

**1. CALLED TO ORDER at 5:38 p.m.**

**2. ROLL CALL**

**Board Members Present:** Campos, Chu, Gage, Kerr, Kniss, Liccardo, Macias, Reed, Sandoval, Sellers, Williams

**Board Members Absent:** Cortese

**Alternate Board Members Present:** Caserta, Velasco

**Alternate Board Members Absent:** Chirco, King, Mchugh

**Ex-Officio Board Member Present:** Yeager

**Ex-Officio Board Member Absent:** None

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

**A quorum was present.**

**3. ORDERS OF THE DAY**

Chairperson Chu noted that staff **requested** that the following agenda items be moved from consent agenda to regular agenda: **Agenda Item #9.**, Approve the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007 and **Agenda Item # 19.**, Authorize the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484.00 to conduct DBE Availability and Utilization Study. The term amount of the contract will be from May 4, 2007 to August 30, 2007.

Chairperson Chu **requested** deferral of **Agenda Item #25.**, Approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions: 1) Certify that the Final Supplemental Environmental Impact Report (SEIR): a] meets the requirements of the California Environmental Quality Act (CEQA); b] represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and c] was presented to the VTA Board of Directors for review and consideration; 2) Adopt: a] Findings of Fact; and b] Statement of Overriding Considerations; 3) Adopt a Mitigation Monitoring and Reporting Program; and 4) Amend the Capitol Expressway Light Rail Project as described in the Final SEIR.

**Accepted** Orders of the Day.

**4. AWARDS AND COMMENDATIONS**

**Employees of the Month for May 2007**

**Recognized** Tracene Crenshaw, Board Assistant, River Oaks Administration; Ron Morin, Coach Operator, Chaboya Operations; and Densel Smith, Light Rail Paint and Body Worker, Guadalupe Maintenance, as Employees of the Month for May 2007. Bill Wilson accepted the award on behalf of Densel Smith.

Alternate Board Member Caserta left the meeting at 5:41 p.m.  
Vice Chairperson Kniss left her seat at 5:41 p.m.

Chairperson Chu **noted** that Michael T. Burns, General Manager, is temporarily seated on the dais during a trial period to determine if it will be more conducive for the General Manager to be seated at the dais with the Board Members.

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

**Deferred** pending arrival of PAC Chairperson Chris Moylan.

Board Member Reed left his seat at 5:43 p.m.

**6. REPORT FROM THE GENERAL MANAGER**

Ex-Officio Board Member Yeager arrived at the meeting and took his seat at 5:45 p.m.  
Vice Chairperson Kniss took her seat at 5:46 p.m.

Michael T. Burns, General Manager, **provided a report**, highlighting the following: 1) VTA Public Meetings for the Budget and Comprehensive Operations Analysis (COA). 2) VTA contacted the Cities in Santa Clara County to include on the respective City Council Agendas presentations on the COA, Budget, and Organizational and Financial Assessment (Assessment); 3) VTA is sponsoring three energizer stations for the Bike to Work Day on May 17, 2007; 4) Groundbreaking for Hwy 152/156 will take place on May 10, 2007 at 10:00 a.m.; 5) VTA successfully sold \$26 million of 2007 Bonds through a negotiated sales through Goldman Sachs and Company; and 6) Invited the Board of Directors to the Ethics and Leadership Camp of Santa Clara University (SCU) on June 27-28, 2007.

Board Member Kerr arrived at the meeting and took his seat at 5:49 p.m.  
Board Member Reed took his seat at 5:50 p.m.  
Alternate Board Member Velasco arrived at the meeting at 5:50 p.m.

A. **Introductory Remarks from Carl Guardino, California Transportation Commission (CTC)**

Carl Guardino briefly **encouraged** Board Members to participate in the Bike to Work Day on May 17, 2007. He **provided** introductory remarks regarding the CTC and **solicited** input from the Board Members regarding 1) top road priorities from a traffic perspective; 2) top road priorities from a safety perspective; 3) top priorities in terms of automobile; and 4) strategies for leveraging limited State monies.

Board Member Liccardo left his seat at 6:29 p.m

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

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

Chris Moylan, PAC Chairperson **provided** a report regarding the April 12, 2007 PAC Meeting and highlighted the following: 1) PAC endorsed staff recommendation for the Programming of the 2007/08 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds and FY 07-08 CMP Work Program and Member Agency Fee Schedule; 2) PAC received a presentation from the City of Santa Clara regarding the city's transportation initiatives and priorities; 3) Received a presentation on Organizational and Financial Assessment; and 4) PAC approved a motion to request to the Board of Directors to consider amendments to the PAC bylaws.

Board Member Campos left her seat at 6:33 p.m.

Board Member Liccardo took his seat at 6:34 p.m.

Board Member Kerr left his seat at 6:34 p.m.

6. **REPORT FROM THE GENERAL MANAGER (continued)**

B. **Introductory remarks from Bill Dodd, Metropolitan Transportation Commission (MTC) Chairperson**

Bill Dodd **introduced** himself and **noted** that he looks forward to working with the three new MTC representatives who also serve on the VTA Board of Directors.

Board Member Gage inquired how VTA can improve its communication with MTC especially

Board Member Kerr took his seat at 6:38 p.m.

Board Member Campos took her seat at 6:39 p.m.

Board Member Gage left his seat at 6:40 p.m.

Eugene Bradley, VTA Riders Union, **addressed** the Board of Directors.

Vice Chairperson Kniss left her seat at 6:50 p.m.

**7. REPORT FROM THE CHAIRPERSON**

There was no report from the Chairperson.

**8. PUBLIC PRESENTATIONS**

Michael Ludwig, Interested Citizen, **inquired** about the re-opening of Frances Street in Sunnyvale.

Ex-Officio Board Member Yeager left his seat at 6:52 p.m.

James Whigtman, Interested Citizen, **provided** suggestions on light rail routes and frequency and **inquired** about the re-opening of the Santa Clara Station in Downtown San Jose.

Vice Chairperson Kniss took her seat at 6:53 p.m.

**CONSENT AGENDA**

Board Member Reed advised that he will recuse himself on the Consent Agenda per Government Code Section 84308.

Board Member Reed left his seat at 6:55 p.m.

**9. Removed from the Consent Agenda and placed on the Regular Agenda**

Approve the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007.

- 10. M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **approve** the Minutes of the Regular Board of Directors' Meeting of April 5, 2007. Board Member Reed recused and Board Member Gage absent.

---

<b>ADMINISTRATION AND FINANCE COMMITTEE</b>
---

11. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **adopt** a support position for AB 23 (Ma) and AB 57 (Soto); and further, adopt an oppose position for SB 540 (Harman). Board Member Reed recused and Board Member Gage absent.
12. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **reaffirm** the Investment Policy on Unrestricted and Restricted Funds. Board Member Reed recused and Board Member Gage absent.
13. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers' Compensation Third Party Administrator (TPA) claims services for a three year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for claims service is not to exceed \$3,759,866 and the total five-year contract cost is not to exceed \$6,488,741. Board Member Reed recused and Board Member Gage absent.
14. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute a contract with Monitor Integrated Healthcare for Workers' Compensation Medical Management services for a three-year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for Medical Management services is not to exceed \$1,004,157 and the total five-year contract cost is not to exceed \$1,713,573. Board Member Reed recused and Board Member Gage absent.
15. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute a contract with GENEX Services, Inc. for Workers' Compensation Medical Bill Repricing services for a three-year term, from July 1, 2007 through June 30, 2010, with an option for two additional one-year extensions. The total three-year contract cost for claims services is not to exceed \$578,668 and the total five-year contract cost is not to exceed \$978,295. Board Member Reed recused and Board Member Gage absent.
16. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the filing of grant applications and execution of grants agreement with the Federal Transit Administration (FTA) for funding under the FY07 Section 5309 (49 USC Section 5309) Bus and Bus-Related Facilities Discretionary Grant Program for the implementation of an Advanced Zero-Emission Bus Demonstration Program. Board Member Reed recused and Board Member Gage absent.

## SUMMARY MINUTES

VTA Board of Directors  
Thursday, May 3, 2007  
70 West Hedding Street  
San Jose, CA

---

17. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manger to: 1) amend the contract with Rajappan & Meyer, Consulting Engineers, Inc. to services for the preliminary engineering and environmental phase on the US 101 De La Cruz Boulevard/Trimble Road Interchange Reconstruction Project, increasing the approved contract value by \$420,000 for a new total contract value of \$500,000; and 2) extend the term of the contract through March 31, 2009. Board Member Reed recused and Board Member Gage absent.
18. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manger to negotiate and execute a contract with Parsons Brinkerhoff Quade & Douglas (PBQ&D) for the preliminary engineering and environmental phase on the Charcot Avenue Extension Project, for a total contract value not to exceed of \$600,000. Board Member Reed recused and Board Member Gage absent.
19. **Removed from the Consent Agenda and placed on Regular Agenda.**

Authorize the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484.00 to conduct a DBE Availability and Utilization Study. The term of the contract will be from May 4, 2007 to August 30, 2007.

### CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

20. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **review** the Programmed Projects Quarterly Monitoring Report for January to March 2007. Board Member Reed recused and Board Member Gage absent.
21. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **approve** the programming of FY 2007/08 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects. Board Member Reed recused and Board Member Gage absent.
22. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **approve** the Recommended FY 07-08 Congestion Management Program Work Program. Board Member Reed recused and Board Member Gage absent.

---

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

23. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute an Agreement with Level 3 in the amount of \$4,100,000 for the relocation of fiber optic facilities required for the Caltrain South County Capacity Improvement Program. Board Member Reed recused and Board Member Gage absent.
24. **M/S/C (Williams/Sellers)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute a contract with SC Fuels for supply and delivery of Ultra Low Sulfur diesel fuel. The term of this contract is for two years with an option for three additional one-year periods at an estimated annual cost of \$13,517,369.20. Board Member Reed recused and Board Member Gage absent.

**REGULAR AGENDA**

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

Board Members Gage, Reed, and Ex-Officio Board Member Yeager took their seats at 6:55 p.m.

9. **M/S/C (Sandoval/Kniss)** to **approve** the Minutes of the Board of Directors' Workshop Meeting of March 23, 2007.

Board Member Reed and Ex-Officio Board Member Yeager left their seats at 6:57 p.m.

19. **M/S/C (Kniss/Kerr)** on a vote of 7 ayes, 2 noes, 0 abstentions, and 1 recusal to **authorize** the General Manager to execute a contract with CRA International (CRA) in the amount of \$287,484.00 to conduct a DBE Availability and Utilization Study. The term of the contract will be from May 4, 2007 to August 30, 2007. Board Members Liccardo and Sandoval opposed. Board Member Reed recused and Board Member Campos was absent.

Board Member Macias left her seat at 7:00 p.m.

Eleanor Mason Ramsey, Ph.D., Mason Tillman & Associates, **addressed** the Board of Directors.

Vice Chairperson Kniss left her seat at 7:12 p.m.  
Vice Chairperson Kniss took her seat at 7:14 p.m.

**SUMMARY MINUTES**

VTA Board of Directors  
Thursday, May 3, 2007  
70 West Hedding Street  
San Jose, CA

---

Board Member Macias took her seat at 7:22 p.m.  
Board Member Campos left her seat at 7:25 p.m.  
Board Member Campos took her seat at 7:29 p.m.

Mark Berkman, CRA International, **addressed** the Board of Directors.

Ex-Officio Board Member Yeager took his seat at 7:35 p.m.  
Board Member Campos left her seat at 7:41 p.m.  
Board Member Sandoval left her seat at 7:45 p.m.  
Board Member Sandoval took her seat at 7:47 p.m.  
Board Member Gage left his seat at 7:48 p.m.

**25. Deferred.**

Approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions: 1) Certify that the Final Supplemental Environmental Impact Report (SEIR): a] meets the requirements of the California Environmental Quality Act (CEQA); b] represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and c] was presented to the VTA Board of Directors for review and consideration; 2) Adopt: a] Findings of Fact; and b] Statement of Overriding Considerations; 3) Adopt a Mitigation Monitoring and Reporting Program; and 4) Amend the Capitol Expressway Light Rail Project as described in the Final SEIR.

Board Member Gage took his seat at 7:50 p.m.

<p><b>ADMINISTRATION AND FINANCE COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #31.A.)</b></p>
--

Board Member Gage and Alternate Board Member Velasco left the meeting at 7:55 p.m.  
Board Member Campos took her seat at 7:57 p.m.

**26. M/S/C (Sandoval/Kniss) to adopt the revised Joint Development Policy and Request for Proposal (RFP) Developer Selection Criteria, with the inclusion of language on Page 3 of 4 of the Joint Development Policy, Section IV, Roles and Responsibilities of the Project Review and Approval Process, #2, to read, "Joint development projects shall comply with the land use and zoning regulations of the city, county, or city and county in which the project is located, including the appropriate environmental review and certification, community involvement, and the issuance of entitlements and building permits."**

**27. M/S/C (Reed/Sellers) to approve staff recommended changes to VTA policies and procedures based upon request of Director Reed and input from Board Members**

regarding Open Government Initiatives, with modification to the item dealing with evaluation process to make it clear that it applies to the joint development policy and that there is a time period when it is completely appropriate for Board Members to talk to staff and do the work that they need to do. The staff recommended changes noted in the memorandum are:

Revise the format of Board Memorandums to clearly indicate those items of a policy nature.

Revise the format of Board memos to clearly indicate the parties, including subcontractors, to all contracts other than competitively bid contracts.

Add the following to **Sec. 2-70, Incompatible uncompensated activities**, of the VTA Administrative Code:

*“(c) Board members or their staff shall not attempt to influence contract awards.  
(d) During any procurement process, Board Members or their staff shall not communicate with VTA staff regarding the procurement.”*

Revise Chapter 9 of the Administrative Code to reflect current California law concerning the availability of information to the public as detailed below.

Direct the General Counsel to report public records requests that result in controversy with the requestor to the Administration & Finance Committee or the whole Board via email if there is insufficient time.

Eugene Bradley, VTA Riders Union, **addressed** the Board of Directors.

<p><b>CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE CHAIRPERSON’S REPORT – (See Agenda Item #31.B.)</b></p>
--

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

## **OTHER ITEMS**

- 28. M/S/C (Williams/Kerr) to authorize General Manger to submit an Expression of interest for the purchase of approximately 3.6 acres of real property in downtown San Jose being offered for sale as First Market Plaza. The property is also known as the Mitchell Block and is bounded by First Street, Santa Clara Street, Market Street, and West St. John Street.**

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

There were no Items of Concern and Referral to Administration.

**30. MONTHLY LEGISLATIVE HISTORY MATRIX**

Accepted as contained in the Agenda Packet.

**31. SUMMARY MINUTES FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

Accepted the April 19, 2007 Summary Minutes as contained in the Agenda packet.

**B. Congestion Management Program and Planning**

Accepted the April 19, 2007 Summary Minutes as contained in the Agenda packet.

**C. Transit Planning and Operations Committee**

Accepted the April 18, 2007 Summary Minutes as contained in the Agenda packet.

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

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

Accepted the April 11, 2007 Minutes as contained in the Agenda packet.

**B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)**

Accepted the April 11, 2007 Minutes as contained in the Agenda packet.

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

Accepted the April 11, 2007 Minutes as contained in the Agenda packet.

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

Accepted the April 12, 2007 Minutes as placed on the dais.

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

There was no report from the April 12, 2007 Policy Advisory Committee Meeting.

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

Chairperson Chu **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)**

Jerry Grace, Interested Citizen, **addressed** the Board of Directors.

**34. 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**

There was no report from the Silicon Valley Rapid Transit Corridor PAB.

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**

Chairperson Chu **advised** the Board of Directors that the Report for the I-680 Sunol SMART Carpool Lane Policy Advisory Committee was placed in front of them on the dais.

**35. ADJOURNED TO CLOSED SESSION at 8:35 p.m.**

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

1. Name of Case: Springer, et al. v. Albright, et al.  
Santa Clara Co. Superior Court Case No. 1-06-CV-072624
2. Name of Case: Amalgamated Transit Union (ATU) v. Valley Transportation Authority (VTA)  
Santa Clara Co. Superior Court Case No. 1-06-CV-072632

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

VTA Designated Representatives:  
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 9:07 p.m.**

**36. CLOSED SESSION REPORT**

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

1. Name of Case: Springer, et al. v. Albright, et al.  
Santa Clara Co. Superior Court Case No. 1-06-CV-072624

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

2. Name of Case: Amalgamated Transit Union (ATU) v. Valley Transportation Authority (VTA)  
Santa Clara Co. Superior Court Case No. 1-06-CV-072632

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

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

VTA Designated Representatives:  
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.**

**37. ANNOUNCEMENTS**

There were no Announcements.

**38. ADJOURNED at 9:07 p.m.**