituting a benefit assessment district. Suzanne Gifford, General Counsel, indicated that staff would provide the Board with more detailed information on benefit assessment districts including revenue estimates for how much funding might be available from a benefit assessment district.

Mr. Burns introduced Norman Kline, PAC Vice Chairperson, Mayor of the City of Saratoga, and PAC Caltrain Capital Needs Subcommittee Chairperson.

**A. Policy Advisory Committee Caltrain Capital Needs Subcommittee**

PAC Vice Chairperson Kline provided a progress report on the Caltrain Capital Needs Subcommittee. The purpose of the Caltrain Capital Needs Subcommittee is to develop a prioritized list of Caltrain Capital improvements for the next 30 years to help guide capital investments in Caltrain from local, Measure A, VTA, federal and State revenues.

PAC Vice Chairperson Kline thanked VTA staff for their hard work in providing support for the Subcommittee's efforts. The Subcommittee, in conjunction with VTA staff, Kingly Horn & Associates Consultants, and Caltrain Staff has developed methodology to create a set of tools that can be used for project assessment. The Subcommittee has: 1) identified the universe of projects; 2) created ridership projections; 3) developed a scoring system for the projects; and 4) sorted the projects by service levels. In addition, VTA staff and the consultants provided a report to the Subcommittee on their ranking and scoring of projects. This information was also presented to the Technical Advisory Committee Working Group that provided additional comments. The Subcommittee is continuing to work with staff on modifying the recommendations.

The next Subcommittee meeting is scheduled on November 16, 2006. It is anticipated that the Subcommittee will return to the Board of Directors with a follow up report at the January 4, 2007, Board of Directors meeting.

Vice Chairperson Chu thanked PAC Vice Chairperson Kline for his hard work on the Caltrain Capital Needs Subcommittee and his many years of service on the PAC.

**On order of Vice Chairperson Chu**, there being no objection, the Board of Directors received a report from the Policy Advisory Committee Caltrain Capital Needs Subcommittee.

**B. State Infrastructure Bond for Transportation - Corridor Mobility Improvement Account**

Mr. Burns reported that the State Infrastructure Bonds are on the November 2006 ballot. The Corridor Mobility Improvement Account (CMIA) is one category of funding that will be available if the voters approve the bonds. Caltrans and the California Transportation Commission (CTC) will administer this account. Caltrans and CTC have instituted very tight timelines to deliver projects. Some local input is requested; however, the ultimate decisions will be made through

MTC, CTC and Caltrans. Staff will return to the Board in December with candidate projects assuming that the Bonds pass.

Carolyn Gonot, Chief Development Officer, reported that Proposition 1B, if approved by the voters, will provide \$19.9 billion for transportation improvements. As part of the bond package, the Corridor Mobility Improvement Account (CMIA) will provide approximately \$4.5 billion that will expand capacity, enhance operations, and improvement travel times in high-congestion travel corridors. The CMIA provides the greatest potential for funding of large-scale highway projects within the bond.

The CMIA requires that recipient projects be under construction by 2012. The CTC has developed a very aggressive schedule to deliver the CMIA projects. CTC is required to approve the CMIA program of projects by March 2007. CTC has recently released draft guidelines for the CMIA projects and required regional transportation planning agencies and Caltrans to submit candidate projects by January 15, 2007. MTC, Caltrans, and Bay Area Congestion Management Agencies are meeting regularly to strategize and develop a regional project list for submission.

For Santa Clara County, VTA is working with Caltrans to develop and identify key candidate projects including:

US 101 – Additional lanes from Monterey Road in Gilroy to Route 129 in San Benito County, including an upgrade of the US 101/SR 25 Interchange;

US 101 – Additional southbound lane from I-280 to Capitol Expressway/Yerba Buena Road in San Jose, including interchange improvements at Tully Road, Capitol Expressway and Yerba Buena Road;

US 101 – Interchange improvements and potential widening from Trimble Road to McKee Road in San Jose;

US 101 – Additional lanes from Marsh Road in San Mateo County to Route 85 in Mountain View (coordinated in San Mateo Transportation Authority and San Mateo City/County Association of Governments);

I-880 – Additional lanes between US 101 and SR 237.

Staff will return at the December 2006 Board of Directors meeting with a recommendation of prioritized projects for Santa Clara County.

Board Member Cortese suggested that priority consideration be given to projects that are able to leverage other local funds to contribute to the projects. Ms. Gonot stated that in order for projects to be considered by the State for funding, the

projects must have undergone at least a minimum level of development to establish scope, cost and schedule. It is very important to show local matching funds or other sources of funding for these projects.

Ex-Officio Board Member Beall requested that the US 101 Interchange improvement project from Trimble Road to McKee Road be revised to include Montague Expressway to McKee Road. He stated that the City of San Jose, the County of Santa Clara, and the City of Santa Clara reached a settlement agreement to include the Montague Expressway/101 Interchange in the State Transportation Improvement Program (STIP).

Board Member Perry asked for level of service information for the area located Montague and north versus Trimble and south. He requested that staff consider expanding the scope of the project to include north of Montague if there is a similar level of service in these areas. Ms. Gonot responded that that staff would review the level of service at these locations and report back to Board Member Perry.

**On order of Vice Chairperson Chu**, there being no objection, the Board of Directors received a report on the State Infrastructure Bond for Transportation: Corridor Mobility Improvement Account.

## **8. PUBLIC PRESENTATIONS**

Mark Brodsky, Mayor of Monte Sereno and PAC Member, asked the Board of Directors, “What is your dream for the future?” He stated that A.P. Hamann had a dream for San Jose that included a connection with BART around the Bay. He stated that the Board of Directors serves in an important role of oversight; however, it may not be the best organization look at innovation. He suggested that VTA needs a new charter. Mr. Brodsky commented that we could all work together to develop a solution that is better than the current proposal.

Mayor Brodsky expressed gratitude for his years of service on the City of Monte Sereno Council and VTA Policy Advisory Committee (PAC) during the last four years.

Ross Signorino, interested citizen, congratulated VTA on receiving approval of the Record of Decision for the FTA for the extension of BART to Warm Springs in the City of Fremont. He referred to the October 5, 2006 Board of Directors Meeting wherein Board Member Perry questioned how the 2000 Measure A projects would be funded assuming the need for \$75 million a year. Mr. Signorino stated that the one-half cent sales tax measure that was on the June 2006 ballot failed because it was not well structured. Mr. Signorino commented that if VTA is going to implement a structured tax, it should be done right.

Bruce Stevens, VTA Employee, apologized for previous comments made wherein he stated staff had not responded to concerns raised by VTA Fare Inspectors. He noted that responses were received. He said he had an informative meeting with Dan Smith, Chief Operations Officer, regarding issues raised. Mr. Stevens referred to the written response he received from VTA and noted that the letter stated that only two employees were assaulted within a 24-hour period. He indicated that the third person that was assaulted in downtown San Jose was a VTA Road Supervisor. Mr. Stevens further reported that the Los Angeles Metropolitan Transportation Authority and San Francisco Muni had received permission to adjudicate their own fare policy. He noted that it would be a significant source of revenue if VTA adjudicated its own transit citations.

Eugene Bradley, Santa Clara Valley Transportation Authority Riders Union, noted that at the October 5, 2006 Board of Directors Meeting, he and several members of the audience had raised the issue about security on VTA light rail and buses. He asked, "What is VTA going to do about increasing security on light rail and buses?" Mr. Bradley stated that it seems as though the cameras on some of the buses are either not being monitored properly or not monitored at all. He expressed concern regarding the amount of tax dollars spent on cameras that are there for "decoration purposes." Mr. Bradley expressed concern that the October 5, 2006 Board Agenda was not posted on the website a week prior to the meeting. Mr. Bradley requested that staff provide a response.

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

PAC Vice Chairperson Kline, reported that at their October 12, 2006 Meeting, the Policy Advisory Committee:

- Received a presentation from Monte Sereno Mayor Mark Brodsky regarding strategies for increasing ridership that included the following recommendations: a) Better Utilization of the HOV Network; b) Promote Casual Carpooling c) Develop New VTA Transit, Capital and Economic Goals; d) Help Customers Find Transportation Services through "My VTA," a customized web page providing route and schedule information based on information provided by the customer; and e) Build Strategic Transit Oriented Development in Defined Transit Hubs.
- Reviewed and provided comments to staff on the Transit Sustainability Policy Evaluation & Recommendation Process; the Market Segmentation Analysis; and the Service Performance Analysis Element of the Comprehensive Operations Analysis.
- Unanimously recommended that the Board direct staff to continue to review and consider the recommendations contained in the RIDE Task Force's Final Report;
- Will consider at their December meeting the Programming of Community Design & Transportation Program Capital Grants; the Mode Choice Element for the Market Segmentation Study; and the Developer Selection Criteria for Joint Development

PAC Vice Chairperson Kline indicated that several members of the PAC would be leaving their appointments at the end of 2006. He noted that PAC is a valuable asset to VTA and recommended that the Board of Directors continue to reach out to PAC in order to strengthen this important relationship.

**22. RIDE Task Force Final Report**

Board Member Nora Campos reported that the RIDE Task Force completed its work and produced a final report for the Board of Directors. She expressed her appreciation for the opportunity to serve along with Alternate Board Member Jamie Matthews as Co-Chair of the RIDE Task Force. The meetings were very productive and resulted in the development of many great ideas to improve transit service. She introduced Mr. Bob Brownstein of Working Partnerships and RIDE Task Force Member, to present the final report to the Board of Directors.

Mr. Brownstein stated that the RIDE Task Force represented an effort by community groups to work with VTA in order to think about ways to increase ridership on mass transit in the County. Groups involved represented labor; environmental groups; advocates for low-income families; representatives from students, educational institutions, and medical facilities; and advocates for seniors and disabled persons and others. The Task Force was created to respond to the declining ridership between 2000 and 2005. Another goal was to create constructive working relationships between VTA and community organizations concerned about transportation issues. The experience of working together, while it was not easy, was very constructive.

Mr. Brownstein expressed his appreciation to the VTA Board for authorizing this effort and the commitment of VTA personnel who participated in the meetings. The composition of the Task Force was approved in September 2005. It sought to have open discussions about ideas that would lead to cost effective strategies that increased ridership within the framework of existing VTA macro policies. Between October 2005 and August 2006, the Task Force met nine times. Meetings included brainstorming, presentations from experts on specific issues, and discussion of specific recommendations.

Mr. Brownstein stated that the 150 ideas developed by the RIDE Task Force were grouped into four categories: 1) Fare affordability and convenience; 2) Better information for riders; 3) Better access to the system; and 4) Service improvements. Mr. Brownstein reviewed several recommendations from each category as outlined in the Final Report.

Mr. Brownstein stated that the RIDE Task Force requests the Board of Directors review the ideas; evaluate the costs, benefits and potential timing of implementation; consider the variety of strategies available to increase ridership; and on an annual basis, develop new ideas to improve ridership, receive reports on the progress of implementation of previous ideas, and examine the results to see what should be continued and where additional new ideas might be necessary.

Mr. Brownstein thanked the Board of Directors for its support for this very important effort.

Ex-Officio Board Member Beall requested information on what potential segment of the market is not currently using transit. Mr. Burns responded that this information would be provided to the Board of Directors through the work of the Comprehensive Operations Analysis. Ex-Officio Board Member Beall stated that the County Social Services is interested in continuing to work with VTA on transportation solutions for those served by the social service agency including the Council of Aging, foster care programs, and other programs that are operated by the County.

Vice Chairperson Chu thanked Board Member Campos, Alternate Board Member Matthews, Mr. Brownstein, and the entire Task Force for their hard work on this project.

Mr. Burns thanked the RIDE Task Force members, elected officials, representatives of labor and community groups, and VTA staff who worked very hard and were diligent in attending and participating in this valuable effort for VTA.

**On order of Vice Chairperson Chu**, there being no objection, the Board of Directors received the Ridership Initiative to Develop Energy-efficiency (RIDE) Task Force's Final Report and directed staff to continue to review and consider the report's recommendations as it develops and implements fare, service, marketing, promotional, and community outreach proposals and plans.

## **CONSENT AGENDA**

At the request of Board Member Campos, Agenda Item #13 was removed from the Consent Agenda and placed on the Regular Agenda:

**Agenda Item #13.** Approve the following list of qualified real estate consultants: Bender Rosenthal, Inc., Sacramento, CA; Overland, Pacific & Cutler, Inc., Oakland, CA; Paragon Partners, Ltd., Huntington Beach, CA, and Universal Field Services, Inc., Sacramento, CA, which will be valid for a five-year period; and authorize the General Manager to execute contracts to provide relocation and advisory services for various capital projects with the listed firms, as funds become available for each project. Each contract will be for a maximum three-year period with an option for two additional years, for a total value not to exceed \$2,000,000 for all agreements.

Board Member Perry requested that Agenda Item #18 be removed from the Consent Agenda and placed on the Regular Agenda:

**Agenda Item #18.** Authorize the General Manager to execute a construction contract change order or orders with Arntz Builders to close out the Cerone Phase I Contract within an increased contract amount that will not exceed \$13,747,000. This is an increase of \$985,000 over the current contract amount authorized by the Board.

Vice Chairperson Chu stated that at the request of members of the public, Agenda Item #12 was removed from the Consent Agenda and placed on the Regular Agenda:

**Agenda Item #12.** Authorize the General Manager to execute a contract with Akin Gump Strauss Hauer & Feld (Akin Gump) for federal legislative advocacy services for a period of three years in the amount of \$648,000. The term of the contract would be from January 1, 2007 to December 31, 2009. During the entire three-year term of the contract, the fixed retainer would be \$18,000 per month. Further, authorize the General Manager, at his discretion, to extend this contract after December 31, 2009, for two additional one-year periods at a fixed retainer rate to be negotiated, but which could not exceed \$18,500 for the first year and \$19,200 for the second year.

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

**10. Minutes of the Regular Board of Directors' Meeting of October 5, 2006**

M/S/C (Campos/Gage) to approve the Minutes of the Regular Board of Directors' Meeting of October 5, 2006.

<b>ADMINISTRATION AND FINANCE COMMITTEE</b>
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**11. Exemption from Annual Monitoring of Intersections**

M/S/C (Campos/Gage) to approve the exemption of Congestion Management Program intersections undergoing construction from Level of Service (LOS) monitoring during the 2006 monitoring period. These intersections include Sunnyvale - Saratoga Road/Remington Avenue (Sunnyvale) and Sunnyvale - Saratoga Road/Fremont Avenue (Sunnyvale).

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

M/S/C (Campos/Gage) to authorize the General Manager to execute a contract with Akin Gump Strauss Hauer & Feld (Akin Gump) for federal legislative advocacy services for a period of three years in the amount of \$648,000. The term of the contract would be from January 1, 2007 to December 31, 2009. During the entire three-year term of the contract, the fixed retainer would be \$18,000 per month. Further, authorize the General Manager, at his discretion, to extend this contract after December 31, 2009, for two additional one-year periods at a fixed retainer rate to be negotiated, but which could not exceed \$18,500 for the first year and \$19,200 for the second year.

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

Approve the following list of qualified real estate consultants: Bender Rosenthal, Inc., Sacramento, CA; Overland, Pacific & Cutler, Inc., Oakland, CA; Paragon Partners, Ltd., Huntington Beach, CA, and Universal Field Services, Inc., Sacramento, CA, which will be valid for a five-year period; and authorize the General Manager to execute contracts to provide relocation and advisory services for various capital projects with the listed firms, as funds become available for each project. Each contract will be for a maximum three-year period with an option for two additional years, for a total value not to exceed \$2,000,000 for all agreements.

**14. Consultant Lists for General Plan Amendment and Permit Processing Services**

**M/S/C (Campos/Gage)** to approve the following list of consultants: Lamphier-Gregory - Oakland, CA; EDAW/DMJM Harris/AECOM/HMH Engineers - San Jose and San Francisco, CA; and Dyett & Bhatia - San Francisco, CA, which will be valid for a five-year period; and authorized the General Manager to execute task-order contracts to perform general plan amendment and permit processing services for the 2000 Measure A Transit Improvement Program and the VTA Joint Development Program with the listed firms, as funds become available for each project. Each contract will be for a maximum three-year period with an option for two additional years, for a total value not to exceed \$1,000,000 for all agreements. This amounts to an annual consulting budget of \$250,000.

**15. Contract Amendment with Brian Kangas Foulk for Final Landscape Design and Design Support During Construction of the State Route 87 South High Occupancy Vehicle Lane Widening Project**

**M/S/C (Campos/Gage)** to authorize the General Manager to amend the contract with Brian Kangas Foulk for final landscape design and design support services during construction for the State Route 87 South High Occupancy Vehicle Lane Widening Project, increasing the approved contract value by \$275,000 for a new contract value of \$9,817,411; and to extend the term of the contract through June 30, 2007.

**16. Preparation of US 101 Northern San Jose Corridor Improvement Implementation Plan**

**M/S/C (Campos/Gage)** to approve the preparation of a US 101 Northern San Jose Corridor Improvement Implementation Plan including the 4<sup>th</sup> Street/Zanker Road, Old Oakland Road and Mabury Road Interchange Projects; approved adding the three local access improvement projects to the VTA Capital Budget at an estimated cost of \$143 million; authorized the General Manager to execute all necessary cooperative agreements with Caltrans and the City of San Jose necessary to fund and implement the projects; and approve the use of \$500,000 of Local Program Reserve funds to provide the VTA share of funding for the project.

**17. Contract with TY Lin International for Preliminary Engineering of the U.S. 101 Northern San Jose Corridor Improvement Implementation Plan**

M/S/C (Campos/Gage) to authorize the General Manager to execute a contract with TY Lin International to begin the preliminary engineering phase on the US 101 Northern San Jose Corridor Improvement Implementation Plan, including 4<sup>th</sup> Street/Zanker Road, Old Oakland Road and Mabury Road Interchange Projects, for a total contract value of \$1,500,000.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

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

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

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

Authorize the General Manager to execute a construction contract change order or orders with Arntz Builders to close out the Cerone Phase I Contract within an increased contract amount that will not exceed \$13,747,000. This is an increase of \$985,000 over the current contract amount authorized by the Board.

**19. Automatic Passenger Counters on Light Rail Vehicles**

M/S/C (Campos/Gage) to authorize the General Manager to amend the agreement with Innovations in Transportation, Inc. (INIT) to increase the number of Automatic Passenger Counters (APCs) for VTA light rail vehicles by ten, at a cost of \$250,000.

**20. Procurement of Advanced Runcutting Software**

M/S/C (Campos/Gage) to authorize the General Manager to enter into an agreement with Trapeze Software Group to upgrade to the advanced operator runcutting software (Blockbuster), in the amount of \$264,000.

**REGULAR AGENDA**

**12. Federal Legislative Advocacy Contract**

Mr. Ross Signorino, interested citizen, expressed concern regarding the expenditure of funds to hire a new lobbying firm in Washington D. C. Mr. Signorino stated that he believes that Washington officials are not eager to support the BART to San Jose project because projected ridership does not justify the cost. He said that VTA should devote its resources to proving that there is enough ridership on the BART extension to justify the costs.

Mr. Eugene Bradley stated that he believes spending funds for a lobbying firm is a waste of money, and the funding would be better spent on better securing buses and trains.

**M/S/C (Campos/Gage)** to authorize the General Manager to execute a contract with Akin Gump Strauss Hauer & Feld (Akin Gump) for federal legislative advocacy services for a period of three years in the amount of \$648,000. The term of the contract would be from January 1, 2007 to December 31, 2009. During the entire three-year term of the contract, the fixed retainer would be \$18,000 per month. Further, authorized the General Manager, at his discretion, to extend this contract after December 31, 2009, for two additional one-year periods at a fixed retainer rate to be negotiated, but which could not exceed \$18,500 for the first year and \$19,200 for the second year.

**18. Cerone Complex Phase I Improvements Project Construction Contract Increase**

Mr. Eugene Bradley stated that the memorandum from staff on this item indicates that there were several changes in the law that forced this change order. He asked for clarification on what laws were enacted and when, and if the laws were enacted prior to the original construction contract being allowed. He asked if this issue is the reason why VTA is changing lobbying firms.

Vice Chairperson Chu asked staff provide a response to Mr. Bradley's questions.

**M/S/C (Campos/Gage)** to authorize the General Manager to execute a construction contract change order or orders with Arntz Builders to close out the Cerone Phase I Contract within an increased contract amount that will not exceed \$13,747,000. This is an increase of \$985,000 over the current contract amount authorized by the Board.

**13. Real Estate Relocation and Advisory Services**

Board Member Campos asked if VTA is working with business owners that may be displaced in the Santa Clara Alum Rock and Capitol Expressway corridor.

Mr. John Ristow, Deputy Director of Programming and Project Development, responded that the recommended consultant firms specialize in relocation services. VTA would utilize the recommended consultant firms to work with the business that may be impacted by the Downtown East Valley project, or any other VTA capital project, to develop a relocation plan that may include compensation and relocation expenses for impacted business owners.

Board Member Campos requested clarification on how VTA will work with business owners that do not speak English as their first language. Mr. Ristow stated that the interview panel discussed that qualification with the firms to ensure that interpretation services are provided to business owners when necessary either through their existing staff or by using outside interpreters. Mr. Ristow acknowledged that it is likely that some of the businesses owners would need the interpretation services.

Board Member Sandoval requested clarification on whether or not interpretation services was specified in the Request for Proposals (RFP) and whether the cost would be covered by the contract or paid for over and above the costs of the contract. Mr. Ristow responded that the interpretation services would be provided as an additional cost to the contract, and staff would provide the Board with more detailed information on what was specified in the RFP.

Board Member Sandoval stated that staff should work to ensure that if a consultant firm does not have multi-language capability, and they need to obtain an outside interpreter that the costs for those services are borne by the consultant, not VTA. She expressed concern that if there is a conflict over what is expected by a business owner and what a translator does or does not translate correctly, it is the firm's responsibility to make sure that they understand the issues correctly.

Board Member Campos thanked Board Member Sandoval for raising the concerns and emphasized the need for VTA to be able to meet the demands of a diverse community.

Mr. Ristow stated that there is enough flexibility within each of the task orders to provide for interpretation services.

**M/S/C (Campos/Gage)** to approve the following list of qualified real estate consultants: Bender Rosenthal, Inc., Sacramento, CA; Overland, Pacific & Cutler, Inc., Oakland, CA; Paragon Partners, Ltd., Huntington Beach, CA, and Universal Field Services, Inc., Sacramento, CA, which will be valid for a five-year period; and authorized the General Manager to execute contracts to provide relocation and advisory services for various capital projects with the listed firms, as funds become available for each project. Each contract will be for a maximum three-year period with an option for two additional years, for a total value not to exceed \$2,000,000 for all agreements.

**18. Cerone Complex Phase I Improvements Project Construction Contract Increase (continued)**

Board Member Perry expressed concern that this item is to enter into a construction contract for capital improvements to support hydrogen zero emission vehicles. He stated that the use of hydrogen zero emission vehicles is not fiscally advantageous to VTA, nor is there an environmental advantage.

Board Member Kennedy stated that he toured a hydrogen manufacturing facility in Morgan Hill that uses waste from food products to create hydrogen. The prototype has completed the research and development phase, and it will be built up to meet the necessary demand.

Board Member Kerr stated that it is appropriate and important for VTA to engage in these types of research projects. He indicated that there are various methods for generating hydrogen as mentioned by Board Member Kennedy, including solar energy,

electrolysis of water, etc. He clarified that VTA is not proposing to convert of the buses to hydrogen; VTA is merely funding a research project.

Mr. Burns stated that staff would provide a report to the TP&O Committee on new regulations from the California Air Resources Board that will require VTA to expand the fuel cell demonstration program. The TP&O Committee will be discussing this item over the next six to eight months.

**M/S/C (Sandoval/Gage)** on a vote of 10 ayes, 1 no, and 0 abstentions to authorize the General Manager to execute a construction contract change order or orders with Arntz Builders to close out the Cerone Phase I Contract within an increased contract amount that will not exceed \$13,747,000. This is an increase of \$985,000 over the current contract amount authorized by the Board. Board Member Perry opposed.

<b>ADMINISTRATION AND FINANCE COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #25.A.)</b>
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**21. Contract with URS Corporation for Development of High Occupancy Toll (HOT) Lane Demonstration Project**

Board Member Perry expressed concern that VTA will spend over \$2 million for preliminary engineering and there will be additional costs adding the barriers for the project. He suggested that VTA could institute a less costly program that would involve the selling of decals similar to those offered to hybrid car owners.

Board Member Sandoval expressed support for the use of striping and signage rather than barriers for the project. She noted the study will provide important information on where and how to implement the project. Striping and signage is effectively used in other areas of the State and Country.

Vice Chairperson Chu stated that he is the VTA representative for the Sunol Smart Carpool Lane project. One of the priorities of that project is to create a level of consistency for HOT lanes throughout the State of California so that the driver can smoothly and efficiently navigate the road. Currently there is no plan to add barriers. The plan calls for the use of striping.

Board Member Perry expressed concern that VTA would be required to pave the extra width required for the striping, which would add costs to the project.

Board Member Sandoval clarified that this is a Demonstration Project, and the issues raised by Board Member Perry would be considered when more information is available.

Board Member Williams stated that the project is currently in the study phase and there will be opportunity to make engineering improvements to the project when more information is available. He urged the Board to move forward to approve the project.

**M/S/C (Williams/Kerr)** on a vote of 10 ayes, 1 no, and 0 abstentions to authorize the General Manager to execute a contract with URS Corporation for a total value of \$2,050,000 for the preliminary engineering and development of a High Occupancy Toll Lane Demonstration Project; and approved the use of \$2,250,000 of funds from the Local Program Reserve for this contract and staff support services. Board Member Perry opposed.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #25.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 #25.C.)**

**22. (Moved to the beginning of the Agenda.)**

Receive the Ridership Initiative to Develop Energy-efficiency (RIDE) Task Force's Final Report and direct staff to continue to review and consider the report's recommendations as it develops and implements fare, service, marketing, promotional, and community outreach proposals and plans.

**OTHER ITEMS**

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

Board Member Gage left the meeting at 8:15 p.m.

Mr. Jim Lawson, Manager of Government Affairs, reported that at the last Board meeting, the Board of Directors discussed the need to monitor the revenues and expenditures of Measure A program and the project timelines. Based on the Board's input, staff considered various methods to monitoring the situation.

Mr. Lawson reported that the staff recommendation is to reconstitute the Project Advisory Committee. The Project Advisory Committee members include Vice Chairperson Dean Chu and Board Members Liz Kniss, Forrest Williams, Dolly Sandoval, and Don Gage. The members of the Project Advisory Committee members received significant input from various communities and city staffs on the projects important to their local jurisdictions.

Over the course of the next year, the Board will receive additional information that will be significant for helping to guide policy direction. The Center for the Continuing Study of the California Economy will provide the Board with updated information on sales tax revenue. Additionally, the Hay Group, the consultant firm that is performing the Management Audit, will bring its report to the Board of Directors in March 2006. This information will include information on financing and suggestions for how the organization is managed and how VTA handles its affairs.

Mr. Lawson stated that the Project Advisory Committee had the opportunity to review the expenditure plan in detail over an extended period of time. One of the considerations is the assumption of revenue equivalent to a quarter cent sales tax. Mr. Lawson reminded the Board that the Ad Hoc Financial Stability Committee recommended that the Board seek approval of a quarter cent sales tax. Subsequently, the Board of Directors approved the recommendation, and staff is acting upon that advice.

Board Member Kerr stated that at the October Board meeting several members expressed concern that there is no plan for how VTA would complete projects under the current revenue stream. He asked how the staff recommendation would remedy the situation.

Mr. Burns responded that staff is recommending that the Project Advisory Committee, which was created previously, be reconstituted to consider how VTA would complete projects under the current revenue stream without the new quarter cent revenue. This item was part of the Committee's original work plan.

Board Member Perry clarified that at the last Board meeting, the members agreed to create a committee to develop a scenario based on current revenues rather than spending time on investigating new revenue options that do not exist. He requested that staff go back to the original focus which was to "live within our means," rather than looking at additional revenue sources.

Board Member Williams urged the Board to approve the staff recommendation to reconstitute the Project Advisory Committee so that VTA can find ways to successfully complete the 2000 Measure A program. He stated that when the Measure B Program was first initiated, the total amount of revenue needed to fund the program was not yet identified. However, this did not stop the agency from moving ahead with the program, and the Measure B Program was successfully completed. He said that there were many opportunities for VTA to find the revenue to fund the program over time. The successful completion of the Measure B Program demonstrates that VTA can deliver its capital program and achieve its objectives.

Board Member Cortese supported the staff recommendation. He reviewed the past work and recommendations made by the Ad Hoc Financial Stability Committee which included the recommendation to seek a new quarter cent sales tax. The Ad Hoc Financial Stability Committee members were concerned that VTA is too dependent on sales tax revenue, but there were not many viable options for new revenue. The Ad Hoc Financial Stability Committee reviewed various alternative revenue options including a payroll tax,

gasoline tax, and benefit assessment districts, but the options were not practical. He urged to the Board to resume a very intense schedule and approach to find a way to fund the Measure A program.

Board Member Perry requested clarification on whether the Project Advisory Committee will consider a “live within our means” scenario or a new sales tax scenario. He expressed concern that VTA’s capital plans are “badly broken.” He stated that he believes the goal of the Project Advisory Committee should be to “fix” the financial plan, which includes \$3 billion in revenue that is yet to be determined.

Board Member Sandoval stated that the goal was to re-establish the existing Project Advisory Committee and determine which services and capital projects VTA could offer given the revenue options and fiscal constraints. Earlier this year the Project Advisory Committee brought this information to the Board, and the Board approved the plan. At that time, there were a lot of issues that were influx including the upcoming June 2006 election and the 2006 Measure A sales tax ballot measure that was sponsored by the County Santa Clara. Currently there are several State Transportation Infrastructure Bonds on the ballot that could change VTA’s outlook substantially.

Board Member Sandoval urged the Board to move forward with the staff recommendation to reconstitute the Project Advisory Committee. One of the Guiding Principles of the Project Advisory Committee is to develop a couple of different scenarios, one of which assumes no new revenues.

Vice Chairperson Chu commented that in addition to the Infrastructure Bonds, VTA would receive recommendations from the Hay Group on operational efficiencies that could change the funding plan. In addition, in mid-December VTA will receive information from the Caltrain Subcommittee that could also change which projects the Board chooses to accept. He stated that it is premature to look for a conclusion before that time period and expressed support for re-constituting the Project Advisory Committee.

Board Member Perry urged the Board to be more realistic about the financial picture since the amount available from the Infrastructure Bonds will not be adequate to fund the program. He requested that the Board clarify the revenue assumptions, and requested that at least one of the assumptions should provide for reasonably low expectations.

Mr. Burns stated that it is important to have a mechanism to report to the Board on the affordability of the Measure A Program. Therefore, the Project Advisory Committee must take on its charter, which includes looking at a scenario that assumes there is no revenue equivalent to a quarter cent. He stated that this work needs to be completed in

order for VTA to move the projects forward in a responsible way. It is important to recognize that this is a dynamic process that will change over the course of time.

**M/S/C (Sandoval/Williams)** on a vote of 9 ayes, 1 no, and 0 abstentions to direct staff to re-constitute the Project Advisory Committee in order to provide a recommendation to the Board of Directors on closing the revenue gap currently predicted for the voter approved projects from the 2000 Measure A Ballot Measure. Board Member Perry opposed.

Board Member Kerr left the meeting at 8:45 p.m.

**24. MONTHLY LEGISLATIVE HISTORY MATRIX**

**On order of Vice Chairperson Chu**, there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda Packet.

**25. SUMMARY MINUTES FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

**On order of Vice Chairperson Chu**, 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**

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

**C. Transit Planning and Operations Committee**

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

**26. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

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

**On order of Vice Chairperson Chu**, there being no objection, the Committee for Transit Accessibility (CTA) Report was accepted as contained on the dais.

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

There was no Report from the Citizens Advisory Committee (CAC).

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

**On order of Vice Chairperson Chu**, there being no objection, the Bicycle and Pedestrian Advisory Committee (BPAC) Report was accepted as contained in the Agenda Packet.

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

**On order of Vice Chairperson Chu**, there being no objection, the Technical Advisory Committee (TAC) Report was accepted as contained on the dais.

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

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

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

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

**A. Peninsula Corridor JPB**

**On order of Vice Chairperson Chu**, there being no objection, the Peninsula Corridor JPB Report was received.

**B. Capitol Corridor JPB**

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

**C. Dumbarton Rail Corridor Policy Committee**

Ex-Officio Board Member McLemore referred to the circulation of a rumor indicating that the Dumbarton Rail Corridor costs in the last two years has doubled from \$300 million to \$600 million. It is estimated that the costs is actually closer to \$300 to \$500 million. He stated that the rumor is causing some concern, and all of the groups represented by the Committee must work out the issues.

Vice Chairperson Chu noted that there is a Dumbarton Rail Corridor Policy Committee meeting scheduled for November 2006.

**On order of Vice Chairperson Chu**, there being no objection, the Dumbarton Rail Corridor Policy Committee Report was received.

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

**On order of Vice Chairperson Chu**, there being no objection, the Metropolitan Transportation Committee (MTC) Report was received.

**28. 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**

The Silicon Valley Rapid Transit Corridor PAB Cancellation Notice was 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**

The I-680 Sunol SMART Carpool Lane Policy Advisory Committee Report was accepted as contained on the dais.

**29. REPORT FROM THE NOMINATING COMMITTEE**

Board Member Kennedy reported that at the October 5, 2006 Regular meeting, the VTA Board of Directors appointed Board Members Forrest Williams, Dolly Sandoval and Dennis Kennedy to serve as the Nominating Committee for the selection of the 2007 Chairperson and Vice Chairperson.

Board Member Kennedy reported that the Board has a process that ensures that Board leadership will be equitably shared among the five City and County rotation groups. Under this rotation schedule, the nominations will alternate between Groups 2, 3, and 4 (the small cities) and Group 1 and 5 (the City of San Jose and the County of Santa

Clara) on a yearly basis. This way, in any given year one of the positions will be filled by a small city, a city of San Jose or the County of Santa Clara representative will fill the other position.

Board Member Kennedy reported that for the 2007 term, the Nominee for Chairperson will come from City Group 2, 3, or 4; and the Nominee for Vice-Chairperson will come from Group 5, which is the County of Santa Clara. The Nomination Committee reviewed and discussed the nominations received and the recommendation that the Board of Directors approve for the 2007 term the nomination of Board Member Dean Chu, representing Group 2 as Chairperson; and the nomination of Board Member Liz Kniss as the Vice Chair representing Group 5.

**M/S/C (Kennedy/Williams)** to accept the Nominating Committee Report recommending the following slate of officers for the 2007 term: Chairperson, Dean Chu, representing Group 2, and Vice Chairperson, Liz Kniss, representing Group 5.

**30. (Deferred to December 14, 2006 Board of Directors Meeting.)**

**ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

**31. REPORT FROM CHAIRPERSON**

There was no report from the Chairperson.

**32. ANNOUNCEMENTS**

Board Member Kennedy announced that the November 2, 2006 Board of Directors Meeting would be his last meeting and he intends to appoint Councilmember Greg Sellers as his replacement. He thanked the Board Members for the many years of service and thanked VTA staff for the outstanding work done.

**33. ADJOURNMENT**

**On order of Vice Chairperson Chu**, there being no objection, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Maria Marinos, Board Secretary  
VTA Board of Directors