



**SUMMARY MINUTES**  
VTA Board of Directors  
Thursday, August 2 2007  
70 West Hedding Street  
San Jose, CA

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**1. CALLED TO ORDER at 5:40 p.m.**

**2. ROLL CALL**

**Board Members Present:** Chu, Cortese, Gage, Kniss, Macias, Sellers, Williams

**Board Members Absent:** Campos, Kerr, Liccardo, Reed, Sandoval

**Alternate Board Members Present:** King, McHugh, Velasco

**Alternate Board Members Absent:** Caserta, Chirco

**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.**

Ex-Officio Board Member Yeager took his seat at 5:41 p.m.

**3. ADJOURNED TO CLOSED SESSION at 5:41 p.m.**

**A.** Conference with Real Property Negotiator  
[Government Code 54956.8]

Property: Block bounded by North First Street, North Market Street, Santa Clara Street and West St. John Street located in downtown San Jose.

Negotiator for VTA: Roberta Notrangelo, Manager of Real Estate

Negotiating parties: The Mitchell Family, Owners, acting through an exclusive listing by CB Richard Ellis.

Under negotiation: Price and terms of payment.

**B.** Public Employee Performance Evaluation  
[Government Code Section 54957]

Title: General Manager

**RECONVENED TO OPEN SESSION at 6:05 p.m.**

**4. CLOSED SESSION REPORT**

- B.** Public Employee Performance Evaluation  
[Government Code Section 54957]

Title: General Manager

Board Member Gage **noted** that after discussing the General Manager's performance with the Board, the Board Negotiating Committee will present a recommendation for salary adjustments for the Board's approval at its next meeting.

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Under negotiation: Price and terms of payment.

Suzanne Gifford, General Counsel, **noted** that there was no reportable action taken during Closed Session.

**5. (Deferred)**

Approve the recommendation of the Board Negotiating Committee to grant an increase to the salary of VTA General Manager Michael T. Burns, effective July 1, 2007.

**6. ORDERS OF THE DAY**

Chairperson Chu **acknowledged** that a representative from the Transportation Agency for Monterey County (TAMC) in Salinas was in attendance at this meeting and would present information on Rail Service between Santa Clara and Monterey Counties under Agenda Item #28. Authorize the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville and Salinas. He **requested** that Agenda Item #28 be heard after Agenda Item #11. Public Presentations.

M/S/C (Macias/Williams) to **accept** the Orders of the Day.

**7. AWARDS AND COMMENDATIONS**

**Employees of the Month for June, July and August 2007**

Vice Chairperson Kniss arrived at 6:10 p.m. and  
Alternate Board Member McHugh relinquished his seat.

**Recognized and presented awards** to the following Administration recipients:  
1) Maria Martinez, Office Specialist II, River Oaks for June 2007; 2) Gino Spadafore, Senior Lead Construction Inspector in the Construction Division for July 2007; and  
3) Gail Collins, Senior Transportation Planner, Marketing and Public Affairs Department, River Oaks for August 2007.

**Recognized and presented awards** to the following Operations recipients:  
1) Susan Barth, Coach Operator at North Operations for June 2007; and 2) Angela Snell, Coach Operator at Cerone Operations for July 2007. Larry Brownell, Coach Operator at North Operations for August 2007 was unable to attend and will receive his award at the August 30, 2007 Board meeting.

**Recognized and presented awards** to the following Maintenance recipients:  
1) Rachel Pratti, Senior Track Worker at Guadalupe Maintenance for June 2007;  
2) Pat Smith, Transit Mechanic, at Cerone Maintenance for July 2007; and  
3) Steve Maloon, Transit Mechanic at Cerone Maintenance for August 2007.

**Recognized and presented an award** to Steve Rogers, Maintenance Supervisor, Cerone Operations, as Supervisor of the Quarter for the third quarter of 2007.

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

**8. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, **provided** a report, highlighting: 1) VTA service provided at the downtown San Jose Independence Day activities; 2) VTA introduction of Community Bus service to the residents of Morgan Hill and distribution of information about Community Bus service at the parade given by the City of Morgan Hill; 3) VTA light rail ridership for Independence Day totaled 51,920 riders, representing a 30.4 percent increase in ridership compared to last year; 4) VTA ridership for the 2007 San Jose Grand Prix weekend was over 308,000, which was 12.6 percent above a normal weekend and 2.3 percent above last year; 5) VTA support at the 2007 San Jose Grand Prix event; 6) VTA will be taking over the DASH Service on August 6, 2007, which is consistent with VTA's Agreement with the Amalgamated Transit Union (ATU) for Community Bus Operations; and 7) VTA's Overall ridership increased 1.4 percent in June 2007 compared to June 2006.

**9. REPORT FROM THE CHAIRPERSON**

Chairperson Chu **provided** a report, highlighting: 1) appointment of Board Member Sam Liccardo to serve as the VTA representative to the Caltrain Central Equipment Maintenance and Operations Facility (CEMOF) Monitoring Committee; 2) Opening Ceremony for the Highway 87 HOV Lane Project scheduled for August 15, 2007.

**10. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Chairperson's Report**

Martin Schuler, Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Chairperson, **provided** a report on the 2000 Measure A CWC's Annual Report for FY 2006. He provided a report, highlighting: 1) the 2000 Measure A ballot specified that the CAC was to serve as the independent Citizens Watchdog Committee (CWC) for the 2000 Measure A Program; 2) CAC assumed its duties as the CWC at the commencement of 2000 Measure A tax collection on April 2, 2006; 3) CWC's responsibilities are specified by the ballot measure; 4) CWC initiated its first review of Measure A financial records and statements in early 2007; 5) CWC conducted a public hearing on April 11, 2007 to receive input from the community; 6) CWC adopted the following determination: "it is the conclusion of the CWC that, for Fiscal Year 2006, 2000 Measure A tax dollars were spent in accordance with the intent of the measure"; 7) the conclusion will be included in the inaugural CWC Annual Report and the Annual Report will be published during August 2007 in several general circulation newspapers covering VTA's service area; and 8) CWC will undertake its review of the Fiscal Year 2007 Measure A financial records and statements starting in January 2008.

**11. PUBLIC PRESENTATIONS**

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Ross Signorino, Interested Citizen, **announced** the good news he heard on the radio that ridership on Bus Line 522 has increased 20 percent. He **congratulated** VTA staff on the improved ridership. Mr. Signorino **suggested** that VTA send a memo to its bus drivers requesting that they should stop running red lights.

Alan Christenson, Interested Citizen, **suggested** that VTA take a proactive stance on resources and global warming instead of retracting its services as intended in the Comprehensive Operations Analysis (COA). Mr. Christenson **noted** that moderate modifications could be done to the Highway 101 Express to increase ridership. He **suggested** that VTA consider a stop at De Anza and Foothill College and **commented** that Line 23 is a “nightmare” from De Anza College through San Antonio.

James Wightman, Interested Citizen, **suggested** that advertising for the San José Grand Prix and its prices be conducted during the month of June. He **suggested** that Line 180 go to Great America in March 2008. Mr. Wightman **queried** about the contract effective date for the light rail platform station.

John Rolland, Vice President of AFSCME Local 101, VTA Chapter, **expressed concern** regarding the negotiations between VTA and AFSCME. He **expressed concern** that VTA has been in negotiations with AFSCME represented employees for over four years, and the Union has been without a contract during that period. Mr. Rolland **expressed concern** regarding the request to split their bargaining unit and commented that he cannot understand why the Board is approving actions that keep morale and productivity at an all time low.

Linda Dittes, Business Agent for AFSCME, representing the Administrative Supervisory Bargaining Unit, **commented** that it is not AFSCME’s practice to negotiate publicly with the Board. She **expressed concern** that AFSCME has been at the bargaining table since October 18, 2006, and the employees have been without a contract for over four years.

## **CONSENT AGENDA**

Chairperson Chu **noted** that at the request of a public speaker, the following Agenda Item was removed from the Consent Agenda and placed on the Regular Agenda: **Agenda Item #24.**, Adopt Resolution to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency’s Employment Development Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program.

Board Member Williams **commented** on Agenda Item #17. Authorize the General Manager to execute a contract with Pacific States Environmental, Pacific Contractors Inc., the lowest responsible bidder, in the amount of \$634,604 for contaminated soil stockpiling, demolition of six (6) buildings and installation of security fencing for property acquired from the Union Pacific Railroad located at the Newhall Yard. Also, in lieu of the 15 percent change order contingency delegated to the General Manager, authorize a contingency amount of \$200,000 for additional contaminated material excavation work, if necessary. Board Member Williams **expressed concern** for the homes in the area and **stressed** the importance for VTA to conduct due diligence when moving the contaminated soil.

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

12. M/S/C (Gage/Kniss) to **approve** the Minutes of the Regular Board of Directors' Meeting of June 7, 2007.
13. M/S/C (Gage/Kniss) to **approve** the Minutes of the Special Board of Directors' Meeting of June 21, 2007.

<b>BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW)</b>
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14. M/S/C (Gage/Kniss) to **ratify** the appointment to the Bicycle & Pedestrian Advisory Committee to the non-voting position representing the Silicon Valley Bicycle Coalition of Corinne Winter as the member and Jerri-Ann Meyer as the alternate member. The appointments are for the term ending June 30, 2008.
15. M/S/C (Gage/Kniss) to **adopt** a support position for SB 286 (Lowenthal).
16. M/S/C (Gage/Kniss) to **authorize** the General Manager to amend the I-880/Coleman Avenue Interchange Construction contract with FCI Constructors Inc./Pavex Joint Venture by an amount of \$800,000 for a new contract amount of \$51,599,485.
17. M/S/C (Gage/Kniss) to **authorize** the General Manager to execute a contract with Pacific States Environmental, Pacific Contractors Inc., the lowest responsible bidder, in the amount of \$634,604 for contaminated soil stockpiling, demolition of six (6) buildings and installation of security fencing for property acquired from the Union Pacific Railroad located at the Newhall Yard. Also, in lieu of the 15 percent change order contingency delegated to the General Manager, authorize a contingency amount of \$200,000 for additional contaminated material excavation work, if necessary.
18. M/S/C (Gage/Kniss) to **authorize** the General Manager to execute a contract with Granite Rock Company DBA, Pavex Construction Division, the lowest responsible bidder, in the amount of \$957,613 for the construction of the San Martin Parking and Roadway Expansion Project improvements.

19. **M/S/C (Gage/Kniss) to authorize the General Manager to execute contracts and future options for Aerial Photography, Right-of-Way Engineering and Survey Services with the following seven firms: 1) Towill, Inc.; 2) BKF Engineers; 3) HMM Engineers; 4) Geomatic Transportation Services, Inc.; 5) TY Lin International; 6) David Evans and Associates, Inc.; and 7) Rail Surveyors and Engineers. Contracts will be limited to no more than seven years in duration, and the total amount of all contracts shall not exceed \$11,500,000.**
20. **M/S/C (Gage/Kniss) to authorize the General Manager to execute Cooperative Agreements with the California Department of Transportation (Caltrans), covering environmental, design, right-of-way, construction and landscaping phases of projects.**
21. **M/S/C (Gage/Kniss) to authorize the General Manager to amend the contract with Parsons Transportation Group for final design and construction support services of the Interstate 880/State Route 237 Highway Planting Project, increasing the approved contract value by \$360,000 for a new total contract value of \$6,155,139 and extending the contract term through December 31, 2009.**
22. **M/S/C (Gage/Kniss) to authorize the General Manager to amend the Memorandum of Understanding with Monterey-Salinas Transit (MST) and the Capitol Corridor Joint Powers Authority (CCJPA) to continue operation of the Monterey to San Jose Express for two years at a cost not to exceed \$35,000 per year. **Further, authorize** the General Manager to propose continued funding for this service in future biennial budgets and, with budget approval, enter into any subsequent amendments.**
23. **M/S/C (Gage/Kniss) to adopt Resolution No. 07.08.14 authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance in the amount of \$1,186,349 provided by the US Department of Homeland Security Office of State and Local Government Coordination and Preparedness Office of Domestic Preparedness (ODP) under the FY2006 Transit Security Grant Program for security enhancements at various locations.**
24. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**  
  
Adopt a Resolution to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency's Employment Development

Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program.

**ADMINISTRATION AND FINANCE COMMITTEE**

There were no items submitted for the Consent Agenda by the Administration and Finance Committee.

**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**

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

**REGULAR AGENDA**

24. M/S/C (Gage/Kniss) to **adopt** Resolution No. 07.08.15 to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency's Employment Development Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program. Ed Dolores, Business Agent for VTA's Maintenance Department, Amalgamated Transit Union (ATU) Local 265, **addressed** the Board of Directors.

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

**OTHER ITEMS**

28. M/S/C (Kniss/Gage) to **authorize** the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville and Salinas.

Debra L. Hale, Executive Director, TAMC, **addressed** the Board of Directors.

**REGULAR AGENDA** (continued)

**BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW)**  
**CHAIRPERSON'S REPORT – (See Agenda Item #31.A.)**

There were no items submitted for the Regular Agenda by the Board of Directors Committee of the Whole (COW).

**ADMINISTRATION AND FINANCE COMMITTEE**  
**CHAIRPERSON'S REPORT – (See Agenda Item #31.B.)**

25. Consider the following amendments to the Policy Advisory Committee (PAC) bylaws proposed by the PAC: 1) Amend the quorum requirement from “presence of 9 members” (majority of total authorized membership) to “presence of a majority of filled membership positions” and 2) Change the votes required to pass an item from “majority of total authorized membership” to “majority of quorum”; and further, advise staff which, if any, of these proposed or other modifications to the PAC bylaws the Board wants submitted for formal adoption at a subsequent meeting.

**M/S/C (Macias/Kniss)** to **approve** in concept the following revised amendment to the Policy Advisory Committee (PAC) bylaws proposed by the PAC: “Amend the quorum requirement from the presence of nine members to a majority of the appointed members or seven whichever is larger.”

By consensus, the Board of Directors **accepted** PAC Chairperson Moylan's recommendation to defer PAC's second request to the August 30, 2007 Board meeting: “Change the votes required to pass an item from “majority of total authorized membership” to “majority of quorum.”

Board Member Macias left the meeting at 7:00 p.m.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**  
**CHAIRPERSON'S REPORT – (See Agenda Item #31.C.)**

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

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

26. **M/S/C (Gage/Cortese)** to **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. **Further, directed** staff to re-evaluate and review the questions raised by Board Members at the August 2, 2007 Board of Directors meeting prior to coming back to the Board of Directors for further action that advances the project.

Ex-Officio Board Member Yeager left the meeting at 7:30 p.m.

27. **Received** a presentation on the Comprehensive Operations Analysis (COA).

**OTHER ITEMS** (continued)

28. **(Moved up on the Agenda.)**

Authorize the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville, and Salinas.

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

There were no Items of Concern and Referral to Administration.

30. **MONTHLY LEGISLATIVE HISTORY MATRIX**

**Accepted** Monthly Legislative History Matrix as contained in the Agenda Packet.

31. **SUMMARY MINUTES FROM STANDING COMMITTEES**

- A. **Board of Directors Committee of the Whole**

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

- B. **Administration and Finance Committee**

**Accepted** the June 21, 2007 and July 19, 2007 Notices of Cancellation as contained in the Agenda packet.

C. **Congestion Management Program and Planning**

**Accepted** the June 21, 2007 and July 19, 2007 Notices of Cancellation as contained in the Agenda packet.

D. **Transit Planning and Operations Committee**

**Accepted** the June 20, 2007 and July 18, 2007 Notices of Cancellation as contained in the Agenda packet.

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

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

**Accepted** the June 13, 2007 and July 11, 2007 Minutes as contained in the Agenda packet.

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

**Accepted** the June 13, 2007 Notice of Cancellation and July 11, 2007 Minutes as contained in the Agenda packet.

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

**Accepted** the June 13, 2007 Minutes and July 11, 2007 Notice of Cancellation as contained in the Agenda packet.

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

**Accepted** the June 14, 2007 Notice of Cancellation and July 12, 2007 Summary Minutes as contained in the Agenda packet.

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

**Accepted** the June 14, 2007 and July 12, 2007 Notices of Cancellation as contained in the Agenda packet.

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)**

**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**

Accepted the June 4, 2007 Minutes as contained in the Agenda packet.

**D. Highway PAB – South**

There was no report from the Highway PAB - South.

**E. I-680 Sunol SMART Carpool Lane Policy Advisory Committee**

Accepted the I-680 Sunol SMART Carpool Lane Policy Advisory Committee Report of July 20, 2007, as contained on the dais.

**35. ANNOUNCEMENTS**

There were no Announcements.

**36. ADJOURNED at 7:40 p.m.**