

1. **CALLED TO ORDER at 5:36 p.m.**
2. **ADMINISTERED OATHS OF OFFICE** to Laura Macias the newly appointed Board Member from the City of Mountain View.
3. **ROLL CALL**

Board Members Present: Chu, Cortese, Gage, Kerr, Macias, Sandoval, Sellers, Williams

Board Members Absent: Campos, Kniss, Nguyen,

Alternate Board Members Present: None

Alternate Board Members Absent: McHugh, Pinheiro

Ex-Officio Board Member Present: McLemore

Ex-Officio Board Member Absent: 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**

Requested that the following Agenda Items be moved to the end of the Agenda: **Agenda Item #4.**, Closed Session and **Agenda Item #5.**, Closed Session Report.

Requested that the following Agenda Items be deferred to the February 1, 2007 Board of Directors Regular Meeting: **Agenda Item #12.**, Minutes of the Regular Board of Directors Meeting of December 14, 2006 and **Agenda Item #21.**, Caltrain Capital Priorities Study.

4. **(Placed towards the end of the Board Meeting Agenda.)**

CLOSED SESSION

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

Name of Case: William Burton vs. Santa Clara Valley Transportation Authority
WCAB No. SAL 97158

- 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:

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

RECONVENE TO OPEN SESSION

- 5. (Placed towards the end of the Board Meeting Agenda.)**

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7. AWARDS AND COMMENDATIONS

- A. Employees of the Month for January 2007**

Recognized Ehsan Ilyas, Senior Transportation Engineer, Vasona Administration; and Paul Perea, Utility Worker, River Oaks Maintenance, as Employees of the Month for January 2007, as well as Carolyn Stinemates, Transit Supervisor, North Division, as Supervisor of the Quarter for the first quarter of 2007. Vasona Administration; Daniel “Dan” Neal, Coach Operator, Chaboya Division Operations was unable to attend.

B. **Adopted Resolution of Commendation No.07.01.01 for Congressman Richard Pombo**

C. **Adopted Resolution of Commendation for Outgoing Board Member Jamie Matthews**

8. REPORT FROM THE GENERAL MANAGER

Heard a report, highlighting: 1) Congratulations and welcome to new Board Members; 2) VTA provides Zero Emission Bus (ZEB) to shuttle inaugural guests to and from Governor Schwarzenegger's Inauguration; 3) Financial Assessment Audit; 4) Comprehensive Operations Analysis (COA); 5) 2000 Measure A projects; 6) Recent Major Incidents occurring on VTA's transit system and their potential impacts to the system and customers; and 7) Introduced Dan Keegan, San Jose Museum of Art.

Mr. Dan Keegan, Executive Director of the San Jose Museum of Art and Co-Chair of the Creative Urban Center Committee to 1st Act of Silicon Valley **provided** a powerpoint presentation entitled, "Downtown San Jose: Silicon Valley's City Center-Creating a Vibrant Urban Center."

9. REPORT FROM THE CHAIRPERSON (Verbal Report)

Chairperson Chu **expressed his appreciation** to the Board of Directors for their confidence in electing him as Chairperson for 2007. He **noted** three major challenges in 2007 including: the Comprehensive Management Audit, Comprehensive Operational Analysis (COA), and updates regarding the 2006 Measure A Program Projects.

Approved Appointments to Board Standing Committees for 2007.

Board Standing Committees:

Administration & Finance

Forrest Williams, Chair

Breene Kerr

Don Gage

Madison Nguyen

Congestion Management Program & Planning

Liz Kniss, Chair

Nora Campos

San Jose Representative

Laura Macias

Transit Planning & Operations

Dolly Sandoval, Chair
Dean Chu
Dave Cortese
Greg Sellers

10. PUBLIC PRESENTATIONS

Candy Russell, Interested Citizen, **expressed concern** regarding the bus stop benches in Downtown San Jose and their accessibility impact on the disabled community.

Eugene Bradley, Interested Citizen, **congratulated** Chairperson Chu on his new position as Chairperson of the VTA Board of Directors, and **welcomed** Board Member Macias. He **suggested** extending the duration of comments during Public Presentations to three minutes per speaker.

Bruce Stevens, VTA Employee, **expressed appreciation** for the safety and rain gear provided by VTA. He **expressed concern** that with the Light Rail closure at First and Santa Clara Streets there is no shelter cover for riders and they must either wait in the elements or cross over the tracks from to board the Light Rail. .

Margaret Okuzumi, BayRail Alliance, **referenced** the 1st Act presentation and **suggested** that the Diridon Station as the designated Grand Central Station.

Ron Compton, Retired VTA Employee, **expressed concern** regarding the BART project.

Michael Wilhelmi, Interested Citizen, **distributed** a handout concerning second-hand smoke and **expressed concern** regarding the enforcement of the smoking ban at Light Rail platforms.

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

Steve Glickman, PAC Chairperson, **provided**, a report on the December 14, 2006 PAC Meeting and noted the following items were discussed: 1) Received and provided comments regarding the criteria used to evaluate and select projects for the Transportation Fund for Clean Air Program Manager Fund; 2) Received a presentation by Rod Diridon of the Mineta Transportation Institute on Transportation in Santa Clara County and the importance of High Speed Rail for California; 3) Reviewed the Caltrain Capital Needs Study and the work of the PAC subcommittee; 4) Received the following nominations from the Nominating Subcommittee for Chairperson and

Vice Chairperson for 2006; 5) Sunnyvale Council Member Christopher Moylan for Chair and Cupertino Mayor Kris Wang for Vice-Chair.

CONSENT AGENDA

12. **Deferred** the Minutes of the Regular Board of Directors' Meeting of December 14, 2006.

ADMINISTRATION AND FINANCE COMMITTEE

13. **Approved** amendment of the FY 2007 Operating Budget, augmenting the total appropriation by \$6.7 million to fund increasing operating costs, along with a net increased estimate of \$26.2 million in operating revenues; **approved** amendment of the FY 2007 VTA Enterprise Capital Budget to reduce \$1.5 million in grant funding, to be funded from VTA Enterprise funds; the two actions result in a net projected increase in Operating Reserves of \$18.0 million; and further, **approved** amendment of the FY 2007 Measure A Capital Budget, increasing appropriations by \$45.0 million. **This Item requires an affirmative vote of at least eight Directors.**

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

REGULAR AGENDA

ADMINISTRATION AND FINANCE COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #24.A.)

14. **Approved** the 2007 State Legislative Program for the Santa Clara Valley Transportation Authority (VTA).
15. **Approved** Amendment No. 19 to the Master Agreement with the County of Santa Clara defining the Baseline Scope, Schedule, and Cost Estimate for two Caltrain Pedestrian Underpass projects at the Palo Alto Station and the California Avenue Station, in accordance with Article V of the Master Agreement. **Delegated** authority to the General Manager to amend a cooperative agreement with the Peninsula Corridor Joint Powers Board (JBP) in the amount of \$13.85 million for construction of Pedestrian Underpasses at the Palo Alto Station and the California Avenue Station contingent upon the County of Santa Clara Board of Supervisors approving 1996 Measure B funding for the two projects.

Martin Bishop **addressed** the Board of Directors on this item.

16. **Authorized** the General Manager to negotiate and amend the Master Agreement with the County of Santa Clara related to the 1996 Measure B Transportation Improvement Program to define the financial terms and responsibilities to complete the Program.
17. **Authorized** the General Manager to execute a Cooperative Funding Agreement with Alameda County Transportation Authority (ACTA) and City of Fremont (City) in an amount not to exceed \$8.9 million for Final Engineering Services related to the I-880/Mission Boulevard Interchange Project. Under the proposed agreement, VTA's financial obligation would be limited to \$4.45 million and would substantially complete final engineering for new Union Pacific Railroad (UPRR) facilities and related improvements that are necessary for the widening of Mission Boulevard (State Route 262) and for the grade separation of Warren Avenue in Fremont.
18. **Amended** the VTA Capital Budget by increasing both total expenditures and revenue by \$700,000 each to reflect the Phase II of the Santa Clara Station Area Plan.
19. **Authorized** the General Manager to execute Easement Deeds to various utility companies and impacted private property owners at no cost, to complete the transfer of properties acquired in connection with the construction of the Guadalupe Corridor Highway and Light Rail Projects.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #24.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 #24.C.)**

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

OTHER ITEMS

20. **Deferred** the Transit Sustainability Policy and Service Design Guidelines.

Margaret Okuzumi, BayRail Alliance, **suggested** VTA further study the fare policy in regards to the Transit Sustainability Policy and Service Design Guidelines.

21. **Deferred** a report on the Caltrain Capital Priorities Study.
22. **Approved** agreement with AFSCME to allow VTA's 401 (a) Deferred Compensation Plan to continue to be available to AFSCME-represented employees, and amend the Plan accordingly.

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

Board Member Cortese **requested** that staff provide a rebuttal to Martin Bishop's comments regarding the securement policy that would include a more detailed analysis and technical explanation.

Board Member Kerr requested that staff report back to the Board on how his request that VTA provide better technology for Board members to participate in public meeting that could be used within the law to allow Board members to attend meetings via teleconference calls.

24. **SUMMARY MINUTES FROM STANDING COMMITTEES**

A. **Administration and Finance Committee**

Accepted as contained in the Agenda Packet.

B. **Congestion Management Program and Planning**

Accepted as contained in the Agenda Packet.

C. **Transit Planning and Operations Committee**

Accepted as contained in the Agenda Packet.

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

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

Accepted as contained in the Agenda Packet.

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

Accepted as contained in the Agenda Packet.

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

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

D. Technical Advisory Committee (TAC)

There was no report from the Technical Advisory Committee (TAC).

E. Policy Advisory Committee (PAC)

Accepted as contained in the Agenda Packet.

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

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

A. Peninsula Corridor JPB

B. Capitol Corridor JPB

C. Dumbarton Rail Corridor Policy Committee

D. Metropolitan Transportation Commission (MTC)

27. 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.

28. ANNOUNCEMENTS

There were no Announcements.

4. ADJOURNED TO CLOSED SESSION at 7:16 p.m.

- A.** Existing Litigation – Conference with Legal Counsel
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RECONVENED TO OPEN SESSION at 7:33 p.m.

5. CLOSED SESSION REPORT

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

Name of Case: William Burton vs. Santa Clara Valley Transportation Authority
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There was no reportable action taken during Closed Session.

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

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SUMMARY MINUTES
VTA Board of Directors
Thursday, January 4, 2007
70 West Hedding Street
San Jose, CA

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.

29. ADJOURNED at 7:36 p.m.